

Report to / Rapport au:

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

24 April 2017 / 24 avril 2017

Submitted by / Soumis par:

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

Contact Person / Personne ressource:

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**SUBJECT: COMPLAINTS REPORT – PART V, *POLICE SERVICES ACT* – FIRST
QUARTER 2017**

**OBJET: PLAINTES PARTIE V – *LOI SUR LES SERVICES POLICIERS*:
PREMIER TRIMESTRE DE 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

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 first quarter of 2017, a total of 82 complaints (Chief's and Public) were received representing a decrease of 28% when compared to the same time period in 2016.

By the end of the first quarter of 2017, a total of 50 public complaints were received representing a decrease of 6% when compared to the same time period in 2016 (53).

Table 1 (below) outlines the number of complaints received in Q1 compared to the same time period in 2016 as well as the 5 year average.

Table 1 - New Complaints

	Q1 2016	Q1 2017	5 YR AVG YTD
Public Complaint (Conduct)	53	46	51
Public Complaint (Policy or Service)	0	4	3
Chief's Complaints	61	32	40
TOTAL	114	82	94

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.

Conduct complaints decreased by 36 in 2017 compared to Q1 2016 statistics (see Table 2 below).

Table 2- Conduct Complaints

	Q1 2016	Q1 2017	5 YR AVG YTD
Improper Conduct	84	56	68
Excessive Force	6	4	4
Neglect of Duty	24	18	19
Firearm Discharge	0	0	0
TOTAL	114	78	91

Policy/Service Complaints

Four service complaints were received in Q1 2017. One of these complaints was screened out by the OIPRD on the basis that it was determined to not be in the public's interest to proceed. Two complaints were withdrawn by the complainant, while another complaint remains outstanding. The details of these service complaints are attached to this report as Document 1.

There were no policy complaints received in Q1 2017.

Table 3 (below) outlines the number of policy and service complaints received in Q1 compared to the same time period in 2016 as well as the 5 year average.

Table 3- Policy and Service Complaints

	Q1 2016	Q1 2017	5 YR AVG YTD
Policy	0	0	0
Service	0	4	2
TOTAL	0	4	2

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. Six CSR files were received in Q1 2017. Three did not proceed through the CSR process as the criteria was not met, while three remained outstanding.

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; 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 Q1 2017, 78 conduct complaints were received (public & Chief). The following outlines the status of these complaints at the end of Q1:

- 40 cases completed
 - 4 resulted in informal discipline
 - 2 were withdrawn by the complainant
 - 34 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
- 38 investigations are ongoing

Table 4 (below) outlines the above mentioned complaint status in Q1 compared to the same time period in 2016 as well as the 5 year average.

Table 4- Complaint Status- Conduct Complaints

RESOLUTION	Q1 2016	Q1 2017	5 YR AVG YTD
Unsubstantiated	16	0	3
Vexatious/Frivolous/Bad Faith	10	8	10
Informal Resolution	0	0	1
Informal Resolution - VADRP	0	0	0
No Further Action	25	26	24
Withdrawn by Complainant	2	2	4
Withdrawn by Complainant - VADRP	0	0	0

Over Six Months	0	0	1
Third Party - Not Directly Affected	0	0	0
Complaints Not Resulting in Discipline total	53	36	43
Informal Discipline	11	4	3
Disciplinary Hearing	0	0	0
Complaints Resulting in Discipline total	11	4	3
Complaints Outstanding total	50	38	45
TOTAL	114	78	91

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 twice in Q1 2017, which remained the same as in Q1 2016. Both investigations remain ongoing.

Table 5 (below) provides a comparator of SIU investigations between 2016 and 2017 as well as the 5 year average.

Table 5- Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q1 2016	Q1 2017	5 YR AVG YTD
Death	0	0	0
Serious Injury	1	1	2
Sexual Assault	1	1	1
TOTAL	2	2	3

Conduct 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 Q1 2017, two requests for reviews from complainants were received by the OIPRD. This is a decrease from the five received in Q1 2016. Both reviews are pending while the OIPRD determines how they will proceed.

Policy/Service Complaint Reviews

Complainants dissatisfied with the resolution of a policy/service complaint may seek a review by the Police Services Board.

The Professional Standards Section did not receive any requests for policy/service complaint reviews by the Police Services Board in Q1 2017.

SUPPORTING DOCUMENTATION

Document 1 Summary of Policy and/or Service Complaints

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, objective investigations completed in a timely fashion.

Document 1**PUBLIC COMPLAINTS****PART V- POLICE SERVICES ACT****DETAILS OF SERVICE COMPLAINT INVESTIGATION**

Complaint #: 17-0023
Date of Incident: 15 January 2017
Date of Complaint: 17 January 2017
Date Completed: 15 February 2017

Summary of Complaint:

The complainant alleged she called dispatch three times after fearing for her and her child's safety when two strangers showed up at her house unannounced. She indicated that she was told by the dispatcher that he didn't feel her life was in immediate danger.

Summary of Findings and Actions Taken:

Sgt. Hull contacted the complainant and explained the Ottawa Police Service protocol and procedures for dispatchers and guidelines which they followed based on the information provided at the time. After discussing the matter with Sgt. Hull, the complainant chose to withdraw her complaint.

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

Complaint #: 17-0076
Date of Incident: 12 December 2016 – 11 January 2017
Date of Complaint: 11 January 2017
Date Completed: 26 January 2017

Summary of Complaint:

The complainant was unhappy that she had not received all the disciplinary documents she had requested from the Professional Standards Section.

Summary of Findings and Actions Taken:

The OIPRD opted not to proceed with the complaint as it was determined to be not in a public interest to do so.

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

Complaint #: 17-0089
Date of Incident: 13 February 2017
Date of Complaint: 14 February 2017
Date Completed: Ongoing

Summary of Complaint:

The complainant attended the Kanata Collision Reporting Centre to have her vehicle looked at. She alleges the hours on the door indicated that the centre closed at 9 pm but was told by the officer behind the desk that there were new hours and they now close at 7:30 pm and were not looking at any other cars for the day. As a result, the complainant indicated she had to arrange for a tow company to return her and her vehicle the following day.

Summary of Findings and Actions Taken:

The complaint has been assigned to a PSS investigator for investigation and review.

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

Complaint #: 17-0096
Date of Incident: 20 November 2013 – 08 October 2016
Date of Complaint: 02 March 2017
Date Completed: 31 March 2017

Summary of Complaint:

The complainant alleges her landlord has been harassing and intimidating her for some time but the Ottawa Police Service failed to take her complaints seriously.

Summary of Findings and Actions Taken:

The complainant has chosen to withdraw her complaint after she was informed that the Ottawa Police Service Professional Standards Section would be investigating her complaint and not the OIPRD.