

To: All Municipal Police Chief Constables

And to: All Professional Standards Officers

From: Office of the Police Complaint Commissioner

Date: October 8, 2014

Re: **Guideline on Receiving & Handling of Complaints - Revised**

A guideline was issued on March 26, 2010, by the Office of the Police Complaint Commissioner explaining the process of how complaints were to be handled by municipal police departments pursuant to section 177(2)(a) & (b) of the *Police Act*.

This guideline will replace the previous guideline and will serve as an update to those processes relating to the receiving and handling of a registered complaint, or a service or policy complaint.

The newly revised *Complaint Form* is intended for use for complaints which are made and registered. This form will be used only for registered complaints; any questions or concerns from a member of the public are to be recorded on a separate form¹ (see Question or Concern Form). As with the original Complaint Form, if questions or concerns are received orally, in person or by telephone, they are also to be reduced to writing using this form.

REGISTERED COMPLAINTS

Pursuant to section 78(2)(b)(i), a complaint may be made and registered by stating or delivering it to a member at a municipal police department who is assigned to receive and register complaints. Reasonable efforts should be made to ensure someone is available to receive and register complaints at all times.

¹ A separate guideline has been created explaining the process of how questions or concerns are to be received and handled.

A person receiving a registered complaint **MUST** do the following in accordance with section 80 of the *Police Act*:

- **Provide the complainant with any assistance that the complainant requires in making the complaint.**

All complaints are to be recorded in writing on the OPCC Complaint Form, regardless whether they are received orally, in person or by telephone. Additional assistance may be required if the individual has difficulty with respect to literacy or any other aspect of communication. Efforts are to be made to assist individuals in the filing of their complaint and no person should be dissuaded from filing a complaint.

If a complaint does not involve your respective police department or involves the RCMP, assistance should be provided nevertheless. If the complaint involves another municipal police department, the OPCC Complaint Form should be completed and forwarded to the OPCC. If the complaint involves the RCMP, contact details for the Commissioner for Public Complaints against the RCMP should be provided.

- **Provide information or advice to the complainant regarding the complaint process.**
In addition to the Complaint Form, the OPCC has produced an informational brochure that explains the basic complaint process. Departments should have these brochures on display in an area readily available to the public. Whenever possible, this brochure should be provided to the complainant.

If a complainant has questions about the process that cannot be answered, they should be referred to a Professional Standards member from your department or directed to contact the OPCC. Contact information for the OPCC is provided for on both the Complaint Form and the brochure.

- **Request that the complainant provide any information that may be required by the Police Complaint Commissioner.**

Areas on the Complaint Form that are marked with an * indicate information that must be completed. The person receiving the complaint is to review the Complaint Form to ensure that the required fields have been completed and that the Complaint Form is as complete as possible. Details in the description section of the Complaint Form should be recorded using the complainant's own words.

- **Provide the complainant with a list of support groups and neutral dispute resolution service providers and agencies.**

In order to satisfy this requirement and meet the individual needs of a Complainant, both the Complaint Form and the brochure refer any inquiries regarding the availability of support groups and neutral dispute resolution providers to the "Support Group Coordinator" at the OPCC. This same information should be provided by the person assisting the complainant. The OPCC will assist a complainant in linking them to the appropriate support group which best suits their individual circumstances.

- **The date and time the complaint was received must be recorded on the form, and a copy of the completed Complaint Form must be provided to the complainant.**
If the complaint was received by telephone, the contents of the complaint must be read back to the complainant to ensure accuracy of the information provided. In addition, if received by telephone, a copy must be mailed (or sent electronically) to the complainant.
- **Complete and forward to the Police Complaint Commissioner the record of complaint in the form and manner required by the Police Complaint Commissioner.**
Ensure the shaded grey portion on the Complaint Form is filled in by the person receiving the complaint. The completed Complaint Form and any associated documentation are to be uploaded electronically to the OPCC using the File Transfer System. Complaint Forms should be uploaded within the next business day of its receipt.

SERVICE OR POLICY COMPLAINTS

Pursuant to section 168(1), any person may make a complaint to the Police Complaint Commissioner about the following:

- a) The general direction and management or operation of a municipal police department;
or
- b) The inadequacy or inappropriateness of any of the following in respect of a municipal police department:
 - (i) its staffing or resource allocation;
 - (ii) its training programs or resources;
 - (iii) its standing orders or policies;
 - (iv) its ability to respond to requests for assistance;
 - (v) its internal procedures.

Similar to the filing of registered complaints, a person receiving a complaint concerning a service or policy MUST do the following in accordance with section 169 of the *Police Act*:

- Provide the person making the complaint with any assistance that person requires in making the complaint.
- Provide the person making the complaint with any information or advice that may be required under the guidelines prepared under section 177(2)(a) by the Police Complaint Commissioner.
- Record the complaint and the date and time of its receipt.
- Provide the person making the complaint with written acknowledgment of its receipt.

- Forward a copy of the complaint or, if the complaint was not made in writing, a copy of the record of the complaint to:
 - (i) a Chief Constable of the municipal police department concerned;
 - (ii) the board of that municipal police department; and
 - (iii) the Police Complaint Commissioner.
- The record of the complaint is to be completed and forwarded using the Complaint Form.



Stan T. Lowe
Police Complaint Commissioner