

**Report to / Rapport au:**

**OTTAWA POLICE SERVICES BOARD  
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

**24 July 2017 / 24 juillet 2017**

**Submitted by / Soumis par:**

**Chief of Police, Ottawa Police Service / Chef de police, Service de police d'Ottawa**

**Contact Person / Personne ressource:**

**Inspector Michel Marin, Professional Standards / Normes professionnelles**

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**SUBJECT: COMPLAINTS REPORT, PART V – POLICE SERVICES ACT –  
SECOND QUARTER 2017**

**OBJET: RAPPORT SUR LES PLAINTES DU DEUXIÈME TRIMESTRE 2017 -  
PARTIE V, LOI SUR LES SERVICES POLICIERS**

**REPORT RECOMMENDATIONS**

**That the Ottawa Police Services Board receive this report for information.**

**RECOMMANDATIONS DU RAPPORT**

**Que la Commission de services policiers d'Ottawa prenne connaissance du présent rapport à titre d'information.**

**BACKGROUND**

The process for dealing with police complaints (Public and Chief's) regarding the Ottawa Police Service's (OPS) policies, the delivery of service, and officer conduct is outlined in Part V of the Ontario Police Services Act (PSA), titled "Complaints and Disciplinary Proceedings".

The following report will provide comparisons on specific complaint types over those reported during the same time period for the previous year.

**DISCUSSION**

New Complaints

Complaints about policy, service or conduct are received from members of the public through the Office of the Independent Police Review Director (OIPRD) and may also be initiated internally as Chief's complaints.

By the end of the second quarter of 2017, a total of 93 complaints (Chief's and Public) were received representing an increase of 2% when compared to the same time period in 2016.

By the end of the second quarter of 2017, a total of 62 public complaints were received representing an increase of 13% when compared to the same time period in 2016 (55).

Table 1 (below) outlines the number of complaints received in Q2 compared to the same time period in 2016 as well as the 5 year average.

**Table 1 - New Complaints**

	Q2 2016	Q2 2017	5 YR AVG YTD
<b>Public Complaint (Conduct)</b>	52	54	51
<b>Public Complaint (Policy or Service)</b>	3	8	4
<b>Chief's Complaints</b>	36	31	41
<b>TOTAL</b>	<b>91</b>	<b>93</b>	<b>96</b>

#### Classification of Complaints

The PSA provides the mechanism for dealing with complaints related to the conduct of police officer(s) as well as complaints related to the policies or services provided by the police service.

#### Conduct Complaints

Conduct complaints are classified within 4 categories.

Conduct complaints decreased by 3 in 2017 compared to Q2 2016 statistics (see Table 2 below).

**Table 2- Conduct Complaints**

	Q2 2016	Q2 2017	5 YR AVG YTD
<b>Improper Conduct</b>	69	63	68
<b>Excessive Force</b>	3	7	7

<b>Neglect of Duty</b>	15	14	16
<b>Firearm Discharge</b>	1	1	1
<b>TOTAL</b>	<b>88</b>	<b>85</b>	<b>92</b>

### Policy/Service Complaints

Eight service complaints were received in Q2 2017. One complaint was screened out by the OIPRD on the basis that it was determined to not be in the public's interest to proceed. Two of these complaints were withdrawn by the complainant, while the other five complaints remain outstanding. The details of these service complaints are attached to this report as Document 1.

There were no policy complaints received in Q2 2017.

Table 3 (below) outlines the number of policy and service complaints received in Q2 compared to the same time period in 2016 as well as the 5 year average.

**Table 3- Policy and Service Complaints**

	Q2 2016	Q2 2017	5 YR AVG YTD
<b>Policy</b>	0	0	0
<b>Service</b>	3	8	4
<b>TOTAL</b>	<b>3</b>	<b>8</b>	<b>4</b>

### Customer Service Resolution (CSR)

The OIPRD's CSR program provides an opportunity for complainants and respondent officers to voluntarily resolve complaints before they are formally screened in as a public complaint under the PSA. In order to proceed by way of CSR, both the complainant and respondent officer(s) must agree to this option. If they do not agree to this option, the complaint is returned to the screening process and it is either screened in for investigation or screened out. One CSR file was received in Q2 2017. This matter proceeded through the CSR process and was withdrawn by the complainant.

### Complaint Status

All public complaints are processed through the OIPRD. The OIPRD may choose not to have matters investigated after a review of the facts in issue by classifying them to be: frivolous, vexatious; more than six months after the facts on which it is based occurred; or not directly affected.

Chief's complaints are initiated by the Chief's office and relate to allegations of officer misconduct and non compliance with OPS policy.

Both public and Chief's complaints can be finalized as substantiated or unsubstantiated. Once substantiated, they can be resolved through informal resolution and informal or formal discipline.

#### Conduct Complaint Status

In Q2 2017, 85 conduct complaints were received (Public & Chief). The following outlines the status of these complaints at the end of Q2:

- 39 cases completed
  - 36 were unsubstantiated at the conclusion of the investigation; were withdrawn by the complainant; or were determined to be either frivolous, vexatious, were over 6 months after the facts on which it was based occurred, were third party where complainant was not affected or were deemed to not be in the public interest to pursue
  - 3 resulted in informal discipline
- 46 investigations are ongoing

Table 4 (below) outlines the above mentioned complaint status in Q2 compared to the same time period in 2016 as well as the 5 year average.

**Table 4- Complaint Status- Conduct Complaints**

RESOLUTION	Q2 2016	Q2 2017	5 YR AVG YTD
Unsubstantiated	2	1	1
Vexatious/Frivolous/Bad Faith	10	3	9
Informal Resolution	0	0	1
Informal Resolution - VADRP	0	0	0
No Further Action	29	22	27
Withdrawn by Complainant	0	7	2
Withdrawn by Complainant - VADRP	0	1	0
Over Six Months	1	2	3
Third Party - Not Directly Affected	0	0	0
<b>Complaints Not Resulting in Discipline Total</b>	<b>42</b>	<b>36</b>	<b>43</b>

Informal Discipline	5	3	2
Disciplinary Hearing	1	0	0
<b>Complaints Resulting in Discipline total</b>	<b>6</b>	<b>3</b>	<b>2</b>
<b>Complaints Outstanding total</b>	<b>40</b>	<b>46</b>	<b>47</b>
<b>TOTAL</b>	<b>88</b>	<b>85</b>	<b>92</b>

### Special Investigations Unit (SIU) Investigations

The PSA provides that the SIU shall conduct criminal investigations into circumstances involving police where serious injury or death has occurred or where there are allegations of sexual assault.

The Police Services Board receives a separate report on each SIU case. The SIU invoked their mandate twice in Q2 2017, which decreased by two from Q2 2016.

Table 5 (below) provides a comparator of SIU investigations between 2016 and 2017 as well as the 5 year average.

**Table 5- Special Investigations Unit Investigations**

TYPES OF INVESTIGATIONS	Q2 2016	Q2 2017	5 YR AVG YTD
<b>Death</b>	1	1	1
<b>Serious Injury</b>	2	1	2
<b>Sexual Assault</b>	1	0	1
<b>TOTAL</b>	<b>4</b>	<b>2</b>	<b>4</b>

### Conduct Complaint Reviews

The *Police Services Act* provides that complainants may seek a review of the Professional Standards Section's decision on a conduct complaint from the OIPRD.

In Q2 2017, three request for reviews from complainants were received by the OIPRD. This is an increase of two from the one received in Q2 2016. All three reviews remain ongoing.

### Policy/Service Complaint Reviews

Complainants dissatisfied with the resolution of a policy/service complaint may seek a review by the Police Services Board.

The Professional Standards Section did not receive any requests for policy/service complaint reviews by the Police Services Board in Q2 2017.

**CONSULTATION**

N/A

**FINANCIAL IMPLICATIONS**

N/A

**SUPPORTING DOCUMENTATION**

Document 1 - Summary of Policy and/or Service Complaints

**CONCLUSION**

The Professional Standards Section continues to identify and address issues that arise from complaints. The OPS is committed to ensuring accountability of officers for their individual actions and strives to uphold the highest standards of conduct for its members. The Professional Standards Section remains committed to fair, objective investigations completed in a timely fashion.

Document 1- Summary of Policy and/or Service Complaints

**PUBLIC COMPLAINTS**

**PART V- POLICE SERVICES ACT**

**DETAILS OF SERVICE COMPLAINT INVESTIGATION**

**Complaint #:** 17-0127  
**Date of Incident:** 08 September 2016  
**Date of Complaint:** 07 April 2017  
**Date Completed:** 28 April 2017

**Summary of Complaint:**

The complainant alleged that he called the Ottawa Police Service and left a voicemail message with details of the charges he wanted laid and the person he wanted charged but had yet to hear back from anyone.

**Summary of Findings and Actions Taken:**

The Professional Standards investigator conducted a review of all Ottawa Police extensions and it was determined that there were no extensions that received a call from the complainant's number for the period in which he alleges he made the call.

The complainant was satisfied that the Ottawa Police Service has decided to look into his allegations and chose with withdraw his complaint with the Office of the Independent Police Review Director.

**PUBLIC COMPLAINTS  
PART V- POLICE SERVICES ACT  
DETAILS OF SERVICE COMPLAINT INVESTIGATION**

**Complaint #:** 17-0152  
**Date of Incident:** 30 August 2016 - 18 April 2017  
**Date of Complaint:** 27 April 2017  
**Date Completed:** Ongoing

**Summary of Complaint:**

The complainant alleges that she has been making complaints to police about an illegal marijuana storefront operating since August 2016 and the police have permitted the establishment to operate.

**Summary of Findings and Actions Taken:**

The complaint has been assigned to a PSS investigator for investigation and review.



**PUBLIC COMPLAINTS**  
**PART V- POLICE SERVICES ACT**  
**DETAILS OF SERVICE COMPLAINT INVESTIGATION**

**Complaint #:17-0168**

**Date of Incident:** 11 April 2017

**Date of Complaint:** 12 May 2017

**Date Completed:** Ongoing

**Summary of Complaint:**

The complainant alleges she attempted to report an incident of harassment by her neighbours towards a visitor to her home and the call centre operator was dismissive and refused to take a report.

**Summary of Findings and Actions Taken:**

The complaint has been assigned to a PSS investigator for investigation and review.

**PUBLIC COMPLAINTS  
PART V- POLICE SERVICES ACT  
DETAILS OF SERVICE COMPLAINT INVESTIGATION**

**Complaint #:** 17-0174  
**Date of Incident:** 04 April 2017  
**Date of Complaint:** 15 May 2017  
**Date Completed:** Ongoing

**Summary of Complaint:**

The complainant alleges she had to wait over 2.5 hours to obtain a police records check and that there were not enough chairs to accommodate an over capacity waiting room and as a result people had to sit on the floor.

**Summary of Findings and Actions Taken:**

The complaint has been assigned to a PSS investigator for investigation and review.

**PUBLIC COMPLAINTS**  
**PART V- POLICE SERVICES ACT**  
**DETAILS OF SERVICE COMPLAINT INVESTIGATION**

**Complaint #:** 17-0182  
**Date of Incident:** 01 January 2017 – 20 April 2017  
**Date of Complaint:** 18 May 2017  
**Date Completed:** 06 June 2017

**Summary of Complaint:**

The complainant alleged she walks by the Morgentaler Clinic in downtown Ottawa on numerous occasions and witnesses protestors holding graphic signs and occasionally harassing women who enter the clinic. She was disappointed the Ottawa Police Service did not make efforts to remove protestors and would like to know what steps the service is taking to manage this in the future.

**Summary of Findings and Actions Taken:**

The Professional Standards investigator contacted the complainant to address her concerns and explain the Ottawa Police Service's procedures and limited authority to enforce peaceful protests. After discussing the matter with the investigator, the complainant chose to withdraw her complaint.

**PUBLIC COMPLAINTS**  
**PART V- POLICE SERVICES ACT**  
**DETAILS OF SERVICE COMPLAINT INVESTIGATION**

**Complaint #:** 17-0205  
**Date of Incident:** 23 May 2017  
**Date of Complaint:** 02 June 2017  
**Date Completed:** Ongoing

**Summary of Complaint:**

The complainant is upset that she is required to attend in person at the OPS Queensview location to obtain a background records check for her son, who is under 18 years of age. The location is across the city for her and according to the OPS website, the wait time can be up to 4 hours.

**Summary of Findings and Actions Taken:**

The complaint has been assigned to a PSS investigator for investigation and review.

**PUBLIC COMPLAINTS  
PART V- POLICE SERVICES ACT  
DETAILS OF SERVICE COMPLAINT INVESTIGATION**

**Complaint #:** 17-0224  
**Date of Incident:** 23 May 2017  
**Date of Complaint:** 15 June 2017  
**Date Completed:** Ongoing

**Summary of Complaint:**

The complainant alleged the Ottawa Police Service are not enforcing the closure of stores on statutory holidays at the Ottawa Airport.

**Summary of Findings and Actions Taken:**

The OIPRD opted not to proceed with the complaint as it was determined to be not in a public interest to do so.

**PUBLIC COMPLAINTS  
PART V- POLICE SERVICES ACT  
DETAILS OF SERVICE COMPLAINT INVESTIGATION**

**Complaint #:** 17-0226  
**Date of Incident:** 22 April 2015 – 12 May 2017  
**Date of Complaint:** 15 June 2017  
**Date Completed:** Ongoing

**Summary of Complaint:**

The complainant alleges she was defrauded of rent monies and because it took so long for OPS to look into her complaint and investigate, the statute of limitations has expired.

**Summary of Findings and Actions Taken:**

The complaint has been assigned to a PSS investigator for investigation and review.