



**OTTAWA POLICE SERVICE  
SERVICE DE POLICE D'OTTAWA**

*The Trusted Leader in Policing  
Le chef de file de confiance dans la police*

**REPORT  
RAPPORT**

DATE: 27 April 2015

TO/DEST: Executive Director, Ottawa Police Services Board

FROM/EXP: Chief of Police, Ottawa Police Service

SUBJECT/OBJET: **PROFESSIONAL STANDARDS SECTION: 2014 ANNUAL REPORT**

**RECOMMENDATION**

**That the Ottawa Police Services Board receive this report for 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) of 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 of 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, efficiently and effectively. 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):*

In the 2013 Annual Report, it was reported that the OIPRD was engaging in a new initiative called Customer Service Resolutions 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.

It was previously reported in the 2014 Quarterly Reports that in May 2014 PSS coordinated for the Director of the OIPRD, Mr. Gerry McNeilly, to attend PDC and provide Customer Service Resolution Training to seven interested Sergeants and Staff Sergeants across the service. As a result of this training, four CSRs were facilitated by OPS members in 2014.

There were 18 CSRs forwarded to OPS in 2014. As a result of the CSR, seven complaints were withdrawn and 11 were closed as no further action.

#### *OIPRD Mediation:*

In November 2013, the OIPRD launched the Mediation for Public Complaints Program for 2014. Mediation is a voluntary, confidential process where the respondent officer and the complainant meet with the assistance of a neutral, third-party mediator. The mediator facilitates the process, but does not take sides or lay blame. The parties share their views of what happened, discuss their concerns and take an active part to reach a mutually agreeable resolution. OIPRD has extended this program for 2015.

#### *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.

PSS has taken an active role in educating supervisors in resolving complaints. This allows for a better dialogue between complainants and supervisors and promotes a quicker alternative to resolving issues that arise in the course of daily operations. In 2014, PSS attended the Supervisor, Manager and NCO Training Days as well as new recruit presentations and new NCO Training Seminars.

PSS also presented at the 2014 OPS Ethics Week, along with the OIPRD Director Gerry McNeilly.

### DISCUSSION

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

### *Complaint Statistics:*

In 2014, 209 public complaints were received. This is approximately four percent lower than the level experienced in 2013 (218) and is lower than the five year average of 225 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 officers employed. In 2014, OPS responded to 339,295 calls for service and employed 1339 officers. The decline in calls for service matched the decline in public complaints, both decreasing by four percent. The number of public complaints represents less than one complaint per officer (.15) and less than one complaint per 1,600 calls for service.

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

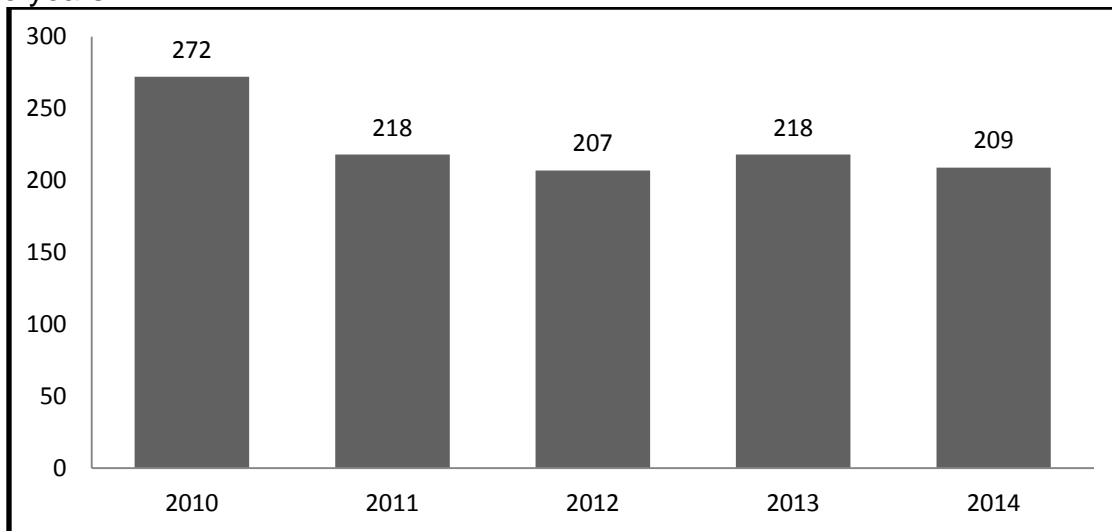


Figure 1: Total public complaints received by the Ottawa Police Service (2010-2014)

Figure 2 (below) illustrates that the number of Chief's complaints (183) generated in 2014 has increased by 21 but remains in line with the five year average of 183.

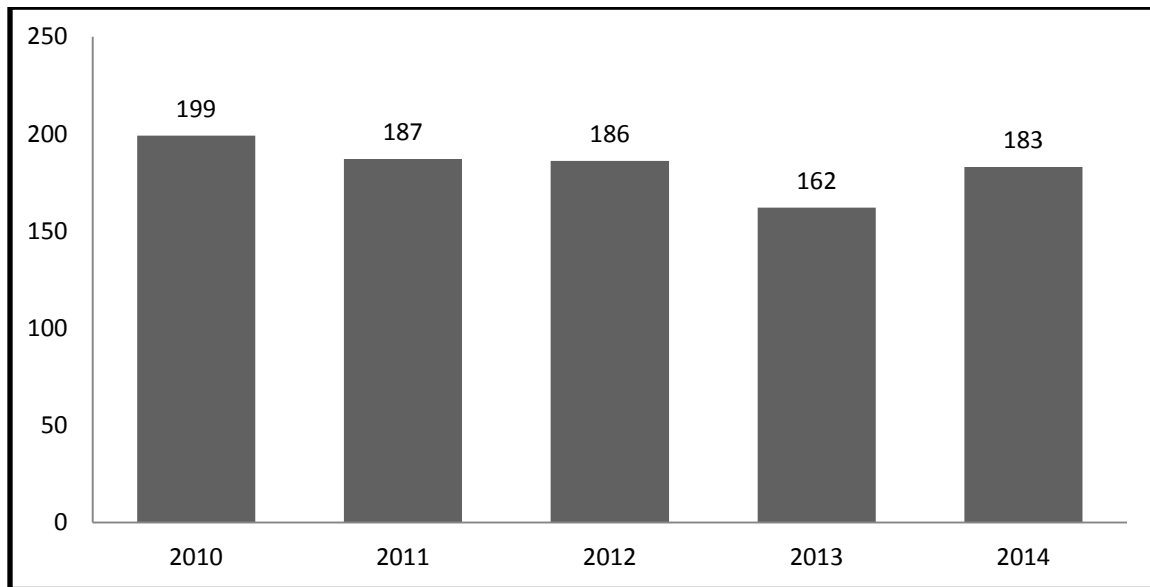


Figure 2: Total chief's complaints received by the Ottawa Police Service (2010-2014)

Figure 3 (below) illustrates the total number of Public and Chief's complaints received during the period of 2010 to 2014.

An annual average of 408 complaints (both Chief's and Public), were processed by the OPS over the past five years. In 2014 there were 392 complaints processed, 12 complaints more than 2013. This represents an increase of 3%.

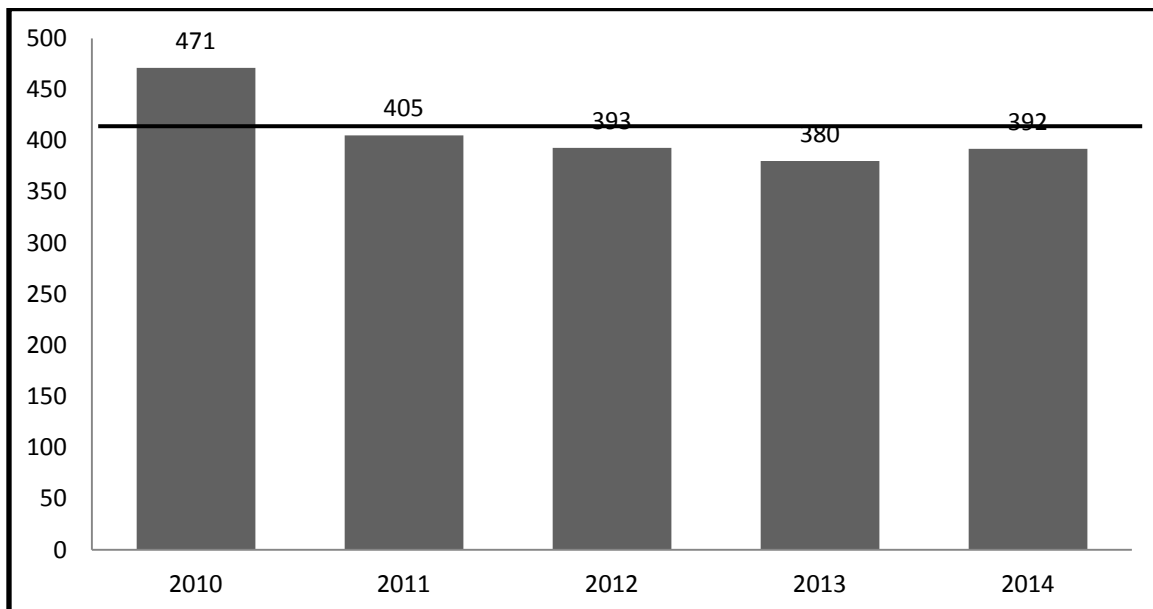


Figure 3: Total complaints received by the Ottawa Police Service 2010-2014

#### *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.

<b>Table 1: Classification of Complaints</b>							
Classification	2010	2011	2012	2013	2014	5 Year Average	% Change 2013-2014
Excessive Force	50	31	22	26	17	29.2	-34%
Improper Conduct	342	287	302	280	302	302.6	7%
Neglect of Duty	66	64	52	57	61	60	7%
Firearm Discharge	3	0	2	4	1	2	-75%
Policy/Service Complaints	10	23	15	12	11	14.2	-0.8%
Total	471	405	393	379	392	408	3%

*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 a significant increase in allegations of breach of confidence (30%) and abuse of authority (55%).

*Public Conduct Complaint Resolution:*

In 2014, OIPRD received 209 public complaints, 198 were classified as conduct and 11 classified as service and policy. OIPRD dismissed 94 of the 209 conduct complaints as frivolous, vexatious, over six months limitation, or no further action as it is not in best interest of the public to proceed.

In 2014, 30 complainants chose to withdraw their complaint. This may be in part due to the PSS investigator's intervention.

In the remaining 74 investigated cases, discipline was determined appropriate in three (3) of the public complaints in 2014. Those cases that resulted in discipline represent four percent of the total conduct public complaints. There are 19 public complaints received in 2014 that remain outstanding.

Figure 4 (below) illustrates public complaint disposition breakdown for 2014.

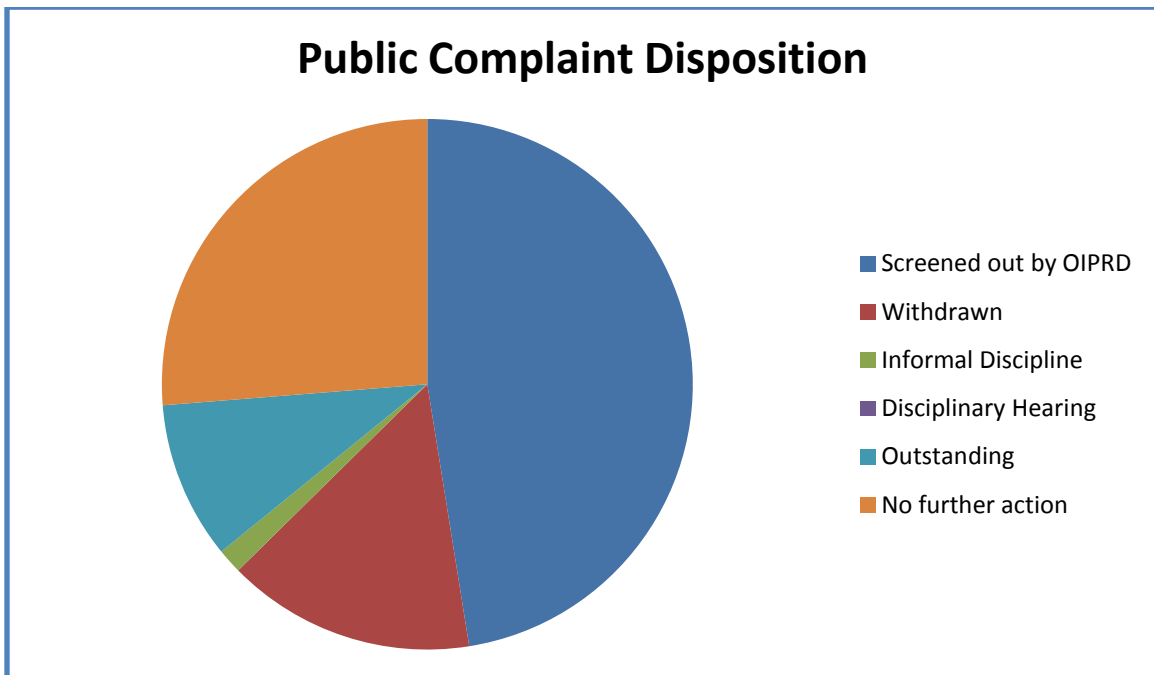


Figure 4: Public Complaint Breakdown 2014

#### *Chief's Conduct Complaint Resolution*

In 2014, three Chief's complaints resulted in formal discipline, 14 resulted in informal discipline, 144 were closed no further action and 22 remain outstanding at the end of 2014.

Figure 5 (below) illustrates Chief's complaint disposition breakdown for 2014.

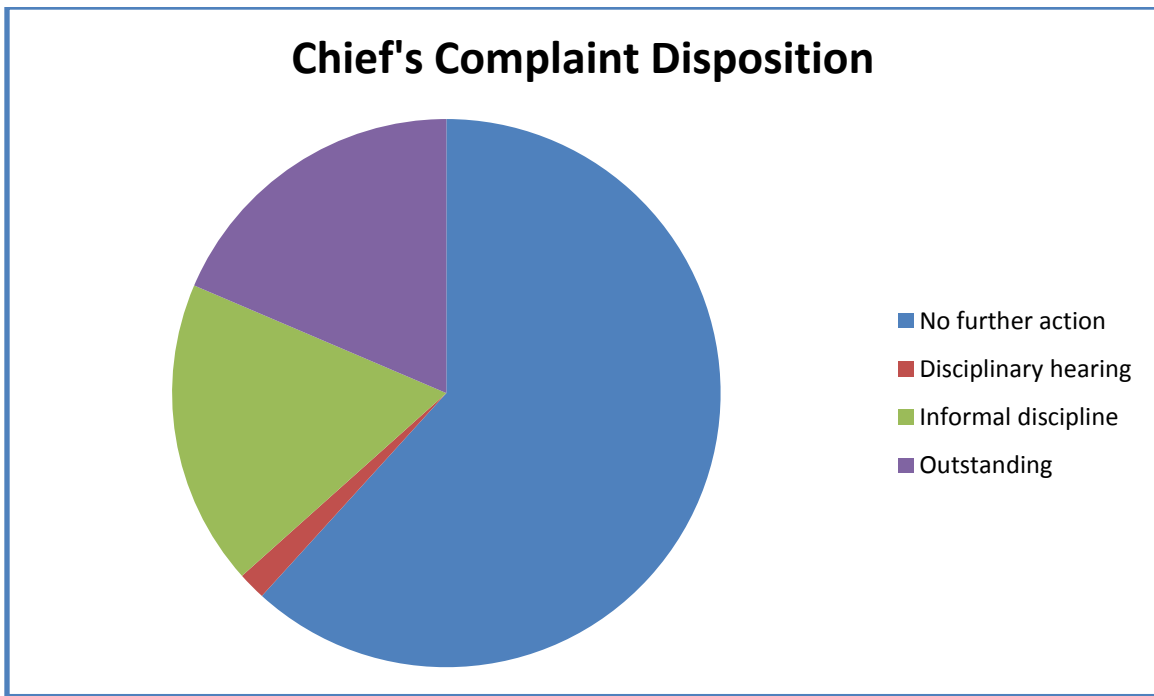


Figure 5: Chief's Complaint Breakdown 2014

#### *Policy or Service Complaint Resolution:*

Table 3 (below) displays the resolution of policy and service complaints received over the past five years. Of the 11 policy and service complaints received in 2014, 7 were resolved by the end of the year, three were withdrawn by the complainant, and one was still pending at year end.

Two policy or service complaints went before the Police Services Board for review in 2014. Both resulted in a confirmation of OPS' decision.

Table 3: Policy or Service Complaint Resolution

Policy or service complaint resolutions	2010	2011	2012	2013	2014	5 Year Average	% Change 2013-2014
Policy and/or Service Complaints required action	2	2	1	1	0	1.2	-100%
No Further Action	3	4	3	6	7	4.6	16%
Frivolous, Vexatious, etc.	2	5	1	0	0	1.6	-0%
Withdrawn by Complainant	3	6	8	4	3	4.8	-25%
Withdrawn by Complainant - VADRP	0	0	0	0	0	0	0%
Third Party	0	1	0	0	0	0.2	0%
Policy or Service Complaints Under Investigation at Year End	0	5	2	1	1	1.8	0%
<b>Total</b>	<b>10</b>	<b>23</b>	<b>15</b>	<b>12</b>	<b>11</b>	<b>12.2</b>	<b>-8%</b>

#### *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 4 (below) 13 requests for review were received in 2014, the same amount received in 2013. In four of these complaints, the OIPRD was satisfied with the investigation conducted by OPS and confirmed the decisions. In one case OIPRD took over the investigation and retained the complaint. Eight complaints remained under review by OIPRD at the end of the year.

Table 4: Request for Review by OIPRD

Requests for Review by OIPRD Resolutions	2010	2011	2012	2013	2014	5 Year Average	% Change 2013-2014
Confirmed Decision	4	6	3	7	4	4.8	-42%
Specified Direction	1	1	0	1	0	0.6	-100%
Assigned to Outside Police Service	0	0	0	0	0	0	0%
OIPRD to Investigate	0	0	0	0	1	0.2	100%
Action to be Taken	0	0	0	0	0	0	0%
Reviews Pending	5	2	2	5	8	4.4	60%
<b>Total</b>	<b>10</b>	<b>9</b>	<b>5</b>	<b>13</b>	<b>13</b>	<b>10</b>	<b>0%</b>

#### *Official Language Complaints:*

The Ottawa Police Services Board Policy CR-11 requires that official language complaints be reported in the annual report. In 2014, there were two official language complaints and both were withdrawn by the complainants upon speaking to PSS Investigators about their concerns.

*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.

In 2014, three public complaints were considered for VADRP. One was successfully resolved and the other two continued for a formal Part V investigation. No cases were in the VADRP process at year end.

As a result of the aforementioned CSR program implemented by the OIPRD, there is less use of the VADRP for public complaints. The program remains a valuable asset to the service and is still used to mediate internal matters.

*Police Services Act Hearings:*

Ten investigations that commenced in previous years, which resulted in *Police Services Act* Notice of Hearings, were concluded in 2014. Three investigations which commenced in 2014 resulted in disciplinary hearings and were concluded in 2014. A total of eight hearings were still in the formal hearing process at year end.

*Requests for Appeal of Hearing Decisions:*

Under section 87(1) of the *PSA*, the officer may appeal a conviction to the Ontario Civilian Police Commission (OCPC).

Three appeals to OCPC, for *PSA* hearing decisions, were sought in 2014. OCPC granted all three appeals. In two appeals, the decision of the Hearing Officer was overturned and the appeal was upheld. The remaining appeal is still pending.

There were two Applications for Judicial Review filed in 2014. In one case, the application was abandoned by the applicant and the other remained outstanding at the end of 2014.

*Criminal Offence Cases:*

In 2014, six officers were charged with criminal offences. By the end of 2014, two officers charged with criminal offences retired, one officer pleaded guilty and three 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 *Police Services Act* directs a Chief of Police to conduct an



administrative review of each SIU case. The administrative review focuses on the policies, services and the officer's conduct.

In 2014, the SIU invoked its mandate in 9 incidents. By year end, the SIU concluded seven investigations with no action being taken as there were no reasonable grounds to believe that the officers committed a criminal offence. In five incidents where the SIU invoked their mandate, following preliminary enquiries, the SIU exercised its discretion and terminated the investigations advising no report would be filed with the Attorney General. Two investigations were still pending at year end 2014. Two of the three aforementioned officers under criminal charge are as a result of one of the outstanding SIU files.

#### *Suspension Cases:*

The *Police Services Act* 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 OPS approach includes providing members meaningful assignments regardless of being under investigation or facing serious discipline.

Two officers were suspended during 2014, bringing the total number of officers under suspension to five. During the year two officers returned to active duty while three remained under suspension.

#### *Other notable issues:*

PSS works in collaboration with the Professional Accountability and Corporate Excellence Committee (PACE). If a PSS investigation identifies deficiencies in processes, policy and procedure, a recommendation is made to PACE for a comprehensive review and consideration of risk mitigation. Recommendations by PACE from these reviews are assigned to the specific sections for follow-up. Often this results in process improvements and better communication of procedures. In 2014, a total of two PSS referrals made to PACE produced recommendations for improvements.

## 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.

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.

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

*(Original signed by)*

Charles Bordeleau  
Chief of Police

Responsible for the report: Superintendent Terry Cheslock