

Overview of Section 5 of the Police Services Act—Facilitator’s guide

PUBLIC COMPLAINT

A public complaint can be made various ways:

- In person at the police station
- By internet
- By fax
- By visiting a community agency with trained facilitators

When making a complaint a civilian does not need:

- A badge number
- A description of the officer

INFORMAL RESOLUTION (STEP #1)

It is common practice to have an informal resolution at the time a civilian comes into the station to file a complaint. The officer and the civilian **MUST** agree. An informal resolution usually consists of an apology or explanation from the officer and the civilian is able to express their concerns. (This is a safe process done at the police station in a private room with the Unit Commander acting as a mediator).

The Unit Commander will make a follow up phone call to the civilian to confirm that the civilian is pleased with the results of the informal resolution. If the civilian is not happy with the results the Unit Commander will inform the civilian that they may retract the informal resolution and continue with the complaints process.

*If the matter is of a serious occurrence, the civilian does not have the option of Informal Resolution.

CHIEF OF POLICE

A complaint has 120 days to be investigated once the police chief has received it.

COMPLAINT MORE THAN SIX MONTHS

Not always the case when a serious offence has occurred. Other factors taken into consideration are:

- Language barriers
- Civilian has been out of the country

For the six-month rule to be overridden, this is up to the Unit Commander.

COMPLAINT NOT DIRECTLY AFFECTED

A civilian cannot make a complaint if they were not directly affected (i.e. the person who was harassed by the officer). Although the police encourage civilians to report serious offences they have been witness to or any serious hearsay.

CONDUCT OF A POLICE OFFICER

Example: Excessive force

POLICIES OF, OR SERVICES PROVIDED BY POLICE

Example: Spot checks holding up traffic

FRIVOLOUS, VEXATIOUS OR BAD FAITH COMPLAINTS

Letter written to citizen explaining why their complaint cannot be processed.

Example: Citizen claims police took sneakers and would like them returned. This complaint would be frivolous because running shoes were taken as evidence and cannot be returned.

INVESTIGATION

An investigation can happen two ways.

- 1) Civilian cannot speak to police due to lawyers being involved.
- 2) Civilian must speak to police for the investigation to continue. The civilian receives this information from police verbally and in writing.

If the civilian refuses to speak with police OCCP's sends a written letter to the civilian explaining that they must co-operate with police or their complaint will be disregarded.

MISCONDUCT OR UNSATISFACTORY WORK PERFORMANCE NOT OF A SERIOUS NATURE

If an officer a re-offender they may not be offered the Informal Resolution process (step #1) and go straight to content to penalty or investigation.

**CONDUCT MAY CONSTITUTE MISCONDUCT OR UNSASTISFACTORY
WORK PERFORMANCE**

Investigative Terminal (“internal affairs”) may investigate the conduct of the officer. For example is a civilian is killed by police; the investigation will include Special Unit (non-police) and Internal Report (police).

POLICE SERVICES BOARD

The police services board has both monthly and annual reviews.

UNSUBSTANTIATED

Civilian can appeal to OCCP’s. At this point the civilian will need a witness or evidence. Ex. The complaint can no longer be “he said she said”. Evidence is needed to continue with the process.

INFORMAL RESOLUTION #2

Civilian and officer can agree to an informal resolution or proceed with the complaints process.

CONSENT TO PENALTY

Reprimanded or fired. If reprimanded the complaint will stay in the officers’ file for two years.

Penalties consist of:

- Suspension
- Training (i.e. anger management)
- Demotion
- Work days without pay

HEARING

This is a formal police hearing. (“Mini court/ trial”)

Criminal or very serious charges.

Officers may be acquitted in criminal court but investigated within the police (under police conduct).

**Community Education Workshop
Police Complaints Process
Length of Session: 2 hours**

NOTES:

- Civilians have the right to appeal to OCCP's any stage.
- Offences have two categories
 - 1) Serious (ex. Drug use)
 - 2) Less serious (ex. Inappropriate language)

This is for investigative purposes. Categorizing of offences is at the discretion of the Unit Commander and or Police Chief.