

**Report to / Rapport au:**

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

**25 April 2016 / 25 avril 2016**

**Submitted by / Soumis par:**

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**SUBJECT: PROFESSIONAL STANDARDS SECTION: 2015 ANNUAL REPORT**

**OBJET: SECTION DES NORMES PROFESSIONNELLES: RAPPORT ANNUEL  
2015**

**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) 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 2014 Annual Report, it was reported that the OIPRD was continuing 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 19 CSRs forwarded to OPS in 2015. There were 18 received in 2014. As a result of the CSR, seven complaints were withdrawn and 12 were closed as no further action.

**OIPRD Mediation:**

In November 2014, the OIPRD launched the Mediation for Public Complaints Program. 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. The OIPRD met difficulty in using mediation in 2014 and decided to create more awareness around the program and extend the pilot into 2015.

In 2015, PSS members attended the two-week course on mediation training at the OIPRD put on by the University of Western Ontario.

PSS members have successfully used the OIPRD Mediation program to resolve 5 complaints in 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 2015, PSS arranged for OIPRD refresher training for the Front Desk Services, who are most likely to engage in complaint intake from the public.

## DISCUSSION

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

### Complaint Statistics:

In 2015, 172 public complaints were received. This is approximately 18% lower than the level experienced in 2014 (209) and is 23% lower than the five year average of 224 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 2015, OPS responded to 334,500 calls for service and employed 1,413 officers. The decline in calls for service only decreased 1.4%. The number of public complaints represents less than one complaint per officer (.12).

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

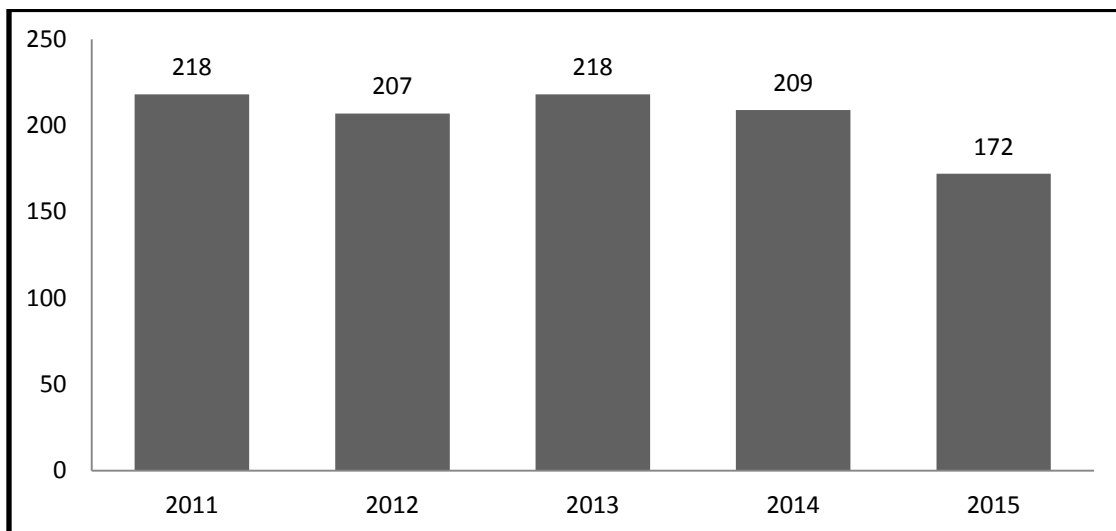


Figure 1: Total public complaints received by the Ottawa Police Service (2011-2015)

Figure 2 (below) illustrates that the number of Chief's complaints (176) generated in 2015 has decreased by 7 and has fallen below the five year average of 179.

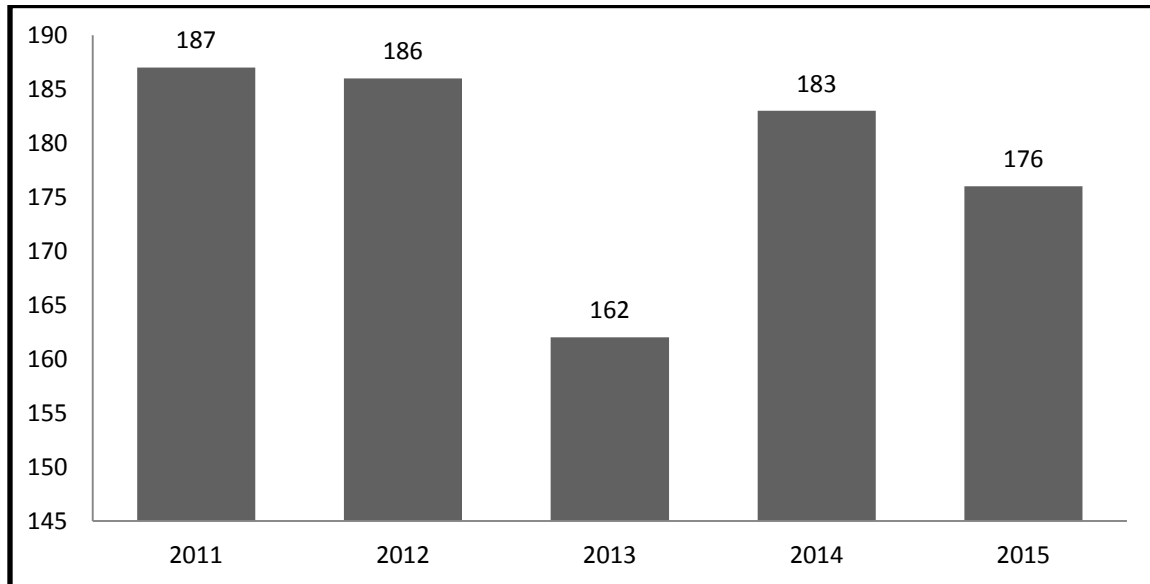


Figure 2: Total chief's complaints received by the Ottawa Police Service (2011-2015)

Figure 3 (below) illustrates the total number of Public and Chief's complaints received during the period of 2011 to 2015.

An annual average of 384 complaints (both Chief's and Public), were processed by the OPS over the past five years. In 2015 there were 348 complaints processed, 44 complaints less than 2014. This represents a decrease of 11%.

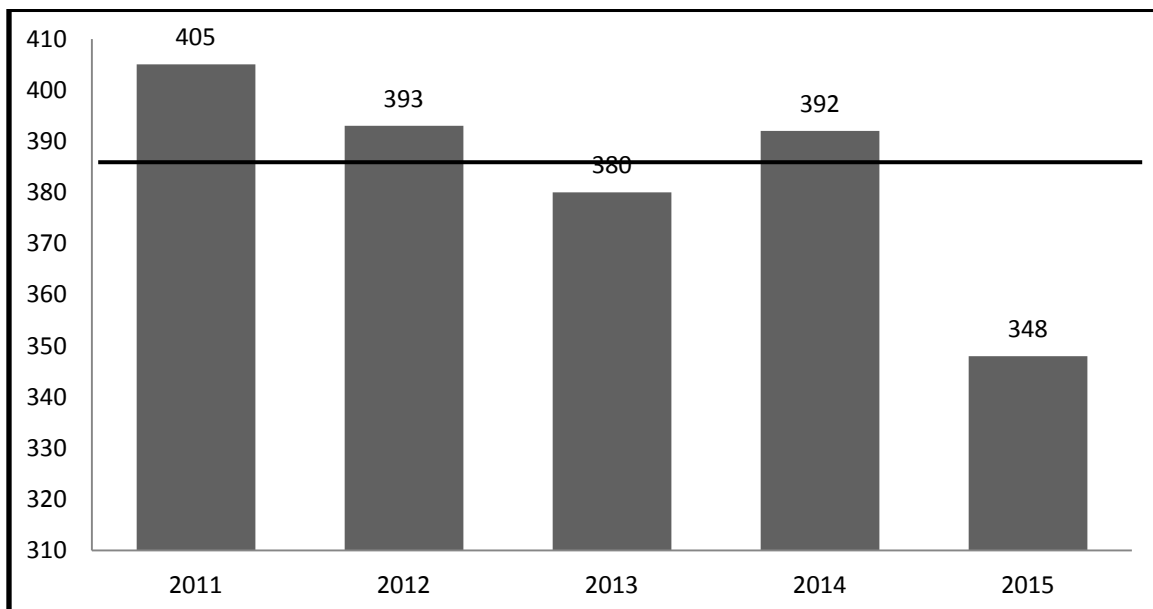


Figure 3: Total complaints received by the Ottawa Police Service 2011-2015

## 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	2011	2012	2013	2014	2015	5 Year Average	%Change 2014-2015
Excessive Force	31	22	26	17	16	22.4	-0.5%
Improper Conduct	287	302	280	302	261	286.4	-14%
Neglect of Duty	64	52	57	61	64	59.6	5%
Firearm Discharge	0	2	4	1	3	2	200%
Policy/Service Complaints	23	15	12	11	4	13	-63%
Total	405	393	379	392	348	383.4	-11%

## 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 decrease in improper conduct classifications can be attributed to a significant decrease in inappropriate actions (-18%) and breach of confidentiality (-38%). At fault motor vehicles collisions remain unchanged from 2014 (81 instances per year).

## Public Conduct Complaint Resolution:

In 2015, OIPRD received 172 public complaints, 168 were classified as conduct and 4 classified as service and policy. OIPRD dismissed 80 of the 168 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 2015, 26 complainants chose to withdraw their complaint. This may be in part due to the PSS investigator's intervention or through mediation.

In the remaining 62 investigated cases, discipline was determined appropriate in 6 of the public complaints in 2015. Those cases that resulted in discipline represent six percent of the total conduct public complaints.

42 complaints resulted in no further action. There are 13 public complaints received in 2015 that remain outstanding.

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

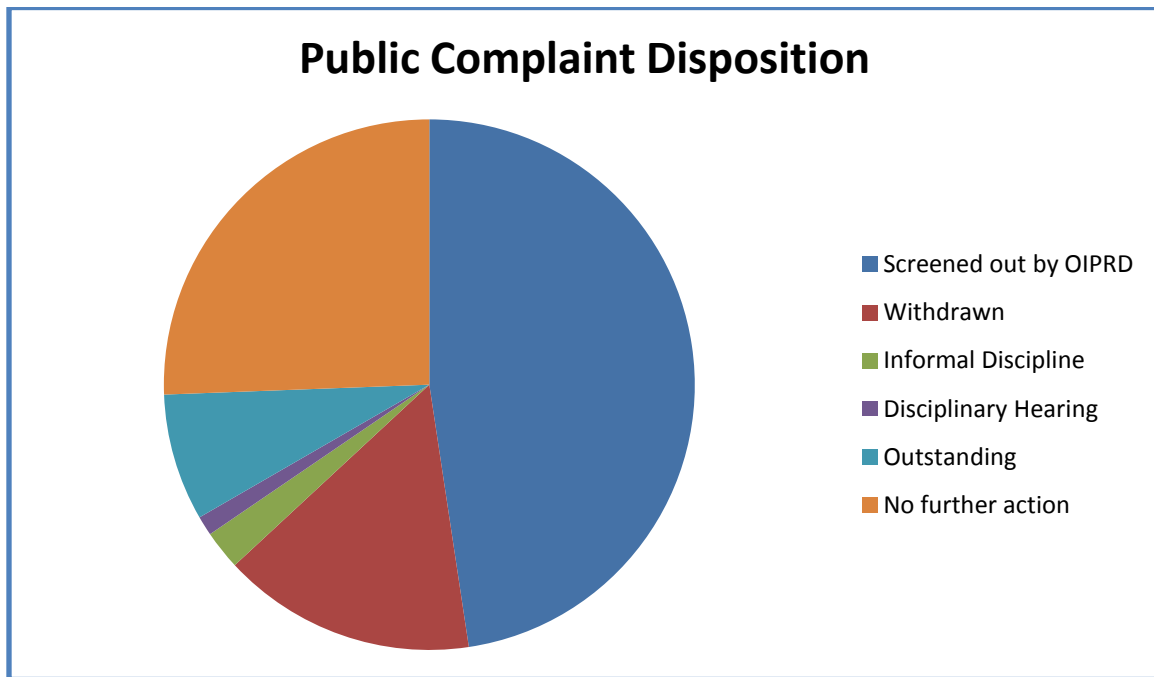


Figure 4: Public Complaint Breakdown 2015

### Chief's Conduct Complaint Resolution

In 2015, four Chief's complaints resulted in formal discipline, 19 resulted in informal discipline, 136 were closed no further action and 17 remain outstanding at the end of 2015.

Figure 5 (below) illustrates Chief's complaint disposition breakdown for 2015.

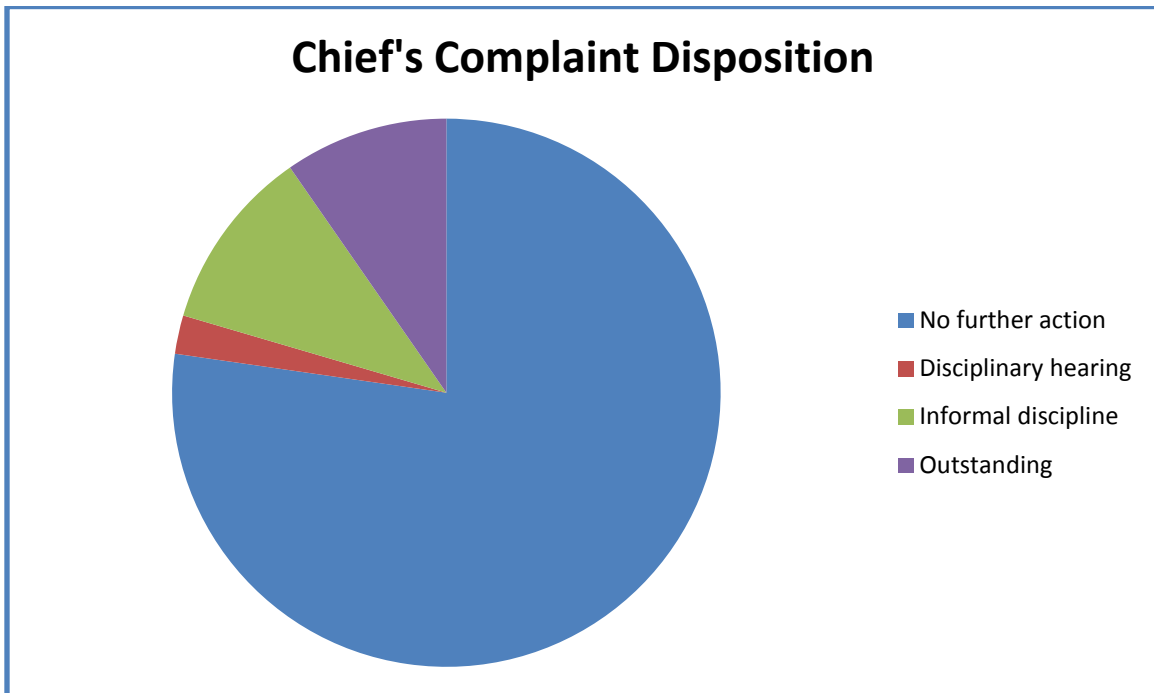


Figure 5: Chief's Complaint Breakdown 2015

**Policy or Service Complaint Resolution:**

Of the 4 policy and service complaints received in 2015, all were resolved by the end of the year, three were withdrawn by the complainant, and one went before the Police Services Board for review. The Board directed that further action be taken to address the complaint.

**Requests for Review of Conduct Complaints 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) 16 requests for review were received in 2015, three more than 2014. In five of these complaints, the OIPRD was satisfied with the investigation conducted by OPS and confirmed the decisions. In two cases the OIPRD specified direction to be taken and nine complaints remained under review by OIPRD at the end of the year.

Table 3: Request for Review by OIPRD

Requests for Review by OIPRD Resolutions	2011	2012	2013	2014	2015	5 Year Average
Confirmed Decision	6	3	7	4	5	5
Specified Direction	1	0	1	0	2	0.8
Assigned to Outside Police Service	0	0	0	0	0	0
OIPRD to Investigate	0	0	0	1	0	0.2
Action to be Taken	0	0	0	0	0	0
Reviews Pending	2	2	5	8	9	5.2
<b>Total</b>	<b>9</b>	<b>5</b>	<b>13</b>	<b>13</b>	<b>16</b>	<b>11.2</b>

### Official Language Complaints:

The Ottawa Police Services Board Policy CR-11 requires that official language complaints be reported in the annual report. In 2015, 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.

Since the inception of the OIPRD Mediation Program, VADRP is being used for CSR and internal matters only.

VADRP was also used to successfully mediate a public complaint which resulted in the disciplinary charges being withdrawn against three officers.

### Police Services Act Hearings:

Five investigations that commenced in previous years, which resulted in *Police Services Act* Notice of Hearings, were concluded in 2015. Ten new disciplinary hearings were commenced in 2015.

### 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).

No new appeals to OCPC, for *PSA* hearing decisions, were sought in 2015.



Two Applications for Judicial Review were held. In both cases, the appeals were dismissed. Both applicants have appealed to the Ontario Court of Appeal.

**Criminal Offence Cases:**

In 2015, six officers were charged with criminal offences. By the end of 2015, one officer plead guilty and five 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 2015, the SIU invoked its mandate in 13 incidents. By year end, the SIU concluded eight investigations. In four 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. Four investigations were still pending at year end 2015. One of the three aforementioned officers under criminal charge was 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.

Three officers were suspended during 2015, bringing the total number of officers under suspension to six.

**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 2015, 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.

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.