
To: All Municipal Police Chief Constables

And to: All Professional Standards Officers

From: Office of the Police Complaint Commissioner

Date: October 8, 2014

Re: Guideline on Receiving & Handling of Questions or Concerns from the Public

Previously, a guideline was issued on March 26, 2010, by the Office of the Police Complaint Commissioner (OPCC) explaining the process of how complaints were to be handled by municipal police departments pursuant to section 177(2)(a) & (b) of the *Police Act*.

Pursuant to section 177(2)(b), this guideline will replace the previous guideline and will provide an update to those processes specifically relating to the receiving and handling of questions or concerns of a municipal police officer which do not result in a complaint being made and registered¹. These guidelines are intended to assist front counter staff and Professional Standards Sections.

A newly revised *Question or Concern Form* (replacing the former Complaint Form) has been developed and is intended to act as a record of those questions or concerns from a member of the public which does not result in a complaint being made and registered. This form must be used by all municipal police departments. As with the original Complaint Form, if questions or concerns are received orally, in person or by telephone, they are to be recorded in writing using the Question or Concern Form.

HANDLING OF QUESTIONS OR CONCERNS

Complainants should be advised at the outset as to their options under the *Police Act*. In circumstances when a member of the public references an allegation or allegations of misconduct contained within section 77 of the *Police Act*, a complaint is considered to have been made and is to be registered under section 78 of the *Police Act*. If it is unclear whether a matter is considered a question or concern, complaint departments are encouraged to consult with their Professional Standards Section. The OPCC can also be consulted for clarification.

¹ A separate guideline has been created explaining the process of how registered complaints are to be received and handled.

If it is determined that the question or concern does not involve an allegation of misconduct, the police department must then make a record of that question/concern using the Question or Concern Form.

According to section 85(1)(c) of the *Police Act*, the Police Complaint Commissioner can request that police departments produce records of these questions or concerns for audit. After a question or concern has been received by the police, it is to be forwarded to the OPCC within 10 business days, regardless of whether the question or concern has been resolved.

If the OPCC receives a record of a question or concern which has not yet been resolved, the police department should forward a resolution within five business days of a resolution being made. The resolution and steps taken to reach that resolution will typically be documented in an Investigation Log prepared by a member of the Professional Standards Section. An analyst from the OPCC may be in contact with the Professional Standards Section in relation to unresolved questions or concerns.

During the intake process, a member from the Professional Standards Section should review all new files considered to be a question or concern to confirm they are correctly processed in this manner instead of as a registered complaint. Ideally, this should occur prior to forwarding to the OPCC.

MATERIALS TO BE SENT TO THE OPCC

The record of question or concern, (i.e. Question or Concern Form), and the accompanying investigation log, if applicable, should contain the following information:

- i. Documentation that the member receiving the complaint, or the investigator responsible for the file, informed the complainant of the difference between a registered complaint concerning an allegation of misconduct, and a question or concern;
- ii. A detailed description of the complainant's question or concern and, when available, a description of how the complainant would like their question or concern addressed.
- iii. Description of the steps taken by the investigator to address the complainant's concerns;
- iv. An indication of whether a complainant is satisfied or unsatisfied by the steps taken by the investigator to address their concerns.

OPCC REVIEW

An assigned OPCC analyst will review the materials submitted by the Professional Standards Section. In conducting a review of files considered to be concluded by the municipal police department, the OPCC will consider the following:

- i. Whether the department has taken adequate steps to address the complainant's concerns and the complainant is reported to be satisfied with the outcome. If the Department has taken adequate steps to address the complainant's concerns but the

complainant remains unsatisfied, the OPCC will review those steps to determine whether the matter has been addressed;

- ii. Whether an investigator has taken reasonable steps to contact the person filing the question or concern but has been unable to do so for 40 business days;
- iii. Whether the complainant states that they would like to make a complaint.

Upon reviewing a resolved file and determining that it is appropriate that it be closed, the OPCC will notify the investigator via e-mail of their decision.



Stan T. Lowe
Police Complaint Commissioner