

Report to / Rapport au:

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

25 June 2018 / 25 juin 2018

Submitted by / Soumis par:

Chief of Police, Ottawa Police Service / Chef de police, Service de police d'Ottawa

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SUBJECT: PROFESSIONAL STANDARDS SECTION - 2017 ANNUAL REPORT

**OBJET: SECTION DES NORMES PROFESSIONNELLES - RAPPORT ANNUEL
2017**

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. 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 the OIPRD.

Customer Service Resolutions (CSR):

The OIPRD continues to utilize 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 15 CSRs forwarded to OPS in 2017, three less than the 18 received in 2016. As a result of the CSR, 4 complaints were withdrawn and 11 were closed as no further action required.

OIPRD Mediation:

In November 2014, the OIPRD launched the Mediation for Public Complaints Program. Mediation is a voluntary, confidential process which takes place once the complaint is formally screened under the PSA. The respondent officer and the complainant meet with the assistance of a neutral, third-party mediator who facilitates the process. The parties share their views of what happened, discuss their concerns and take an active part to reach a mutually agreeable resolution.

The Professional Standards Section (PSS) successfully used the OIPRD Mediation program to resolve 1 complaint in 2017.

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.

DISCUSSION

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

Complaint Statistics:

In 2017, 192 public complaints were received. This is approximately 11% lower than the level experienced in 2016 (216) and is 4% lower than the five year average of 201 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 public complaints received. In 2017, OPS responded to 312,567 calls for service. These calls do not include calls generated through online reporting. The total number of public complaints was 192 and this represents 1 complaint per 1,628 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 (2013-2017)

Of the 192 public complaints received by the Ottawa Police Service in 2017, 112 of these complaints were referred to PSS for investigation, compared to 84 referred to PSS in 2016. Eleven complaints were retained by the OIPRD for investigation, which is the same number that was retained by the OIPRD in 2016. The remaining 69 complaints received in 2017 were dismissed by the OIPRD on the basis they were determined to be frivolous, vexatious, over the six months limitation, or no further action required as it was not in the best interest of the public to proceed, compared with 121 complaints dismissed by the OIPRD in 2016.

In 2017, 161 Chief's complaints were generated. This is 13% lower than the level experienced in 2016 (185) and is 7% lower than the five year average of 173. Figure 2 (below) illustrates the total number of Chief's complaints generated annually over the past five years.

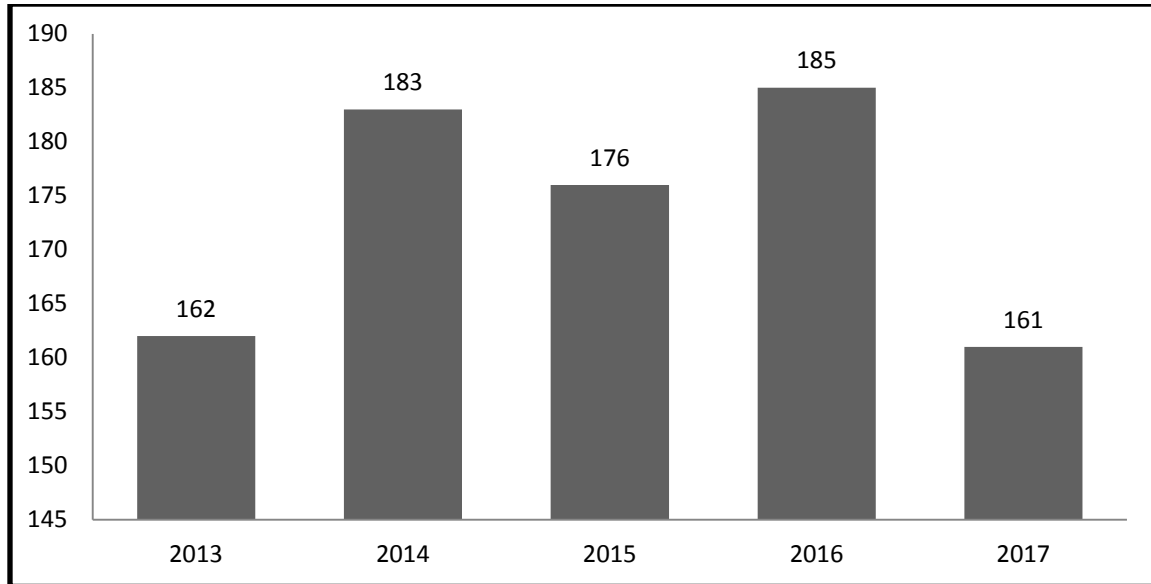


Figure 2: Total chief's complaints generated by the Ottawa Police Service (2013-2017)

Figure 3 (below) illustrates the total number of Public and Chief's complaints received during the period of 2013 to 2017.

An annual average of 375 complaints (both Chief's and Public), were processed by the OPS over the past five years. In 2017 there were 353 complaints processed, 48 complaints less than 2016. This represents a decrease of 12%.

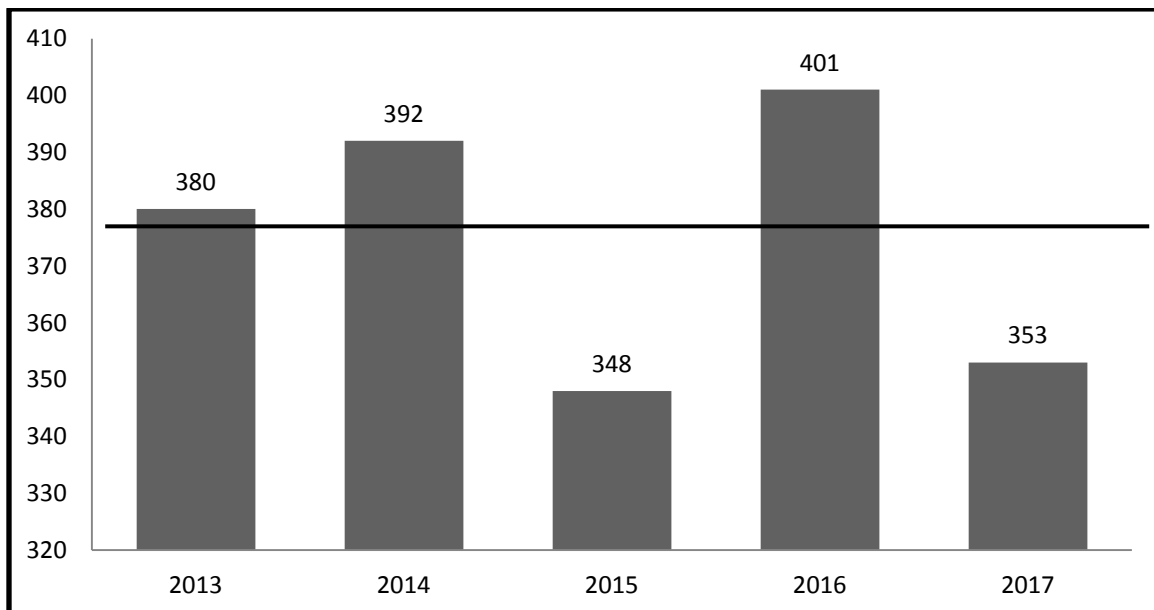


Figure 3: Total complaints received by the Ottawa Police Service 2013-2017

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	2013	2014	2015	2016	2017	5 Year Average	%Change 2016-2017
Improper Conduct	280	302	261	298	249	278	16%
Excessive Force	26	17	16	23	21	21	9%
Neglect of Duty	57	61	64	65	59	61	9%
Firearm Discharge	4	1	3	4	1	3	75%
Policy/Service Complaints	12	11	4	11	23	12	109%
Total	379	392	348	401	353	375	12%

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 decrease in allegations of abuse of authority (50%) and insubordination (50%). There were 78 at fault motor vehicles collisions in 2017; 15 less than 2016 (93).

Public Conduct Complaint Resolution:

In 2017, OIPRD received 192 public complaints, 169 were classified as conduct and 23 classified as service and policy. OIPRD dismissed 66 of the conduct complaints as frivolous, vexatious, over six months limitation, or no further action as it is not in the best interest of the public to proceed.

In 2017, 36 complainants chose to withdraw their conduct complaint. This may be in part due to the PSS investigator's intervention or through mediation.

In the remaining 67 investigated cases, there were no public complaints received in 2017 where discipline was determined appropriate. This represents a decrease from the 4 public conduct complaints received in 2016 that resulted in discipline.

28 complaints resulted in no further action. There are 39 public complaints received in 2017 that remain outstanding.

Figure 4 (below) illustrates public complaint disposition breakdown for 2017.

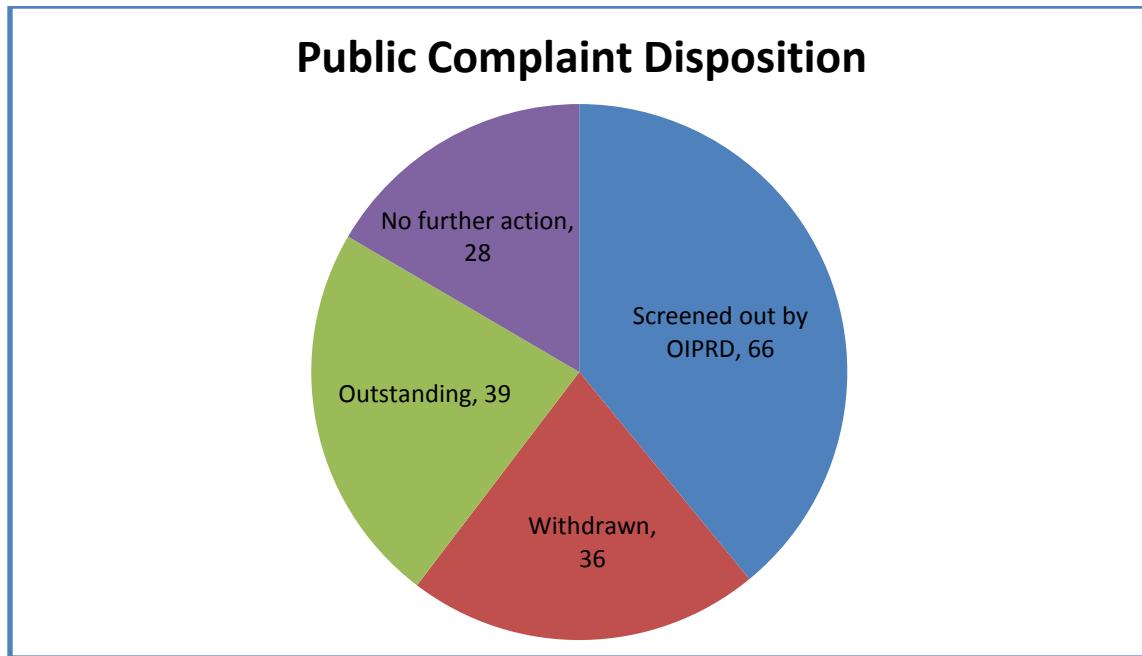


Figure 4: Public Complaint Breakdown 2017

Chief's Conduct Complaint Resolution:

In 2017, 48 Chief's complaints resulted in informal discipline, 71 were closed with no further action and 42 remain outstanding at the end of 2017.

Figure 5 (below) illustrates Chief's complaint disposition breakdown for 2017.

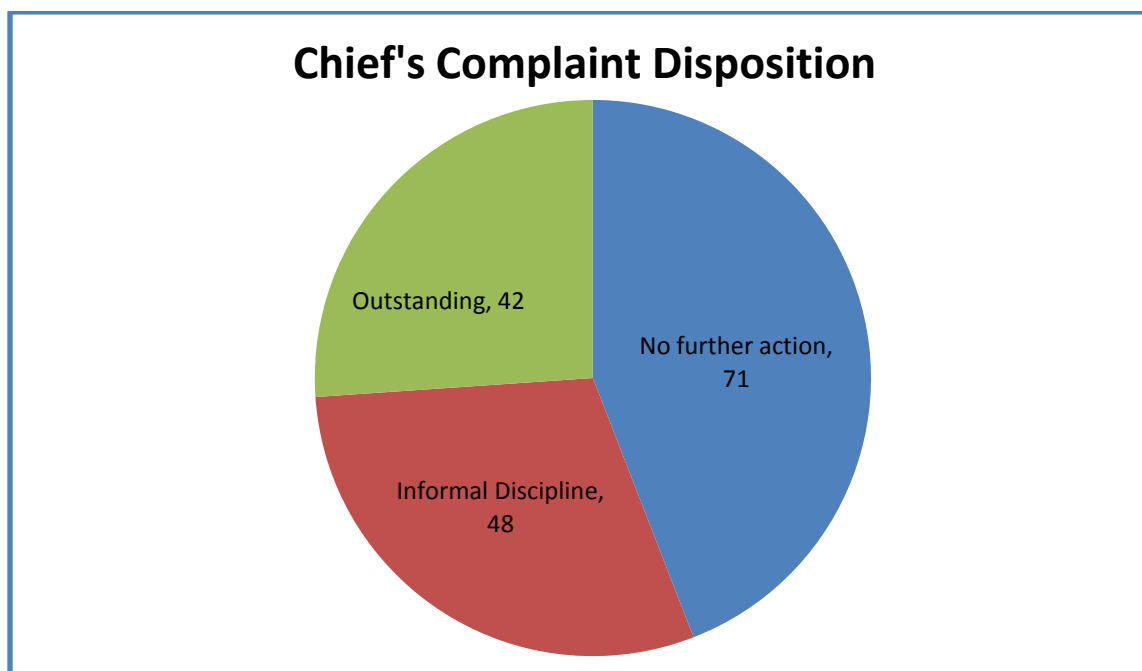


Figure 5: Chief's Complaint Breakdown 2017

Policy or Service Complaint Resolution:

Of the 23 policy and service complaints received in 2017, 20 were resolved by the end of the year. The OIPRD dismissed 3 of these complaints as frivolous, vexatious, over the six months limitation, or no further action as it was not in best interest of the public to proceed, 10 were withdrawn by the complainant, 7 resulted in no action being taken and 3 were still pending at year end.

Two policy or service complaints went before the Police Services Board for review in 2017. Both resulted in a confirmation of OPS' decision.

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 3 (below) 11 requests for review were received in 2017, 2 more than 2016. In 3 of these complaints, the OIPRD was satisfied with the investigation conducted by OPS and confirmed the decisions. Eight 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	2013	2014	2015	2016	2017	5 Year Average
Confirmed Decision	7	4	5	2	3	4
Specified Direction	1	0	2	1	0	1
Assigned to Outside Police Service	0	0	0	0	0	0
OIPRD to Investigate	0	1	0	0	0	0
Reviews Pending	5	8	9	6	8	7
Total	13	13	16	9	11	12

Official Language Complaints:

The Ottawa Police Services Board Policy CR-11 requires that official language complaints be reported in the annual report. In 2017, 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.

VADRP was used to successfully mediate three public complaints, which resulted in withdrawals by the complainants.

Police Services Act Hearings:

Eight investigations that commenced in previous years, which resulted in PSA Notice of Hearings, were concluded in 2017. Two new disciplinary hearings were commenced in 2017.

Requests for Appeal of Hearing Decisions:

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

Two appeals to OCPC for PSA hearing decisions were sought in 2017. Both matters remained before the Commission at the end of 2017.

One matter was referred back to OCPC by the Ontario Court of Appeal after leave to appeal to the Supreme Court of Canada was denied to the Respondent, OPS. The Commission rescinded the decision of the Hearing officer as the public complainant chose to withdraw their complaint.

One matter went before the Commission after an appeal was sought by a public complainant. The Commission confirmed the decision of the hearing officer to dismiss the charges against the respondent officers.

Criminal Offence Cases:

In 2017, three officers were charged with criminal offences. The total number of OPS officers under criminal charge throughout 2017 was five. By the end of 2017, four 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 PSA directs a Chief of Police to conduct an administrative review of each SIU case. The administrative review focuses on policies, services and the officer's conduct.

In 2017, the SIU invoked its mandate in nine incidents. All nine investigations were still pending at year end 2017.

Suspension Cases:

The PSA 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 Ottawa Police Service's approach includes providing members meaningful assignments regardless of being under investigation or facing serious discipline.

Nine officers were suspended during 2017. At the start of the year there were seven officers on suspension. During the year four officers returned to active duty and five remained under suspension at the end of the year.

Other notable issues:

In the 2016 Annual Report, it was reported that a Provincial Offence Notices audit investigation was conducted by the Professional Standards Section. The goal of the investigation was to verify the issuance of warnings to members of the public as well as ensure accurate interactions with the public. By the end of 2016, three officers were convicted under the PSA and another seven officers had been formally charged. By the end of 2017, all seven officers were convicted under the PSA and a further officer was formally charged. Two of the seven officers convicted appealed to OCPC and both matters remained outstanding at the end of 2017.

PSS continues to work closely with both internal and community partners. These include but are not limited to, the Community and Police Action Committee (COMPAC), Diversity and Race Relations, Health, Safety and Lifestyles, Labour Relations, the Ottawa Police Association and the Senior Officers Association. Our work with these partners has allowed us to effectively and efficiently execute our mandate of investigating and resolving complaints. We are confident that our efforts will continue to strengthen the trust and accountability between our Service and the Community.

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.

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