

**Office of the Police
Complaint Commissioner**



2001 Community Outreach

GENERAL INFORMATION

The Office of the Police Complaint Commissioner is located at Suite 900 - 1111 Melville Street, Vancouver, BC V6E 3V6 - (604) 660-2385 . This is downtown Vancouver, at the corner of Melville and Thurlow Streets, this is our only location. You can communicate with our office by telephone, by facsimile or by e-mail. Toll Free by calling ENQUIRY BC at 1-800-663-7867 and asking to be connected to the Office of the Police Complaint Commissioner. Our web site is www.opcc.bc.ca.

The Office of the Police Complaint Commissioner is an independent agency established under the *Police Act*. We are responsible for monitoring complaints against municipal police. The role of the Police Complaint Commissioner is to oversee the investigation to ensure that it is done in a fair, unbiased, timely and thorough manner, and to ensure that you are kept informed of what is happening with your complaint.

The Police Complaint Commissioner is an officer of the Legislature. The office is completely independent from any police department or government ministry, and reports directly to the Legislature.

Complaints may be made at the Office of the Police Complaint Commissioner or at the police station for the department you wish to complain about. The person receiving your complaint has a duty to provide you with any information you may require in making your complaint, including helping you fill out the Form 1, Record of Complaint.

In most cases, your complaint is investigated by the Internal Affairs/Professional Standards branch of the police department involved. In some cases, another police department is asked to investigate.

The RCMP have their own independent complaint process. The office of the Police Complaint Commissioner has no jurisdiction over the RCMP.

The Commission for Public Complaints against the RCMP is located at Suite 1032, 7337 137th Street, Surrey, BC V3W 1A4 - (604) 501- 4080 or Toll Free 1-800-665-6878.

The Complaint Process

Who can make a complaint?

Anyone who has concerns about the actions or comments of a municipal police officer or the services provided by a municipal police department may make a complaint.

How are complaints made?

A complaint must be made in writing, on an approved form (Form 1). This form is available at any municipal police department or at the Office of the Police Complaint Commissioner located at 900 - 1111 Melville Street, Vancouver, BC. The completed form can be delivered in person or by mail to the police department involved or to the Office of the Police Complaint Commissioner. If the complainant needs help in making a complaint, the Office of the Police Complaint Commissioner will help him or her to fill out the form, and will provide information about mediation, support services and translation.

What happens to the Complaint?

The Office of the Police Complaint Commissioner forwards all complaints to the appropriate police department for investigation. In most cases the complaint is investigated, by the Internal Affairs/Professional Standards Branch, of the police department involved. In some cases another police department is asked to investigate. The police department must report to the Police Complaint Commissioner at each stage of their investigation to advise the Commissioner of what is happening with each complaint. The complainant is also provided with ongoing information about his or her complaint. The complaint will be characterized as *Public Trust, Service and Policy or Internal Discipline*. Most complaints fall under the *Public Trust* category.

Public Trust

Public Trust complaints affect the relationship between a police officer and the community, and allege specific misconduct on the part of a police officer. A *Public Trust* complaint will be resolved in one of three ways:

1. Informal Resolution

Public Trust complaints may be resolved informally by face-to-face discussions, by letter, by telephone, or with the help of a professional mediator. A complaint is resolved when both parties to the complaint (the complainant and the police officer) have given their signed consent, after which either party has 10 days to withdraw his or her consent in writing. Otherwise, the informal resolution is final and binding.

2. Summary Dismissal

A Public Trust complaint may be dismissed if there is no likelihood that further investigation would produce evidence to substantiate the complaint, or if the complaint concerns a matter that happened more than 12 months ago. If the complainant disagrees with the department's decision to dismiss the complaint, he or she can apply in writing for a review of the decision by the Police Complaint Commissioner.

3. Investigation and Conclusion

A Public Trust complaint will be investigated if it is not informally resolved or summarily dismissed, or if the Police Complaint Commissioner orders an investigation. In most cases the complaint is investigated, by the Internal Affairs/Professional Standards Branch, of the police department involved. Or may be referred by the Police Complaint Commissioner to another police department for investigation, police department is asked to investigate.

The investigation into a complaint must be completed within six months after the date the approved form was filed. The Police Complaint Commissioner may grant an extension of this time. If the complainant is unhappy with the results of the investigation, he or she may apply in writing to the Police Complaint Commissioner for a *Public Hearing*.

Service and Policy Complaints

Service and Policy complaints are complaints about the policies, procedures and services provided by a municipal police department. An example of a Service and Policy complaint would be a complaint that insufficient police officers were stationed at a public event.

Service and Policy complaints are the responsibility of each Police Board. A Police Board may do one or more of the following:

- a) Request that the Chief Constable investigate and report to the board,
- b) Initiate a study,
- c) Initiate an investigation,
- d) Dismiss the complaint with reasons.

The Police Board must advise the Police Complaint Commissioner and the complainant of the results of including what course of action if any was taken and a summary of the results if any investigation or study. The Police Complaint Commissioner cannot require a Police Board to take any particular course of action regarding a Service or Policy complaint, but may make recommendations.

Internal Discipline Complaints

Internal Discipline complaints concern police misconduct that is of concern to the officer's employer but does not affect the officer's relationship with the public. An example of an Internal Discipline complaint would be that the officer did not secure his or her firearm properly in the police locker.

The principles of labour law apply to the investigation and processing of Internal Discipline complaints.

In serious matters involving a police force member's duty to the public, the Police Complaint Commissioner is likely to re-characterize Internal Discipline complaints as Public Trust complaints.