

Report to / Rapport au:

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

25 July 2016 / 25 juillet 2016

Submitted by / Soumis par:

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

Contact Person / Personne ressource:

**S/Sgt. Dana Reynolds, Professional Standards / /Sergente d'état-major Dana
Reynolds, Normes professionnelles
*ReynoldsD@ottawapolice.ca***

**SUBJECT: COMPLAINTS REPORT – PART V, *POLICE SERVICES ACT* - SECOND
QUARTER 2016**

**OBJET: PLAINTES PARTIE V – *LOI SUR LES SERVICES POLICIERS* :
DEUXIÈME TRIMESTRE 2016**

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".

This report provides comparisons in 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 second quarter of 2016, a total of 91 complaints (Chief's and Public) were received representing a decrease of 11 when compared to the same time period in 2015, which is below the five year average of 97.

Total public complaints (55) increased by 10% when compared to the same time period in 2015 (50) and are on par with the five year average (55).

Table 1 (below) outlines the number of complaints received in Q2 compared to the same time period in 2015 and the 5 year average.

Table 1- New Complaints

	Q2 2015	Q2 2016	5 YR AVG YTD
Public Complaint (Conduct)	47	52	51
Public Complaint (Policy or Service)	3	3	4
Chief's Complaints	52	36	41
TOTAL	102	91	97

Classification of Complaints

The *PSA* provides the mechanism for dealing with complaints in relation to the conduct of an individual officer(s) and complaints related to the policies or services provided by the police service.

Conduct Complaints:

The category of 'conduct complaints' is broken down to reflect specific allegation types that are tracked.

Table 2 (below) reveals that the conduct complaints are in line with the five year average.

Table 2- Conduct Complaints

	Q2 2015	Q2 2016	5 YR AVG YTD
Excessive Force	5	3	6.6
Improper Conduct	76	69	68.6
Neglect of Duty	17	15	17
Firearm Discharge	1	1	0.6
TOTAL	99	88	93

Policy/Service Complaints:

Three service complaints were received in Q2 2016. Two of these complaints were screened out by OIPRD; one on the basis that the complaint was more than six months after the fact on which it was based and the second having been determined as frivolous.

One service complaint remains outstanding. The details of these service complaints are attached to this report as Attachment 1.

There were no policy complaints received in Q2 2016.

Table 3 (below) distinguishes between policy complaints and those relating to service.

Table 3- Policy and Service Complaints

	Q2 2015	Q2 2016	5 YR AVG YTD
Policy	1	0	0.4
Service	2	3	3.4
TOTAL	3	3	4

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*. Six CSR files were received in Q2 2016. One did not proceed through the CSR, one was withdrawn by the complainant and four remain outstanding.

Complaint Status

All public complaints are processed through the OIPRD. The OIPRD may choose not to have matters investigated after a review of their merit by determining them to be: frivolous, vexatious; over six months; not directly affected.

Chief's complaints are investigated to determine officer misconduct and 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 Q2 2016, 88 conduct complaints were received. The following is a breakdown of the complaints:

- 48 cases completed
- 5 resulted in informal discipline
- 1 resulted in a disciplinary hearing and conviction under the *PSA*
- 40 were determined to be either frivolous, vexatious, did not identify any breach of the *PSA* or its Code of Conduct, were over 6 months, or were deemed to not be in the public interest to pursue
- 2 were unsubstantiated at the conclusion of the investigation.
- 40 investigations ongoing

Table 4 (below) outlines the manner in which complaints have been resolved. The bolded areas reflect subtotals and total number of complaints.

Table 4- Complaint Status- Conduct Complaints

RESOLUTION	Q2 2015	Q2 2016	5 YR AVG YTD
Unsubstantiated	0	2	0.6
Vexatious/Frivolous/Bad Faith	8	10	10
Informal Resolution	2	0	1.2
Informal Resolution - VADRP	0	0	0
No Further Action	40	29	25.8
Withdrawn by Complainant	2	0	1
Withdrawn by Complainant - VADRP	0	0	0.6
Over Six Months	4	1	3.6
Third Party - Not Directly Affected	0	0	0.2
Complaints Not Resulting in Discipline	56	42	43
Informal Discipline	0	5	1.4
Disciplinary Hearing	0	1	0.2
Complaints Resulting in Discipline	0	6	1.6
Complaints Outstanding	43	40	48
TOTAL	99	88	93

Special Investigations Unit (SIU) Investigations:

The *PSA* provides that the SIU shall conduct criminal investigations into circumstances involving police that have resulted in serious injury or death and allegations of sexual assault.

The Police Services Board receives a separate report on each SIU case. The number of SIU investigations received in Q2 2016 increased by one from Q2 2015.

Table 6 (below) outlines that the Special Investigations Unit investigations are above the five year average. All four investigations remain ongoing.

Table 6- Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q2 2015	Q2 2016	5 YR AVG YTD
Death	1	1	0.4
Serious Injury	1	2	3
Sexual Assault	1	1	0.6
TOTAL	3	4	4

Public Complaint Reviews

The *Police Services Act* provides that complainants may seek a review of the Professional Standards Section's decision on a conduct complaint by the OIPRD. Complainants dissatisfied with the resolution of a policy/service complaint may seek a review by the Police Services Board.

Conduct Complaint Reviews:

In Q2 2016, one request for review from a complainant was received by OIPRD. This is a decrease of four from the five reviews received in Q2 2015. This review remains ongoing.

Policy/Service Complaint Reviews:

No requests for policy/service complaint review by the Police Services Board were received in Q2 2016.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

SUPPORTING DOCUMENTATION

Document 1 – Summary of Policy and/or Service Complaints.

CONCLUSION

The Professional Standards Section continues to analyse and address issues that arise from complaints. The OPS uses innovative approaches to resolve complaints and ensure accountability. The Professional Standards Section remains committed to fair, objective investigations completed in a timely fashion.

Document 1**PUBLIC COMPLAINTS****PART V- *POLICE SERVICES ACT*****SUMMARY OF POLICY AND/OR SERVICE COMPLAINT INVESTIGATIONS**

Complaint #: 16-0270
Date of Incident: 01 July 2015 – 03 June 2016
Date of Complaint: 03 June 2016
Date Completed: ongoing

Summary of Complaint:

The complainant alleges that there is a chronic issue of aggressive driving, failure to stop at stop signs and excessive speeding in the West Ridge Drive area and there has been no enforcement action by the Ottawa Police, despite their numerous complaints.

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 POLICY AND/OR SERVICE COMPLAINT INVESTIGATIONS**

Complaint #: 16-0238

Date of Incident: 01 August 2013

Date of Complaint: 25 May 2016

Date Completed: 25 May 2016

Summary of Complaint:

The complainant alleges, they waited for three hours and the police never arrived after being driven off the roadway and threatened by another motorist. They further allege that the call taker was rude and ignorant.

Summary of Findings and Actions Taken:

The Office of the Independent Police Review Director opted not to proceed with the complaint as it was more than six months after the facts on which it is based occurred and it was not in the public interest to do so.

PUBLIC COMPLAINTS**PART V- *POLICE SERVICES ACT*****DETAILS OF POLICY AND/OR SERVICE COMPLAINT INVESTIGATIONS**

Complaint #: 16-0274
Date of Incident: 19 May 2016
Date of Complaint: 15 June 2016
Date Completed: 15 June 2016

Summary of Complaint:

The complainant alleges that the Ottawa Police Service have been putting some kind of gas into their house, which gives them sinus and back infections.

Summary of Findings and Actions Taken:

The Office of the Independent Police Review Directorate opted not to proceed with the complaint as it was determined to be frivolous.