

Report to / Rapport au:

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

26 October 2020 / 26 octobre 2020

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 – THIRD
QUARTER 2020**

**OBJET: PLAINTE PARTIE V – LOI SUR LES SERVICES POLICIERS:
TROISIÈME TRIMESTRE 2020**

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 (both 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 third quarter of 2020, a total of 143 complaints (Chief's and public) were received representing an increase of 32% when compared to the same time period in 2019 (108).

By the end of the third quarter of 2020, a total of 82 public complaints (conduct, service and policy) were received representing an increase of 34% when compared to the same time period in 2019 (61).

This increase appears to relate to both red light camera infractions and public conduct complaints. The Professional Standards Section (PSS) continues to monitor this change and identify issues which may have an impact on this increase. Where appropriate, PSS identifies and directs officers for training in an effort to improve and/or correct officer driving skills.

Table 1 (below) outlines the number of complaints received in Q1, Q2 and Q3 2020 compared to the same time period in 2019, as well as five-year averages.

Table 1 - New Complaints

	Q1 2019	Q1 2020	Q2 2019	Q2 2020	Q3 2019	Q3 2020	5 YR AVG YTD 2019	5 YR AVG YTD 2020
Public Complaint (Conduct)	41	72	62	53	57	79	141	157
Public Complaint (Policy or Service)	3	1	6	6	4	3	11	12
Chief's Complaints (Other)	6	4	11	14	6	4	24	24
Chief's Complaints (Red Light Camera Infractions)	16	19	14	18	22	36	44	51

Chief's Complaints (Motor Vehicle Collisions)	37	26	24	13	19	21	70	69
TOTAL	103	122	117	104	108	143	290	313

Of the 82 public complaints received by the OPS by the end of Q3 2020, 32 of these complaints were referred to PSS for investigation. The remaining 50 complaints were dismissed by the OIPRD on the basis that they were determined to be frivolous, vexatious, over the six months limitation, or not in the best interest of the public to proceed. In comparison to the complaints received by the OPS by the end of Q3 2019 (61), 33 complaints were referred to PSS for investigation and the remaining 28 complaints were dismissed by the OIPRD.

The OIPRD did not retain any complaints for investigation in Q3 2020.

As noted in Table 1 (above), Chief's complaints include both red light camera infractions and motor vehicle collisions.

Table 2 (below) outlines both the Chief's and public complaints referred and/or retained for investigation in Q1, Q2 and Q3 2020 compared to the same time period in 2019, as well as five-year averages.

Table 2 – Complaint Investigations

	Q1 2019	Q1 2020	Q2 2019	Q2 2020	Q3 2019	Q3 2020	5 YR AVG YTD 2019	5 YR AVG YTD 2020
Public Complaint (Conduct)	18	34	30	21	29	29	77	79
Public Complaint (Policy or Service)	3	1	5	6	4	3	9	10
Chief's Complaints (Other)	6	4	11	14	6	4	24	24
Chief's Complaints (Red Light Camera Infractions)	16	19	14	18	22	36	44	51

Chief's Complaints (Motor Vehicle Collisions)	37	26	24	13	19	21	70	69
TOTAL	80	84	84	72	80	93	224	233

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 four categories.

The total conduct complaints received in Q3 2020 increased by 36 compared to Q3 2019 statistics (see Table 3 below).

Table 3 - Conduct Complaints

	Q1 2019	Q1 2020	Q2 2019	Q2 2020	Q3 2019	Q3 2020	5 YR AVG YTD 2019	5 YR AVG YTD 2020
Improper Conduct	80	89	89	72	76	123	216	235
Excessive Force	5	10	5	7	6	4	13	15
Neglect of Duty	13	22	17	19	21	13	47	49
Firearm Discharge	2	0	0	0	1	0	2	1
TOTAL	100	121	111	98	104	140	278	300

Table 4 (below) outlines conduct complaints referred and/or retained for investigation in Q1, Q2 and Q3 2020 compared to the same time period in 2019, as well as five-year averages.

Table 4 - Conduct Complaint Investigations

	Q1	Q1	Q2	Q2	Q3	Q3	5 YR AVG YTD	5 YR AVG
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	2019	2020	2019	2020	2019	2020	2019	YTD 2020
Improper Conduct	67	66	70	54	63	82	160	177
Excessive Force	5	6	4	6	5	3	12	13
Neglect of Duty	3	11	5	6	7	5	23	23
Firearm Discharge	2	0	0	0	1	0	2	1
TOTAL	77	83	79	66	76	90	197	214

Policy/Service Complaints: Three service complaints were received in Q3 2020. Two of these service complaints were withdrawn after being referred to the Service for investigation, and one service complaint investigation remains outstanding.

The details of the withdrawn service complaints, as well as details of two service complaint investigations that were carried over to Q3 2020 from the previous quarter, are attached to this report as Document 1.

Table 5 (below) outlines the total number of policy and service complaints received in Q1, Q2 and Q3 2020 compared to the same time period in 2019, as well as the five-year averages.

Table 5 - Policy and Service Complaints

	Q1 2019	Q1 2020	Q2 2019	Q2 2020	Q3 2019	Q3 2020	5 YR AVG YTD 2019	5 YR AVG YTD 2020
Policy	2	0	0	1	1	0	1	1
Service	1	1	6	5	3	3	10	11
TOTAL	3	1	6	6	4	3	11	12

Table 6 (below) outlines policy and service complaints referred for investigation in Q1, Q2 and Q3 2020 compared to the same time period in 2019, as well as five-year averages.

Table 6 - Policy and Service Complaint Investigations

	Q1 2019	Q1 2020	Q2 2019	Q2 2020	Q3 2019	Q3 2020	5 YR AVG YTD 2019	5 YR AVG YTD 2020
Policy	2	0	0	1	1	0	1	1
Service	1	1	5	5	3	3	10	11
TOTAL	3	1	5	6	4	3	11	12

Customer Service Resolution (CSR): The OIPRD's CSR program provides an opportunity for complainants and respondent officers to voluntarily resolve a complaint before it is 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.

In Q3 2020, one CSR file was received. This CSR complaint remained outstanding by the end of Q3 2020.

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 by classifying them to be: frivolous or vexatious; more than six months after the facts on which it is based occurred; not in the public's interest to proceed; more appropriately dealt with under another act or law, 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 Q3 2020, 140 conduct complaints were received (public and Chief's). The following outlines the status of these complaints at the end of Q3:

- 69 cases completed
 - Nine resulted in informal discipline;
 - Three were withdrawn by the complainants;
 - Two were withdrawn by the complainants following mediated sessions (VADRP);
 - 50 were determined to be either frivolous, vexatious, were over six 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; and
 - 5 were unsubstantiated or resulted in no further action.
- 71 investigations are ongoing.

Table 7 (below) outlines the above-mentioned complaint status in Q3 2020 compared to the same time period in 2019, as well as five-year averages.

Table 7 - Complaint Status - Conduct Complaints

RESOLUTION	Q3 2020	Q3 2019	5 YR AVG Q3
Unsubstantiated	1	0	0
Vexatious/Frivolous/Bad Faith	11	1	4
Informal Resolution	0	0	0
Informal Resolution - VADRP	0	0	0
No Further Action	40	28	28
Withdrawn by Complainant	3	7	4
Withdrawn by Complainant - VADRP	2	0	0
Over Six Months	3	1	2
Third Party - Not Directly Affected	0	0	0
Complaints Not Resulting in Discipline Total	60	37	38
Informal Discipline	9	8	9
Disciplinary Hearing	0	0	0
Complaints Resulting in Discipline total	9	8	9
Complaints Outstanding total	71	59	60
TOTAL	140	104	107

Special Investigations Unit (SIU) Investigations

The PSA provides that the Special Investigations Unit (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 Ottawa Police Services Board (Board) receives a separate report on each SIU case. The SIU did not invoke their mandate in Q3 2020, which is a decrease from Q3 2019, where they invoked their mandate four times.

Table 8 (below) provides a comparator of SIU investigations between Q3 2020 and Q3 2019, as well as five-year averages.

Table 8 - Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q3 2020	Q3 2019	5 YR AVG Q3
Death	0	1	1
Serious Injury	0	3	2
Sexual Assault	0	0	0
TOTAL	0	4	3

Complaint Reviews

The PSA provides accessibility for complainants to seek a review of the PSS decision on a conduct complaint from the OIPRD.

In Q3 2020, three requests for reviews from complainants were received by the OIPRD. This is the same number of reviews requested in Q3 2019. In one review, the OIPRD concurred with the investigative findings of the Service, while the other review remained outstanding at the end of Q3 2020.

Policy/Service Complaint Reviews

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

There were no requests for policy and/or service complaint reviews by the Board received in Q3 2020.

SUPPORTING DOCUMENTATION

Document 1: Summary of policy and/or service complaints completed in Q3 2020.

CONCLUSION

PSS 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. PSS remains committed to fair and objective investigations completed in a timely fashion.

Document 1: Summary of policy and/or service complaints completed in Q3 2020

PUBLIC COMPLAINTS

PART V - POLICE SERVICES ACT

DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #: 20-0232
Date of Incident: 16 January 2020
Date Complaint Received: 22 May 2020
Date Completed: 07 August 2020

Summary of Complaint:

The complainant alleged the Ottawa Police Service (OPS) no longer made their crime data available to the press with the ability to be shared with the public.

Summary of Findings and Actions Taken:

The complainant chose to withdraw their complaint after being satisfied that the data feed that gave the public access to crime data was arbitrarily removed by the vendor and not the OPS. He was further re-assured that the Service was working toward building their own open crime data feed to replace the one that was removed by the vendor.

PART V - POLICE SERVICES ACT

DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #: 20-0298
Date of Incident: 14 May 2020
Date Complaint Received: 30 June 2020
Date Completed: 20 July 2020

Summary of Complaint:

The complainant alleged they was dismissed by Ottawa Police Service's (OPS) dispatch when they attempted to report an individual who was exhibiting threatening and abusive behaviour towards them and their friend while they were walking in public. According to the complainant, because the individual was not being physical, they were transferred to another call taker before a unit was dispatched to assist.

Summary of Findings and Actions Taken:

The complainant chose to withdraw their complaint after the matter was referred to the call taker's supervisor to conduct a review of the call made and to determine if any deficiencies could have been handled more professionally and further, that the supervisor would advise the call taker of the complainant's concerns.

PART V - POLICE SERVICES ACT

DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #: 20-0302
Date of Incident: 02 April 2020
Date Complaint Received: 03 July 2020
Date Completed: 14 August 2020

Summary of Complaint:

The complainant alleged police conducted an inadequate investigation into their report of their daughter being followed and possibly abducted.

Summary of Findings and Actions Taken:

The complainant chose to withdraw their complaint after participating in a mediated session where they were able to communicate their concerns to the investigative case manager.

PART V - POLICE SERVICES ACT

DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #: 20-0319
Date of Incident: 28 June 2020
Date Complaint Received: 09 July 2020
Date Completed: 07 August 2020

Summary of Complaint:

The complainant was dissatisfied with the Ottawa Police Service's (OPS) response to a wellness check they requested on a family member.

Summary of Findings and Actions Taken:

The complainant chose to withdraw their complaint after the matter was reviewed by a OPS communications dispatch supervisor and the involved dispatcher was made aware of their concerns.