
To: 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

Date: May 17, 2023 – Revised: January 30, 2025

Re: **Reporting Requirements: Progress Reports, Final Investigation Reports,
Discipline Authority Decisions and Prehearing Conference Reports**

PURPOSE

The purpose of this Information Bulletin (Bulletin) is to confirm requirements regarding:

- Section 98 of the *Police Act* (including with respect to directions for further investigative steps);
- The dissemination by Discipline Authorities (DAs) of Final Investigation Reports (FIRs) and section 112 DA decisions; and
- The reporting of prehearing conferences relative to discipline proceedings.

RELEVANT LEGISLATION

This Bulletin has been developed in accordance with existing relevant legislation and best practices. Specifically, the processes described in this Bulletin align with the following sections of the *Police Act*:

- Section 73 – *Service of Notices*
- Section 90 - *If complaint not resolved informally, investigation must be initiated*
- Section 98(1), (2), (4)-(6) and (9) - *Investigating officer's duty to file reports*
- Section 112(1) and (6) - *Discipline authority to review final investigation report and give early notice of next steps*
- Section 120 – *Prehearing Conference*

RECOMMENDED PROCESS

Prompt initiation of investigations and submission of progress reports – sections 90 and 98(1)-(2)

Chief Constables are reminded of their responsibilities to “promptly” initiate investigations into matters deemed admissible by the OPCC or “promptly” notify the OPCC of the reasons for any delay in initiating investigations. Please note that in these circumstances, the OPCC defines “promptly” internally as 10 business days, in alignment with other proscribed deadlines established by the *Police Act*, such as sections 98(4), 98(9), and 112(1).

Under section 98 of the *Police Act*, investigating officers are required to submit Progress Reports to the OPCC and DA as follows:

- Initial Progress Report: Must be filed within 30 business days of initiating the investigation.
- Follow-Up Progress Reports: Must be filed at least once every 20 business days following the submission of the last Progress Report. This continues until the FIR has been accepted by the OPCC and the DA, including instances where a FIR has been submitted but further investigative steps have been directed.

List of investigation records included in the FIR – section 98(5)(d)

Investigating officers must ensure that the FIR contains a list of all records related to the investigation. This list must be included within the FIR provided to the DA and the OPCC. Investigating officers are responsible for ensuring all records are documented and included.

FIR submission and review period – section 98(9)

Within 10 business days of receiving the FIR, the DA and the Police Complaint Commissioner (Commissioner) have the authority to reject the FIR and direct further investigative steps be taken.

Directions for further investigation and consultation – section 98(9)

The Commissioner must consult with the DA when directing further investigative steps. In these situations, a delegated OPCC staff member will consult with the DA and discuss areas of concern. The Commissioner and DA do not need to agree on further investigative steps. Following consultation, if still appropriate and necessary, a Notice outlining the Commissioner’s or their delegate’s direction for further investigative steps will follow. We encourage investigating officers to connect with the assigned OPCC analyst for further clarity on directed investigative steps. Any such investigative steps remain in effect unless formally rescinded or modified by the Commissioner.

If the DA is considering directing further investigative steps, the OPCC recommends connecting with a delegated OPCC staff member in advance of issuing the direction. This may avoid unnecessary duplication of efforts.

Once an investigator has received direction for further investigative steps from the DA or the Commissioner, they must “promptly” comply with that direction and then resubmit a new FIR to the DA and Commissioner within five (5) business days of carrying out the required steps. Depending on the number and complexity of the investigative steps directed, the timeframe to resubmit a new FIR will vary between files. Investigators should make every effort to prioritize any direction received to avoid any unnecessary delay in resubmitting a new FIR.

Resubmitting a new FIR following a Direction

A new FIR submitted following a direction under section 98(9) is not a “supplemental” FIR as described under section 115 or an “Investigation Report” under section 132 of the *Police Act*. It does not have to meet the form and manner requirements in those sections. The resubmitted FIR replaces the previous version and is considered a new and full report. It is expected that a resubmitted new FIR will include the further investigative steps directed by the DA or Commissioner. Any new investigative materials are to be assessed and integrated comprehensively with the entire evidentiary record and previously completed investigative steps.

Once a new FIR is resubmitted, the timelines for the DA decision due date and any other related statutory timeframes are recalculated.

Dissemination of FIR and DA decisions and confirmation of disclosure

Pursuant to section 112(1) of the *Act*, the DA must notify all relevant parties of their decision no earlier than 10 business days after receiving the FIR and no later than 20 business days after receiving the FIR. It is the DA’s responsibility to provide their section 112 decision to the OPCC, complainant (if any), and member or former member. The DA must also provide the OPCC with confirmation of disclosure to all relevant parties.

Complainant

It is the DA’s responsibility to provide complainants with a copy of the FIR (excluding the evidence and records referenced in it) and section 112 decision. It is recommended that DAs ensure they have the most up to date contact details for a complainant and that notification be provided via Registered Mail pursuant to section 73 of the *Police Act*.

DAs are to provide the OPCC with the following verifying disclosure to a complainant:

- Written confirmation that the required disclosure was provided to the complainant;
- The mode in which the materials were provided to the complainant; and
- If applicable, the Registered Mail tracking details for the notification.

Member

It is the DA's responsibility to provide the member or former member with a copy of the FIR, the evidence and records referenced in it (i.e., the attachments), and the section 112 decision.

DAs are to provide the OPCC with written confirmation that the required disclosure, including all attachments, was provided to a member.

Severing information from FIRs and DA decisions

FIRs and DA decisions should promote transparency, trust, and confidence in the complaints process. It is fundamental to the duty of fairness to ensure transparency of information consistent with the *Police Act* to allow parties to effectively exercise their statutory rights. Information should only be severed in accordance with the provisions of the *Police Act* and the *Freedom of Information and Privacy Protection Act (FOIPPA)*. Any other approach could negatively impact fairness to the parties involved and overall confidence in the complaints system.

Accordingly, investigators and DAs should ensure FIRs and decisions, respectively, are written in a manner that best limits the need for redactions by, for example, not including unnecessary personal and sensitive information not essential to understanding the material evidence, analyses, and ultimate recommendation or decision.

The OPCC recommends all staff who are involved in the redaction process to be made aware of these statutory requirements and guidance with respect to the severing of information in FIRs and DA decisions.

Offering of a prehearing conference to members and associated report

Pursuant to sections 112 and 120 of the *Police Act*, the DA may offer to a member a confidential, without prejudice, prehearing conference. It is recommended that the DA require confirmation from a member promptly in terms of the member's decision to accept an offer of a prehearing conference. This is important because the statutory timeline for convening a discipline proceeding does not automatically stop when a prehearing conference is offered or accepted. Police departments should expect that the OPCC will reach out to confirm if the member is accepting the offer of the prehearing conference.

The prehearing conference may result in an agreement and report on proposed discipline that is submitted to the Commissioner for approval under section 120(12) of the *Police Act*. Please take note that the DA must still convene the discipline proceeding pursuant to sections 118 and 123 of the *Police Act* when the prehearing conference agreement report has been submitted to the Commissioner for review and approval. This is because the prehearing conference has not

resulted in a “resolution” until the Commissioner has approved the proposed disciplinary or corrective measures.

Office of the Police Complaint Commissioner