

Report to / Rapport au:

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

27 July 2020 / 27 juillet 2020

Submitted by / Soumis par:

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

Contact Person / Personne ressource:

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**SUBJECT: COMPLAINTS REPORT – PART V, POLICE SERVICES ACT –
SECOND QUARTER 2020**

**OBJET: PLAINTES PARTIE V – LOI SUR LES SERVICES POLICIERS:
DEUXIÈME TRIMESTRE DE 2020**

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 2020, a total of 104 complaints (Chief's and Public) were received representing a decrease of 11% when compared to the same time period in 2019 (117).

By the end of the second quarter of 2020, a total of 59 public complaints (Conduct, Service and Policy) were received representing a decrease of 13% when compared to the same time period in 2019 (68).

PSS continues to monitor this change and are working to identify the reasons which may have caused this decrease, including the impacts of Covid-19 or report lags from the OIPRD. Once those causes are clearly identified, we will develop mitigation strategies where necessary.

Table 1 (below) outlines the number of complaints received in Q1 and Q2 2020 compared to the same time period in 2019, as well as the 5 year averages.

Table 1 - New Complaints

	Q1 2019	Q1 2020	Q2 2019	Q2 2020	5 YR AVG YTD 2019	5 YR AVG YTD 2020
Public Complaint (Conduct)	41	72	62	53	97	103
Public Complaint (Policy or Service)	3	1	6	6	7	8
Chief's Complaints (Other)	6	4	11	14	17	17
Chief's Complaints (Red Light Camera Infractions)	16	19	14	18	25	28
Chief's Complaints (Motor Vehicle Collisions)	37	26	24	13	46	45

TOTAL	103	122	117	104	192	201
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Of the 59 public complaints received by the Ottawa Police Service by the end of Q2 2020, 27 of these complaints were referred to PSS for investigation and the remaining 32 complaints were dismissed by the OIPRD on the basis that they were determined to be frivolous, vexatious, over the six months limitation, or not in the best interest of the public to proceed. The OIPRD did not retain any complaints for investigation in Q2 2020.

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

Table 2 (below) outlines both the Chief's and Public complaints referred and/or retained for investigation in Q1 and Q2 2020 compared to the same time period in 2019, as well as the 5 year averages.

Table 2 – Complaint Investigations

	Q1 2019	Q1 2020	Q2 2019	Q2 2020	5 YR AVG YTD 2019	5 YR AVG YTD 2020
Public Complaint (Conduct)	18	34	30	21	51	52
Public Complaint (Policy or Service)	3	1	5	6	6	7
Chief's Complaints (Other)	6	4	11	14	17	17
Chief's Complaints (Red Light Camera Infractions)	16	19	14	18	25	28
Chief's Complaints (Motor Vehicle Collisions)	37	26	24	13	46	45
TOTAL	80	84	84	72	145	149

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 four categories.

The total conduct complaints received in Q2 2020 decreased by 13 compared to Q2 2019 statistics (see Table 3 below).

Table 3 - Conduct Complaints

	Q1 2019	Q1 2020	Q2 2019	Q2 2020	5 YR AVG YTD 2019	5 YR AVG YTD 2020
Improper Conduct	80	89	89	72	143	149
Excessive Force	5	10	5	7	8	10
Neglect of Duty	13	22	17	19	32	33
Firearm Discharge	2	0	0	0	1	1
TOTAL	100	121	111	98	184	193

Table 4 (below) outlines conduct complaints referred and/or retained for investigation in Q1 and Q2 2020 compared to the same time period in 2019, as well as the 5 year averages.

Table 4 - Conduct Complaint Investigations

	Q1 2019	Q1 2020	Q2 2019	Q2 2020	5 YR AVG YTD 2019	5 YR AVG YTD 2020
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Improper Conduct	67	66	70	54	114	117
Excessive Force	5	6	4	6	7	9
Neglect of Duty	3	11	5	6	16	16
Firearm Discharge	2	0	0	0	1	1
TOTAL	77	83	79	66	138	143

Policy/Service Complaints

Five service complaints and one policy complaint were received in Q2 2020. Three service complaints and the one policy complaint were withdrawn after being referred to the Service for investigation and two service complaint investigations remain outstanding.

The details of the withdrawn service and policy complaints, as well as details of one service complaint investigation that was carried over to Q2 2020 from the previous quarter are attached to this report as Document 1.

Table 5 (below) outlines the total number of policy and service complaints received in Q1 and Q2 2020 compared to the same time period in 2019, as well as the 5 year averages.

Table 5 - Policy and Service Complaints

	Q1 2019	Q1 2020	Q2 2019	Q2 2020	5 YR AVG YTD 2019	5 YR AVG YTD 2020
Policy	2	0	0	1	1	1
Service	1	1	6	5	7	8
TOTAL	3	1	6	6	8	9

Table 6 (below) outlines policy and service complaints referred for investigation in Q1 and Q2 2020 compared to the same time period in 2019, as well as the 5 year averages.

Table 6 - Policy and Service Complaint Investigations

	Q1 2019	Q1 2020	Q2 2019	Q2 2020	5 YR AVG YTD 2019	5 YR AVG YTD 2020
Policy	2	0	0	1	1	1
Service	1	1	5	5	7	6
TOTAL	3	1	5	6	8	7

Customer Service Resolution (CSR)

The OIPRD's CSR program provides an opportunity for complainants and respondent officers to voluntarily resolve a complaint before it is 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.

In Q2 2020, one CSR file was received. This CSR complaint 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 or 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 under 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 Q2 2020, 98 conduct complaints were received (public & chief's). The following outlines the status of these complaints at the end of Q2:

- 47 cases completed
 - 4 resulted in informal discipline
 - 2 resulted in formal discipline
 - 2 were withdrawn by the complainants
 - 2 were withdrawn by the complainants following mediated sessions (VADRP)
 - 32 were determined to be either frivolous, vexatious, were over six months after the facts on which it was based occurred, were third where complainant was not affected or were deemed to not be in the public interest to pursue
 - 5 were unsubstantiated or resulted in no further action
 - 51 investigations are ongoing

Table 7 (below) outlines the above mentioned complaint status in Q2 2020 compared to the same time period in 2019, as well as the 5 year average.

Table 7 - Complaint Status - Conduct Complaints

RESOLUTION	Q2 2020	Q2 2019	5 YR AVG Q2
Unsubstantiated	0	0	0
Vexatious/Frivolous/Bad Faith	10	4	7
Informal Resolution	0	0	0
Informal Resolution - VADRP	0	0	0
No Further Action	27	38	26
Withdrawn by Complainant	2	3	3
Withdrawn by Complainant - VADRP	2	0	0

Over Six Months	0	2	1
Third Party - Not Directly Affected	0	0	0
Complaints Not Resulting in Discipline Total	41	47	37
Informal Discipline	4	8	5
Disciplinary Hearing	2	0	0
Complaints Resulting in Discipline total	6	8	6
Complaints Outstanding total	51	56	49
TOTAL	98	111	92

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 once in Q2 2020, which decreased by three from Q2 2019. This investigation was completed and no evidence was found to proceed with criminal charges against the subject officer.

Table 8 (below) provides a comparator of SIU investigations between Q2 2020 and Q2 2019, as well as the 5 year average.

Table 8 - Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q2 2020	Q2 2019	5 YR AVG Q2
Death	0	0	0
Serious Injury	1	3	3
Sexual Assault	0	1	1

TOTAL	1	4	4
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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 2020, two request for reviews from complainants were received by the OIPRD. This is an increase from the one received in Q2 2019. In one review, the OIPRD concurred with the investigative findings of the Service, while the other review remained outstanding at the end of Q2 2020.

Policy/Service Complaint Reviews

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

There were no requests for policy and/or service complaint reviews by the Police Services Board received in Q2 2020.

SUPPORTING DOCUMENTATION

Document 1 Summary of Policy and/or Service Complaints completed in Q2 2020

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 #: 20-0094

Date of Incident: 01 September 2019

Date Complaint Received: 21 February 2020

Date Completed: 14 May 2020

Summary of Complaint:

The complainant felt there was a lack of traffic enforcement at a Do Not Enter passage in the Hopewell Avenue area at Brewer Way in the City of Ottawa.

Summary of Findings and Actions Taken:

The complainant chose to withdraw their complaint after being satisfied that the investigator entered a traffic complaint through the Traffic Section regarding the lack of enforcement of a Do Not Enter sign, which is to be dealt with in a priority queue with other traffic concerns in the immediate area.

PART V - POLICE SERVICES ACT
DETAILS OF POLICY COMPLAINT INVESTIGATION

Complaint #: 20-0163

Date of Incident: 24 January 2020

Date Complaint Received: 07 April 2020

Date Completed: 11 June 2020

Summary of Complaint:

The complainant felt it is inappropriate that the Ottawa Police Service's Records Department charges youth starting their first job a fee of \$ 65.00 for a Police Record Checks and that they are required to only attend at the Queensview Ottawa Police Service location to obtain it.

Summary of Findings and Actions Taken:

The complainant chose to withdraw their complaint after being satisfied that the complaint stayed on record in the Professional Standards Section for a period of two years. It was their hope that the Ottawa Police Service would consider a reduced fee structure for youth record checks.

PART V - POLICE SERVICES ACT

DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #: 20-0181

Date of Incident: 19 March 2020

Date Complaint Received: 20 April 2020

Date Completed: 29 April 2020

Summary of Complaint:

The complainant alleged they were the victim of a road rage incident, in which police failed to investigate.

Summary of Findings and Actions Taken:

The complainant chose to withdraw their complaint after the matter was forwarded by the Professional Standards Section to the Sergeant Case Manager in the Motor Vehicle Quality Assurance section for assignment and investigation.

PART V - POLICE SERVICES ACT
DETAILS OF POLICY COMPLAINT INVESTIGATION

Complaint #: 20-0184

Date of Incident: 07 November 2019

Date Complaint Received: 21 April 2020

Date Completed: 01 May 2020

Summary of Complaint:

The complainant alleged police failed to conduct an investigation into their report of harassment.

Summary of Findings and Actions Taken:

The complainant chose to withdraw their complaint after the matter was reviewed by a Professional Standards Section investigator.

PART V - POLICE SERVICES ACT
DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #: 20-0213

Date of Incident: 05 February 2020

Date Complaint Received: 24 April 2020

Date Completed: 22 May 2020

Summary of Complaint:

The complainant alleged they were placed on hold for over 30 minutes, while attempting to report a suspicious individual who had come to their door multiple times. When they did speak to a clerk in the Communication Centre, they were aggressive and dismissive.

Summary of Findings and Actions Taken:

The complainant chose to withdraw their complaint after their feedback was forwarded to the Communications Centre Supervisor.