

**Report to / Rapport au:**

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

**26 July 2021 / 26 juillet 2021**

**Submitted by / Soumis par:**

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

**Contact Person / Personne ressource:**

**Inspector Hugh O'Toole, Professional Standards / Normes professionnelles  
*OTooleH@ottawapolice.ca***

**SUBJECT: COMPLAINTS REPORT, PART V – POLICE SERVICES ACT –  
SECOND QUARTER 2021**

**OBJET: PLAINTES PARTIE V – LOI SUR LES SERVICES POLICIERS:  
DEUXIÈME TRIMESTRE DE 2021**

**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 is found in Part V of the Ontario Police Services Act (PSA), Complaints and Disciplinary Proceedings. A complaint may be about the policies of or services provided by a police service or the conduct of its members. Complaints about the police take two forms: Public complaints and Internal Complaints. Public Complaints are made by members of the public to the Office of the Independent Police Review Director (OIPRD), who may retain the complaint or refer it back to a police service for investigation. Internal complaints are initiated at the discretion of the Chief and may include matters that began as a public complaint. Internal complaints also include driving related conduct, specifically Motor Vehicle Collisions, Red Light Cameras, and Automated Speed Enforcement Cameras (ASE's).

This report provides a comparison of specific complaint types with those reported during the same quarter for the previous year, as well as five-year averages for the same quarter.

## **DISCUSSION**

### **New Complaints**

During the second quarter of 2021, a total of 211 public and internal complaints were received. Compared to the second quarter of 2020, this represents an increase of 107 complaints.

As illustrated in the below tables, this increase is primarily attributed to 61 internal complaints that were generated to deal with ASE's. ASE's were introduced mid-year 2020, and the OPS' Professional Standards Unit (PSU) began recording statistics in Q1 2021. A process of accountability for ASE's is being developed, which includes a determination of whether an officer is in the lawful execution of their duties at the time a ticket is received. Of the 61 internal complaints generated as the result of ASE tickets received in Q1 2021, 42 were confirmed to have occurred while the officer was in the lawful execution of their duties. The remaining 19 investigations are ongoing.

Another contributing factor to the increase in overall complaints is a rise in internal complaints dealing with other driving related conduct. During the second quarter of 2021, 24 internal complaints (classified as Red Light Camera Infractions) were initiated, compared to 18 during the second quarter of 2020. In addition, 21 internal complaints (classified as Motor Vehicle Collisions) were initiated during the second quarter of 2021, compared to the 13 during the second quarter of 2020.

With respect to public complaints, there was a total of 92 complaints received during the second quarter of 2021. Compared to the second quarter of 2020 when there were 59, this represents an increase of 33 complaints. A contributing factor to the increase of public complaints received in Q2 2021 was that multiple complaints were filed by the same complainants. Specifically, between five complainants, 17 complaints were filed; all of which were screened out by the OIPRD as being frivolous/vexatious and/or not in the public interest to proceed.

Table 1 (below) illustrates the number of public and internal complaints received in Q2 2021 compared to Q2 2020, Q1 2021, as well as five-year averages for the same quarter and the total number of public and internal complaints received in 2020.

**Table 1 - New Complaints**

	<b>Q2 2021</b>	<b>2021 5 YR AVG Q2</b>	<b>Q1 2021</b>	<b>2020 5 YR AVG Q2</b>
<b>Public Complaint (Conduct)</b>	83	58	73	52
<b>Public Complaint (Policy or Service)</b>	9	7	4	6
<b>Internal Complaints (Other)</b>	13	10	11	9
<b>Internals Complaints (Red Light Camera Infractions)</b>	24	18	20	15
<b>Internal Complaints (Motor Vehicle Collisions)</b>	21	18	23	16
<b>Internal Complaints (Photo Radar)</b>	61	12	33	N/A
<b>TOTAL</b>	<b>211</b>	<b>123</b>	<b>164</b>	<b>98</b>

Of the 92 public complaints received by the Ottawa Police Service (OPS) by the end of Q2 2021, 42 of these complaints were referred to PSU for investigation, two complaints were withdrawn prior to being screened by the OIPRD and the remaining 48 were dismissed and screened out 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. The OIPRD did not retain any complaints for investigation in Q2 2021.

Table 2 (below) illustrates the number of public and internal complaints screened in for investigation in Q2 2021 after screen-outs by the OIPRD, as compared to the same quarter in 2020, five-year averages for the same quarter, and also the total number of public and internal complaints screened in for investigation in Q1 2021 and 2020.

**Table 2 – Complaint Investigations**

	<b>Q2 2021</b>	<b>2021 5 YR AVG Q2</b>	<b>Q1 2021</b>	<b>2020 5 YR AVG Q2</b>
<b>Public Complaint (Conduct)</b>	35	28	27	25
<b>Public Complaint (Policy or Service)</b>	7	5	3	3
<b>Internal Complaints (Other)</b>	13	10	11	11
<b>Internals Complaints (Red Light Camera Infractions)</b>	24	14	20	12
<b>Internal Complaints (Motor Vehicle Collisions)</b>	21	22	23	24
<b>Internal Complaints (Photo Radar)</b>	61	12	33	N/A
<b>TOTAL</b>	<b>161</b>	<b>91</b>	<b>117</b>	<b>75</b>

**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:**

Public and internal complaints dealing with officer conduct are further classified into four categories: Improper Conduct (which includes driving-related conduct, specifically Motor Vehicle Collisions, Red-Light Cameras and ASE's), Excessive Force, Neglect of Duty, and Firearm Discharges.

As illustrated in Table 3 below, the total number of complaints dealing with officer conduct received in Q2 2021 increased by 104 compared to Q2 2020. This includes the 61 Internal Complaints dealing with ASE's, which are now categorized under Improper Conduct.

**Table 3 - Conduct Complaints**

	<b>Q2 2021</b>	<b>2021 5 YR AVG Q2</b>	<b>Q1 2021</b>	<b>2020 5 YR AVG Q2</b>
<b>Improper Conduct</b>	168	91	131	71
<b>Excessive Force</b>	6	5	10	5
<b>Neglect of Duty</b>	27	19	19	16
<b>Firearm Discharge</b>	1	0	0	0
<b>TOTAL</b>	<b>202</b>	<b>115</b>	<b>160</b>	<b>92</b>

Table 4 (below) outlines conduct complaints screened in for investigation after screen-outs by the OIPRD during Q2 2021, as compared to the same quarter in 2020, five-year averages for the same quarter and the total number of conduct complaints investigated in Q1 2021 and 2020. As indicated above, the Improper Conduct statistics for Q2 2021, includes 61 ASE complaints not previously received by the OPS which we began tracking in Q1 2021.

**Table 4 - Conduct Complaint Investigations**

	<b>Q2 2021</b>	<b>2021 5 YR AVG Q2</b>	<b>Q1 2021</b>	<b>2020 5 YR AVG Q2</b>
<b>Improper Conduct</b>	137	72	100	54

<b>Excessive Force</b>	3	4	5
<b>Neglect of Duty</b>	13	9	9
<b>Firearm Discharge</b>	1	0	0
<b>TOTAL</b>	<b>154</b>	<b>85</b>	<b>114</b>

### Policy/Service Complaints:

There was one policy-related and eight service-related complaints received in Q2 2021. The policy-related complaint was screened out by the OIPRD, as it was determined to be frivolous. With respect to the eight service-related complaints, one was screened out by the OIPRD on the basis that it was not in the public interest to proceed, one was withdrawn by the complainant prior to being screened by the OIPRD, two complaints were withdrawn by the complainant after being referred to OPS for investigation and four service complaint investigations remain ongoing.

The details of the screened out and withdrawn policy and service complaints, as well as details of two service complaint investigations that were carried over to Q2 2021 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 Q2 2021 compared to the same time period in 2020, as well as the five-year averages for the same quarter and the total policy and service complaints received in Q1 2021 and 2020.

**Table 5 - Policy and Service Complaints**

	<b>Q2 2021</b>	<b>2021 5 YR AVG Q2</b>	<b>Q1 2021</b>	<b>2020 5 YR AVG Q2</b>
<b>Policy</b>	1	0	0	0
<b>Service</b>	8	6	4	5
<b>TOTAL</b>	<b>9</b>	<b>6</b>	<b>4</b>	<b>5</b>

Table 6 (below) outlines policy and service complaints referred for investigation in Q2 compared to the same quarter in 2020, as well as five-year averages for the same quarter and the total number of policy and service complaints referred for investigation in Q1 2021 and 2020.

**Table 6 - Policy and Service Complaint Investigations**

	<b>Q2 2021</b>	<b>2021 5 YR AVG Q2</b>	<b>Q1 2021</b>	<b>2020 5 YR AVG Q2</b>
<b>Policy</b>	0	0	0	0
<b>Service</b>	6	6	3	5
<b>TOTAL</b>	<b>6</b>	<b>6</b>	<b>3</b>	<b>5</b>

### **OIPRD Early Resolution Program (ERP)**

The OIPRD Early Resolution Program (ERP) provides an opportunity for complainants and respondent officers to voluntarily resolve a complaint before it is formally screened in for investigation. In order to proceed by way of ERP, the complainant, respondent officer(s) and service 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 Q2 2021, three ERP files were received. Two files were withdrawn by the complainants following successful mediations and one file remained outstanding at the end of Q2 2021.

### **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 or vexatious; more than six months after the fact(s) on which it is based occurred; not in the public's interest to proceed; more appropriately dealt with under another Act or Law, or the complainant is not directly affected.

Internal complaints are initiated at the discretion of the Chief and for allegations of officer misconduct and/or non-compliance with OPS policies.

Both public and internal complaints can be finalized as substantiated or unsubstantiated. Once substantiated, they can be resolved through informal resolution or informal or formal discipline as appropriate in the circumstances.

### Conduct Complaint Status

In Q2 2021, 202 public and internal complaints were received. The following outlines the status of these complaints at the end of Q2:

- 111 cases completed
  - 4 resulted in informal discipline
  - 9 were withdrawn by the complainants
  - 3 were withdrawn by the complainants following mediated sessions (VADRP)
  - 47 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
  - 48 were unsubstantiated or resulted in no further action
- 91 investigations are ongoing

Table 7 (below) outlines the above-mentioned complaint status in Q2 2021 compared to the same time period in 2020, as well as the five-year average for the same quarter.

**Table 7 - Complaint Status - Conduct Complaints**

<b>RESOLUTION</b>	<b>Q2 2020</b>	<b>Q2 2021</b>	<b>5 YR AVG Q2</b>
Unsubstantiated	0	0	0
Vexatious/Frivolous/Bad Faith	10	6	6
Informal Resolution	0	0	0
Informal Resolution - VADRP	0	0	0
No Further Action	27	87	38



Withdrawn by Complainant	2	9	4
Withdrawn by Complainant - VADRP	2	3	1
Over Six Months	0	2	1
Third Party - Not Directly Affected	0	0	0
<b>Complaints Not Resulting in Discipline Total</b>	<b>41</b>	<b>107</b>	<b>50</b>
Informal Discipline	4	4	5
Disciplinary Hearing	2	0	0
<b>Complaints Resulting in Discipline total</b>	<b>6</b>	<b>4</b>	<b>6</b>
<b>Complaints Outstanding total</b>	<b>51</b>	<b>91</b>	<b>59</b>
<b>TOTAL</b>	<b>98</b>	<b>202</b>	<b>115</b>

### Suspension Cases

The PSA provides that a Chief of Police can, in the most serious of matters, suspend a police officer. Suspensions are treated very seriously and only occur after a careful assessment of the case. If the Chief of police does not believe that the best approach is to seek dismissal, it is important for the member to contribute to the OPS in a meaningful way while the matter is resolved. The OPS' approach includes providing members meaningful assignments regardless of being under investigation or facing serious discipline.

Four officers were suspended in Q2 2021, which is a decrease from the six officers suspended in Q2 2020 and an increase from the five-year Q2 average of two. At the start of Q2 2021 there were 10 officers on suspension. By the end of Q2 2021, there were 16 officers under suspension.

### 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, a firearm discharge at a person or where there are allegations of sexual assault.

The Board receives a separate report on each SIU case. The SIU invoked its mandate three times in Q2 2021, which increased by two from Q2 2020. All three SIU investigations remain ongoing.

Table 8 (below) provides a comparator of SIU investigations between 2020 and 2021, as well as the five-year average for the same quarter.

**Table 8 - Special Investigations Unit Investigations**

<b>TYPES OF INVESTIGATIONS</b>	<b>Q2 2021</b>	<b>Q2 2020</b>	<b>5 YR AVG Q2</b>
<b>Death</b>	0	0	0
<b>Serious Injury</b>	3	1	3
<b>Sexual Assault</b>	0	0	0
<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>4</b>

### **Complaint Reviews**

The PSA provides that complainants may seek a review of the Chief's decision on a conduct complaint from the OIPRD.

In Q2 2021, there were four requests for review from complainants received by the OIPRD. This is an increase from the two received in Q1 2020. All four reviews remain ongoing.

### **Policy/Service Complaint Reviews**

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

There were no requests for Board received in Q2 2021.

### **SUPPORTING DOCUMENTATION**

Document 1 Summary of Policy and/or Service Complaints completed in Q2 2021

### **CONCLUSION**

The OPS PSU 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 PSU remains committed to conducting fair and objective investigations in a timely fashion.

Document 1

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

**Complaint #:** 21-0145  
**Date of Incident:** Ongoing  
**Date Complaint Received:** 29 January 2021  
**Date Completed:** 08 June 2021

**Summary of Complaint:**

The complainant alleges she frequently reports harassing phone calls to police and they refuse to assist her.

**Summary of Findings and Actions Taken:**

After an investigation into this complaint, it was determined that an investigation into their complaint of criminal harassment was ongoing and assigned to the Criminal Investigations Directorate. The complainant was encouraged to provide all information in a timely manner in order to further the investigation. No service or policy issues identified.

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

**Complaint #:** 21-0233  
**Date of Incident:** 01 February 2021  
**Date Complaint Received:** 09 March 2021  
**Date Completed:** 04 April 2021

**Summary of Complaint:**

The complainant alleged both his mugshot and fingerprints should have been destroyed after their court proceedings and peace bond were completed.

**Summary of Findings and Actions Taken:**

The complainant chose to withdraw their complaint after they were provided with instructions on the steps required through the OPS Court Liaison Section to have the information properly removed. No further action.

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

**Complaint #:** 21-0404  
**Date of Incident:** 06 March 2021  
**Date Complaint Received:** 06 April 2021  
**Date Completed:** 06 April 2021

**Summary of Complaint:**

The complainant alleged there were discrepancies in the response time she received from the OPS Freedom of Information Section due to her race and gender.

**Summary of Findings and Actions Taken:**

The complainant chose to withdraw their complaint prior to the complaint being screened by the OIPRD. No further action.

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

**Complaint #:** 21-0447  
**Date of Incident:** 09 April 2021  
**Date Complaint Received:** 22 April 2021  
**Date Completed:** 30 April 2021

**Summary of Complaint:**

The complainant alleged that police are failing to enforce the prohibition of large transport trucks on a portion of Booth Street where the buildings are over 100 years old.

**Summary of Findings and Actions Taken:**

The complainant chose to withdraw their complaint after the assigned PSU investigator advised the Staff Sergeant of the OPS Traffic Section of the community concerns and requested traffic enforcement in the affected area. No further action.

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

**Complaint #:** 21-0480  
**Date of Incident:** 19 April 2021  
**Date Complaint Received:** 30 April 2021  
**Date Completed:** 28 May 2021

**Summary of Complaint:**

The complainant alleged that OPS has denied them police services and have not treated them with respect in regards to a cyber security issue involving their financial account and personal information. They further alleged they have not been contacted by anyone in the Fraud or PSU Sections, as requested.

**Summary of Findings and Actions Taken:**

The complainant chose to withdraw their complaint after the PSU investigator was able to resolve their concerns and provide them with information regarding OPP cyber crime investigations. No further action.

**PART V - POLICE SERVICES ACT****DETAILS OF POLICY COMPLAINT INVESTIGATION**

**Complaint #:** 21-0599  
**Date of Incident:** 04 June 2021  
**Date Complaint Received:** 09 June 2021  
**Date Completed:** 09 June 2021

**Summary of Complaint:**

The complainant has unhappy with receiving Amber Alerts in the early morning hours.

**Summary of Findings and Actions Taken:**

The OIPRD screened out the complaint as it was deemed to be frivolous. No further action.



**PART V - POLICE SERVICES ACT****DETAILS OF POLICY COMPLAINT INVESTIGATION**

**Complaint #:** 21-0629  
**Date of Incident:** 25 May 2021  
**Date Complaint Received:** 18 June 2021  
**Date Completed:** 18 June 2021

**Summary of Complaint:**

The complainant alleged they requested an internal OPS review regarding the rejection of their online police report and had not received a response after 30 days. They further alleged that due to police interference, their job position is being withheld; thereby causing monetary damages.

**Summary of Findings and Actions Taken:**

The OIPRD screened out the complaint as it was determined to be not in the public interest to proceed. No further action.