
To: All Municipal Police Chief Constables

And to: All Professional Standards Officers

From: Office of the Police Complaint Commissioner

Date: October 8, 2014

Re: Receiving & Handling of Complaints & Questions/Concerns

On March 26, 2010, the Office of the Police Complaint Commissioner issued a guideline 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*.

In March 2013, a report was released pursuant to a statutory audit conducted by the Special Committee to Inquire into the Use of Conducted Energy Weapons and to Audit Selected Police Complaints. The Auditor General was retained by the Special Committee to conduct the statutory audit and report back to the Committee with recommendations. The Committee made the following observations:

Other findings of the audit team were that the Police Complaint Commissioner promoted thorough and competent investigations of police complaints by exercising discretion as provided by the Act, and that the Commissioner has taken steps consistent with the Act to ensure increased public awareness of the police complaint process. However, the Assistant Auditor General reported that more could be done to ensure complaints are treated fairly and that citizens receive proper assistance when making complaints. He noted that there is no formal monitoring or training provided to police detachment staff to increase assurance that individuals wishing to make a complaint are not harassed, coerced or intimidated when questioning or reporting police conduct or making a complaint. To address this, the Office of the Auditor General made the following recommendation:

OAG Recommendation 2: *We recommend that the Office of the Police Complaint Commissioner provide formal training to staff at police detachments on the receipt and handling of complaints.*

The Committee endorsed the recommendation made by the Office of the Auditor General and recommended the same to the Legislative Assembly.

As a starting point to address the concerns expressed by the Committee and its endorsement of the recommendation of the Auditor General, the OPCC has revised the guidelines associated with the receiving and handling of a registered complaint, or a service or policy complaint.

In order to provide more clarity to the process of receiving and handling of complaints, the guideline has abandoned the use of the term “*Non-registered complaints*”. When an individual raises a question or concern about the conduct of a member of a municipal police department, it will now be referred to as a “*Question or Concern*” which is consistent with the language of the Act.

A separate guideline has been created to explain the process for receiving and handling of questions or concerns made to a municipal police department which do not result in a registered complaint. The guideline for receiving and handling of complaints has been revised and updated. These guidelines provide a detailed description of the process and expectations of this Office when a complaint is made or when a question or concern regarding the conduct of a member is made to a municipal police department.

What is a registered complaint (pursuant to section 78)?

- Registered complaints are processed formally under the *Police Act*.
- If a member of the public alleges conduct that would, if substantiated, constitute misconduct by the member pursuant to section 77 of the *Police Act*, a complaint is considered to have been made pursuant to the Act.
- The following are allegations listed under section 77 of the Act:
 - Abuse of Authority
 - Accessory to Misconduct
 - Corrupt Practice
 - Damage to Police Property
 - Damage to Property of Others
 - Deceit
 - Discourtesy
 - Discreditable Conduct
 - Improper Disclosure of Information
 - Improper Off-Duty Conduct
 - Improper Use or Care of Firearms
 - Misuse of Intoxicants
 - Neglect of Duty

- An admissibility assessment is conducted by the OPCC to determine whether the complaint contains the following:
 - An allegation of conduct that would, if substantiated, constitute misconduct;
 - Is not frivolous or vexatious; and
 - Is within the statutory time limit of 12 months for the filing of the complaint.
- There is no such thing as an informal complaint.

Examples of a registered complaint:

1. *Mr. Sampson attended the police department to report that he was arrested without cause, thrown into jail and pushed into a wall causing a cut lip.*
2. *Ms. Johnson called the Professional Standards Section to report that she witnessed a police vehicle hit another parked vehicle on the road. According to Ms. Johnson, the police officer stopped, got out of his vehicle to examine the damage and then drove off.*

What is a Question or Concern by a member of the public? (section 85)

- Conduct by a member that does not reference an allegation of misconduct as defined in section 77 of the *Police Act*.
- Conduct by a member that causes a member of the public to be upset, worried or disturbed.

Examples of a Question or Concern:

1. *Ms. Roberts was driving with her teenaged son and while they were stopped at a red light, they witnessed a police officer in his vehicle who appeared to be pressing buttons on a computer screen on his dashboard. Ms. Roberts attended the professional standards section to enquire whether the police are allowed to type on computers while operating motor vehicles.*
2. *Mr. Smith called the police because he wished to file a noise complaint against one of his neighbours. The noise continued for 30 more minutes without stopping. Mr. Smith emailed professional standards and was concerned that the police did not prioritise his call. Mr. Smith wished to let the department know that while he does not wish to file a complaint, he would like to discuss how the police respond to calls of noise complaints in his area.*
3. *Mr. Jackson was inside his home when he saw a police vehicle being driven through his neighbourhood with its emergency lights activated but no siren. Mr. Jackson called the police because he felt the police should have activated their siren.*

Bearing in mind the recommendation of the Special Committee, it is important that staff and members provide assistance to those who wish to either lodge a complaint, or raise a question or report a concern. Police and other staff should not attempt to dissuade a

member of the public from making a complaint regarding the conduct of a member.

One of the strongest predictors of a citizen's satisfaction with their police department's complaint process is the level of professionalism demonstrated by front counter staff and members assigned to receive and register complaints.

- Be courteous, respectful and professional.
- Spend time with the complainant and establish rapport.
- Provide an opportunity for the complainant to describe their complaint without interruption.
- Be a patient listener and seek clarification on matters that are not clear.
- Avoid passing judgment or being defensive.
- Explain the complaint process.



Stan T. Lowe
Police Complaint Commissioner