

**Report to / Rapport au:**

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

**29 April 2019 / 29 avril 2019**

**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 – FIRST  
QUARTER 2019**

**OBJET: PLAINTES PARTIE V – LOI SUR LES SERVICES POLICIERS:  
PREMIER TRIMESTRE DE 2019**

**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 (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 first quarter of 2019, a total of 103 complaints (Chief's and Public) were received representing an increase of 9% when compared to the same time period in 2018.

By the end of the first quarter of 2019, a total of 44 public complaints (Conduct, Service and Policy) were received representing a decrease of 8% when compared to the same time period in 2018 (48).

Table 1 (below) outlines the number of complaints received in Q1 2019 compared to the same time period in 2018, as well as the 5 year averages and the total number of complaints received in 2018.

**Table 1 - New Complaints**

	<b>Q1 2018</b>	<b>Q1 2019</b>	<b>2018 Total</b>	<b>2018 5 YR AVG YTD</b>	<b>2019 5 YR AVG YTD</b>
<b>Public Complaint (Conduct)</b>	43	41	175	50	46
<b>Public Complaint (Policy or Service)</b>	5	3	17	3	3
<b>Chief's Complaints (Other)</b>	8	6	22	8	9
<b>Chief's Complaints (Red Light Camera Infractions)</b>	9	16	61	9	11
<b>Chief's Complaints (Motor Vehicle Collisions)</b>	29	37	85	24	26
<b>TOTAL</b>	<b>94</b>	<b>103</b>	<b>360</b>	<b>94</b>	<b>95</b>

Of the 44 public complaints received by the Ottawa Police Service by the end of Q1 2019, 20 of these complaints were referred to PSS for investigation and 1 complaint was retained by the OIPRD for investigation. One complaint was withdrawn by the complainant prior to the OIPRD screening and the remaining 22 complaints received in Q1 2019 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.

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 2019 compared to the same time period in 2018, as well as the 5 year averages and the total number of complaints investigated in 2018.

**Table 2 – Complaint Investigations**

	<b>Q1 2018</b>	<b>Q1 2019</b>	<b>2018 Total</b>	<b>2018 5 YR AVG YTD</b>	<b>2019 5 YR AVG YTD</b>
<b>Public Complaint (Conduct)</b>	28	18	111	27	25
<b>Public Complaint (Policy or Service)</b>	3	3	14	2	2
<b>Chief's Complaints (Other)</b>	8	6	22	9	9
<b>Chief's Complaints (Red Light Camera Infractions)</b>	9	16	61	9	11
<b>Chief's Complaints (Motor Vehicle Collisions)</b>	29	37	85	24	26
<b>TOTAL</b>	<b>77</b>	<b>80</b>	<b>293</b>	<b>71</b>	<b>73</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:

Conduct complaints are classified within 4 categories.

The total conduct complaints received in Q1 2019 increased by 11 compared to Q1 2018 statistics (see Table 3 below).

**Table 3 - Conduct Complaints**

	<b>Q1 2018</b>	<b>Q1 2019</b>	<b>2018 Total</b>	<b>2018 5 YR AVG YTD</b>	<b>2019 5 YR AVG YTD</b>
<b>Improper Conduct</b>	79	80	272	69	71
<b>Excessive Force</b>	2	5	12	4	4
<b>Neglect of Duty</b>	8	13	57	18	16
<b>Firearm Discharge</b>	0	2	2	0	1
<b>TOTAL</b>	<b>89</b>	<b>100</b>	<b>343</b>	<b>91</b>	<b>92</b>

Table 4 (below) outlines conduct complaints referred and/or retained for investigation in Q1 2019 compared to the same time period in 2018, as well as the 5 year averages and the total number of conduct complaints investigated in 2018.

**Table 4 - Conduct Complaint Investigations**

	Q1 2018	Q1 2019	2018 Total	2018 5 YR AVG YTD	2019 5 YR AVG YTD
<b>Improper Conduct</b>	66	67	226	56	59
<b>Excessive Force</b>	2	5	11	4	4
<b>Neglect of Duty</b>	6	3	40	8	7
<b>Firearm Discharge</b>	0	2	2	1	1
<b>TOTAL</b>	<b>74</b>	<b>77</b>	<b>279</b>	<b>69</b>	<b>71</b>

Policy/Service Complaints:

There were 2 policy complaints and 1 service complaint received in Q1 2019. One of the policy complaint investigations has been completed, while 1 policy complaint investigation and 1 service complaint investigation remain outstanding.

The details of the completed policy complaint investigation, as well as details of two service complaint investigations that were carried over to Q1 2019 from previous quarters are attached to this report as Document 1.

Table 5 (below) outlines the total number of policy and service complaints received in Q1 2019 compared to the same time period in 2018, as well as the 5 year averages and the total policy and service complaints received in 2018.

**Table 5 - Policy and Service Complaints**

	Q1 2018	Q1 2019	2018 Total	2018 5 YR AVG YTD	2019 5 YR AVG YTD
<b>Policy</b>	0	2	0	0	1
<b>Service</b>	5	1	17	2	2
<b>TOTAL</b>	<b>5</b>	<b>3</b>	<b>17</b>	<b>2</b>	<b>3</b>

Table 6 (below) outlines policy and service complaints referred for investigation in Q1 2019 compared to the same time period in 2018, as well as the 5 year averages and the total policy and service complaints investigated in 2018.

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

	<b>Q1 2018</b>	<b>Q1 2019</b>	<b>2018 Total</b>	<b>2018 5 YR AVG YTD</b>	<b>2019 5 YR AVG YTD</b>
<b>Policy</b>	0	2	0	0	1
<b>Service</b>	3	1	14	2	1
<b>TOTAL</b>	<b>3</b>	<b>3</b>	<b>14</b>	<b>2</b>	<b>2</b>

#### 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 Q1 2019, six CSR files were received. One file was successfully resolved through CSR and two files are proceeding through the CSR process; both of which were outstanding at the end of Q1. Further information is required on another file, while the remaining two files did not proceed through CSR, as the criteria was not met.

#### 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 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 Q1 2019, 100 conduct complaints were received (public & chief's). The following outlines the status of these complaints at the end of Q1:

- 48 cases completed

- o 8 resulted in informal discipline
- o 1 was withdrawn by the complainant
- o 22 were determined to be either frivolous, vexatious, were over 6 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
- o 17 were unsubstantiated or resulted in no further action
- 52 investigations are ongoing

Table 7 (below) outlines the above mentioned complaint status in Q1 2019 compared to the same time period in 2018, as well as the 5 year average.

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

<b>RESOLUTION</b>	<b>Q1 2018</b>	<b>Q1 2019</b>	<b>5 YR AVG YTD</b>
Unsubstantiated	0	0	3
Vexatious/Frivolous/Bad Faith	6	2	6
Informal Resolution	0	0	0
Informal Resolution - VADRP	0	0	0
No Further Action	25	36	26
Withdrawn by Complainant	8	1	4
Withdrawn by Complainant - VADRP	0	0	0
Over Six Months	2	1	1
Third Party - Not Directly Affected	0	0	0
<b>Complaints Not Resulting in Discipline Total</b>	<b>41</b>	<b>40</b>	<b>40</b>
Informal Discipline	3	8	5
Disciplinary Hearing	0	0	0
<b>Complaints Resulting in Discipline total</b>	<b>3</b>	<b>8</b>	<b>5</b>
<b>Complaints Outstanding total</b>	<b>45</b>	<b>52</b>	<b>46</b>

<b>TOTAL</b>	<b>89</b>	<b>100</b>	<b>92</b>
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### 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 or where there are allegations of sexual assault.

The Police Services Board receives a separate report on each SIU case. The SIU invoked their mandate four times in Q1 2019, which increased by one from Q1 2018. All four investigations remain ongoing.

Table 8 (below) provides a comparator of SIU investigations between 2018 and 2019 as well as the 5 year average.

**Table 8 - Special Investigations Unit Investigations**

<b>TYPES OF INVESTIGATIONS</b>	<b>Q1 2018</b>	<b>Q1 2019</b>	<b>5 YR AVG YTD</b>
<b>Death</b>	1	1	0
<b>Serious Injury</b>	2	2	2
<b>Sexual Assault</b>	0	1	1
<b>TOTAL</b>	<b>3</b>	<b>4</b>	<b>3</b>

### Complaint Reviews

The Police Services Act provides that complainants may seek a review of the Professional Standards Section's decision on a conduct complaint from the OIPRD.

In Q1 2019, four request for reviews from complainants were received by the OIPRD. This is an increase from the three received in Q1 2018. All four reviews remain outstanding.

### Policy/Service Complaint Reviews

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

One request for a policy complaint review by the Police Services Board was received in Q1 2019. This review remained outstanding at the end of Q1 2019.

### **CONSULTATION**

Not applicable

**FINANCIAL IMPLICATIONS**

Not applicable

**SUPPORTING DOCUMENTATION**

Document 1 Summary of Policy and/or Service Complaints completed in Q1 2019

**CONCLUSION**

The Professional Standards Section 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 Professional Standards Section remains committed to fair and objective investigations completed in a timely fashion.



Document 1

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

<b>Complaint #:</b>	18-0221
<b>Date of Incident:</b>	11 March 2018
<b>Date Complaint Received:</b>	11 July 2018
<b>Date Completed:</b>	01 February 2019

**Summary of Complaint:**

The complainant was dissatisfied with a credit card fraud investigation conducted by the OPS Fraud Section.

**Summary of Findings and Actions Taken:**

It was determined that there were no service or policy related issues specific to this complaint.

The complainant requested a review by the Police Services Board and as a result, the Board concurred with the findings of the Professional Standards Section investigation and no further action was taken.

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

**Complaint #:** 18-0467  
**Date of Incident:** 30 November 2018  
**Date Complaint Received:** 10 December 2018  
**Date Completed:** 03 January 2019

**Summary of Complaint:**

The complainant alleged that their personal property that was seized by OPS as evidence was returned to them in damaged condition.

**Summary of Findings and Actions Taken:**

The complainant chose to withdraw their complaint after the PSS investigator explained the process for making a property damage claim through OPS.

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

**Complaint #:** 19-0057  
**Date of Incident:** 07 August 2018  
**Date Complaint Received:** 26 February 2019  
**Date Completed:** 15 March 2019

**Summary of Complaint:**

The complainant, who works for a tow truck company, alleged police inappropriately fined them for soliciting, when in fact they were dispatched to the accident scenes by the client.

**Summary of Findings and Actions Taken:**

It was determined that there were no service and/or policy related issues identified as a result of the complaint. No recommendations.