

Inspection of the Ottawa Police Service - Major Case Management

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Ministry of the Solicitor
General

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INSPECTION OVERVIEW

Legislative Responsibilities

Ministry of the Solicitor General

The *Police Services Act* (PSA) sets out the statutory responsibilities of the Solicitor General under section 3. Included are requirements that the Solicitor General shall:

- conduct a system of inspection and review of police forces across Ontario;
- monitor police forces to ensure that adequate and effective police services are provided at the municipal and provincial levels;
- monitor boards and police forces to ensure that they comply with prescribed standards of service;
- provide to boards and municipal chiefs of police information and advice respecting the management and operation of police forces, techniques in handling special problems and other information calculated to assist; and
- develop and promote programs to enhance professional police practices, standards and training.

Police Services Board

Police services boards overseeing municipal police services are responsible for the provision of adequate and effective policing in the municipality, including the determination of the objectives and priorities respecting police services. The board fulfills one of its governance responsibilities by establishing policies for the effective management of the police service.

Chief of Police

Municipal chiefs of police are responsible for the administration and operation of their respective police services and overseeing their operation in accordance with the objectives, priorities and policies established by boards. The OPP Commissioner is responsible for providing adequate and effective policing to all municipalities that are not policed by a municipal police service.

The duties of chiefs of police include:

- establishing procedures for operational and administrative direction;
- ensuring that members of the police s carry out their duties in accordance with the PSA and the regulations and in a manner that reflects the community; and,
- maintaining discipline in the police force.

Inspection Program

The ministry conducts inspections and monitors compliance with legislative and regulatory requirements. Inspections are based on relevant legislation, regulations and guidelines contained within the ministry's Policing Standards Manual.

Policing Standards Manual guidelines are one of the mechanisms used by the ministry to meet the statutory requirements set out in section 3 of the PSA. The guidelines are also one of the primary tools to assist boards and chiefs of police with their understanding and implementation of the PSA and its regulations.

Ministry guideline content which does not address statutory or regulatory requirements is advisory in nature. Boards and chiefs of police may also consider comparable equivalents when addressing compliance with the PSA and its regulations. No recommendations will be made if policy, procedures or practices achieve compliance with statutory or regulatory requirements or they have equivalent outcomes to discretionary guideline content.

Response to Inspection Recommendations

The Board and the Chief of Police are requested to provide the ministry with a coordinated response within 90 days of receipt of the inspection report. The response to the recommendations may be captured in the Service Improvement Plan (SIP) template provided by the ministry.

The Inspection Team lead and your Police Services Advisor are available to meet with the Board and the Chief of Police to discuss the findings and recommendations, and to assist with a response.

Focussed Inspection – Major Case Management

Major Case Management System

A province-wide Major Case Management (MCM) system has been established to fulfill the recommendations of Mr. Justice A.G. Campbell's 1996 review of the Bernardo investigations.

The MCM system methodology uses a multi-disciplinary approach to the investigation of designated serious crimes. It is comprised of a central coordinating body, investigative standards, standardized training, and case management database software for use by police throughout Ontario. The MCM software provides investigators with tools to organize, manage, retrieve and analyze large volumes of data collected during major case investigations. The system facilitates the identification of serial and predatory crime and the coordination of law enforcement agencies involved in multi-jurisdictional cases.

In 2004, the use of the MCM system by all Ontario police services was made mandatory by *Police Services Act* Regulation 354/04. The Regulation designated specific serious crimes as "major cases" and required their investigation be conducted in accordance with the Ontario Major Case Management (OMCM) Manual. The use of Minister-approved software is also required.

Inspection Scope

Requirements of the Regulation and key elements of the OMCM Manual have been identified for inspection regarding the following major case categories:

- homicides within the meaning of subsection 222 (4) of the Criminal Code (Canada) and attempted homicides,
- sexual assaults, including sexual interference, and attempted sexual assaults, sexual exploitation and invitation to sexual touching,
- criminal harassment where the harasser is not known to the victim.

The inspection event data review has been limited to events reported to the police in 2016 and cleared prior to January 30, 2018. Events cleared with charges which were still before the courts on January 30, 2018 were excluded from review.

Ottawa Police Service

The inspection of the Ottawa Police Service commenced June 3, 2019. The on-site phase was conducted June 17 – 21, 2019. The Service assigned Inspector Isobel Granger as liaison.

Police Services Board:	Diane Deans, Chair
Chief of Police:	Interim Chief Steve Bell
Police Officers:	1,429
Total Staff:	2,059
Population Policed:	934,243

INSPECTION FINDINGS

Police Services Board - Policy

O.Regulation 354/04 subsection 1(1) requires boards to establish policies with respect to major cases in accordance with the OMCM Manual.

Ministry Policing Standards Manual guidelines LE-039 (Homicides), LE-028 (Sexual Assault Investigation) and LE-028 (Criminal Harassment) provide assistance to boards regarding policy within the scope of the inspection.

Findings

The Ottawa Police Services Board has a policy manual which includes policies on investigations into homicides (OPSB: 039 approved July, 2005), sexual assault investigation (OPSB: LE-034, approved July, 2005) and criminal harassment (OPSB: 028, approved July, 2005).

The homicide, criminal harassment and sexual assault investigation policies include the elements recommended by ministry guidelines directing the Chief of Police to develop and maintain procedures requiring compliance with the OMCM Manual.

Requirements and Recommendations

Legislative and/or Regulatory:

Nil.

Advisory/Good Practice:

Nil.

Chief of Police - Procedures

O.Regulation 3/99 (Adequacy and Effectiveness of Police Services) subsection 12(1) requires chiefs of police to develop and maintain procedures on and processes for undertaking and managing investigations into homicides and attempts, sexual assault and criminal harassment. O.Regulation 354/04 subsection 1(2) requires chiefs of police, when developing these procedures and processes, to also develop and maintain procedures on and processes for undertaking and managing investigations into major cases in accordance with the OMCM Manual.

Findings

The Chief of Police has established procedures on investigations within the inspection scope as required by O.Regulation 3/99:

Criteria Offence	Procedure Document # and Title	Effective Date
Homicide/Attempted Homicides	Policy No: 5.18 Homicide	July 2002
Sexual Assault	Policy No: 5.29 Sexual Assault	July 2013
Criminal Harassment	Policy No: 5.08 Criminal Harassment	July 2002

The procedure documents were reviewed, and each was found to include procedures for undertaking and managing investigations into major cases in accordance with the OMCM Manual. In addition to the procedures required by the Regulation, the Service addresses major case investigations within its Criminal Investigation Management Plan (Policy no: 5.09, Revised July, 2013), and associated appendix Major Case Management (Policy No: 5.09 (A)). A review found that it includes procedures and processes on major case management consistent with the OMCM Manual.

Issues identified are:

- The procedures do not address the current role of the Major Case Management Unit in supporting investigations and for ensuring that major cases are entered into PowerCase.
- The procedures do not have a scheduled date for review.

Requirements and Recommendations

Legislative and/or Regulatory:

Nil.

Advisory/Good Practice:

1. The Chief of Police revise the procedures to reflect the current role of the Major Case Management Unit.
2. The Chief of Police revise the Criminal Investigation Management Plan to embed the Major Case Management procedure appendix (Policy No: 5.09(A)) as part of the investigative process, and include processes related to non-threshold major case investigations.
3. The Chief of Police revise procedures to include a scheduled review date.

Police Service - Practices

Findings

The Inspection Team examined data entered in the Service records management system (RMS) to identify events within scope meeting the major case criteria. The examination found 889 major case events. Samples were selected and reviewed to determine their classification (threshold vs non-threshold) in accordance with the OMCM Manual. The events were also reviewed for compliance with other requirements of the Manual. The totals, sampling and classification for events follow:

Criteria Offence	Total	Sample
Homicide/Attempted homicides	32	20
Sexual Assault	740	150
Criminal Harassment	117	11

The OMCM Manual requires that major case investigations are overseen by persons designated as Major Case Managers. Threshold major cases require that a “command triangle” investigation methodology be established with three functional roles – Major Case Manager, Primary Investigator and File Coordinator. Persons appointed to these roles are required to have completed the Ontario MCM Course as defined by the Ontario Police College.

The Inspection Team verified that the Service has an internal capacity to conduct investigations into major cases in the manner required by the OMCM Manual. Forty-two members across the Major Crimes, the Sexual Assault and the Major Case Management Units are accredited to perform command triangle functions. In addition, approximately 460 members assigned positions throughout the Service have completed major case management training. The Major Case Management Unit, which is primarily responsible for the data entry into the PowerCase system, is staffed by one Sergeant, four detective constables and five civilian members. The Service can conduct multiple concurrent full command triangle major case investigations using its own members.

The Inspection Team reviewed persons listed as assigned threshold major case command triangle roles in PowerCase. The Inspection Team verified that all command triangle positions were qualified by completion of training. The command triangle positions were generally filled by different members for all three positions. Members of the Major Case Management Unit provide direct PowerCase support to investigations conducted by the Major Crimes and Sexual Assault Units.

The OMCM Manual requires that all major cases be entered on PowerCase. The extent of data entry varies significantly from minimal “tombstone” for non-threshold to extensive “full-function” for threshold major cases. The Manual permits tombstone data entry for threshold cases in limited circumstances.

The Inspection Team found entries in PowerCase for the clear majority of the 181 cases reviewed for which the Service is to be commended. The Manual requires data entry within 30 days of acquisition. The time limit was exceeded for a small number of the assessed cases entered in PowerCase, each of which was for a relatively short period of time. Fourteen cases were not entered into PowerCase as required by the OMCM, which was due to the cases being mis-classified in the service’s RMS system. Eleven cases were classified as non-threshold when they should have been classified as threshold cases. Eight of these cases had tombstone data entry when full-function is required by the Manual. The Chief of Police was informed and provided event numbers for appropriate corrective action.

The Service does not consistently use PowerCase as its primary case management tool, however, full-function entries used all data entry categories and met the standard required by the Manual. Tombstone entries also met the Manual standard. This was primarily due to the Major Case Management Unit having responsibility for ensuring data is identified for entry into the PowerCase system.

The Inspection Team found that the decision-making process regarding the classification of cases as either threshold or non-threshold was not an active discussion at the beginning of the investigative process. The Inspection Team confirmed that the current process for deciding case classification was on entry into PowerCase by members who are not consistently part of the investigative team. The Major Case Management Unit data mine the Service RMS system to capture cases for inclusion onto

PowerCase. The Inspection Team acknowledge and commend the use of an internal MCM tracking form which is utilised by the Major Case Management Unit. Some consideration should be given to requiring that the Major Case Management Unit be tasked by investigators to include cases on PowerCase, and to expand the use of the MCM tracking form to relevant sections of the organization to ensure compliance and increased organizational understanding of the investigative and data standards required by the OMCM Manual.

The quality of data entry into PowerCase would greatly benefit by Major Case Managers and Primary Investigator logging in and verifying the information entered by the Major Case Management Unit. Routine use of PowerCase by qualified officers would greatly improve the effective use of PowerCase as an investigative tool.

Interviews found that command triangle entries in PowerCase were inconsistent with the Service's processes for assigning roles pursuant to the Manual. The service should ensure that members are correctly identified in their designated command triangle role within PowerCase.

The OMCM Manual requires that a trained designated Major Case Manager approve the investigation of all non-threshold major cases, including those conducted by criminal investigators who have not completed major case management training. The Inspection Team found in practice that the majority of major cases are approved by a Major Case Manager; however, there was not a complete level of certainty that all defined major cases, including those investigated by non-specialty investigative units, would be systematically approved by a qualified Major Case Manager. A practice that extends to Major Case Managers logging into PowerCase to review and approve all defined major cases would provide significant risk mitigation to the Service and ensure the requirements of the OMCM Manual are met consistently across the organization.

Linkages between major cases, either local or multi-jurisdictional, are required by the OMCM Manual to be reported to a Major Case Manager for investigation. Linkages may be identified by investigation research and analysis or generated by the PowerCase system. The Manual requires linkages to be investigated and, if there is a reasonable likelihood the same person committed the crimes, report to the provincial Serial Predator Crime Investigations Coordinator (SPCIC) within seven days. Linkages may also cause non-threshold major cases to be reclassified as threshold.

The Inspection Team found that there were linkages in thirty-eight major cases. The Inspection Team were only able to confirm notification to the SPCIC in seven cases. Interviews did confirm that further notifications were made but were not appropriately documented. Interviews also confirmed some confusion by members regarding responsibility for notifications to the SPCIC. A consistent process should be developed to ensure that notifications to the SPCIC are being completed and documented as required.

Requirements and Recommendations

Legislative and/or Regulatory:

4. The Chief of Police establish procedures and processes to ensure that PowerCase software is used for every major case - O.Reg.354/04 s.1(3).
5. The Chief of Police ensures that the correct data entry standard for PowerCase entries is followed in accordance with the OMCM Manual – O.Reg.354/04 s.1(2).

6. The Chief of Police ensure that non-threshold major cases are approved or reassigned by a Major Case Manager, including those investigated by Community Patrol officers - O.Reg.354/04 s.1(2).
7. The Chief of Police ensure that Major Case Managers notify the Serial Predator Crime Investigations Coordinator within seven days after investigating linkages between cases raising a reasonable likelihood that the same person has committed the crimes - O.Reg.354/04 s.1(2).

Advisory/Good Practice:

8. The Chief of Police should consider additional capacity and resources in ensuring that Major Case Managers, Primary Investigators and File Coordinators are involved in making PowerCase an active investigation tool.
9. The Chief of Police should consider reviewing and establishing consistent training and processes to ensure organizational understanding of all OMCM manual definitions, for example threshold/non-threshold case classifications, and the associated relevant investigative and data entry standards.