

**Report to / Rapport au:**

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

**29 October 2018 / 29 octobre 2018**

**Submitted by / Soumis par:**

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

**Contact Person / Personne ressource:**

**Inspector Murray Knowles, Professional Standards / Normes professionnelles  
*KnowlesM@ottawapolice.ca***

**SUBJECT: COMPLAINTS REPORT – PART V, POLICE SERVICES ACT – THIRD  
QUARTER 2018**

**OBJET: PLAINTES PARTIE V – LOI SUR LES SERVICES POLICIERS:  
TROISIÈME TRIMESTRE 2018**

**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 third quarter of 2018, a total of 91 complaints (Chief's and Public) were received representing a decrease of 4% when compared to the same time period in 2017.

By the end of the third quarter of 2018, a total of 43 public complaints (Conduct, Service and Policy) were received representing an increase of 26% when compared to the same time period in 2017 (34).

Table 1 (below) outlines the number of complaints received in Q1, Q2 and Q3 2018 compared to the same time period in 2017, as well as the 5 year averages and total complaints received in 2017.

**Table 1 - New Complaints**

	Q1 2018	Q2 2018	Q3 2018	Q3 2017	Q3 2017 YTD	5 YR AVG Q3	5 YR AVG YTD	2017 Total
<b>Public Complaint (Conduct)</b>	3	40	40	26	126	41	141	169
<b>Public Complaint (Policy or Service)</b>		5	3	8	20	3	11	23
<b>Chief's Complaints (Other)</b>		6	3	8	20	8	25	24
<b>Chief's Complaints (Red Light Camera Infractions)</b>		20	21	25	43	18	41	59
<b>Chief's Complaints (Motor Vehicle Collisions)</b>	9	15	24	28	64	25	67	78
<b>TOTAL</b>	<b>4</b>	<b>86</b>	<b>91</b>	<b>95</b>	<b>273</b>	<b>95</b>	<b>285</b>	<b>353</b>

Of the 43 public complaints received by the Ottawa Police Service by the end of Q3 2018, 26 of these complaints were referred to PSS for investigation, 2 complaints were referred to an outside service for investigation, 3 complaint were retained by the OIPRD for investigation and the remaining 12 complaints received in Q3 2018 were dismissed by the OIPRD on the basis they were determined to be frivolous, vexatious, over the six months limitation, or no further action as it was not in the best interest of the public to proceed.

As noted in Table 1 (above), Chief's complaints include both red light camera infractions and motor vehicle collisions.

Table 2 (below) outlines the number of complaints referred and/or retained for investigation for Q1, Q2 and Q3 2018 compared to the same time period in 2017, as well as the 5 year averages and total complaints for investigation in 2017.

**Table 2 – Complaint Investigations**

	Q1 2018	Q2 2018	Q3 2018	Q3 2017	Q3 2017 YTD	5 YR AVG Q3	5 YR AVG YTD	2017 Total
<b>Public Complaint (Conduct)</b>	28	25	29	16	76	24	78	103
<b>Public Complaint (Policy or Service)</b>	3	5	2	8	18	3	9	20
<b>Chief's Complaints (Other)</b>	8	6	3	8	20	8	25	24
<b>Chief's Complaints (Red Light Camera Infractions)</b>	9	20	21	25	43	18	41	59
<b>Chief's Complaints (Motor Vehicle Collisions)</b>	29	15	24	28	64	25	67	78
<b>TOTAL</b>	<b>77</b>	<b>71</b>	<b>79</b>	<b>85</b>	<b>221</b>	<b>78</b>	<b>220</b>	<b>284</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.

The total conduct complaints received in Q3 2018 increased by 1 compared to Q3 2017 statistics (see Table 3 below).

**Table 3 - Conduct Complaints**

	<b>Q1 2018</b>	<b>Q2 2018</b>	<b>Q3 2018</b>	<b>Q3 2017</b>	<b>Q3 2017 YTD</b>	<b>5 YR AVG Q3</b>	<b>5 YR AVG YTD</b>	<b>2017 Total</b>
<b>Improper Conduct</b>	79	62	70	72	194	76	213	249
<b>Excessive Force</b>	2	2	2	3	14	4	13	21
<b>Neglect of Duty</b>	8	17	16	12	44	12	46	59
<b>Firearm Discharge</b>	0	0	0	0	1	0	2	1
<b>TOTAL</b>	<b>89</b>	<b>81</b>	<b>88</b>	<b>87</b>	<b>253</b>	<b>92</b>	<b>274</b>	<b>330</b>

Table 4 (below) outlines conduct complaints referred and/or retained for investigation for Q1, Q2 and Q3 2018 compared to the same time period in 2017, as well as the 5 year averages and total conduct complaint investigations for 2017.

**Table 4 - Conduct Complaint Investigations**

	<b>Q1 2018</b>	<b>Q2 2018</b>	<b>Q3 2018</b>	<b>Q3 2017</b>	<b>Q3 2017 YTD</b>	<b>5 YR AVG Q3</b>	<b>5 YR AVG YTD</b>	<b>2017 Total</b>
<b>Improper Conduct</b>	66	50	64	69	167	66	148	210
<b>Excessive Force</b>	2	2	2	2	13	4	12	20
<b>Neglect of Duty</b>	6	14	11	6	22	6	23	33
<b>Firearm Discharge</b>	0	0	0	0	1	0	2	1
<b>TOTAL</b>	<b>74</b>	<b>66</b>	<b>77</b>	<b>77</b>	<b>203</b>	<b>76</b>	<b>185</b>	<b>264</b>

**Policy/Service Complaints:**

Three service complaints were received in Q3 2018. One complaint was screened out by the OIPRD on the basis that it was determined to be frivolous, one complaint was withdrawn by the complainant, while the remaining service complaint investigation remains outstanding.

The details of the screened out and withdrawn complaints are attached to this report as Document 1.

There were no policy complaints received in Q3 2018.

Table 5 (below) outlines the total number of policy and service complaints received in Q1, Q2 and Q3 2018 compared to the same time period in 2017, as well as the 5 year averages and total policy and service complaints received in 2017.

**Table 5 - Policy and Service Complaints**

	<b>Q1 2018</b>	<b>Q2 2018</b>	<b>Q3 2018</b>	<b>Q3 2017</b>	<b>Q3 2017 YTD</b>	<b>5 YR AVG Q3</b>	<b>5 YR AVG YTD</b>	<b>2017 Total</b>
<b>Policy</b>	0	0	0	1	1	0	1	1
<b>Service</b>	5	5	3	7	19	3	10	22
<b>TOTAL</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>8</b>	<b>20</b>	<b>3</b>	<b>11</b>	<b>23</b>

Table 6 (below) outlines policy and service complaints referred for investigation in Q1, Q2 and Q3 2018 compared to the same time period in 2017, as well as the 5 year averages and total policy and service complaints investigated in 2017.

**Table 6 - Policy and Service Complaint Investigations**

	<b>Q1 2018</b>	<b>Q2 2018</b>	<b>Q3 2018</b>	<b>Q3 2017</b>	<b>Q3 2017 YTD</b>	<b>5 YR AVG Q3</b>	<b>5 YR AVG YTD</b>	<b>2017 Total</b>
<b>Policy</b>	0	0	0	1	1	0	1	1
<b>Service</b>	3	5	2	7	17	3	8	19
<b>TOTAL</b>	<b>3</b>	<b>5</b>	<b>2</b>	<b>8</b>	<b>18</b>	<b>3</b>	<b>9</b>	<b>20</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. Four CSR files were received in Q3 2018. Two CSR files are proceeding through the CSR process; both of which remain outstanding at the end of Q3 2018, while the remaining two files did not proceed through CSR, as the criteria was not met.

## 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; not in the public's interest to proceed; more appropriately dealt with another Act or Law, 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 Q3 2018, 88 conduct complaints were received (public & chief). The following outlines the status of these complaints at the end of Q3:

- 32 cases completed
  - 9 resulted in informal discipline
  - 2 were withdrawn by the complainant
  - 18 were unsubstantiated or resulted in no further action
  - 3 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
- 56 investigations are ongoing

Table 7 (below) outlines the manner in which conduct complaints have been resolved.

**Table 7 - Complaint Status - Conduct Complaints**

<b>RESOLUTION</b>	<b>Q3 2018</b>	<b>Q3 2017</b>	<b>5 YR AVG</b>
Unsubstantiated	1	0	1
Vexatious/Frivolous/Bad Faith	1	3	4
Informal Resolution	0	0	0
Informal Resolution - VADRP	0	0	0
No Further Action	17	12	22
Withdrawn by Complainant	2	3	2
Withdrawn by Complainant - VADRP	0	0	0
Over Six Months	2	1	2
Third Party - Not Directly Affected	0	0	0
<b>Complaints Not Resulting in Discipline Total</b>	<b>23</b>	<b>19</b>	<b>31</b>
Informal Discipline	9	14	6
Disciplinary Hearing	0	0	0
<b>Complaints Resulting in Discipline total</b>	<b>9</b>	<b>14</b>	<b>6</b>
<b>Complaints Outstanding total</b>	<b>56</b>	<b>54</b>	<b>55</b>
<b>TOTAL</b>	<b>88</b>	<b>87</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 five times in Q3 2018, which increased by three from Q3 2017. In two of these cases, the SIU terminated their investigation, while three investigations remain ongoing.

Table 8 (below) provides a comparator of SIU investigations between Q3 2017 and Q3 2018 as well as the 5 year average.

**Table 8 - Special Investigations Unit Investigations**

<b>TYPES OF INVESTIGATIONS</b>	<b>Q3 2018</b>	<b>Q3 2017</b>	<b>5 YR AVG</b>
Death	0	1	1
Serious Injury	4	1	2
Sexual Assault	1	0	0
<b>TOTAL</b>	<b>5</b>	<b>2</b>	<b>3</b>

### 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 Q3 2018, three request for reviews from complainants were received by the OIPRD. This is a decrease from the four received in Q3 2017. 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 Q3 2018.

### CONSULTATION

N/A

### FINANCIAL IMPLICATIONS

N/A

### SUPPORTING DOCUMENTATION

Document 1 Summary of Policy and/or Service Complaints completed in Q3 2018

### 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 and objective investigations completed in a timely fashion.



**Document 1****PUBLIC COMPLAINTS****PART V - POLICE SERVICES ACT****DETAILS OF SERVICE COMPLAINT INVESTIGATION**

**Complaint #:** 18-0285  
**Date of Incident:** 26 January 2017 to 16 February 2018  
**Date of Complaint:** 16 February 2018  
**Date Complaint Received:** 05 July 2018  
**Date Completed:** 20 August 2018

**Summary of Complaint:**

The complainant alleged OPS officers at Elgin Street Front Desk are rude and unhelpful and fail to serve him in a timely manner.

**Summary of Findings and Actions Taken:**

The complainant advised the investigator that he no longer wished to pursue his service complaint against the Ottawa Police Service. When the investigator could not reach the complainant to facilitate the completion of an OIPRD Withdrawal form, the Professional Standards Section opted to take no further action and closed their review of the complaint.

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

**Complaint #:** 18-0347  
**Date of Incident:** 01 January 2012 to 06 July 2018  
**Date of Complaint:** 06 July 2018  
**Date Complaint Received:** 20 August 2018  
**Date Completed:** 20 August 2018

**Summary of Complaint:**

The complainant alleged that from 2012 to present there has been very little police presence along Prince of Wales Drive on Highway 6 from North Gower to Montague Boundary Road. According to the complainant, there are numerous vehicles that travel at excessive speeds.

**Summary of Findings and Actions Taken:**

The OIPRD opted not to proceed with the complaint as it was determined to be frivolous. Accordingly, the file was closed.