

Report to / Rapport au:

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

22 July 2019 / 22 juillet 2019

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 2019**

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

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 2019, a total of 117 complaints (Chief's and Public) were received representing an increase of 36% when compared to the same time period in 2018 (86).

By the end of the second quarter of 2019, a total of 68 public complaints (Conduct, Service and Policy) were received representing an increase of 51% when compared to the same time period in 2018 (45).

Table 1 (below) outlines the number of complaints received in Q1 and Q2 2019 compared to the same time period in 2018, as well as the 5 year averages and the total number of complaints received in 2018.

Table 1 - New Complaints

	Q1 2019	Q2 2019	Q2 2018	Q2 2018 YTD	5 YR AVG Q2	5 YR AVG YTD	2018 Total
Public Complaint (Conduct)	41	62	40	83	46	97	175
Public Complaint (Policy or Service)	3	6	5	10	3	7	17
Chief's Complaints (Other)	6	11	6	14	9	17	22
Chief's Complaints (Red Light Camera Infractions)	16	14	20	29	11	25	61
Chief's Complaints (Motor Vehicle Collisions)	37	24	15	44	26	46	85
TOTAL	103	117	86	180	95	192	360

Of the 68 public complaints received by the OIPRD by the end of Q2 2019, 35 of these complaints were referred to PSS for investigation. Two complaints were withdrawn by the complainants prior to the OIPRD screening and the remaining 31 complaints received in Q2 2019 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, which is a higher number than usual. The OIPRD did not retain any complaints for investigation in Q2 2019. OPS continually reviews this data to identify trends in complaints in order to address issues.

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 2019 compared to the same time period in 2018, as well as the 5 year averages and the total number of complaints investigated in 2018.

Table 2 – Complaint Investigations

	Q1 2019	Q2 2019	Q2 2018	Q2 2018 YTD	5 YR AVG Q2	5 YR AVG YTD	2018 Total
Public Complaint (Conduct)	18	30	25	53	28	51	111
Public Complaint (Policy or Service)	3	5	5	8	5	6	14
Chief's Complaints (Other)	6	11	6	14	8	17	22
Chief's Complaints (Red Light Camera Infractions)	16	14	20	29	14	25	61
Chief's Complaints (Motor Vehicle Collisions)	37	24	15	44	18	46	85
TOTAL	80	84	71	148	73	145	293

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 Q2 2019 increased by 30 compared to Q2 2018 statistics (see Table 3 below).

Table 3 - Conduct Complaints

	Q1 2019	Q2 2019	Q2 2018	Q2 2018 YTD	5 YR AVG Q2	5 YR AVG YTD	2018 Total
Improper Conduct	80	89	62	141	72	143	272
Excessive Force	5	5	2	4	4	8	12

Neglect of Duty	13	17	17	25	16	32	57
Firearm Discharge	2	0	0	0	1	1	2
TOTAL	100	111	81	170	93	184	343

Table 4 (below) outlines conduct complaints referred and/or retained for investigation in Q1 and Q2 2019 compared to the same time period in 2018, as well as the 5 year averages and the total number of conduct complaints investigated in 2018.

Table 4 - Conduct Complaint Investigations

	Q1 2019	Q2 2019	Q2 2018	Q2 2018 YTD	5 YR AVG Q2	5 YR AVG YTD	2018 Total
Improper Conduct	67	70	50	116	56	114	226
Excessive Force	5	4	2	4	4	7	11
Neglect of Duty	3	5	14	20	9	16	40
Firearm Discharge	2	0	0	0	1	1	2
TOTAL	77	79	66	140	70	138	279

Policy/Service Complaints:

Six service complaints were received in Q2 2019. One service complaint was withdrawn by the complainant prior to screening, one complaint was withdrawn immediately after being referred to the Service for investigation and four service complaint investigations remain outstanding.

The details of the withdrawn service complaints, as well as details of two service and one policy complaint investigations that were carried over to Q2 2019 from previous quarters 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 2019 compared to the same time period in 2018, as well as the 5 year averages and the total policy and service complaints received in 2018.

Table 5 - Policy and Service Complaints

	Q1 2019	Q2 2019	Q2 2018	Q2 2018 YTD	5 YR AVG Q2	5 YR AVG YTD	2018 Total
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	Policy	2	0	0	0	0	1	0
Table 6	Service	1	6	5	10	5	7	17 (below)
	TOTAL	3	6	5	10	5	8	17

outlines policy and service complaints referred for investigation in Q1 and Q2 2019 compared to the same time period in 2018, as well as the 5 year averages and the total policy and service complaints investigated in 2018.

Table 6 - Policy and Service Complaint Investigations

	Q1 2019	Q2 2019	Q2 2018	Q2 2018 YTD	5 YR AVG Q2	5 YR AVG YTD	2018 Total
Policy	2	0	0	0	0	1	0
Service	1	5	5	10	4	5	14
TOTAL	3	5	5	10	4	6	14

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 2019, five CSR files were received. Two files were successfully resolved through CSR and the remaining three 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 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 2019, 111 conduct complaints were received (public & chief's). The following outlines the status of these complaints at the end of Q2:

- 55 cases completed
 - o 8 resulted in informal discipline
 - o 3 were withdrawn by the complainants
 - o 31 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
 - o 13 were unsubstantiated or resulted in no further action
- 56 investigations are ongoing

Table 7 (below) outlines the above mentioned complaint status in Q2 2019 compared to the same time period in 2018, as well as the 5 year average.

Table 7 - Complaint Status - Conduct Complaints

RESOLUTION	Q2 2019	Q2 2018	5 YR AVG YTD
Unsubstantiated	0	0	1
Vexatious/Frivolous/Bad Faith	4	7	6
Informal Resolution	0	0	0
Informal Resolution - VADRP	0	0	0
No Further Action	38	14	29
Withdrawn by Complainant	3	2	3
Withdrawn by Complainant - VADRP	0	0	0
Over Six Months	2	0	2
Third Party - Not Directly Affected	0	0	0

Complaints Not Resulting in Discipline Total	47	23	41
Informal Discipline	8	7	5
Disciplinary Hearing	0	0	0
Complaints Resulting in Discipline total	8	7	5
Complaints Outstanding total	56	51	48
TOTAL	111	81	94

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 four times in Q2 2019, which decreased by five from Q2 2018. In two of these cases, the SIU terminated their investigations, while two investigations remain ongoing.

Table 8 (below) provides a comparator of SIU investigations between Q2 2018 and Q2 2019, as well as the 5 year average.

Table 8 - Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q2 2019	Q2 2018	5 YR AVG YTD
Death	0	0	1
Serious Injury	3	8	3
Sexual Assault	1	1	1
TOTAL	4	9	4

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 2019, one request for review from a complainant was received by the OIPRD. This is the same number received in Q2 2018. The review remains ongoing.

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 2019.

CONSULTATION

N/A

FINANCIAL IMPLICATIONS

N/A

SUPPORTING DOCUMENTATION

Document 1 Summary of Policy and/or Service Complaints completed in Q2 2019

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 #:	18-0441
Date of Incident:	18 June 2018
Date Complaint Received:	13 November 2018
Date Completed:	08 April 2019

Summary of Complaint:

The complainant felt that the protective glass that separates OPS employees from members of the public at the Queensview Drive prevents sounds from passing through, making it difficult to hear when the employee is speaking.

Summary of Findings and Actions Taken:

The investigation determined that there was little difficulty in communicating with OPS staff despite the presence of the safety glass, as there are openings in the glass that allow for verbal communication. As a result, it was determined that there were no service and/or policy related issues identified as a result of the complaint

PART V - POLICE SERVICES ACT
DETAILS OF POLICY COMPLAINT INVESTIGATION

Complaint #: 19-0008
Date of Incident: 22 August 2018
Date Complaint Received: 08 January 2019
Date Completed: 14 May 2019

Summary of Complaint:

The complainant was dissatisfied with the way police officers interacted with his son, who suffers from PTSD and anxiety and requested that a review be conducted into police procedures when dealing with mentally disturbed individuals.

Summary of Findings and Actions Taken:

The investigation determined the response by the Ottawa Police Service was within the Service's standards and in compliance with policy. The review did not identify any issues with current OPS policy.

The complainant requested a review by the Board and as a result, the Board concurred with the findings of the Professional Standards Section investigation and no further action was taken.

PART V - POLICE SERVICES ACT
DETAILS OF POLICY COMPLAINT INVESTIGATION

Complaint #: 19-0050
Date of Incident: 29 October 2019
Date Complaint Received: 13 February 2019
Date Completed: 13 May 2019

Summary of Complaint:

The complainant alleged a 911 operator was rude and failed to send assistance after he was the victim of a hit and run.

Summary of Findings and Actions Taken:

After reviewing 911 audio, it was determined that the clerk was professional and polite and properly followed the Call Response Protocol and as such, no service and/or policy related issues were identified as a result of the complaint.

PART V - POLICE SERVICES ACT
DETAILS OF POLICY COMPLAINT INVESTIGATION

Complaint #: 19-0142
Date of Incident: 21 March 2019
Date Complaint Received: 25 April 2019
Date Completed: 25 April 2019

Summary of Complaint:

The complainant alleged his son was unjustly issued a fine for having an expired license plate decal, which he was unable to renew due to a failed emissions test requirement. He felt the officer should have used his discretion, given that the Provincial government was set to cancel the emissions test program within a few short weeks.

Summary of Findings and Actions Taken:

The complainant chose to withdraw his complaint prior to the OIPRD screening process.

PART V - POLICE SERVICES ACT
DETAILS OF POLICY COMPLAINT INVESTIGATION

Complaint #: 19-0167
Date of Incident: 04 February 2019
Date Complaint Received: 16 May 2019
Date Completed: 21 May 2019

Summary of Complaint:

The complainant alleged a call taker in the OPS Reporting Unit was dismissive and rude and failed to assist him when he attempted to report a suspicious vehicle parked outside his home.

Summary of Findings and Actions Taken:

The complainant chose to withdraw his complaint prior to the PSS investigation commencing.