

Report to / Rapport au:

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

25 October 2021 / 25 octobre 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 – THIRD
QUARTER 2021**

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

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board:

- 1) Receive this report for information.**
- 2) Accept the amendments to Complaint Statistics for the First and Second Quarter.**

RECOMMANDATIONS DU RAPPORT

Que la Commission de services policiers d'Ottawa :

- 1) Prenne connaissance du présent rapport à titre d'information.**
- 2) Accepte les modifications apportées aux statistiques sur les plaintes du premier et du second trimestre.**

BACKGROUND

The process for dealing with complaints about the police is found in Part V of the Ontario Police Services Act (PSA) (“Complaints and Disciplinary Proceedings”). A

complaint may be about the policies of a police service, the services provided, 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). The OIPRD may retain the complaint or refer it back to a police service to investigate, with a reporting obligation back to the OIPRD.

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 matters, specifically Motor Vehicle Collisions (MVC), 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, previous quarters during this reporting year, as well as five-year averages for the same quarter.

Of note, and as previously reported to the Ottawa Police Services Board (the Board), the Ottawa Police Service (OPS) have developed a plan to manage ASE infractions involving service vehicles. This was necessitated by the implementation and growth of ASE cameras throughout the city since late 2020.

Developed in collaboration with City Fleet, City Prosecutors and other similar municipalities dealing with the issue of emergency services vehicles attracting ASE infractions, the ASE Management Plan was implemented on August 1st, 2021. All ASE infractions are reviewed by a PSU Investigator, and those meeting the exemption under s.128(13) of the Ontario Highway Traffic Act (HTA) result in City Prosecutors being asked to withdraw the infraction using a formalized process. This process includes oversight by external prosecutors from the Durham Region.

To meet the exemption, officers must be operating a police service vehicle in the lawful execution of their duties, such as attending a priority call, and the speed must be reasonable in the circumstances. ASE infractions that do not meet this threshold result in an Internal Complaint Investigation and progressive discipline.

Prior to August 1st, during the temporary closure of the Provincial Offences Court and while pending approval of the ASE Management Plan, all ASE infractions were recorded as an Internal Complaint regardless of whether they met the HTA exemption.

Since the adoption of the ASE Management Plan on August 1st, only ASE infractions that do not meet the exemption result in an Internal Complaint investigation. All ASE's

prior to August 1st that meet the exemption have retroactively been submitted for withdrawal, and Internal Complaint statistics for Q1 and Q2 updated in this report. For Q1, 9 Internal Complaints resulted from 33 ASE infractions. For Q2, 19 Internal Complaints resulted from 61 ASE infractions. The net result is 66 fewer Internal Complaints year to date at the end of Q2 than was previously reported.

DISCUSSION

New Complaints

During the third quarter of 2021, a total of 136 **Public and Internal Complaints** were received. Compared to the third quarter of 2020, this represents a decrease of 7 complaints.

There were 78 **Public Complaints** received during the Q3 2021. Compared to the 82 received in Q3 2020, this represents a decrease of 4 complaints.

Table 1 (below) illustrates the number of Public and Internal Complaints received in Q3 2021 compared to Q3 2020, as well as five-year averages for the same quarter.

Table 1 - New Public and Internal Complaints Received in Q3

	2021 5 YR AVG Q3	Q3 2021	Q2 2021	Q1 2021	2020 5 YR AVG Q3	Q3 2020	2020 Total
Public Complaint (Conduct)	54	68	83	73	54	79	272
Public Complaint (Policy or Service)	6	10	9	4	4	3	13
Internal Complaints (Other)	7	14	13	11	6	4	26
Internals Complaints (Red Light Camera Infractions)	24	18	24	20	23	36	100
Internal Complaints (Motor Vehicle Collisions)	22	18	21	23	24	21	74
Internal Complaints (Photo Radar)	N/A	8	19	9	N/A	N/A	N/A
TOTAL	113	126	169	140	110	143	485

Of the 78 **Public Complaints** received by the OPS by the end of Q3 2021, 35 were referred to Professional Standards Unit (PSU) for investigation and the remaining 43 were 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 their own investigation in Q3 2021.

Table 2 (below) illustrates the number of **Public and Internal Complaints** screened in for investigation in Q3 2021 by the OIPRD, as compared to Q3 2020 and five-year averages for the same quarter.

**Table 2 – Public and Internal Complaint Investigations in Q3
after Screening by OIPRD**

	2021 5 YR AVG Q3	Q3 2021	Q2 2021	Q1 2021	2020 5 YR AVG Q3	Q3 2020	2020 Total
Public Complaint (Conduct)	26	27	35	27	27	29	104
Public Complaint (Policy or Service)	5	8	7	3	4	3	11
Internal Complaints (Other)	7	14	13	11	6	4	26
Internals Complaints (Red Light Camera Infractions)	24	18	24	20	23	36	100
Internal Complaints (Motor Vehicle Collisions)	22	18	21	23	24	21	74
Internal Complaints (Photo Radar)	N/A	8	19	9	N/A	N/A	N/A
TOTAL	84	93	119	93	84	93	315

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 MVC, 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 Q3 2021 decreased by 14 compared to Q3 2020.

Table 3 - Conduct Related Complaints by Category in Q3

	2021 5 YR AVG Q3	Q3 2021	Q2 2021	Q1 2021	2020 5 YR AVG Q3	Q3 2020	2020 Total
Improper Conduct	88	100	126	107	86	123	380
Excessive Force	4	6	6	10	5	4	24
Neglect of Duty	16	20	27	19	16	13	68
Firearm Discharge	0	0	1	0	0	N/A	N/A
TOTAL	108	126	160	136	107	140	472

Table 4 (below) outlines conduct complaints screened in for investigation by the OIPRD during Q3 2021, as compared to Q3 2020 and five-year averages for the same quarter.

**Table 4 - Conduct Related Complaint Investigations in Q3
after Screening by OIPRD**

	2021 5 YR AVG Q3	Q3 2021	Q2 2021	Q1 2021	2020 5 YR AVG Q3	Q3 2020	2020 Total
Improper Conduct	70	70	95	76	70	82	259
Excessive Force	3	5	3	5	4	3	16
Neglect of Duty	8	10	13	9	8	5	29
Firearm Discharge	0	0	1	0	1	0	0
TOTAL	81	85	112	90	83	90	304

Policy and Service Complaints:

There were ten policy or service-related complaints received in Q3 2021. Two complaints were screened out by the OIPRD on the basis they could more appropriately

be dealt with under another Act or Law, two were withdrawn by the complainant after being referred to OPS for investigation and six service complaint investigations remain ongoing.

The details of the screened out and withdrawn service complaints, as well as details of three service complaint investigations that were carried over to Q3 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 Q3 2021 compared to Q3 2020, as well as the Q3 five-year average.

Table 5 - Policy and Service Complaints Received in Q3

	2021 5 YR AVG Q3	Q3 2021	Q2 2021	Q1 2021	2020 5 YR AVG Q3	Q3 2020	2020 Total
Policy	0	0	1	0	0	0	1
Service	5	10	8	4	4	3	12
TOTAL	5	10	9	4	4	3	13

Table 6 (below) outlines policy and service complaints screened in for investigation by the OIPRD in Q3 2021 as compared to Q3 2020, and the Q3 five-year average.

**Table 6 - Policy and Service Complaint Investigations in Q3
after Screening by OIPRD**

	2021 5 YR AVG Q3	Q3 2021	Q2 2021	Q1 2021	2020 5 YR AVG Q3	Q3 2020	2020 Total
Policy	0	0	0	0	0	0	1
Service	5	8	6	3	3	3	10
TOTAL	5	8	6	3	3	3	11

OIPRD Early Resolution Program (ERP)

The OIPRD ERP provides an opportunity for complainants and respondent officers to voluntarily resolve a complaint before it is formally screened for investigation. To proceed by way of ERP, the complainant, respondent officer(s) and involved police service must agree to this option. If they do not, the complaint is returned to the screening process and either screened in or out for investigation.

In Q3 2021, 3 ERP files were received, with 2 being withdrawn by the complainants following successful mediations, and 1 remaining outstanding at the end of Q3 2021.

Complaint Status

Both **Public and Internal Complaints** can be finalized as substantiated or unsubstantiated. Once substantiated, they can be resolved through informal resolution (including withdrawal of the complaint, informal, or formal discipline as appropriate.

Conduct Complaint Status

- In Q3 2021, a total of 126 **Public and Internal Complaints** with respect to conduct related issues were either received through the OIPRD or generated at the discretion of the Chief, with the following status by the end of Q3:
 - 59 cases completed
 - 6 resulted in informal discipline
 - 5 were withdrawn by the complainants
 - 41 were screened out by the OIPRD
 - 7 were unsubstantiated or resulted in no further action
 - 67 investigations are ongoing

Table 7 (below) outlines the above-mentioned complaint status in Q3 2021 compared to the same time-period in 2020, as well as the 5-year average for the same quarter.

Table 7 - Complaint Status - Conduct Complaints

RESOLUTION	Q3 2021	Q3 2020	5 YR AVG Q3
Unsubstantiated	0	1	0
Vexatious/Frivolous/Bad Faith	13	11	6
Informal Resolution	0	0	0
Informal Resolution - VADRP	0	0	0
No Further Action	35	40	26
Withdrawn by Complainant	5	3	4
Withdrawn by Complainant - VADRP	0	2	0
Over Six Months	0	3	1

Third Party - Not Directly Affected	0	0	0
Complaints Not Resulting in Discipline Total	53	60	37
Informal Discipline	6	9	7
Disciplinary Hearing	0	0	0
Complaints Resulting in Discipline total	6	9	7
Complaints Outstanding total	67	71	59
TOTAL	126	140	103

Member Suspensions

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.

There were no officers suspended in Q3 2021, compared to the three officers suspended in Q3 2020 and the five-year Q3 average of one. At the start of Q3 2021 there were 16 officers on suspension. By the end of Q3 2021, there were 15 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 7 times in Q3 2021. With the exception of 1 investigation which was terminated by the SIU, 6 of these investigations remain ongoing.

Table 8 (below) provides a comparator of SIU investigations between 2020 and 2021, as well as the 5-year average for the same quarter.

Table 8 - Special Investigations Unit Investigations

TYPES OF INVESTIGATIONS	Q3 2021	Q3 2020	5 YR AVG Q2
Death	4	0	1
Serious Injury	3	0	2
Sexual Assault	0	0	0
TOTAL	7	0	3

Complaint Reviews

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

In Q3 2021, there were three requests for review from complainants received by the OIPRD. This is the same number of reviews requested in Q3 2020. In one review, the OIPRD concurred with the investigative findings of the Service, while the other two reviews remained outstanding at the end of Q3 2021.

Policy/Service Complaint Reviews

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

There was one request for a policy and/or service complaint review by the Police Services Board received in Q3 2021 (see attached summary for Complaint #21-0601)

CONSULTATION

N/A

FINANCIAL IMPLICATIONS

N/A

SUPPORTING DOCUMENTATION

Document 1 Summary of Policy and/or Service Complaints completed in Q3 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.

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

Complaint #: 21-0412
Date of Incident: July 1, 2020
Date Complaint Received: April 9, 2021
Date Completed: July 23, 2021

Summary of Complaint:

The complainant was dissatisfied with the delays he experienced in receiving a vulnerable sector police record check and alleges that as a result, he had lost out on job opportunities.

Summary of Findings and Actions Taken:

After an investigation into this complaint, it was determined that the record check was properly entered into the system, processed in due course and without unreasonable delay by the OPS Background Clearance Section. The complainant received his records check and no further action was taken.

PART V - POLICE SERVICES ACT
DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #: 21-0601
Date of Incident: April 30, 2021
Date Complaint Received: June 15, 2021
Date Completed: September 1, 2021
Date of PSB Review: October 7, 2021

Summary of Complaint:

The complainant alleged OPS Reporting Unit did not action or follow up on a message he left for them in relation to the conditions of his detention and the Ottawa-Carleton Detention Center. He further alleges police did not attend the Detention Center to obtain more information from him.

Summary of Findings and Actions Taken:

After an investigation into this complaint, it was determined that the complainant left a message with the Police Reporting Unit through a third-party phone number and did not provide an alternate call-back. Despite this, a member of the Unit did return the call within the established service standard to return phone messages.

The complainant subsequently sought a review by the Complaints Committee of the the Board. While the OPS was found to be complaint with its own policies and procedures with respect to returning calls made to the Police Reporting Unit, the incident revealed a larger issue with respect to incarcerated persons at the Ottawa-Carleton Detention Centre being able to access the OPS.

Insp. O'Toole of the PSU held discussions with his senior counterparts at the Detention Centre and the OPS Communications Centre. It was agreed by all that with reasonable effort, a solution to address the access issue could be achieved. Both institutions are committed to developing an acceptable process in a timely manner, with a report back to the Board upon completion.

PART V - POLICE SERVICES ACT
DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #: 21-0630
Date of Incident: May 23, 2021
Date Complaint Received: June 21, 2021
Date Completed: September 7, 2021

Summary of Complaint:

The complainant alleged the OPS online reporting system does not accommodate individuals with disabilities.

Summary of Findings and Actions Taken:

After making suggestions to the Service on making forms more accessible, the complainant chose to withdraw their complaint. No further action was taken.

PART V - POLICE SERVICES ACT
DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #: 21-0708
Date of Incident: July 5, 2021
Date Complaint Received: July 23, 2021
Date Completed: July 23, 2021

Summary of Complaint:

The complainant alleged that they are not receiving the information that have requested through the OPS' Freedom of Information Department.

Summary of Findings and Actions Taken:

The OIPRD opted not to deal with the complaint as it could more appropriately be dealt with under another Act or Law. Complaint screened out by OIPRD. No further action.

PART V - POLICE SERVICES ACT
DETAILS OF SERVICE COMPLAINT INVESTIGATION

Complaint #: 21-0823
Date of Incident: January 1, 2021 to August 12, 2021
Date Complaint Received: September 9, 2021
Date Completed: September 9, 2021

Summary of Complaint:

The complainant alleged they received information that an OPS investigative report, which involved themselves, has been leaked to the public and they have been unable to get a copy of the said report.

Summary of Findings and Actions Taken:

The OIPRD opted not to deal with the complaint as it could more appropriately be dealt with under another Act or Law. Complaint screened out by OIPRD. No further action.