

Report to / Rapport au:

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

23 July 2018 / 23 juillet 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* –
SECOND QUARTER 2018**

**OBJET: PLAINTES PARTIE V – *LOI SUR LES SERVICES POLICIERS*:
DEUXIÈME TRIMESTRE DE 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 second quarter of 2018, a total of 86 complaints (Chief's and Public) were received representing a decrease of 8.5% when compared to the same time period in 2017.

By the end of the second quarter of 2018, a total of 45 public complaints (Conduct, Service and Policy) were received representing a decrease of 27% when compared to the same time period in 2017 (62).

Table 1 (below) outlines the number of complaints received in Q1 and Q2 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	Q2 2017	Q2 2017 YTD	5 YR AVG Q2	5 YR AVG YTD	2017 Total
Public Complaint (Conduct)	43	40	54	100	49	100	169
Public Complaint (Policy or Service)	5	5	8	12	5	7	23
Chief's Complaints (Other)	8	6	5	12	8	17	24
Chief's Complaints (Red Light Camera Infractions)	9	20	12	18	14	23	59
Chief's Complaints (Motor Vehicle Collisions)	29	15	15	36	19	43	78
TOTAL	94	86	94	178	95	190	353

Of the 45 public complaints received by the Ottawa Police Service by the end of Q2 2018, 28 of these complaints were referred to PSS for investigation, 1 complaint was retained by the OIPRD for investigation and the remaining 16 complaints received in Q2 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 and Q2 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	Q2 2017	Q2 2017 YTD	5 YR AVG Q2	5 YR AVG YTD	2017 Total
Public Complaint (Conduct)	28	25	34	60	27	54	103
Public Complaint (Policy or Service)	3	5	7	10	4	6	20
Chief's Complaints (Other)	8	6	5	12	8	17	24
Chief's Complaints (Red Light Camera Infractions)	9	20	12	18	14	23	59
Chief's Complaints (Motor Vehicle Collisions)	29	15	15	36	19	43	78
TOTAL	77	71	73	136	72	143	284

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 2018 decreased by 5 compared to Q2 2017 statistics (see Table 3 below).

Table 3 - Conduct Complaints

	Q1 2018	Q2 2018	Q2 2017	Q2 2017 YTD	5 YR AVG Q2	5 YR AVG YTD	2017 Total
Improper Conduct	79	62	64	122	67	138	249
Excessive Force	2	2	7	11	5	9	21
Neglect of Duty	8	17	14	32	17	35	59
Firearm Discharge	0	0	1	1	1	1	1
TOTAL	89	81	86	166	90	183	330

Table 4 (below) outlines conduct complaints referred and/or retained for investigation for Q1 and Q2 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

	Q1 2018	Q2 2018	Q2 2017	Q2 2017 YTD	5 YR AVG Q2	5 YR AVG YTD	2017 Total
Improper Conduct	66	50	51	98	53	110	210
Excessive Force	2	2	7	11	4	8	20
Neglect of Duty	6	14	7	16	9	17	33
Firearm Discharge	0	0	1	1	1	1	1
TOTAL	74	66	66	126	67	136	264

Policy/Service Complaints:

Five service complaints were received in Q2 2018. Three of these complaints were withdrawn by the complainant, while the other two service complaint investigations remain outstanding.

The details of the three withdrawn complaints, together with three additional completed complaints that were carried over to Q2 2018 from previous quarters, are attached to this report as Document 1.

There were no policy complaints received in Q2 2018.

Table 5 (below) outlines the total number of policy and service complaints received in Q1 and Q2 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

	Q1 2018	Q2 2018	Q2 2017	Q2 2017 YTD	5 YR AVG Q2	5 YR AVG YTD	2017 Total
Policy	0	0	0	0	0	1	1
Service	5	5	8	12	4	7	22
TOTAL	5	5	8	12	4	8	23

Table 6 (below) outlines policy and service complaints referred for investigation in Q1 and Q2 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

	Q1 2018	Q2 2018	Q2 2017	Q2 2017 YTD	5 YR AVG Q2	5 YR AVG YTD	2017 Total
Policy	0	0	0	0	0	1	1
Service	5	5	7	10	4	6	19
TOTAL	5	5	7	10	4	7	20

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. Nine CSR files were received in Q2 2018. One file is proceeding through the CSR process and remains outstanding at the end of Q2 2018, while the remaining eight 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 Q2 2018, 81 conduct complaints were received (public & chief). The following outlines the status of these complaints at the end of Q2:

- 30 cases completed
- 7 resulted in informal discipline
- 2 were withdrawn by the complainant
- 5 were unsubstantiated or resulted in no further action
- 16 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
- 51 investigations are ongoing

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

Table 7 - Complaint Status - Conduct Complaints

RESOLUTION	Q2 2018	Q2 2017	5 YR AVG
Unsubstantiated	0	1	1
Vexatious/Frivolous/Bad Faith	7	3	9
Informal Resolution	0	0	0
Informal Resolution - VADRP	0	0	0
No Further Action	14	22	24
Withdrawn by Complainant	2	6	2
Withdrawn by Complainant - VADRP	0	1	0
Over Six Months	0	2	2
Third Party - Not Directly Affected	0	0	0
Complaints Not Resulting in Discipline Total	23	35	38
Informal Discipline	7	3	3
Disciplinary Hearing	0	0	0
Complaints Resulting in Discipline total	7	3	3
Complaints Outstanding total	51	48	48
TOTAL	81	86	89

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 nine times in Q2 2018, which increased by seven from Q2 2017. In two of these cases, the SIU terminated their investigation, while seven investigations remain ongoing.

Table 8 (below) provides a comparator of SIU investigations between Q2 2017 and Q2 2018 as well as the 5 year average.

Table 8 - Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q2 2018	Q2 2017	5 YR AVG
Death	0	1	1
Serious Injury	8	1	3
Sexual Assault	1	0	1
TOTAL	9	2	5

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 2018, one request for review from a complainant was received by the OIPRD. This is a decrease from the three received in Q2 2017. This 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.

Two requests for service complaint reviews by the Police Services Board were received in Q2 2018. The Police Services Board upheld the decision by PSS following one review, while the second review remained outstanding at the end of Q2 2018.

SUPPORTING DOCUMENTATION

Document 1 Summary of Policy and/or Service Complaints completed in Q2 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 #: 18-0026
Date of Incident: 10 October 2017
Date of Complaint: 18 October 2017
Date Completed: 09 April 2018

Summary of Complaint:

The complainant alleged OPS officers had her removed from the Courthouse property without the proper authority to do so.

Summary of Findings and Actions Taken:

It was determined that there were no service related issues identified as a result of the complaint. No recommendations.

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

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

Complaint #: 18-0041
Date of Incident: 11 December 2017
Date of Complaint: 15 December 2017
Date Completed: 19 March 2018

Summary of Complaint:

The complainant alleged she contacted OPS to report a theft and was redirected to the online reporting system. She felt that as a result of having to complete an online report, time was wasted and the person responsible for the theft could have been caught if police had moved quicker and obtained surveillance footage.

Summary of Findings and Actions Taken:

The complainant chose to withdraw her complaint after moving from Ottawa and not having the time to further pursue the complaint.

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

Complaint #: 18-0099
Date of Incident: 23 June 2016
Date of Complaint: 31 January 2018
Date Completed: 10 May 2018

Summary of Complaint:

The complainant reported a break and enter to police and alleged OPS took no actions to investigate the incident diligently.

Summary of Findings and Actions Taken:

It was determined that there were no service related issues identified as a result of the complaint. However, it was noted that the 17 day delay in the initial investigation contact was a breach of policy and as such, supervisory efforts will be made to ensure that this does not happen in the future.

The complainant requested a review by the Police Services Board and at the end of Q2 2018, the review remained outstanding.

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

Complaint #: 18-0137
Date of Incident: 06 February 2018
Date of Complaint: 06 February 2018
Date Completed: 11 May 2018

Summary of Complaint:

The complainant alleged there is an inadequate number of staff working the wickets at the OPS Collision Reporting Centre at 10th Line and that the staff who are working, appear to be too busy engaged in social activities with each other rather than serving patrons.

Summary of Findings and Actions Taken:

The complainant chose to withdraw his complaint after learning his concerns regarding service wait times and staff conduct are currently being addressed and that his concerns would be highlighted to the staff and supervisors at the 10th Line Collision Reporting Centre.

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

Complaint #: 18-0168
Date of Incident: 15 January 2018
Date of Complaint: 22 February 2018
Date Completed: 14 May 2018

Summary of Complaint:

The complainant called OPS to make a report and spoke to a staff member, who he was under the impression was a police officer. When he contacted the staff member again, he was advised that the report was forwarded to Rockland OPP, as the incident occurred in their jurisdiction. When he phoned to follow-up on the transfer of the file, he was advised that the staff member he had previously spoke to was in fact not a police officer. He felt the staff member impersonated being a police officer.

Summary of Findings and Actions Taken:

The complainant chose to withdraw his complaint after evidence was provided that the call centre employee did not identify herself as a police officer and learning that “cadre” and “badge numbers” are common terms used for police employee numbers. It was further explained to the complainant by the assigned PSS investigator that it takes time to transfer files from one police agency to another and confirmation was provided that the file had been transferred to the Rockland OPP.

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

Complaint #: 18-0169
Date of Incident: 28 January 2018
Date of Complaint: 31 January 2018
Date Completed: 29 May 2018

Summary of Complaint:

The complainant alleged that it took OPS officers 20 minutes to show up to her home after calling 911 for assistance with a family member who was violent and had to be restrained. She felt that her call to 911 was not taken seriously.

Summary of Findings and Actions Taken:

The complainant chose to withdraw her complaint after having the opportunity to express her concerns to the attending officers.