



AC41

## COMPLAINTS AGAINST POLICE PERSONNEL

AC41

Effective Date: 14 December 2011  
Revised Date: 08 March 2018

### POLICY

1. Citizen complaints related to Delta Police Department (“Department”) members and special municipal constables shall be dealt with according to the provisions of the *British Columbia Police Act* (“Act”).

### REASON FOR POLICY

2. To comply with the provisions of the Act.
3. To indicate the manner in which citizen complaints are processed according to the Act.
4. To conduct effective early intervention with complainants to mitigate the impact of complaints.
5. Complaints against police staff will be processed in accordance with Policy **AC40 – Restoring Performance Standards**.

### RELATED POLICIES

AC40 - Restoring Performance Standards  
OE13 – *B.C. Police Act* – Reportable Incidents of Injuries or Death

### DEFINITIONS

6. For the purpose of this policy, the following definitions will apply:

**Complainant** - person who makes and registers a complaint under Section 78 of the Act or, a person acting on behalf of the complainant, a third party complainant or an appointed representative.



**Discipline Authority** - the Chief Constable or a delegate of the Chief Constable. The PSS Inspector is the primary delegated Discipline Authority for the Department. In certain circumstances the Discipline Authority may be the Delta Police Board ("Board") Chair, a retired judge, a senior officer, or a senior officer from an external municipal agency.

**Independent Investigations Office (IIO) Liaison Officer** – the Superintendent, Investigations Bureau.

**Former Member** - any sworn peace officer who was employed at the Department but who has resigned or retired from the Department and is no longer a municipal officer in British Columbia.

**Member** – a sworn municipal officer appointed and employed by the Board in accordance with the Act.

**Misconduct** - a disciplinary breach of public trust committed by a member as defined in Section 77 of the Act that would likely render a member unfit to perform his or her duties or, discredit the reputation of the Department.

**Police Act** - the *B.C. Police Act*, R.S.B.C. 1996, c. 367, amended from time to time and referred to herein as the Act.

**Record of Question or Concern** – a report brought forward by a citizen related to conduct by a member that does not reference an allegation of misconduct under Section 77 or result in a complaint being made under section 78 of the Act, but which cause the citizen to be upset, worried or disturbed.

**Registered Complaint** - a complaint that contains allegations of misconduct as described in Section 77 of the Act and which is stated or delivered to an on-duty member or the Office of the Police Complaint Commissioner (OPCC). Once a complaint is received, it is understood to have been made.

**Service and Policy Complaint:** - a complaint relating to the general direction, management or operation of the Department; including, staffing training standing orders, policies, ability to respond to requests for assistance or internal procedures all of which do not involve the conduct of a member.



**Special Municipal Constable:** - a constable appointed by the Board to assist the municipal police department in the performance of its duties, pursuant to section 35 of the Act.

**Reportable injury** - any of the following:

- a) an injury caused by the discharge of a firearm; or
- b) an injury requiring emergency care by a medical practitioner or nurse practitioner and transfer to a hospital.

**Serious harm** - injury that:

- a) may result in death;
- b) may cause serious disfigurement; or
- c) may cause substantial loss or impairment of mobility of the body as a whole or of the function of any limb or organ.

## **PROCEDURES**

7. Members of the Department must realize that the public has the right to complain about actions of the police and raise questions or concerns about police officer conduct. The following policy is designed to:
  - a) guide members and supervisors to identify the three areas of citizen complaints: Registered Complaint, Service or Policy Complaint and Question or Concern;
  - b) assist members and supervisors to know how to respond when they are approached by a citizen wishing to make a Registered Complaint, or a Service and Policy Complaint, or raise a Question or Concern;
  - c) describe the process for members to handle an Independent Investigations Office (IIO) report and Section 89 Act report; and
  - d) comply with the various provisions of the Act as it pertains to complaints against the police.



### **Registered Complaints and Records or Concerns from the Public**

8. A complainant wishing to submit a complaint shall:
  - a) be directed to speak to the Professional Standards Section (PSS);  
or
  - b) outside of the normal working hours of PSS, be referred to speak to a Duty NCO.
9. Duty NCO's are encouraged to give the complainant an opportunity to discuss the complaint. Many times, a complainant's concerns can be addressed by the Duty NCO in the first instance. Regardless of whether the complaint is resolved at that point, the Duty NCO shall document the steps taken in an Investigative Log.
10. The Investigative Log should include the following steps:
  - a) obtain details of the complaint, clarify the complaint and ascertain the complainant's wishes;
  - b) record the date and time that the complaint was received;
  - c) obtain the complainant's contact details and accept information provided by the complainant, for example, witness particulars and other documentation;
  - d) details of the complaint should be recorded using the complainant's words and read back to them;
  - e) actions taken to address the matter, including the explanation given;
  - f) indication of whether a complainant is satisfied or unsatisfied; and
  - g) provide information or advice to the complainant regarding the complaint process. Direct the complainant to the OPCC website and advise the complainant that a PSS investigator will contact them the next business day.
11. The Duty NCO shall forward all complaints to the PSS Inspector.



12. Upon receipt of the Investigative Log the PSS Inspector will review and take the appropriate steps:
  - a) assign an investigator to make contact with the complainant to clarify any details, acknowledge receipt and complete the Registered Complaint Form or the Record of Question or Concern Form;
  - b) direct the applicable Form to the attention of the OPCC; and
  - c) assess if any immediate action is required related to the member based on the allegations of misconduct.
13. PSS will ensure that complaints and Question or Concerns are managed in accordance with the Act.

#### **Service or Policy Complaints**

14. A complainant wishing to submit a Service or Policy complaint against a police department shall:
  - a) be directed to speak to PSS; or
  - b) outside of the normal working hours of PSS, be referred to speak to a Duty NCO.
15. Duty NCO's are encouraged to give the complainant an opportunity to discuss the complaint. Many times, a complainant's concerns can be addressed by the Duty NCO in the first instance. Where the Duty NCO has attempted to address the complaint, and the complaint is not resolved, the Duty NCO shall document the steps taken in an Investigative Log.
16. The Investigative Log should include the following steps:
  - a) obtain details of the complaint, clarify the complaint and ascertain the complainant's wishes;
  - b) record the date and time that the complaint was received;
  - c) obtain the complainant's contact details and accept information provided by the complainant, for example, witness particulars and other documentation;



- d) details of the complaint should be recorded using the complainant's words and read back to them;
  - e) provide information or advice to the complainant regarding the complaint process. Direct the complainant to the OPCC website and advise the complainant that a PSS investigator will contact them the next business day.
17. The Duty NCO shall forward all complaints to the PSS Inspector.
18. Upon receipt of the Investigative Log the PSS Inspector will review the allegation and take the appropriate steps:
- a) assign an investigator to make contact with the complainant to clarify any details, acknowledge receipt of the complaint and complete the Service or Policy Complaint Form;
  - b) direct the Complaint Form to the attention of the OPCC as soon as practicable.
19. A Service or Policy complaint will be brought to the attention of the Chief Constable and the municipal police board as soon as possible.
20. Upon receipt of the Service or Policy Complaint the municipal police board must promptly do one or more of the following:
- a) request the Chief Constable investigate (or his delegate) and report on the Complaint;
  - b) initiate a study concerning the complaint;
  - c) initiate an investigation into the complaint, dismiss the complaint with reasons; and / or
  - d) take any other course of action the Board considers necessary to respond adequately to the complaint.
21. The Board must notify the complainant and the OPCC regarding the course of action being taken within 20 business days.
22. PSS will ensure that a Service or Policy complaint is managed in accordance with the Act.



### **Mandatory Reporting of Death, Serious Harm and Reportable Injury**

23. Reportable injuries to subjects that are attributable to the actions of members of the Department must immediately be reported to the OPCC in accordance with Section 89 of the Act.
24. In cases of an individual suffering serious harm, , immediate reporting must also be made to the IIO (see Policy **OE13 – B.C. Police Act – Reportable Incidents of Injuries or Death**) if:
  - a) the serious harm occurred while the subject was in the custody or care of a member of the Department; or
  - b) the serious harm could be seen to be as a result of the conduct of any member of the Department, or by the operations of the Department, for example, through a use of force by a member.
25. Incidents involving members of the Department or its operations that result in death, serious harm or reportable injury to a subject will be reported to the Chief Constable and the PSS Inspector.
26. If circumstances demand notification to the OPCC or the IIO, the PSS Inspector will notify the OPCC by a direct e-mail or phone call to the Deputy Police Complaint Commissioner during regular business hours or by the next business day, and the IIO Liaison Officer will immediately notify the IIO by phone call to the IIO 24 hours contact telephone number.
27. A copy of the General Occurrence Report should accompany the notification or be submitted as soon as the report is available.
28. When minor medical treatment is provided by British Columbia Ambulance Services and hospital care is not needed, discretion can be used and under these circumstances a report may not be required.
29. Supervisors shall ensure that follow up investigation occurs to determine the cause and extent of all subject injuries.