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To: Retired Judges appointed under the *Police Act*  
All Municipal Police Chief Constables  
Chief Officer, Metro Vancouver Transit Police  
Chief Officer – Stl’atl’imx Tribal Police Service  
Chief Officer – Combined Forces Special Enforcement Units (CFSEU-BC) /  
Organized Crime Agency (OCA-BC)

And to: All Professional Standards Officers

From: Office of the Police Complaint Commissioner (OPCC)

Date: October 8, 2014 (Reissued March 2023) – Revised: January 15, 2024

Re: **Receiving & Handling of Complaints & Questions/Concerns**

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## PURPOSE

The purpose of this Information Bulletin is to provide guidance to municipal police departments regarding expectations related to receiving and handling complaints and questions or concerns. This Information Bulletin is to be read in conjunction with the associated statutory Guidelines published by the OPCC: *Guideline 2 – Receiving and Handling Questions or Concerns*, *Guideline 3 – Receiving and Handling Complaints*, and *Guideline 4 – Service or Policy Complaints*. 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<sup>1</sup>. This Information Bulletin expands on the guidance provided to municipal police departments in those Guidelines.

## REGISTERED COMPLAINTS

- A registered complaint is a complaint concerning any conduct of a member that is alleged to constitute misconduct and may be made to and registered with the police complaint commissioner in several ways:
  - Using the [online complaint form](#) available on the OPCC website;
  - Over the phone by calling the OPCC at 1-877-999-8707;
  - In person at the OPCC;
  - To a member on duty at any municipal police department who is assigned to

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<sup>1</sup> The definition of “municipal police department” within the *Police Act* extend to all agencies with members who fall under OPCC jurisdiction.

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- receive and register complaints;
- To a designated individual pursuant to section 78(2)(b)(ii) of the *Police Act*; or
- Filling out the PDF [Complaint Form](#) and emailing it [info@opcc.bc.ca](mailto:info@opcc.bc.ca).
- Detailed instructions regarding how complaints are to be received and registered by a member at a municipal police department who is assigned to receive and register complaints are provided in *Guideline 3 – Receiving and Handling Complaints*.
- Registered complaints are processed formally in accordance with Division 3 of the *Police Act* (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<sup>2</sup>.
- Allegations of misconduct listed under section 77 of the Act are as follows:
  - 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
- After receiving a registered complaint, an admissibility assessment is conducted by the OPCC to determine whether the complaint:
  - Contains an allegation of conduct that would, if substantiated, constitute misconduct by the member;
  - Is not frivolous or vexatious; and
  - Is filed within the statutory time limit of 12-months from the date of the incident.

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<sup>2</sup> A person who receives a complaint must confirm that complainants authorize the making of a registered complaint, and, if applicable, the characterization of the complaint.

- There is no such thing as an informal complaint.

## SERVICE OR POLICY COMPLAINTS

- A member of the public may file a complaint about the services or policies of a police department pursuant to section 168(1) of the *Police Act*, which can include concerns about:
  - Policies (rules and standards that guide how police deliver their service);
  - Training in particular areas; and
  - Services (how effective or efficient the police respond to requests for assistances).
- A service or policy complaint can be filed with the Police Complaint Commissioner in several ways:
  - Using the [online complaint form](#) available on the OPCC website;
  - Over the phone by calling the OPCC at 1-877-999-8707;
  - To a member on duty at any municipal police department who is assigned to receive and register service or policy complaints;
  - To a designated individual pursuant to section 168(2)(b)(ii) of the *Police Act*;
  - To the chair of the board of a municipal police department; or
  - Filling out the PDF [Complaint Form](#) and emailing it [info@opcc.bc.ca](mailto:info@opcc.bc.ca).
- Detailed instructions regarding how service or policy complaints are to be received and registered by a member at a municipal police department who is assigned to receive and register complaints are provided in *Guideline 4 – Service or Policy Complaints*.
- Service or policy complaints are processed formally under the *Police Act* in accordance with Division 5 of the *Police Act*.

## QUESTIONS OR CONCERNS

- A member of the public may file a question or concern about the conduct of a member directly with the relevant police department, provided that it does not reference an allegation of misconduct as defined in section 77 of the *Police Act*.
- Subject to sections 79 and 82 of the *Police Act*, filing a question or concern does not prevent a member of the public from making a registered complaint about the same matter.
- Detailed instructions regarding how questions or concerns are to be received and handled by a member at a municipal police department are provided in *Guideline 2 – Receiving and Handling Questions or Concerns*.

## ACCESSIBILITY

Sections 80 and 169 of the *Police Act* establish that any person assigned, designated, or authorized to receive registered complaints or a service and policy complaints **must** provide complainants with any assistance they may require in making a complaint.

Reducing barriers in the filing of complaints is a priority for the OPCC. Implementation of processes which effectively reduce or eliminate barriers to access assists in promoting equitable access to the complaints process for all individuals, regardless of language, disability, culture, mental health, or other complex social factors.

### General Principles

Efforts should be made to address any language, cultural or other barriers to access, and that supports from a third-party agency may be required to assist complainants with the filing of their complaints.

#### A. Informative:

The public should be advised at the outset of their options under the *Police Act*, including distinctions between registered complaints, service or policy complaints, or questions or concerns. Providing an explanation of their associated rights and responsibilities within each process is equally important.

All staff designated to take complaints should be trained and have a general understanding of the complaints process and the information required to file a complaint. OPCC brochures and the OPCC website can be used as resources.

Staff should encourage complainants to provide them with the necessary information as required on the OPCC complaint form. This will assist with the processing of their complaint to ensure it is actioned in a timely manner.

At any time during the question or concern process, if a member of the public expresses a wish to proceed with a complaint, obtain the person's consent to file the Registered Complaint and take reasonable steps to have the person verify the contents of the complaint.

#### B. Trauma informed:

Recounting their experience can be a traumatic event for complainants. Having a quiet area where a complainant can provide their complaint details in a confidential manner is recommended.

Making a complaint at the police station can be intimidating for some and it may be appropriate to connect with the OPCC who can facilitate access to a third-party organization for assistance with the filing of their complaint. Please connect with the OPCC intake team for further information.

C. Reducing the fear of filing a complaint:

Some people may fear reprisal if they file a complaint. Individuals should not encounter any attempts to dissuade them from making a complaint about the conduct of a member. It is an offence to harass, coerce or intimidate anyone questioning or reporting police conduct or making a complaint. The OPCC is available to facilitate access to an appropriate support agency when a complainant expresses reluctance to report the matter to the police.

D. Language support:

Efforts should be made to converse in the complainant's preferred language to ensure that language is not a barrier to access. The OPCC can also facilitate access to interpretation or translation services. Please connect with the OPCC intake team for further information.

Office of the Police Complaint Commissioner