

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:

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SUBJECT: PROFESSIONAL STANDARDS SECTION - 2019 ANNUAL REPORT

**OBJET: SECTION DES NORMES PROFESSIONNELLES - RAPPORT ANNUEL
2019**

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

Part V of the Ontario Police Services Act, titled "Complaints and Disciplinary Proceedings" outlines the process for dealing with complaints (Public and Chief's) about the Service's policies, the delivery of service, and officer conduct. The Ottawa Police Service (OPS) takes the investigation of complaints seriously with an understanding about the impact of police service, policies and conduct on members of our community.

The Office of the Independent Police Review Director (OIPRD) and the Ottawa Police Service's Professional Standards Section (PSS) are involved in the administration of the complaints process.

Office of the Independent Police Review Director:

The OIPRD, an agency of the Ontario Ministry of the Attorney General, ensures that public complaints in Ontario are dealt with fairly. The OIPRD manages all public complaints determining whether the complaint is about policies, service or conduct. The OIPRD further decides if the complaint will be referred to the police service for investigation or if it will be retained by OIPRD.

Customer Service Resolutions (CSR):

The OIPRD continues to utilize their CSR program, which provides an opportunity for complainants and respondent officers to voluntarily resolve complaints before they are formally screened under the Police Services Act (PSA) Part V. Successful resolutions can be powerful learning opportunities that can have lasting positive effects on both complainants and respondent officers. CSR is a confidential process where the parties exchange perspectives to understand what happened, discuss their concerns and take an active part in resolving the issues. Successful mediations are documented as “resolved” and are not included as a public complaint in the OIPRD and the OPS’s statistics.

There were 25 CSRs forwarded to OPS in 2019, six more than the 19 received in 2018. As a result of CSR, 10 complaints were withdrawn, 10 were closed as no further action and 5 remained outstanding at year end.

OIPRD Mediation:

The OIPRD continues to offer the Mediation for Public Complaints Program that was launched in November 2014. Mediation is a voluntary, confidential process which takes place once the complaint is formally screened under the PSA. The respondent officer and the complainant meet with the assistance of a neutral, third-party mediator who facilitates the process. The parties share their views of what happened, discuss their concerns and take an active part to reach a mutually agreeable resolution.

The Professional Standards Section (PSS) used the OIPRD Mediation program to attempt to resolve 3 complaints in 2019. Two of these complaints were successfully resolved at mediation, while one complaint did not reach a resolution and was referred back to PSS for investigation.

Ottawa Police Service Professional Standards Section:

As delegated by the Chief of Police, PSS has the authority to investigate and facilitate the resolution of complaints which are internally generated (Chief’s complaints). PSS is also responsible for the investigation of public complaints which are generated through the OIPRD.

Investigations are conducted thoroughly while having regard for their sensitive nature. Members of PSS understand that the manner in which a complaint is handled, not only

impacts complainants and the officers, but also reflects directly on the integrity of the Police Service and its position of trust within the community.

In July of 2019, PSS introduced a Public Complaint Informal Resolution Pilot Project. This new process allows the opportunity for the complainant and respondent officer(s) to get a better understanding of the effects of the interaction leading up to the complaint in an effort to reach a satisfactory outcome prior to the commencement of a Part V investigation. This process is initiated by a PSS Informal Resolution Sergeant contacting the complainant immediately upon the OIPRD referring the complaint for investigation to the Service. Resolution efforts have included facilitated discussions between the parties, mediations through the Voluntary Alternative Dispute Resolution Program, educating the complainant and/or involved officer(s), as well as officer refresher training. Since implementing this new process, PSS has received positive responses from both respondent officers and public complainants. Specifically, public complainants have expressed a higher level of satisfaction with respect to OPS' response to their complaints. In addition, the process was presented at a National ADR Conference in the Fall of 2019 and positive feedback and compliments were received from the delegates for its use of a non-traditional approach. By end of 2019, the pilot project was showing positive results, with a substantial increase in Informal Resolution Agreements between the involved parties, compared to previous years.

DISCUSSION

The following provides an overview of key measures and highlights tracked by PSS and a brief interpretation.

Complaint Statistics:

In 2019, 230 public complaints were received. This is 20% increase in the number of complaints received in 2018 (192) and is 15% higher than the five year average of 200 public complaints per year.

It is important to understand the number of complaints and their outcomes. This is especially relative in the context of the number of calls for service to which the OPS responds annually and the number of public complaints received. In 2019, OPS received 345,749 calls for service. These calls do not include calls generated through online reporting. The total number of public complaints was 230 and this represents 1 complaint per 1,503 calls for service.

Figure 1 (below) illustrates the total number of public complaints received annually over the past five years.

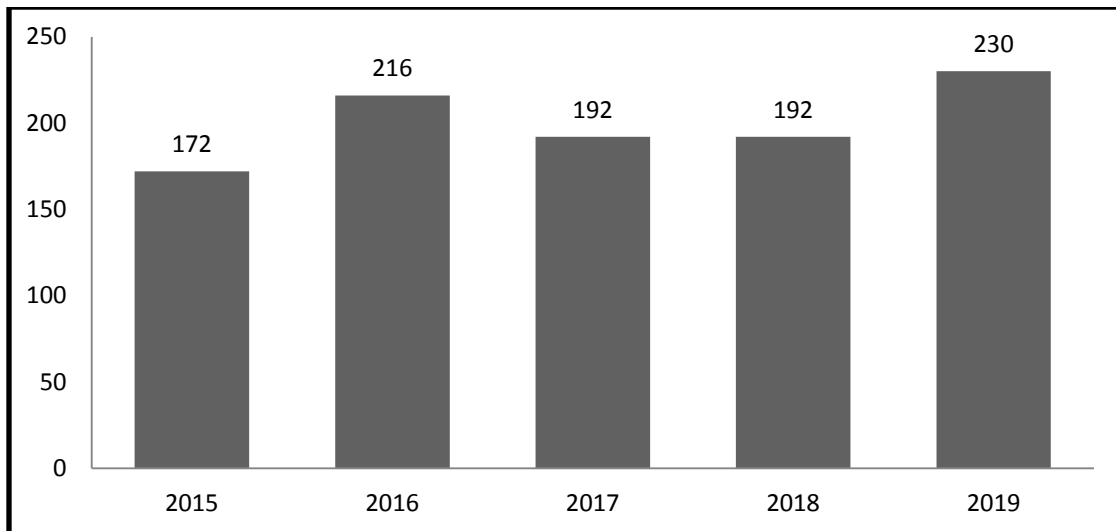


Figure 1: Total public complaints received by the Ottawa Police Service (2015-2019)

Of the 230 public complaints received by the Ottawa Police Service in 2019, 119 of these complaints were referred to PSS for investigation, compared to 116 referred to PSS in 2018. Three complaints were retained by the OIPRD for investigation, compared to the 6 retained by the OIPRD in 2018. There were 100 complaints received in 2019 that 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, compared with 67 complaints dismissed by the OIPRD in 2018. The remaining 8 complaints received in 2019 were withdrawn by the public complainant prior to the complaint being screened by the OIPRD.

In 2019, 212 Chief's complaints were generated. This is 26% higher than the level experienced in 2018 (168) and is 18% higher than the five year average of 180. Figure 2 (below) illustrates the total number of Chief's complaints generated annually over the past five years.

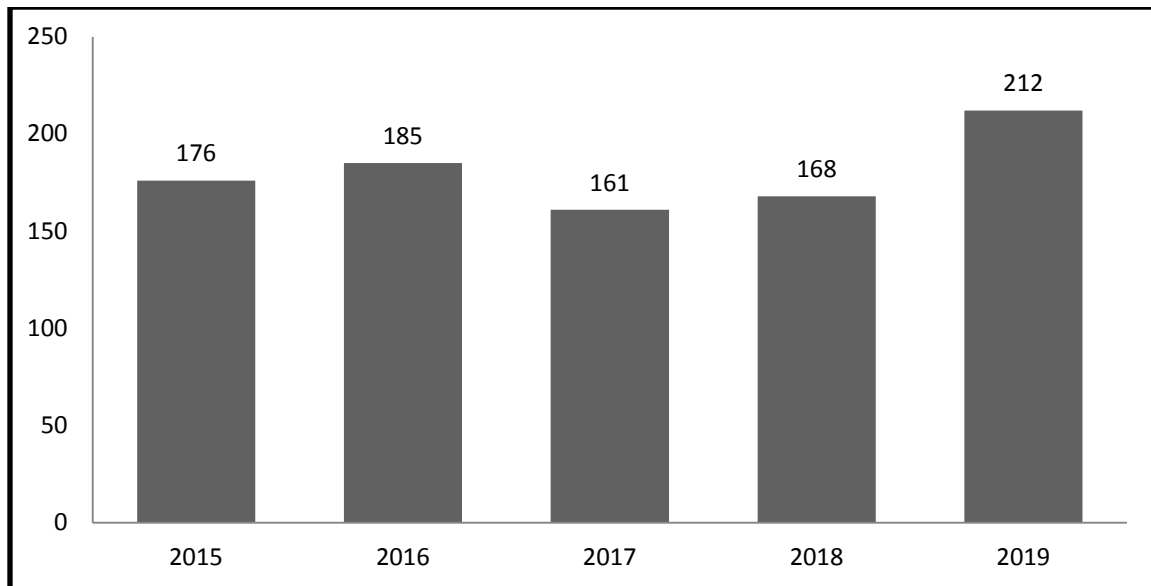


Figure 2: Total chief's complaints generated by the Ottawa Police Service (2015-2019)

Figure 3 (below) illustrates the total number of Public and Chief's complaints received during the period of 2015 to 2019.

An annual average of 381 complaints (both Chief's and Public), were processed by the OPS over the past five years. In 2019 there were 442 complaints processed, 82 complaints more than 2018. This represents an increase of 23%.

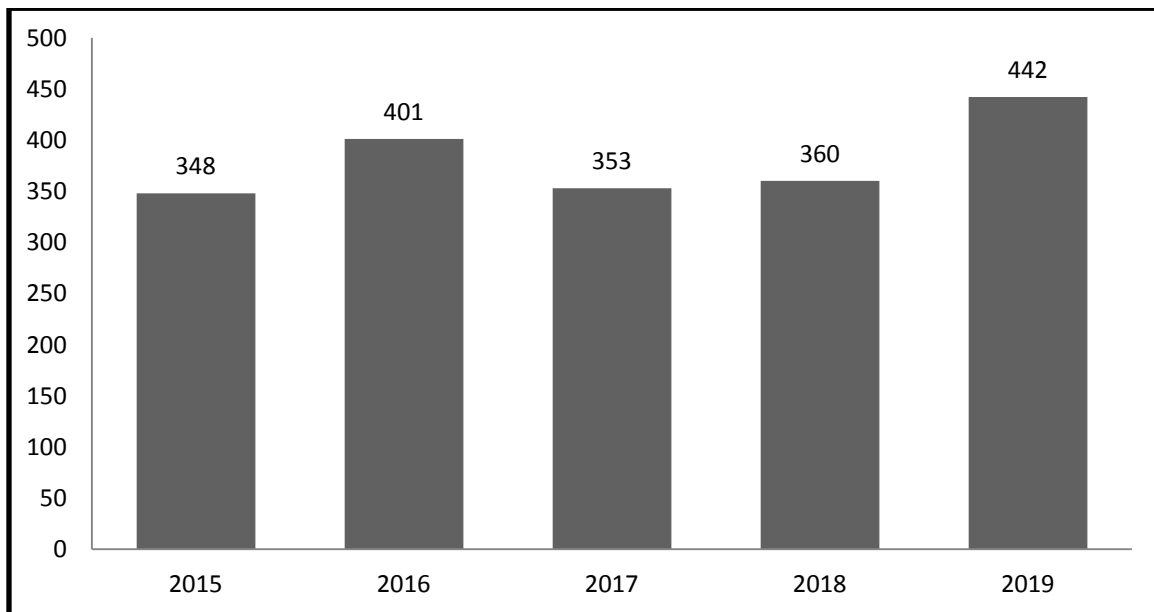


Figure 3: Total complaints received by the Ottawa Police Service 2015-2019

While the Service has seen an increase in both Public and Chief's complaints in 2019, PSS continues to monitor and identify high risk officers and trends and where

appropriate, mitigate risk through the intervention of the Chain of Command, Staff Sergeant Major, Wellness Section and training through the Police Development Centre.

Classification of Complaints:

The OPS classifies each conduct complaint based on the type of allegation that is made. Where there is more than one allegation, the most serious allegation is used to classify the complaint. The classification provides an idea of the types of situations that generate complaint investigations.

Table 1 (below) reveals the breakdown of complaint types.

Table 1: Classification of Complaints

Classification	2015	2016	2017	2018	2019	5 Year Average
Improper Conduct	261	298	249	272	329	282
Excessive Force	16	23	21	12	27	20
Neglect of Duty	64	65	59	57	67	62
Firearm Discharge	3	4	1	2	3	3
Policy/Service Complaints	4	11	23	17	16	14
Total	348	401	353	360	442	381

Improper Conduct Sub-classifications:

Improper conduct complaints include a broad spectrum of allegations including inappropriate actions such as unauthorized search and seizure, red light camera infractions, poor judgment, at fault motor vehicle collisions, abuse of authority, breach of confidentiality, and insubordination. The statistics in Table 1 capture both public and Chief's complaints. The increase in improper conduct classifications can be attributed to an increase in allegations of inappropriate comments and/or language (35%), Abuse of Authority (21%) and at fault motor vehicles collisions (21%). There were 103 at fault motor vehicle collisions in 2019; 18 more than 2018 (85).

Public Conduct Complaint Resolution:

In 2019, OIPRD received 230 public complaints, 214 were classified as conduct and 16 were classified as service and policy. The OIPRD dismissed 100 of the conduct

complaints as frivolous, vexatious, over the six months limitation, or no further action as it is not in the best interest of the public to proceed. Seven conduct complaints were withdrawn by the public complainant prior to the complaint reaching the OIPRD screening phase.

In 2019, 31 complainants chose to withdraw their conduct complaint. This may be in part due to the PSS investigator's intervention or through mediation.

In the remaining 76 investigated cases, there were no public conduct complaints that resulted in discipline by the end of 2019. This represents a decrease from 2018, where 1 public conduct complaint received resulted in discipline. Informal resolution was achieved by parties in 13 public conduct complaints in 2019.

Twenty nine conduct complaints were unsubstantiated in 2019 and 34 public conduct complaints received in 2019 remained outstanding.

Figure 4 (below) illustrates public conduct complaint disposition breakdown for 2019.

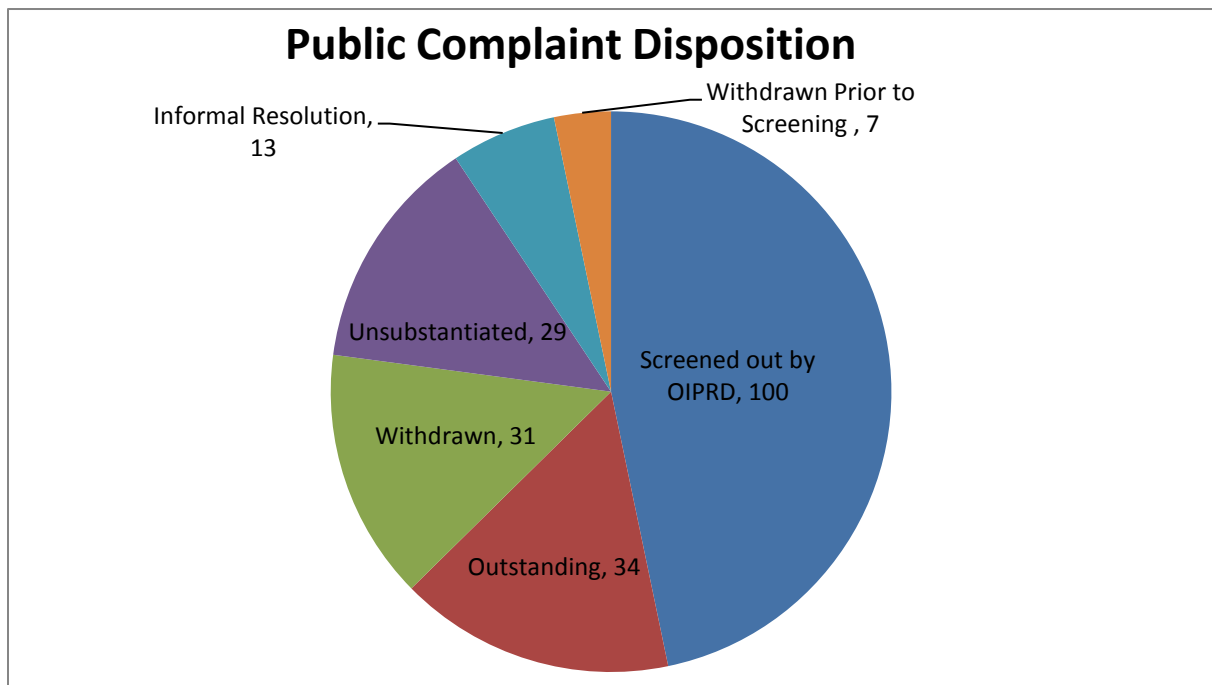


Figure 4: Public Conduct Complaint Breakdown 2019

Chief's Conduct Complaint Resolution

In 2019, 1 Chief's complaint resulted in a disciplinary hearing, 58 resulted in informal discipline, 84 were closed with no further action or unsubstantiated and 69 remained outstanding at the end of 2019.

Figure 5 (below) illustrates Chief's complaint disposition breakdown for 2019.

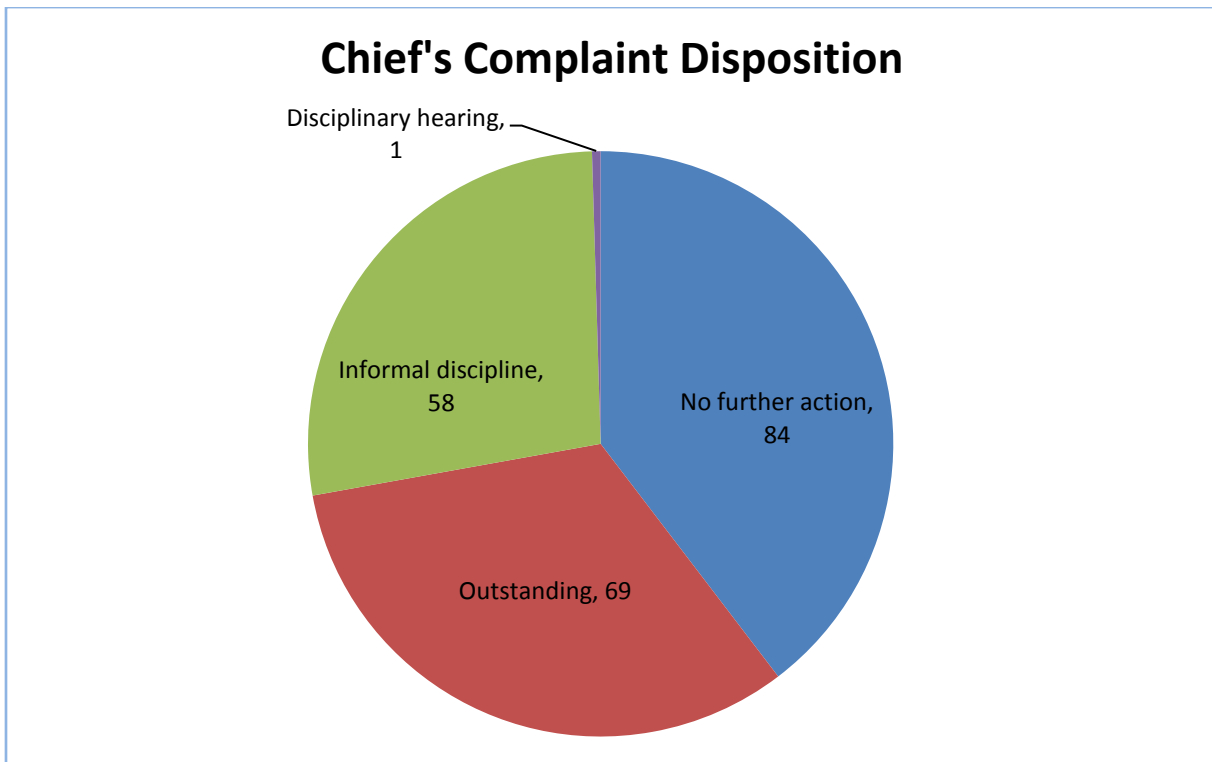


Figure 5: Chief's Complaint Breakdown 2019

Policy or Service Complaint Resolution:

Of the 16 policy and service complaints received in 2019, 1 was withdrawn by the complainant prior to the OIPRD screening phase, 6 were withdrawn by the complainant after the complaint was referred to the Service for investigation, 6 resulted in no action being taken and 3 were still pending at year end.

Three policy or service complaints went before the Police Services Board for review in 2019. All three resulted in a confirmation of OPS' decision.

Requests for Review by OIPRD:

Upon the conclusion of an investigation by the OPS, the complainant has 30 days to request a review by OIPRD if they disagree with the findings.

As indicated in Table 3 (below) 14 requests for review were received in 2019. This is 3 more than the number of reviews requested in 2018 (11). In 6 of these complaints, the OIPRD was satisfied with the investigation conducted by OPS and confirmed the decisions and in 4 cases, the OIPRD specified direction to be taken. Four complaints remained under review by OIPRD at the end of the year.

Table 2: Request for Review by OIPRD

Requests for Review by OIPRD Resolutions	2015	2016	2017	2018	2019	5 Year Average
Confirmed Decision	5	2	3	4	6	4
Specified Direction	2	1	0	1	4	1.6
Assigned to Outside Police Service	0	0	0	0	0	0
OIPRD to Investigate	0	0	0	0	0	0
Reviews Pending	9	6	8	6	4	6.6
Total	16	9	11	11	14	12.2

Official Language Complaints:

The Ottawa Police Services Board Policy CR-11 requires that official language complaints be reported in the annual report. In 2019, there were no official language complaints.

Voluntary Alternative Dispute Resolution Program (VADRP):

The VADRP is a mechanism to resolve public complaints and internal personnel issues through the use of an independent mediator. Mediation allows the parties to share their perspectives of their interaction in a neutral setting and offers a personal resolution to the complaint rather than the formal investigative process. Parties often feel better prepared to move forward with a positive attitude toward police as they feel they have been heard and have gained additional information and insight into police actions.

VADRP was used to successfully mediate two public complaints, which resulted in withdrawals by the complainants.

Police Services Act Hearings:

Two new disciplinary hearings were commenced in 2019. One of these disciplinary hearings was concluded by the end of 2019, while one remains outstanding.

Requests for Appeal of Hearing Decisions:

Under section 87(1) of the PSA, an officer or complainant may appeal a conviction and/or outcome to the Ontario Civilian Police Commission (OCPC).

There were no new appeals to OCPC for PSA hearing decisions sought in 2019.

Criminal Offence Cases:

In 2019, six officers were charged with criminal offences, which represents one more than the five year average of five. The total number of OPS officers under criminal charge throughout 2019 was fifteen. By the end of 2019, ten officers remained under criminal charge.

Special Investigations Unit (SIU) Investigations:

SIU is legislated to investigate the circumstances of serious injury or death and sexual assault that may have resulted through criminal offences committed by a police officer. Section 11 of Ontario Regulation 268/10 of the PSA directs a Chief of Police to conduct an administrative review of each SIU case. The administrative review focuses on policies, services and the officer's conduct.

In 2019, the SIU invoked its mandate in fifteen incidents. This is a decrease from 2018, where the SIU invoked its mandate in twenty four incidents and an increase from the five year average of fourteen. By the end of 2019, the SIU exercised its discretion and terminated three investigations and as such, no reports were filed with the Attorney General. Eight investigations were still pending at year end 2019.

Suspension Cases:

The PSA provides that a Chief of Police can, in the most serious of matters, suspend a police officer. Suspensions are treated very seriously and only occur after careful assessment of the case. If the Chief of Police does not believe that the best approach is to seek dismissal, it is important for the member to contribute to the OPS in a meaningful way while the matter is resolved. The Ottawa Police Service's approach includes providing members meaningful assignments regardless of being under investigation or facing serious discipline.

Three officers were suspended during 2019, which is a decrease from the five year average of six. At the start of the year there were four officers on suspension. One officer was dismissed from the Ottawa Police Service during 2019, while six officers remained under suspension at the end of the year.

CONCLUSION

As Chief, I am aware of the importance of the public trust and the community's confidence that complaints will be investigated in a complete, impartial and open manner.

The Ottawa Police Service PSS investigates and facilitates the resolution of all complaints. PSS completes investigations in a transparent, confidential and timely

manner. PSS has taken a risk management approach to complaint resolutions through the use of mediation, policy reviews and case conferences.

The PSS recognizes the impact of police behaviour and conduct on the community members we are committed to serving and the officers involved.