
To: All Municipal Police Chief Constables
Chief Officer – Metro Vancouver Transit Police (MVTP)
Chief Officer – Stl’atl’imx Tribal Police Service
Chief Officer – Combined Special Enforcement Units (CFSEU-BC) / Organized
Crime Agency (OCA-BC)

And to: All Professional Standards Officers

From: Police Complaint Commissioner

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

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

PURPOSE

This Guideline confirms the processes relating to the receiving and handling of questions or concerns of a member¹ who falls under Office of the Police Complaint Commissioner (OPCC) jurisdiction, which do not result in a complaint being made and registered. Section 177(2)(b) of the *Police Act* provides the Police Complaint Commissioner with the authority to create binding statutory guidelines to be followed by those receiving and handling questions or concerns. This Guideline is intended to assist front counter staff and Professional Standards Sections.

The *Question or Concern Form*² is intended to act as a record of those questions or concerns from a member of the public that do not result in a complaint being made and registered. This form must be used by all municipal police departments³. If questions or concerns are received verbally, they are to be recorded in writing using the *Question or Concern Form*.

HANDLING OF QUESTIONS OR CONCERNS

Members of the public should be informed at the outset of their options under the *Police Act*, including associated next steps and processes. If a member of the public references an allegation or allegations of misconduct contained within section 77 of the *Police Act* and expresses their

¹ Pursuant to Part 11 of the *Police Act*, the definition of “member” extends to all current and former members who, at the time of the conduct of concern, were members of a police agency that falls under OPCC jurisdiction.

² To acquire the OPCC *Question or Concern* form, or any other documents referenced within this Guideline, please contact the OPCC directly by email (info@opcc.bc.ca), phone (250-356-7458), or toll-free (1-877-999-8707). Of note, the documents referenced within this Guideline are updated regularly. To ensure the version of the document being used is up to date, best practice is to request a new copy or to confirm with the OPCC directly that a local saved copy remains accurate.

³ The definition of “municipal police department” within the *Police Act* extends to all agencies with members who fall under OPCC jurisdiction.

intention to file a complaint, a complaint should be 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, staff are encouraged to consult with their Professional Standards Section. The OPCC can also be consulted.

If it is determined that the question or concern does not involve an allegation of misconduct, the police department must then make a record 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 department, it is to be forwarded to the OPCC within 10 business days, regardless of whether the question or concern has been resolved. If a question or concern is resolved after the initial record is forwarded to the OPCC, the police department should forward the resolution within five business days of the resolution being made. If applicable, the resolution and steps taken to reach that resolution should 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.

At any time during the question or concern process, if a member of the public expresses a wish to proceed with a complaint, members are to explain the phases and complainant involvement in the registered complaint process, confirm the person's intent to file a registered complaint, and take reasonable steps to have the person verify the contents of the complaint. Additional information and instructions for receiving and handling complaints can be found in OPCC *Guideline 3 – Receiving & Handling of Complaints*, and *Information Bulletin 13 – Receiving & Handling of Complaints & Questions/Concerns*.

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 question or concern, or the investigator responsible for the file, informed the member of the public of the difference between a registered complaint concerning an allegation of misconduct, and a question or concern;
- ii. A detailed description of the member of the public's question or concern, and, when available, a description of how the member of the public would like their question or concern addressed;
- iii. Description of the steps taken by the investigator to address the member of the

- public's question or concern;
- iv. An indication of whether the member of the public is satisfied or unsatisfied by the steps taken by the investigator to address their question or concern.

OPCC REVIEW

The OPCC will review the materials submitted by the Professional Standards Section. While conducting a review of files considered to be concluded by the police department, the OPCC will consider:

- i. Whether the department has taken adequate steps to address the member of the public's question or concern, and whether the member of the public is reported to be satisfied with the outcome. If the department has taken adequate steps to address the member of the public's concerns but the member of the public 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 member of the public states that they would like to make a registered 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.

Original Signed By:

Police Complaint Commissioner