

Report to / Rapport au:

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

28 June 2021 / 28 juin 2021

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: PROFESSIONAL STANDARDS UNIT - 2020 ANNUAL REPORT

OBJET: UNITÉ DE NORMES PROFESSIONNELLES - RAPPORT ANNUEL 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 Ottawa Police Service (OPS) takes complaints about our members very seriously. Part V of the Ontario Police Services Act titled "Complaints and Disciplinary Proceedings" outlines the process for dealing with complaints, which includes complaints made by members of the public (Public Complaints), and complaints generated by the Chief of Police (Internal Complaints). The complaints process is administered by the Office of the Independent Police Review Director (OIPRD) and the OPS Professional Standards Unit (PSU).

PSU's mandate is the investigation and remediation of complaints about our members. We are also the OIPRD liaison for Public Complaints, and the SIU liaison where police

actions result in serious injury, death, or allegations of sexual assault. PSU also makes recommendations on policy, training and communications.

All Public Complaints are directed to the OIPRD. As an agency of the Ministry of the Attorney General, they are an independent oversight body to ensure that all Public Complaints about police in Ontario are dealt with fairly and transparently. Public Complaints may be in relation to the conduct of our officers, our policies or our services. The OIPRD may screen out a complaint, retain it for investigation, or refer it back to the OPS or another police service for investigation and remediation. For Public Complaints that are referred to us, the OPS have a corresponding obligation to report the findings and outcomes back to the OIPRD. A Public Complaint may be withdrawn at any time, but also escalated to an Internal Complaint where it is appropriate to do so.

In addition to investigating and remediating Public Complaints referred to us by the OIPRD, PSU also generates, investigates and remediates Internal Complaints under the designated authority of the Chief of Police. Internal Complaints are usually applied for more serious conduct issues, including misconduct as defined under the *Police Services Act* (PSA) and criminal matters. PSU conducts thorough investigations, respective of the sensitive nature of complaints about police conduct. The manner in how a complaint is handled not only impacts individual complainants and officers, but also reflects directly on the integrity of the OPS and public trust and confidence.

In 2020, PSU received 285 Public Complaints, and generated 200 Internal Complaints:

- 164 Public Complaints were screened out by the OIPRD, and 116 were retained for investigation.
- 174 Internal Complaints were related to driving issues, and 26 related to other officer conduct issues.

To resolve matters deemed obviously not of a serious nature, the OIPRD and PSU will attempt Informal Resolution. A non-adversarial process, Informal Resolution often involves mediation and may occur only upon the consent of the involved parties. Any statements made to informally resolve a matter are not admissible if the resolution is unsuccessful.

Informal Discipline is applied to substantiated misconduct that is less serious in nature. Sanctions may include counselling, training, loss of pay, or any reasonable measure in the circumstances aimed at remediation. An officer must consent to Informal Discipline, but if they refuse, the matter must proceed to a formal disciplinary hearing. Informal Discipline is retained in an officer's employment record for two years.

Formal Discipline applies to substantiated misconduct that is serious in nature. The *PSA* requires a formal disciplinary hearing to be held, and sanctions may include dismissal, demotion, suspension without pay, forfeiture of pay, and any reasonable measure aimed at remediation. Formal Discipline is retained in an officer's employment record for five years and potentially longer at the discretion of the Chief.

Informal Resolution Processes

The OIPRD continued to utilize their Customer Service Resolution (CSR) program in 2020 and changed it to the Early Resolution Program (ERP), in anticipation of pending changes under the *Community Safety and Policing Act*. For Public Complaints deemed appropriate by the OIPRD, ERP provides a voluntary opportunity for complainants and respondent officers to achieve resolution before the formal investigation and remediation process is triggered.

The ERP process is confidential, allowing participants to share perspectives and gain a better understanding of the events leading up to and surrounding an interaction that has resulted in a complaint. Successful resolutions using the ERP process can be powerful learning opportunities with lasting positive impacts to the participants. Public Complaints that are resolved through CSR/ERP are not counted as a Public Complaint for OIPRD and OPS statistics.

In 2020, the OIPRD identified 12 Public Complaints involving the OPS as suitable for resolution under the CSR/ERP process. Nine were withdrawn, and three closed with no further action.

Section 93 of the *PSA* allows for the Informal Resolution of conduct matters that are obviously not of a serious nature, and the OIPRD encourages police services to facilitate Informal Resolution in circumstances where it is appropriate to do so. In addition to the CSR/ERP program administered by the OIPRD, the OPS developed a similar Alternate Dispute Resolution (ADR) program in 2019. It began as a six-month pilot project and was adopted permanently in 2020.

Like CSR/ERP, the ADR program provides complainants and respondent officers with an opportunity to share perspectives and achieve mutual understanding to resolve a complaint without triggering the formal investigation and remediation process. Available remedies through the ADR program include mediation and officer education or training.

Applied in appropriate circumstances, ADR results in better outcomes for everyone involved. It improves community relationships and allows us to better support our members while holding them to the highest standards of professionalism. Officers are able to reflect upon their actions from the perspective of the complainant, and complainants feel heard and gain a better understanding of police actions. Unlike the

OIPRD's CSR/ERP process, Public Complaints that are resolved through ADR are counted for OIPRD and OPS complaint statistics.

In 2020, the OPS completed 83 Public Complaints referred by the OIPRD, and another 32 were carried over into 2021 and remain open. Of the 83 completed Public Complaints, 46 (55%) were successfully resolved through the OPS' ADR process.

DISCUSSION

The following provides an overview of key PSU metrics with a brief interpretation.

Complaint Statistics:

In 2020, 285 Public Complaints about OPS were received by the OIPRD. This represents a 24% increase in the number of complaints received in 2019 (230), and a 28% increase over the 5-year average (223). Responding to 314,292 calls for service in 2020, this represents one Public Complaint for every 1,102 police responses.

Figure 1 (below) illustrates the total number of Public Complaints received over a five-year period.

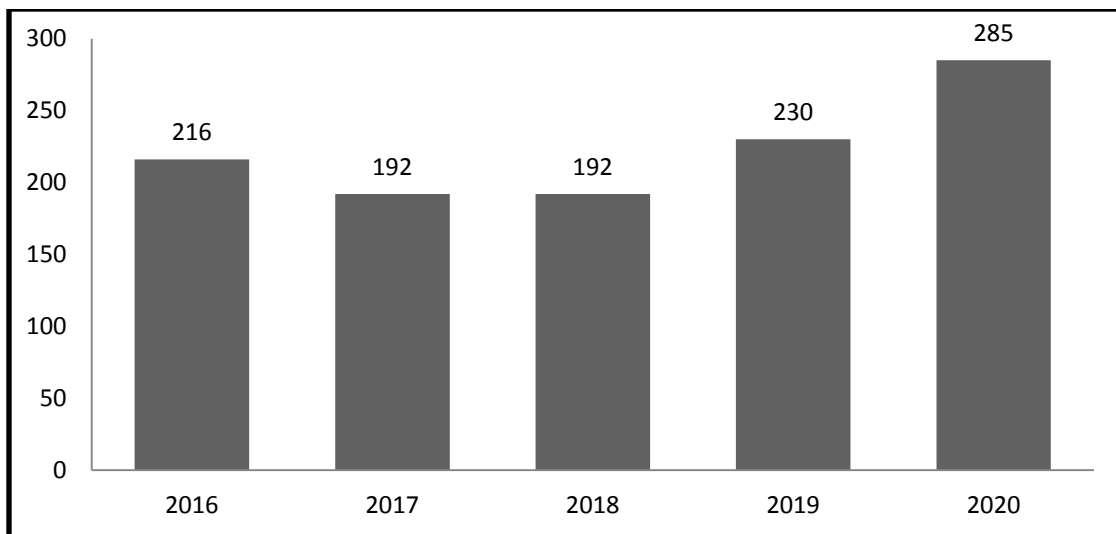


Figure 1: Total public complaints received by the Ottawa Police Service (2016-2020)

Of the 285 Public Complaints made about the OPS in 2020, the OIPRD screened-out 164 on the basis that they were frivolous, vexatious, over the six months limitation, or not in the best interest of the public to proceed. A further six complaints were withdrawn by the complainants prior to screening by the OIPRD. Of the remaining 115 Public Complaints that were screened-in by the OIPRD, 112 were referred to PSU for investigation and remediation, one to the O.P.P., and the OIPRD retained two. Compared to 2019, the OIPRD screened out 100 Public Complaints, referred 119 to PSU, and retained three.

In 2020, PSU generated 200 Internal Complaints about the conduct of our officers. This is 6% fewer than 2019 (212), but 8% higher than the five-year average for Internal Complaints (185).

Figure 2 (below) illustrates the total number of Internal Complaints generated over a five-year period.

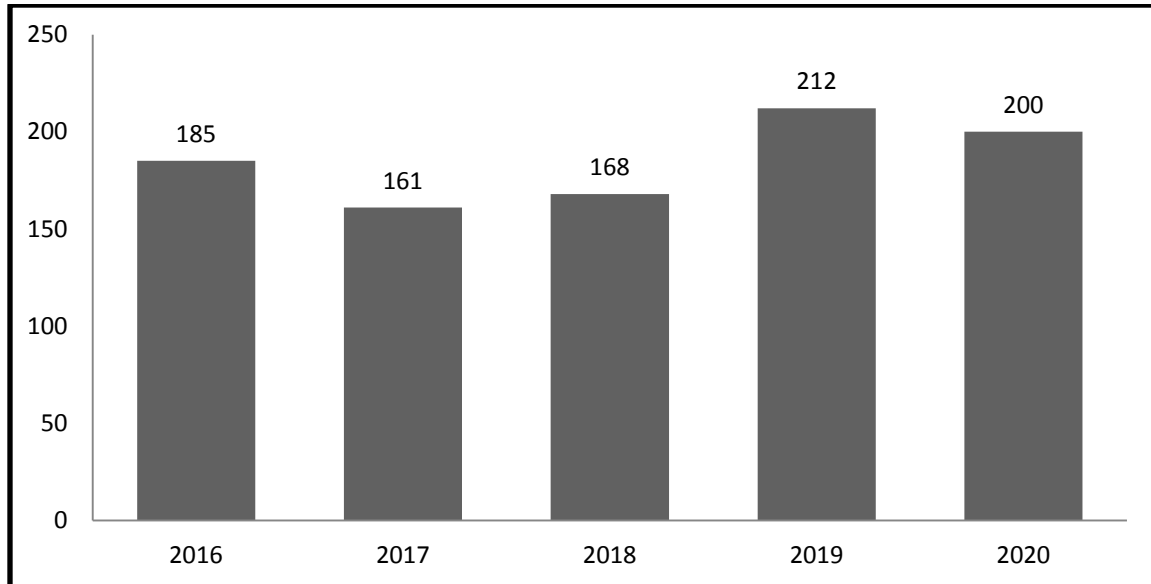


Figure 2: Total internal complaints generated by the Ottawa Police Service (2016-2020)

Figure 3 (below) illustrates the total number of Public and Internal Complaints added together for a five-year period.

In 2020, the total number of Public and Internal Complaints taken together was 485. This represents a 10% increase over 2019 (442), and an 18 % increase over the five-year average (408).

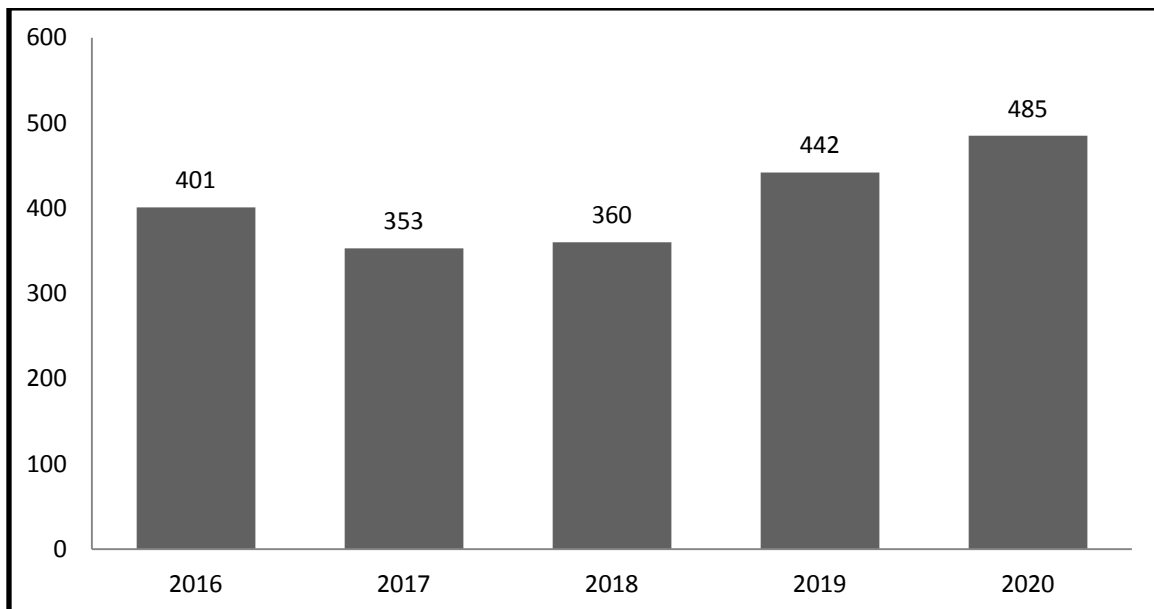


Figure 3: Total complaints received by the Ottawa Police Service 2016-2020

Despite these increases in Public and Internal Complaints, PSU continues to identify conduct trends and monitor high risk officers by leveraging a number of resources including an officer's Chain of Command, the OPS Early Intervention Program, the OPS Employee Wellness Program, the OPS Professional Development Centre, and Informal Resolution. Where appropriate, Informal and Formal discipline is applied.

Classification of Complaints:

Public and Internal Complaints are classified by the nature of the allegation. Where there is more than one allegation, the most serious allegation is assigned a category. These classifications provide better insight into the types of situations that generate Public and Internal Complaints.

Table 1 (below) reveals the breakdown of complaint types.

Table 1: Classification of Public and Internal Complaints

Classification	2016	2017	2018	2019	2020	5 Year Average
Improper Conduct	298	249	272	329	380	306
Excessive Force	23	21	12	27	24	21
Neglect of Duty	65	59	57	67	68	63
Firearm Discharge	4	1	2	3	0	2
Policy/Service Complaints	11	23	17	16	13	16
Total	401	353	360	442	485	408

Improper Conduct Sub-classifications:

Improper conduct complaints are further broken down in sub-classifications.

Table 2 (below) reveals the breakdown of Improper Conduct complaint types, with a comparison to 2019.

Table 2: Sub-Classification of Improper Conduct Complaints

Classification	2019	2020
Inappropriate Actions	143	184
Abuse of Authority	51	75
Comments/Language	23	34
Confidentiality	3	12

Insubordination	6	1
MVCs	103	74
Total	329	380

Resolution of Conduct Related Public Complaints:

Of the 285 Public Complaints received by the OIPRD in 2020, 272 were classified as conduct related, and 13 classified as service or policy related. The OIPRD dismissed 162 of these conduct complaints as frivolous, vexatious, over the six months limitation, or no further action as it is not in the best interest of the public to proceed. A further six conduct related Public Complaints were withdrawn by the complainant prior being screened by the OIPRD. Another 40 conduct-related Public Complaints were withdrawn at the discretion of the complainants, however 12 of these withdrawals occurred after their participation in the OPS' ADR process.

Of the remaining 64 conduct related Public Complaints received in 2020, seven were voluntarily resolved by Informal Resolution, one was closed with no further action due to the resignation of the Respondent Officer, 24 were unsubstantiated upon investigation, one resulted in Informal Discipline, and 31 remain open and are still under investigation.

Figure 4 (below) illustrates the breakdown for Public Complaint dispositions in 2020.

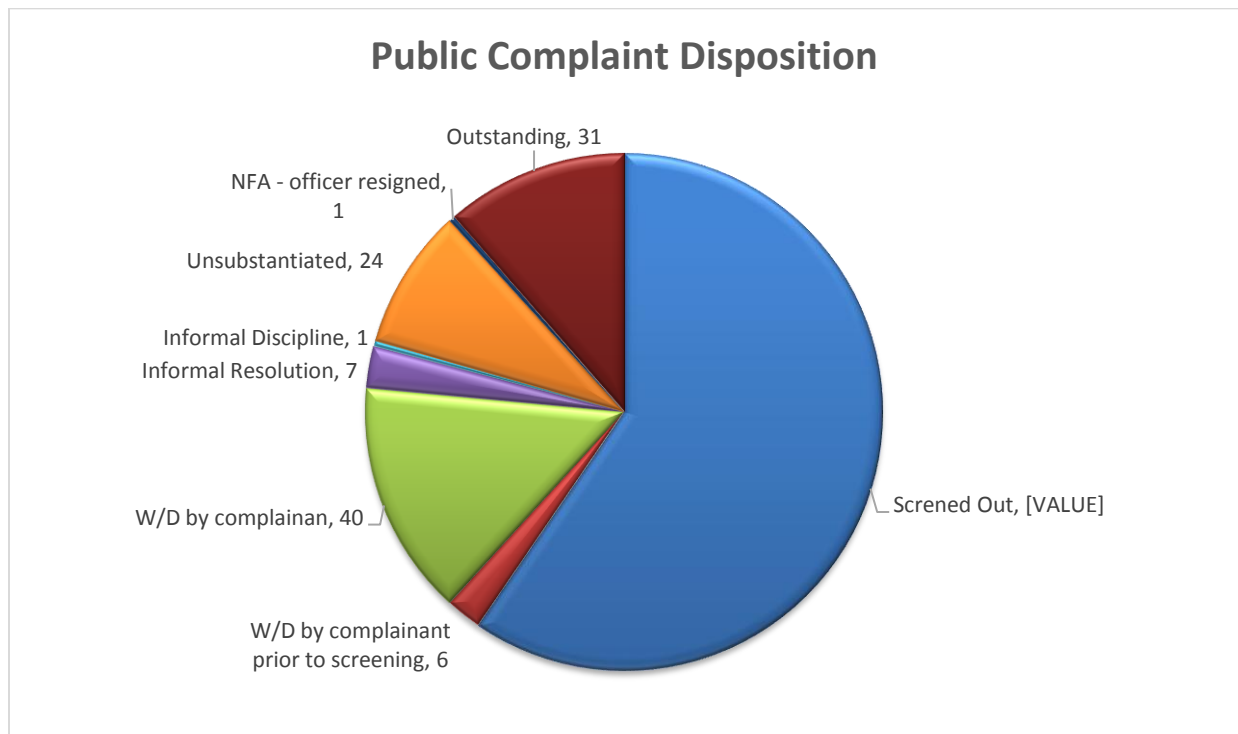


Figure 4: Public Conduct Complaint Breakdown 2020

Resolution of Internal Conduct Complaints

Of the 200 Internal Complaints generated in 2020, 174 were related to Driving issues, specifically Red-Light Camera infractions (100), and Motor Vehicle Collisions (74), and 26 were related to other conduct issues. Five Internal Complaints resulted in Formal Discipline, 79 resulted in Informal Discipline, 72 were unsubstantiated or closed with no further action, and 44 remained outstanding by the end of 2020.

Figure 5 (below) illustrates the breakdown of Internal Complaint dispositions in 2020.

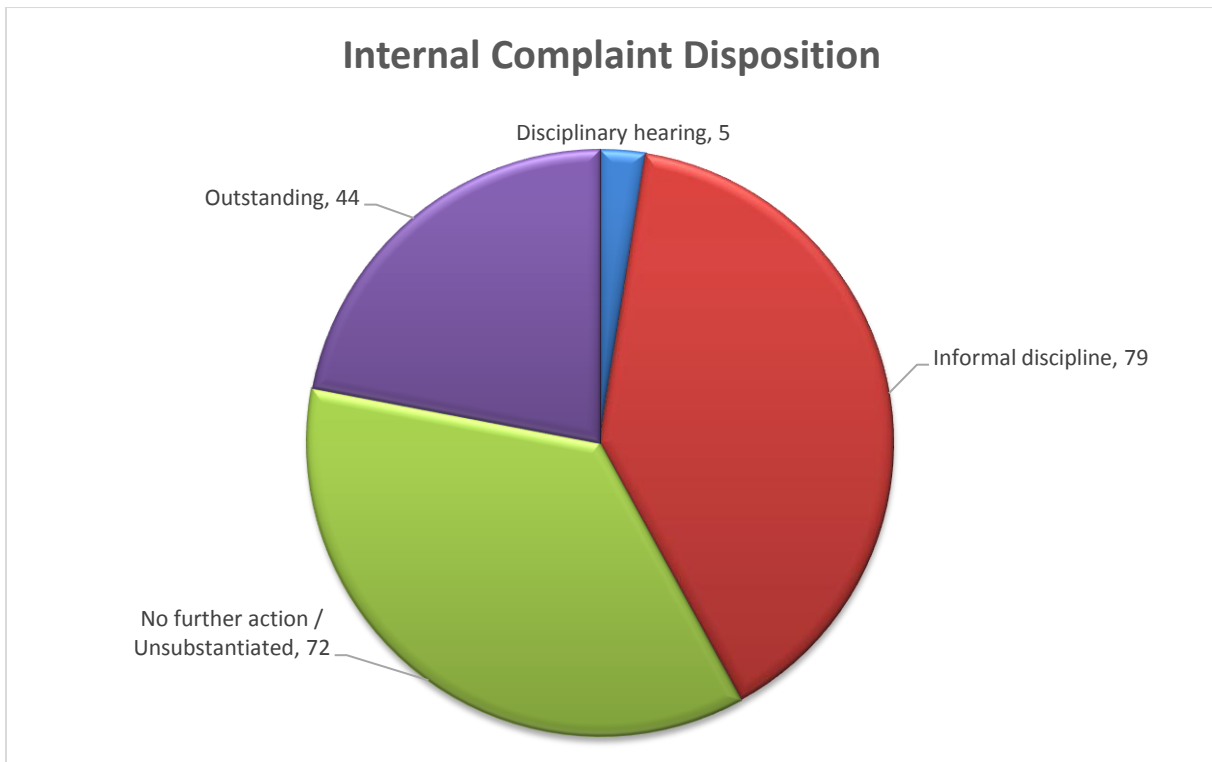


Figure 5: Internal Complaint Breakdown 2020

Resolution of Policy and Service Complaints:

Of the 13 Public Complaints related to our policies or services that were received in 2020, two were screened out by the OIRPD as not being in the interest of the public to proceed, eight were withdrawn by the complainant, two were withdrawn by the complainant following a successful mediation, and one was still pending at year end.

No policy or service complaints went before the Police Services Board for review in 2020.

Requests for Review by OIPRD:

Upon the conclusion of an investigation by the OPS, a complainant has 30 days to request a review by OIPRD if they disagree with the findings.

As indicated in Table 3 (below) 10 requests for review were received in 2020. This is four less than the number of reviews requested in 2019 (14). In eight of these

complaints the OIPRD was satisfied with the investigation conducted by OPS and confirmed the decisions, and in one case the OIPRD specified direction to be taken. One complaint remained under review by the OIPRD at the end of the year.

Table 3: Request for Review by OIPRD

Requests for Review by OIPRD Resolutions	2016	2017	2018	2019	2020	5 Year Average
Confirmed Decision	2	3	4	6	8	5
Specified Direction	1	0	1	4	1	1
Assigned to Outside Police Service	0	0	0	0	0	0
OIPRD to Investigate	0	0	0	0	0	0
Reviews Pending	6	8	6	4	1	5
Total	9	11	11	14	10	11

Official Language Complaints:

The Ottawa Police Services Board Policy CR-11 requires that official language complaints be reported in the annual report. In 2020, there were no official language complaints.

Police Services Act Hearings:

Five new Formal Discipline hearings commenced in 2020. All five of these disciplinary hearings remained outstanding at year end 2020.

Requests for Appeal of Hearing Decisions:

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

There were no new appeals to OCPC for PSA hearing decisions sought in 2020.

Investigation of Criminal Allegations:

PSU is also responsible for conducting investigations into our members where there is an allegation of criminal conduct. In 2020, six officers were charged with criminal offences, which represents one more than the five-year average of five. The cumulative number of OPS officers under criminal charge throughout 2020 was 15, but by the end

of 2020, the number of officers facing criminal charges was reduced to eight. Of the seven officers whose criminal charges were disposed of in 2020, three resulted in convictions, three were withdrawn by the Courts, and one resulted in acquittal.

Special Investigations Unit (SIU) Investigations:

The 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, once they have completed their investigation. Our administrative review focuses on our policies, our services, and officer conduct.

In 2020, the SIU invoked its mandate for 8 incidents. This is a decrease from 2019 (15) the five-year average (13). By the end of 2020, the SIU terminated two investigations with no further action, one investigation resulted in no criminal charges being laid against the subject officer, and five investigations were still open at the end of 2020.

Officer Suspensions:

The PSA provides that a Chief of Police can, in the most serious of matters, suspend a police officer if they are charged with or suspected of committing misconduct or a criminal or provincial offence. Suspensions are treated very seriously and are imposed after a careful assessment of each case using established criteria. Suspensions typically apply when allowing an officer to remain on duty in some capacity presents a risk to the public, the police, the officer, or the integrity of the investigation.

In 2020, 10 officers were suspended, which is an increase from the five-year average of seven. A further six officers had their suspensions carried over into 2020 from previous years, for a total of 16 officers being under suspension in 2020.

CONSULTATION

Not applicable

FINANCIAL IMPLICATIONS

Not applicable

SUPPORTING DOCUMENTATION

Not applicable

CONCLUSION

The OPS hold our members to the highest standards of ethics, professionalism, and accountability. As Chief, I am aware of the importance of public trust, and confidence that complaints against the police will be taken seriously and thoroughly investigated.

Working with the OIPRD as the provincial oversight body, the OPS Professional Standards Unit is committed to conducting fair and impartial investigations, applying appropriate remediation, and continuing to identify, address and monitor any trends related to police conduct.