

# **The Police Complaints Process and The Role of Civilian Oversight**

Online Information Session  
July 10, 2025



We acknowledge the communities and nations on whose territories we do our work, more specifically the Lekwungen people, known today as the Songhees and Esquimalt nations, past, present and future. They have provided stewardship, care and leadership on the land in which our main office is located. Our work extends across the different homelands of Indigenous Peoples within what we now call British Columbia. We honour the many territorial keepers of the lands and waters where we work.

At the OPCC, we understand that our work in police accountability and oversight is inherently connected to Canada's own legacy of colonialism and the historical traumas of policing on Indigenous Peoples, communities, and ways of life. Our intentions with public legal education are rooted in a desire to make meaningful changes and improvements, and communicate our purpose more broadly where needed.



The OPCC is committed to Truth and Reconciliation, and has taken some initial steps to increase the level of Indigenous Cultural Safety in the police complaint process.

This includes engaging a Cultural Safety Advisor, mandatory all-staff San'yas training, Trauma Informed Practice training specific to the justice sector, focused training in Indigenous restorative justice approaches, and increased connections to advocacy and cultural safety and supports that offer more voice and choice for Indigenous community members in the police complaint process. We are focused on next steps that are concrete, and action oriented as well as informed by Indigenous representatives and agencies.

# Who is the OPCC?

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- A civilian, independent office of the Legislature in existence since 1998.
- We actively monitor and oversee complaints and investigations involving municipal police in British Columbia.
- Ability to self initiate systemic investigations to proactively investigate issues arising from police complaints or problems identified in the complaints process.
- Can issue recommendations to prevent police misconduct and improve the system of policing.
- Ensure the complaints process is fair, accessible and equitable to all parties involved.



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The OPCC was established in response to concerns related to systemic barriers in making a complaint about municipal police, as identified by the Honourable Wally Oppal, K.C., in his Closing the Gap report from 1994.

We are independent of both government and police, overseeing complaints and investigations, and providing advice or recommendations to government bodies and police boards.

Before the OPCC was established, police investigated their own conduct with no involvement from independent bodies.

# Police Departments

## VANCOUVER ISLAND

- Oak Bay
- Central Saanich
- Saanich
- Victoria

## MAINLAND

- Abbotsford
- Delta
- Nelson
- New Westminster
- CFSEU – BC/OCABC
- Port Moody
- Transit Police
- Stl'atl'imx Tribal Police
- Vancouver
- West Vancouver
- Surrey



- 3,500+ municipal police officers and special municipal constables fall under OPCC's jurisdiction.
- We do not provide oversight to RCMP departments or officers.

There are more than 3,500 municipal police officers and special municipal constables that fall under OPCC jurisdiction.

Most police detachments are in Greater Vancouver and Greater Victoria, with the exception of Nelson, and Stl'atl'imx - the only Indigenous police service in British Columbia.

Our jurisdiction has recently expanded. The Surrey Police Service (SPS) became the police of jurisdiction on Nov. 29, 2024. The B.C. RCMP, as the provincial police service, has remained active in Surrey, providing support to the SPS until the transition is completed, with both agencies working together under a temporary arrangement. We are not responsible for providing oversight to RCMP departments or its members.

There are two other police oversight bodies operating in BC: the Civilian Review Complaints Commission is responsible for oversight of RCMP complaints; and the Independent Investigations Office (IIO) investigates serious harm and death during a police encounter.

The Canadian Association for Civilian Oversight of Law Enforcement or "CACOLE" is a national oversight body representing oversight agencies in each province, as well as First Nations and the Federal Government.

# OPCC oversight involves...

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- Screening complaints to determine next steps.
- Directing investigations into police misconduct and monitoring progress.
- Reviewing investigative materials, reports and decisions in real-time, not after an investigation.
- Actively providing advice and/or direction to the investigator to make sure the investigation is fair and being conducted thoroughly.
- Appointing retired judges as a necessary check and balance on police-led investigations and decisions.



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Our role includes reviewing complaints to determine if they are admissible under the Police Act and educating complainants about their options and the different complaint channels: Questions and Concerns, Registered, and Complaint Resolution.

Even if no complaint is submitted, the Commissioner can order an investigation if the OPCC learns about a situation of police misconduct. The OPCC will determine if a Professional Standards Section (PSS) officer from a different, or external department is required. For example, if a complaint is from a small department with tightly knit staff.

An OPCC investigative analyst reviews materials such as videos, police reports and witness statements while the PSS conducts their investigation. We provide advice and direction to ensure the investigation is thorough and fair.

PSS officers create a “Final Investigation Report” that a “Discipline Authority” reviews to determine if there is an appearance of misconduct. The OPCC reviews this decision to determine whether the appointment of a retired judge is necessary.

Further steps in the investigation process involve OPCC staff reviewing a “Pre-hearing Conference Report” to determine whether discipline is appropriate and adequate.

Finally, the Commissioner determines if there are issues in the complaint that may lead to recommendations made to police boards and government.

# How to initiate a complaint

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- Any individual or support agency may submit a police complaint to the OPCC.
- You do not have to directly observe or experience police misconduct to make a complaint and can act on someone's behalf or file a third-party complaint.

Complaints can be submitted:

- Online - [www.opcc.bc.ca/complaints/](http://www.opcc.bc.ca/complaints/)
- Phone - 1-877-999-8707
- Email - [info@opcc.bc.ca](mailto:info@opcc.bc.ca)
- In person at a municipal police department or the Victoria OPCC office (947 Fort Street)



It's important to know that support agencies have the ability to make a third-party complaint. Clients may be fearful for different reasons and may have more confidence in an advocate or support person helping them navigate the process. If someone files a complaint in a police department, the OPCC is automatically notified.

Intake services are the public's first point of contact with the OPCC. Intake staff help people understand the processes available to them and can connect complainants with community agencies. Complaint forms and brochures are available in 13 languages and are available upon request.

To ensure a complaint is admissible, it must: describe an identifiable claim of misconduct as defined in the Police Act; be made within 12 months of the incident although this can be waived at the Commissioner's discretion; not be "frivolous or vexatious" ie: must have a basis or air of reality.

Sometimes a complaint about a negative experience will not meet the admissibility threshold. Our Intake staff can provide further information and appropriate resources.



# Supporting the complaints process

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The OPCC can:

- Assist with the taking of complaint details and descriptions.
- Provide options on how to address your concerns (complaint, question/concerns, service or policy complaint).
- Explain the complaints process and any next steps.
- Arrange professional and confidential language services (interpretation, translation, sign language, or other communication support).
- Facilitate referrals to specialized resources and supports.
- Arrange other accommodations, upon request.



Intake staff can help people: Document their complaint over the phone; Provide information about different complaint channels (complaint, questions/ concerns, service or policy complaint); Provide professional, confidential language support (interpretation and translation); Other communication supports like sign language interpreters or other accommodations.

Neutral locations: Complainants may prefer to be interviewed or meet with professional standards section officers in a neutral location, rather than the police department as part of a formal investigation or complaint resolution. Either the OPCC or Professional Standard Section officers can assist with finding neutral space that is agreeable to all parties. For example, a room at a community library can be booked.



# Support agencies working with OPCC

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- Over 30 different organizations across sectors and identities, including Indigenous service providers, settlement, anti-violence, law student clinics, disability organizations and agencies serving people in poverty with complex social, housing, and health needs.
- Support can involve:
  - Elders and knowledge keepers
  - Legal advocates
  - Settlement workers
  - Interpreters
  - Community-based victim support workers



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Support agencies are community organizations, and their staff or volunteers, who can help their client base with documenting a complaint or accompanying a complainant for meetings (either in-person, telephone, or virtual), including interviews with Professional Standard Section officers to investigate misconduct. They may also facilitate complaint resolution or the Alternative Dispute Resolution processes.

Support can be layered or changed based on the different stages of a complaint. Someone may require cultural or disability expertise at one stage of a complaint, and assistance from a law student at a later stage.

The complainant must identify which type of support, if any, they want or need.

OPCC can provide training, resources, and mentorship to support agency staff and volunteers who are assisting people with police complaints.

# Example of a police complaint

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- Background: An International student (complainant) was in a dispute with their roommates.
- Incident: Police were called, and the complainant could not communicate due to the language barrier. They became increasingly upset and were arrested.
- Making a complaint: Charges were dropped, however the complainant was traumatized about the incident and concerned how it affected their international student status. The person filed a police complaint, describing discourtesy and excessive use of force.
- Role of support agency: Ensure the client is aware of their legal right to make a police complaint, where and how to file a complaint, and the specific and appropriate supports that are available.



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## Case study/Complaint process

**Incident:** An international student is in a conflict with their roommates. Police are called and the student is arrested for failure to comply with orders and resisting arrest. Despite charges being dropped, they file a complaint with the OPCC stating they were unable to tell their side of the story due to a language barrier, as well as discourtesy and excessive use of force in handcuffing.

**Intake -** This person can submit their complaint over the phone with assistance from a professional interpreter, coordinated by OPCC intake staff.

**Admissibility -** The complaint is assessed for admissibility. If admissible, the complaint could proceed as an investigation, or possibly a complaint resolution. The complainant is assigned an oversight analyst who can ensure the process is thorough and fair. The complaint will be assigned to a Professional Standards Section Investigator who will contact the complainant to initiate the process.

**Role for Agency staff -** Ensure that the complainant is aware of their legal rights relative to the Police Act, know where and how to file a complaint, understand that the OPCC ensures a fair process, and that support or assistance is available to accompany a person through the process if needed/requested.

# Complaint filed. Now what?

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- OPCC will send a letter confirming receipt of the complaint and information about available resources to assist with the process.
- The letter will also notify you of the screening decision. Not all complaints will be investigated. If there will be no investigation, you will be provided with reasons.
- If admissible, information will be provided explaining next steps.
- The OPCC may divert your complaint for a resolution process.



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When someone submits a complaint, they can expect to receive a letter, generally by email, from the OPCC notifying them whether or not their complaint is “admissible” and setting out the specific areas of misconduct that apply under the Police Act.

The letter may also include some information about options for complaint resolution. If any additional areas of misconduct are revealed in the investigation, the investigator is required to share that information with both the OPCC and the complainant. An OPCC analyst can assist with better understanding the complaint process and the steps involved.

# Rights of a complainant

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Complainants have the right to:

- Receive updates about the status of the investigation.
- Receive a report at the conclusion of the investigation with the decision.
- Right to request a review by requesting the appointment of a retired judge.
- Make submissions about the complaint, the investigation or appropriate disciplinary or corrective measures.

**An OPCC staff member will be assigned to your complaint from start to finish and can assist you with understanding the process.**



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Legislation sets out the various rights that complainants receive during the complaint process. This includes regular progress reports that are provided by the Professional Standards Section officer; the first within 30 business days of initiating an investigation and subsequent reports ever 20 business days thereafter.

Complainants also receive investigation logs with the following information: chronological listing of all investigative steps taken; summary of the information received; brief analysis of the information / evidence obtained; and an indication of what follow up is required or what the next investigative step will be.

The complainant receives a “Final Investigation Report” at the conclusion of the investigation that includes the following: brief account of the investigative steps taken; complete summary of the relevant evidence; list of all witnesses; list of all records related to the investigation; the investigating officer’s assessment of the evidence and analysis of the facts.

# What is complaint resolution?

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- An accountable and effective way to resolve police complaints.
- Allows participants to be actively involved in the outcome of a complaint.
- Is voluntary.
- Can occur at any time during the complaints process.
- Offers a powerful learning opportunity for everyone.
- Often results in quicker outcomes and allows you to get answers to questions.
- Supports for complainants are available.

Outcomes can include:

- An apology, acknowledgement of the impact of the officer's conduct, an exchange of perspectives, training for the officer, or a culturally relevant restorative process.



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Complaint Resolution requires agreement from all parties to successfully conclude the process. It is not used for files that are serious and complex in nature. The outcome involves agreements that are made in writing between the parties. Either the complainant or the police officer can request complaint resolution at any time in an investigation process.

Examples of issues often resolved through resolution include Discourtesy: How an officer treated a member of the public, Neglect of Duty: Officer failed to fulfill a duty, or Abuse of Authority: Detentions, arrests, searches.

The OPCC remains committed to expanding the use of restorative justice in police complaint, including the use of a Healing Circle facilitated by Indigenous restorative justice practitioners.

# Restorative approaches to resolution

- Rebuilds trust between a community member and police.
- Can promote intercultural learning (e.g., restorative healing circle).
- Potential reduction in further complaints.
- Establish understanding not just about what occurred, but the impact of actions.
- Encourage personal growth and responsibility rather than narrow focus on the legal criteria.



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## Restorative Healing Circle Case Study

**Issue:** Indigenous Peoples continue to experience harm and marginalization by justice and policing systems, often in the form of bias. Mechanisms like healing circles, can be used to better address intercultural components of a complaint.

**Background:** An Indigenous family could not access culturally safe avenues of review and were treated dismissively by police.

**Process:** Communication is key. Steps include an expression of interest from the complainant, support from an Elder, commitment from the Professional Standards Section officer, openness from the responding officer, support from the Police Union, and an expert Indigenous Facilitator. This requires time, commitment to in-person communication, and augmenting written agreements.

**Conclusion:** The OPCC is committed to expanding the use of restorative justice in the police complaint process, including the use of a healing circle facilitated by Indigenous restorative justice practitioners.

# Investigations into police misconduct

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- The OPCC is not an investigative agency.
- Investigations are completed by police with OPCC oversight.
- An OPCC Investigative Analyst is paired with the police investigator.
- Discipline Authorities make decisions about whether police committed misconduct.
- All investigations and decisions about police misconduct are reviewed by the OPCC and remedial steps can be directed.



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Each police department has a section of officers (Professional Standards Section/PSS) that investigate police misconduct and update the Commissioner on the progress of an investigation in “real time”.

Investigations require the PSS officer to provide the OPCC with all information or records related to the investigation, in the manner and form specified by the Commissioner.

The OPCC provides advice to the investigating officer or the discipline authority (senior officer) on investigative steps and direct that further investigative steps be taken.



# What is police misconduct?

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- Public Trust Offence
- Abuse of Authority
- Accessory to Misconduct
- Corrupt Practice
- Damage to Police Property
- Damage to Property of Others
- Discourtesy
- Discreditable Conduct
- Improper Disclosure of Information
- Improper Off Duty Conduct
- Improper Care or Use of Firearm
- Misuse of Intoxicants
- Neglect of Duty
- Deceit



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Police misconduct refers to behaviours and actions that are unlawful, inappropriate or deemed to violate trust that the public places in officers to behave ethically, and within the law.

There are 14 broad categories of misconduct. The definition of misconduct was expanded in April 2024 to include discriminatory jokes or gestures, Indigenous identity, and gender identity or expression.

It is also a disciplinary breach of trust to, when on duty or off duty but in uniform, use profane, abusive, discriminatory or insulting language, jokes or gestures to any person including, without limitation, language, jokes or gestures that would likely be seen to demean or show disrespect to the person on the basis of that persons: race, colour, ancestry, place of origin or Indigenous identity, political belief or religion, marital or family status, physical or mental disability age, sex, sexual orientation, gender identity or expression, economic or social status.

# Discipline or corrective measures

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- Advice as to future conduct
- Verbal reprimand
- Written reprimand
- Direction to participate in specified program
- Direction to undertake professional counselling
- Special training or retraining
- Work under close supervision
- Suspension without pay (up to 30 scheduled working days)
- Transfer/reassignment
- Reduction in rank
- Dismissal

*\*Not all investigations result in misconduct and discipline*



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Legislation states that seeking to correct or educate an officer takes precedence over an emphasis on discipline, unless it is unworkable or would bring the administration of police discipline into “disrepute”.

The level of discipline for misconduct depends on aggravating or mitigating factors: Seriousness of the misconduct; Member’s service record of discipline; Impact on member’s family and career; Likelihood of future misconduct; Acceptance of responsibility; Degree to which the department’s policies or procedures may have contributed; Discipline or corrective measures in similar circumstances; Other aggravating or mitigating factors.

# Additional types of complaints

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- **Question or Concern**

A written or oral report by a citizen that raises a question or concern about the conduct of a police officer but does not result in the making and registering of a complaint.

- **Service or Policy Complaint**

These complaints are related to the department rather than an individual officer. For example, staffing and resource allocation so that members of the public can be better supported.



Questions or concerns: Can be a helpful starting point when someone has a concern and would like more information but does not wish to register a formal complaint. These can be made through the OPCC or a police department. They can be elevated to a registered complaint if the person asking a question is not satisfied with the response, or if the party receiving a complaint (OPCC or municipal police department) is required to respond to a public trust issue. However, you cannot backtrack from a registered complaint to a question and concern.

Questions and concerns receive oversight from the OPCC and an analyst is assigned to the file. Service or policy complaint: Not about an individual officer, but the police department itself. These can be submitted directly to the Police Board, through the OPCC or a police department. They are not assessed for “admissibility” and may include: General direction and management of the police department; Inadequacy or inappropriateness of staffing and resource allocation; training programs or resources; standing orders or policies; the ability to respond to requests for assistance or internal procedures.

A municipal police department’s Police Board acts as the decision maker of these complaints. The Commissioner can make recommendations regarding service and policies of a department.

# Additional information

Website: [www.opcc.bc.ca](http://www.opcc.bc.ca)

Resource links:

[Accessibility Plan](#)

[Annual Reports](#)

[Discipline Decisions Digest](#)

[Multilingual Brochures](#)

[Multilingual Complaint Forms](#)

[Reports of Interest](#)

[Support Agency List](#)

