

Report to / Rapport au:

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

22 March 2021 / 22 mars 2021

Submitted by / Soumis par:

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

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SUBJECT: RESPONSE TO INQUIRY I-20-07 : INCIDENT INVOLVING BYLAW OFFICER

OBJET: RÉPONSE À LA DEMANDE DE RENSEIGNEMENTS I-20-07 : INCIDENT LIÉ À UN AGENT DES RÈGLEMENTS MUNICIPAUX

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board receives this report for information.

RECOMMANDATIONS DU RAPPORT

Que la Commission de services policiers d'Ottawa prenne connaissance du présent rapport à titre d'information.

INQUIRY

Regarding the incident in April in Michelle Heights Park involving a By-Law officer and a member of the public, the Ottawa Police Service (OPS) was asked to provide assurances that the By-Law officer who was the subject in this particular investigation, was treated as any other member of the public would be in a similar circumstance. A request was also made for background information on when and why the alternative judicial measure of the pre-charge diversion program, is used.

RESPONSE

The Ottawa Police Service (OPS) investigated an incident that took place in April 2020 in Michelle Heights Park. As part of the criminal investigation, it was determined that the matter met the criteria for pre-charge diversion and was referred to that process.

In 2020, the OPS has deferred 65 offenders, down from 126 in 2019. In 2019, the embedded Crown provided training to officers on the program, helping them to understand the benefits of the program. Total numbers of pre-diversion cases were reduced last year due to the impact of the COVID 19 pandemic.

Alternative measures for responding to criminal activity have long been used by police services nation-wide. The pre-diversion goal is to redirect those who have committed an offence away from the criminal court process and instead into permanently resolving first-time offences that fall within the criteria of the program.

While the OPS has used pre-diversion over the years, it is something that needs to be fully examined and expanded upon to help us effectively resolve some criminal matters and redirect people who qualify away from the criminal justice system. The OPS is not currently leveraging the use of the diversion program to its fullest.

The OPS will improve the current Diversion Program by:

- Conducting a full analysis, review and audit of the current and best-practices provincially, nationally and internationally, as well as the incorporation of demographic information;
- Direct involvement of community stakeholders, particularly those from our local youth and BIPOC communities;
- Expanding the program such that all/100% cases which apply will be fully considered for pre/post diversion;
- Using a continuous improvement approach to the program to ensure optimal effectiveness, efficiency and equity; and
- Aligning to the OPS Neighbourhood Policing strategy and the City of Ottawa's Community Safety and Well-Being (CWSB) plan.

The current OPS Diversion Program operates under the following principles and practices:

1. Cases that qualify through the pre-diversion program are thoroughly investigated by OPS officers before a determination is made in collaboration and consultation with the Crown Attorney's Office (Crown).
2. To be considered, the individual must be an adult, must accept responsibility for the offence, must not have a previous criminal record or outstanding charges and be a first-time non-violent offender who has not been diverted in the past. The criminal offences involved can include, but are not limited to, minor assault, causing a disturbance and theft under \$5,000. To be eligible, the individual must

admit responsibility for the offence, must agree to attend the diversion coordinator's office for an assessment and follow any program set out by the diversion coordinator. If the offender adheres to the requests of the program, no formal charges are laid.

3. The pre-diversion program is run by the Salvation Army in Ottawa and is tailored to each offender. It can include a formal apology to the persons involved, as well as anger management classes and community service work. The complainant is notified of steps taken and encouraged to participate in, and support, the alternative resolution methods determined by program operators. The complainant in this matter was advised of all their options related to this matter, including any relevant victim's services as well as the public complaint processes.
4. The program is also supported by the Ottawa Crown Attorney's Office because it is an effective tool for resolving first-time minor offences and is used to effectively resolve incidents.