



2024 ANNUAL REPORT

**OFFICE OF THE POLICE COMPLAINTS COMMISSIONER
AND THE POLICE REVIEW BOARD**

**PROVINCE OF NOVA SCOTIA
NOVASCOTIA.CA/OPCC**

**“As police complaints commissioner
I represent the public interest,
balanced with fairness to the police
without compromising accountability.”**

Bill MacDonald, Nova Scotia Police Complaints Commissioner



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Commissioner's Message

It is my very great honour and pleasure to present the 2024 Annual Report of the Office of the Police Complaints Commissioner and the Police Review Board – reflecting police complaint activity overlapping the tenures of both my predecessor and my own.

In what might reasonably be described as an extensive career in civilian oversight of the police, my almost three decades of related experience allowed me to hit the ground running following my appointment as Commissioner on May 31, 2024 – working through a backlog of outstanding complaint decisions and seizing upon the opportunity to meet with Deloitte staff undertaking the province's comprehensive review of policing. Sharing insights and proposing legislative reforms to improve civilian oversight and accountability of municipal police in Nova Scotia.

In the first seven months of my three-year appointment, I have rebranded the Office of the Police Complaints Commissioner (OPCC) with a new logo to underscore its operational independence; redesigned OPCC posters and graphics as part of an expanding outreach and communications initiative; advocated for an upgraded case management system to increase efficiencies and capacity; and lobbied for necessary funding to allow for the contracting of investigators as provided for within my legislative authority.

In 2024, I was elected as a member of the Board of Directors of the Canadian Association of Civilian Oversight of Law Enforcement (CACOLE). A national association of civilian oversight agencies with which I was first involved the year after its incorporation in 1997 – promoting and advancing the concept of civilian oversight of law enforcement in Canada.

As Police Complaints Commissioner I represent the public interest, balanced with fairness to the police without compromising accountability. My dedicated staff and I are committed to ensuring confidence in our oversight of the police complaint process.

Respectfully,

Bill MacDonald

Police Complaints Commissioner
Province of Nova Scotia

Executive Summary

The Office of the Police Complaints Commissioner (OPCC) is a civilian, independent office which monitors complaints and investigations involving municipal police in Nova Scotia. The OPCC provides support to the Police Review Board which has the responsibility for deciding appeals from complainants or police officers dissatisfied with decisions of police agencies.

A member of the public may start a complaint against a municipal police officer or municipal police force by signing and filing a prescribed form within one year¹ after the incident giving rise to the complaint. Subject to certain exceptions, complaints are investigated by the police agency from which they arose – and the Chief / Delegated Disciplinary Authority must attempt to resolve the complaint. Unless a complaint is resolved to the satisfaction of the complainant and the officer, or an extension has been granted by the Police Complaints Commissioner, the investigation must be completed within 60 days from the date a complaint is filed.

Once an investigation has been completed the Chief / Delegated Disciplinary Authority, or, in the case of a complaint against a chief of police, the municipality's Board of Police Commissioners, has 30 days to decide if the subject officer may have committed a disciplinary default. The decision maker must then either file a Form 11 decision or schedule a private meeting with the subject officer. There is no fixed timeline for when a meeting is to be scheduled.

Where the complainant or subject officer is not satisfied with the decision, they may file a Notice of Review. Upon receiving a Notice of Review from a public complainant, the Police Complaints Commissioner must attempt to resolve the complaint and, in attempting to do so, may conduct an independent investigation. If the resolution is not successful, the Commissioner must send the file to the Review Board for a hearing, unless satisfied that the complaint is frivolous, vexatious, without merit or an abuse of process.

In 2024, the OPCC received 153 public complaints and 20 internal discipline complaints. Representing a decline in both public and internal discipline complaints from the previous year's 169 public complaints and 34 internal complaints.

¹ If the incident occurred on or after January 15, 2020, the Complaints Commissioner may extend the time for filing a complaint if satisfied that there are good reasons for doing so and that doing so would not be contrary to the public interest: Section 29 of the Police Regulations.

It is unclear whether the decline in complaints represents an improvement in police / community relations or conduct of police officers generally. Or a waning of public confidence in the complaint process.

In combination with a communications initiative intended to increase the public profile of the Office of the Police Complaints Commissioner, it is now an internal practice to contact individuals who have withdrawn their complaints to survey their experiences with the police complaint process.

As of January 16, 2025, sixteen (16) of the public complaints filed in 2024 were withdrawn; twenty-five (25) were set aside for failing to meet processing requirements – including complaints beyond the statutory time limitations and complaints against police officers not subject to the *Police Act* Code of Conduct – such as members of the RCMP. Twenty-six (26) were informally resolved; one (1) complaint was investigated by police and found to be substantiated; forty-one (41) complaints investigated by police were found to be unsubstantiated; and forty-four (44) remained under investigation.

The OPCC received twelve (12) requests for review from public complainants in 2024 – in addition to review requests carried over from the previous calendar year. Fifteen (15) public complaints were referred to the Police Review Board during the 2024 calendar year – compared to eight (8) referrals in 2023.



Role of the Police Complaints Commissioner

Nova Scotia's Office of the Police Complaints Commissioner was established under the *Police Act* effective January 1, 2006.

Section 12(1)(b) of the *Police Act* states that the Police Complaints Commissioner shall "perform the duties assigned to the Complaints Commissioner by this Act, the regulations, the Minister, or the Governor in Council."

If a member of the public files a complaint alleging that a municipal police officer has committed misconduct described in Section 24 of the *Police Regulations* – within the time limit or extended time limit set out in the Regulations – the Commissioner sends the complaint to the chief of the officer's police force for investigation. The Office of the Police Complaints Commissioner (OPCC) monitors the investigation to ensure timeliness.

A complainant who is not satisfied with the decision made by the police agency following an investigation may request that the Commissioner refer their complaint to the Police Review Board. If the Commissioner cannot satisfactorily resolve the complaint, they shall forward the matter for a hearing before the Police Review Board – unless they determine that the complaint is frivolous, vexatious, without merit or an abuse of process.

A decision by the Commissioner not to refer a complaint to the Review Board is final – although subject to possible judicial review in the Supreme Court of Nova Scotia.

Staff of the Office of the Police Complaints Commissioner

As of December 31, 2024

Jeff Garber, *Director, Investigations and Operations*

Breanna Gale, *Coordinator, Adjudicative Branch*

Claire Doucette, *Complaint Intake Clerk*

The Office of the Police Complaints Commissioner is located at 1690 Hollis St., Halifax, NS.

Mailing Address: PO Box 1573, Halifax, NS B3J 2Y3 Canada

Telephone: (902) 424-3246

Facsimile: (902) 424-1777

Email: polcom@novascotia.ca

Online: www.novascotia.ca/opcc

Role of the Police Review Board

The primary role of the Police Review Board is to conduct reviews of public complaints and police officers' appeals against disciplinary penalties or dismissals.

The responsibilities of the Police Review Board are outlined in Section 18 of the *Police Act* which states:

The Review Board shall perform the functions and duties assigned to it by this Act, the regulations, the Minister or the Governor in Council and . . . shall

- a. conduct investigations and inquiries in accordance with the Act; and
- b. conduct hearings into complaints referred to it by the Complaints Commissioner in accordance with the Act or the regulations.

Section 19(1) of the *Police Act* empowers the Minister to direct the Review Board to investigate, inquire into and report to the Minister with respect to:

1. the extent, investigation or control of crime;
2. the enforcement of law; and
3. the operation and administration of a police department.

Police Review Board hearings about public complaints are open to the public unless the Review Board orders otherwise. Review Board hearings regarding internal disciplinary appeals are not open to the public.

A decision of the Police Review Board is final, although subject to possible judicial review in the Supreme Court of Nova Scotia.

Review Board Members

Under the provisions of Section 13(1) of the *Police Act*, the Nova Scotia Police Review Board is composed of not fewer than three members appointed by the Governor-in-Council.



Members of the Police Review Board

as of December 31, 2024

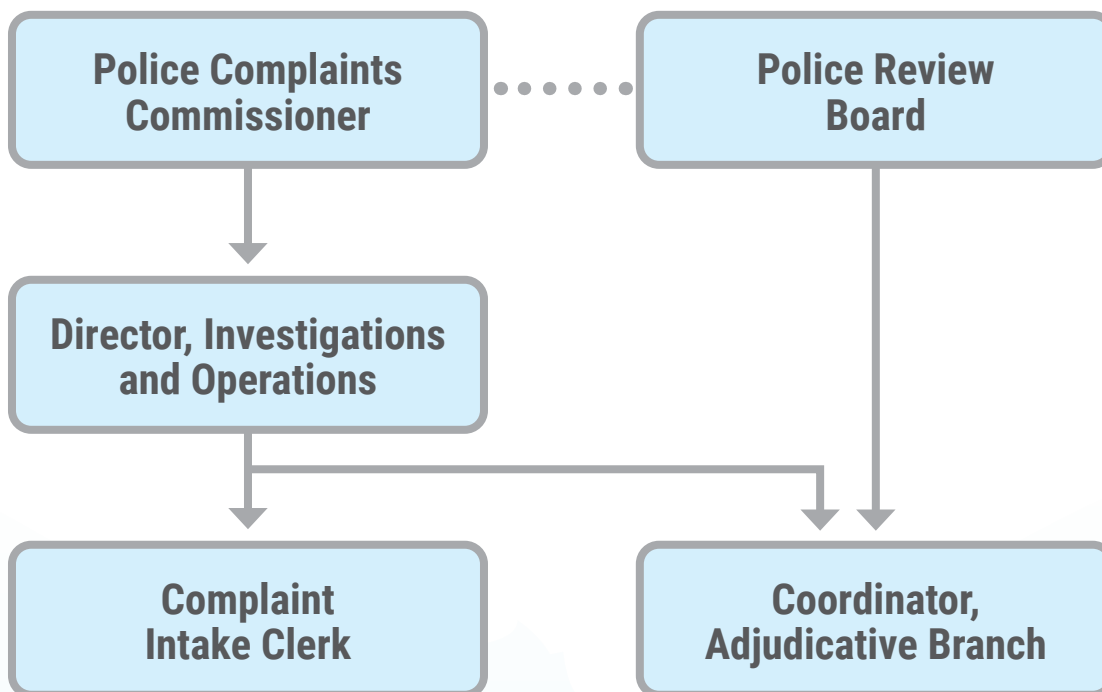
Jean McKenna, *Chair*
Hon. Simon J. MacDonald,
Vice Chair
Kimberly Ross

Darlene Bowie
Don McMillan
Lisa Emery
Mary Potter

Siobhan Doyle
John Withrow
Tim McDermott
Ibrahim Elayyat

Bill MacDonald,
*Police Complaints
Commissioner*

Organizational Chart



Requests for Review

A total of 12 requests for review of public complaints were received in 2024. Including some files from the previous calendar year, 15 public complaints were referred to the Police Review Board during the 2024 calendar year.

Number of complaints

A total of 173 complaints were filed with the Office of the Police Complaints Commissioner in 2024. 153 of the complaints were public allegations, while the other 20 arose internally, with one officer alleging misconduct by another officer in the same police agency.

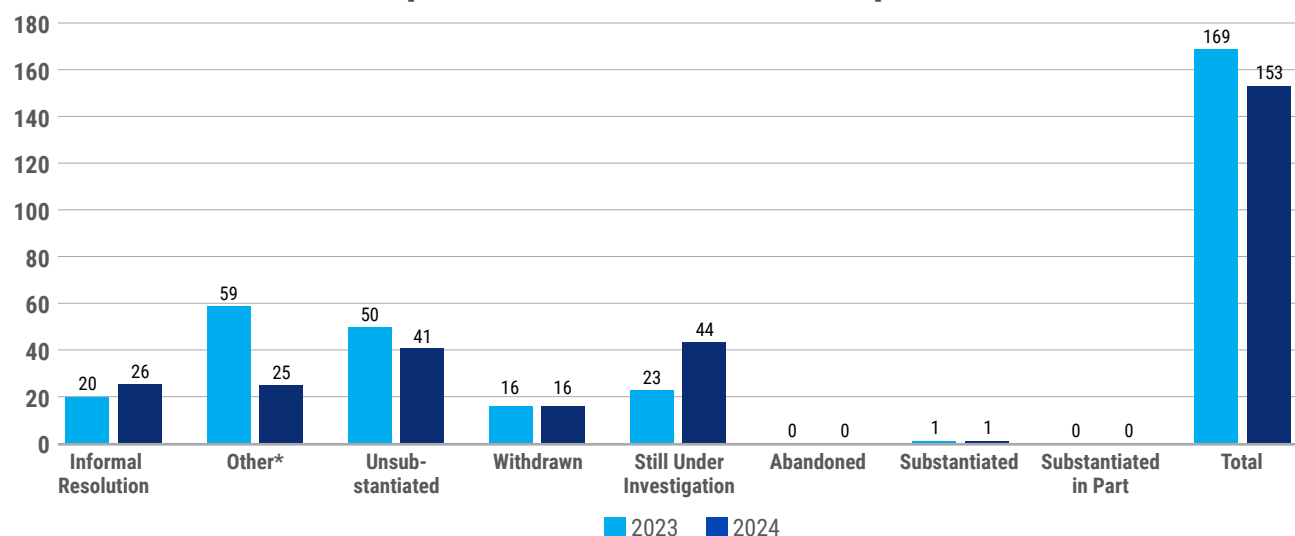
Complaints by municipal agency

Department	2023		2024	
	Public Complaints	Internal Complaints	Public Complaints	Internal Complaints
Amherst	8	2	21	2
Annapolis Royal	2	0	0	0
Bridgewater	3	0	4	0
Cape Breton Regional Police Service	24	8	22	6
Halifax Regional Police	107	22	85	8
Kentville	3	0	2	0
New Glasgow	3	1	6	2
Stellarton	2	0	1	0
Truro	12	1	7	2
Westville	1	0	0	0
RCMP/No agency indicated	4	0	5	0
Total	169	34	153	20

Disposition of complaints

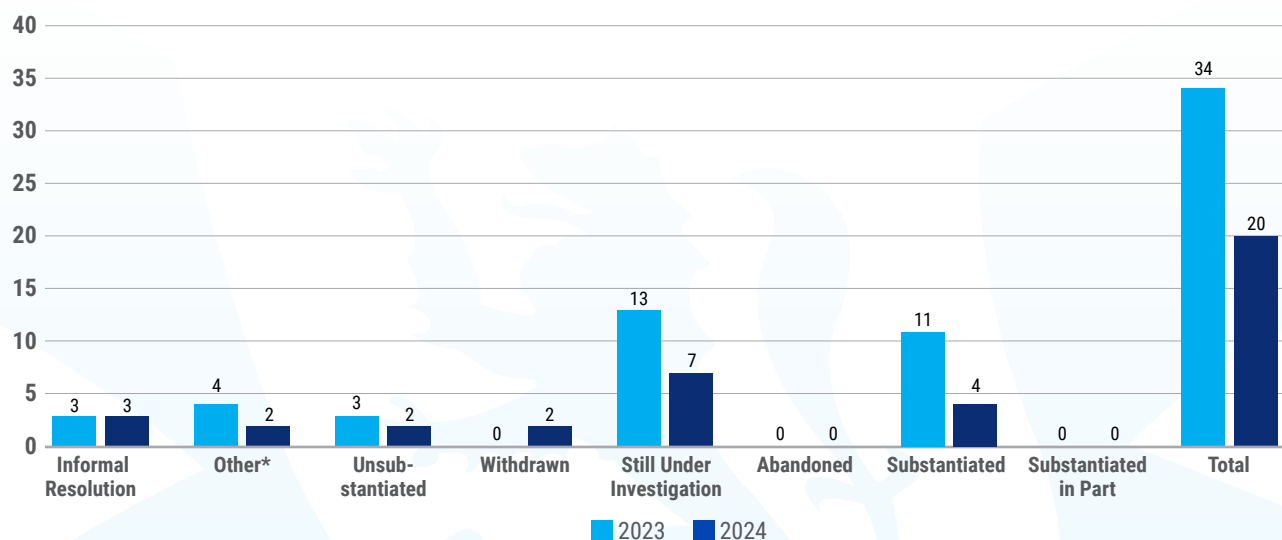
This is a snapshot of the progress of complaint files, as of January 17, 2025.

Disposition of Public Complaints



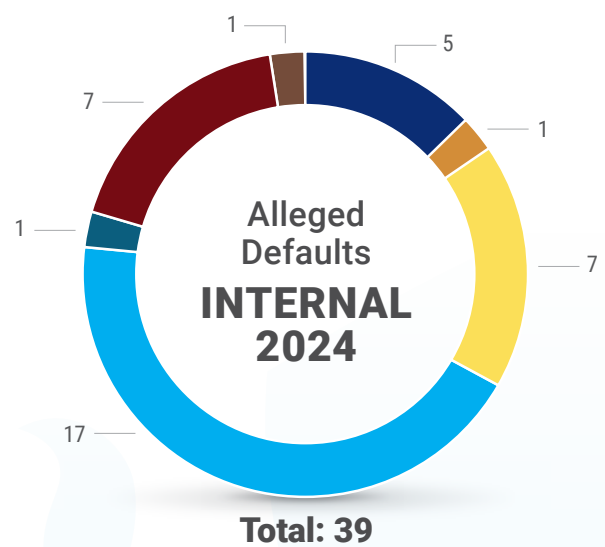
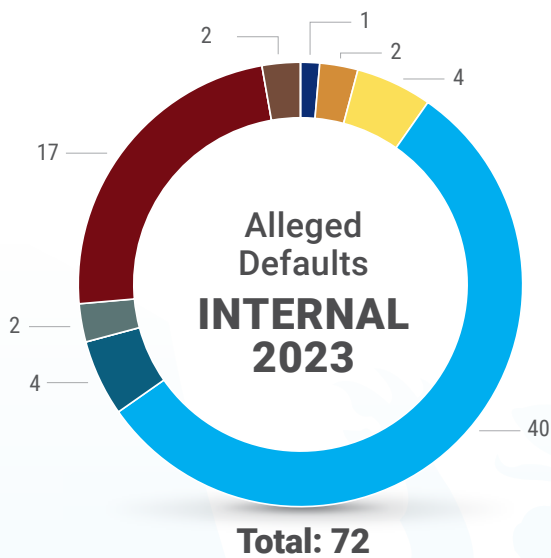
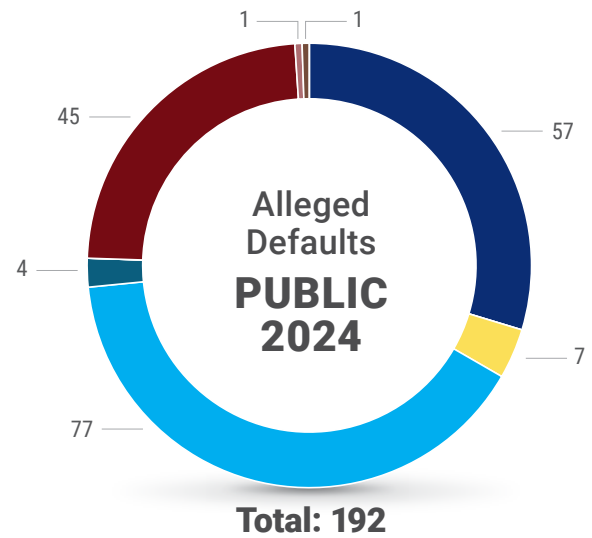
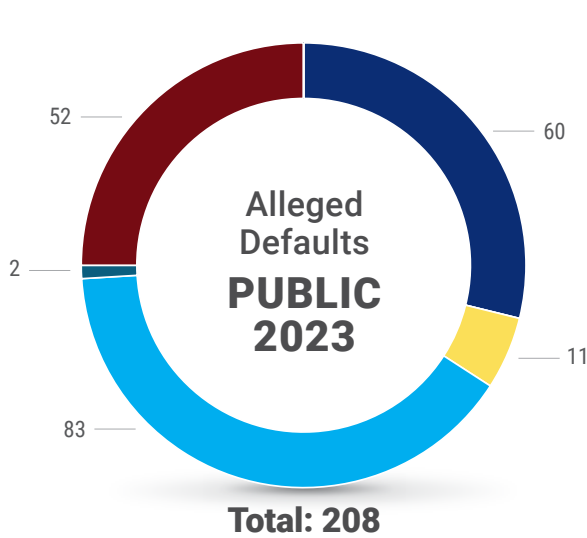
*Includes complaints received beyond the time limitation for filing, where no breach of the code of conduct alleged, against officers retired or resigned, or against an RCMP officer or a Sheriff. More information may be requested by the Commissioner before a decision is made whether to proceed with a complaint. In situations where the complaint is against a member of the RCMP or a Sheriff, the complainant is directed to the appropriate body to pursue their complaint.

Disposition of Internal Complaints



Code of Conduct Allegations

NOTE: A Complaint may contain several allegations of misconduct



Abuse of Authority
Corrupt Practice
Engages in Deceit

Discreditable Conduct
Improper Disclosure
Improper use of Firearm

Insubordination
Neglect of Duty
Damages Property

Liquor or Drug Infraction
Complaint Against Department

Budget and Staffing

Departmental Expenses by Object	2024-25 Estimate	2025-26 Forecast
Salary and Employee Benefits	232,000	249,000
Operating Costs	212,000	273,000
Gross Expense		
L/C to other Departments		(78,000)
Total – Nova Scotia Police Complaints Commissioner	444,000	444,000
Funded Staff (FTEs)	3.0	2.9
Less: Staff Funded by External Agencies	--	--
Total – Funded Staff	3.0	2.9

Appendix 1:

The Public Complaint Process

How long do I have to file a public complaint?

Since January 15, 2021, a public complaint has had to be filed within one year after the date of the incident giving rise to it, unless the Complaints Commissioner has extended the time for filing upon being satisfied there was good reason for the extension and that it would not be contrary to the public interest.

Where do I file a complaint?

You may file your complaint against a police officer or a police department with any of the following:

- ☐ Any municipal police department;
- ☐ The Board of Police Commissioners for the area which the police force is responsible for policing;
- ☐ The Office of the Police Complaints Commissioner.

If a complaint is filed with a police department or a board of police commissioners, the Office of the Police Complaints Commissioner will receive a copy of it.

How do I file a complaint?

A Complaint Form (Form 5) must be submitted in writing, dated and signed by the complainant. You can obtain a Form 5 from any municipal police department, local board of police commissioners, or OPCC's office. The Form 5 can also be found on OPCC's web site: www.novascotia.ca/opcc/publications/Form_5_and_Form_5A.pdf

You must include the date, time, place and details of the incident that you are complaining about.

What happens next?

What happens after I make my complaint?

Unless the Commissioner concludes that a Form 5 complaint does not meet the conditions for filing a complaint, OPCC directs the Chief of the police department where the police officer works to complete an investigation within 60 days after the complaint was filed. The police chief or the investigator the chief selects will try to resolve the complaint informally if you and the officer agree. If the complaint is not resolved, the police department will proceed with the investigation. The investigation must be completed within 60 days after the day the complaint is received by the OPCC, unless the Commissioner grants an extension of time for completion. You will receive notice of any extension and of the completion of the investigation.

Who decides the outcome of the investigation?

The Chief of Police or the Delegated Disciplinary Authority chosen by the Chief or (if the complaint is against the Chief of Police) the Municipal Board of Police Commissioners will review the investigation and decide what further action, if any, will be taken.

This process may take several months.

The complainant, the named (subject) officer and the Police Complaints Commissioner will be notified of the decision (Form 11).

Common Questions and Answers

— Question —

What is the role of the Police Complaints Commissioner in the Police Department's Investigation?

— Answer —

The Commissioner ensures that timelines provided in the **Police Act** Regulations are adhered to.

— Question —

What can I do if I am not satisfied with the decision of the Chief, the Delegated Disciplinary Authority or the Municipal Board of Police Commissioners?

— Answer —

If you are not satisfied with the decision, you may file a Notice of Review (Form 13) with the OPCC within 30 days of receipt of the police department's decision (Form 11).

The Police Complaints Commissioner will review the file and attempt to resolve the matter. If unable to resolve the matter, the Commissioner will refer the complaint to the Police Review Board for a hearing unless satisfied it is frivolous, vexatious, without merit or an abuse of process.

If the complaint is not referred to the Police Review Board, you will be notified that no further action will be taken with respect to your complaint.

— **Question** —

What can I do if my complaint is not referred to the Review Board?

— **Answer** —

No further action can be taken under the **Police Act**, but the decision not to refer could be the subject of a judicial review in the Supreme Court of Nova Scotia.

— **Question** —

What happens when my complaint is referred to the Review Board?

— **Answer** —

A panel of three members will conduct a hearing into your complaint. You will be contacted by the Clerk of the Board and a hearing date will be scheduled. You may be represented by a lawyer if you wish.

The Police Review Board does not provide legal representation for you. If you are not represented by a lawyer, the Clerk of the Police Review Board will, upon request, assist you with the preparation of subpoenas for witnesses.

— **Question** —

Is my complaint kept confidential?

— **Answer** —

Complaints are considered confidential; however, if your complaint is referred to the Police Review Board, the hearing is open to the public (including news media) unless the Review Board orders otherwise, and Review Board decisions may be published online.

— **Question** —

Who sits on the Police Review Board?

— **Answer** —

The Police Review Board is made up of members of the public appointed by the government.

— **Question** —

What can the Review Board do?

— **Answer** —

The Review Board may:

- ☐ Substitute a finding that in its opinion should have been reached
- ☐ Affirm or change any penalty which has been imposed
- ☐ Dismiss the matter

The Review Board cannot award compensation.

— **Question** —

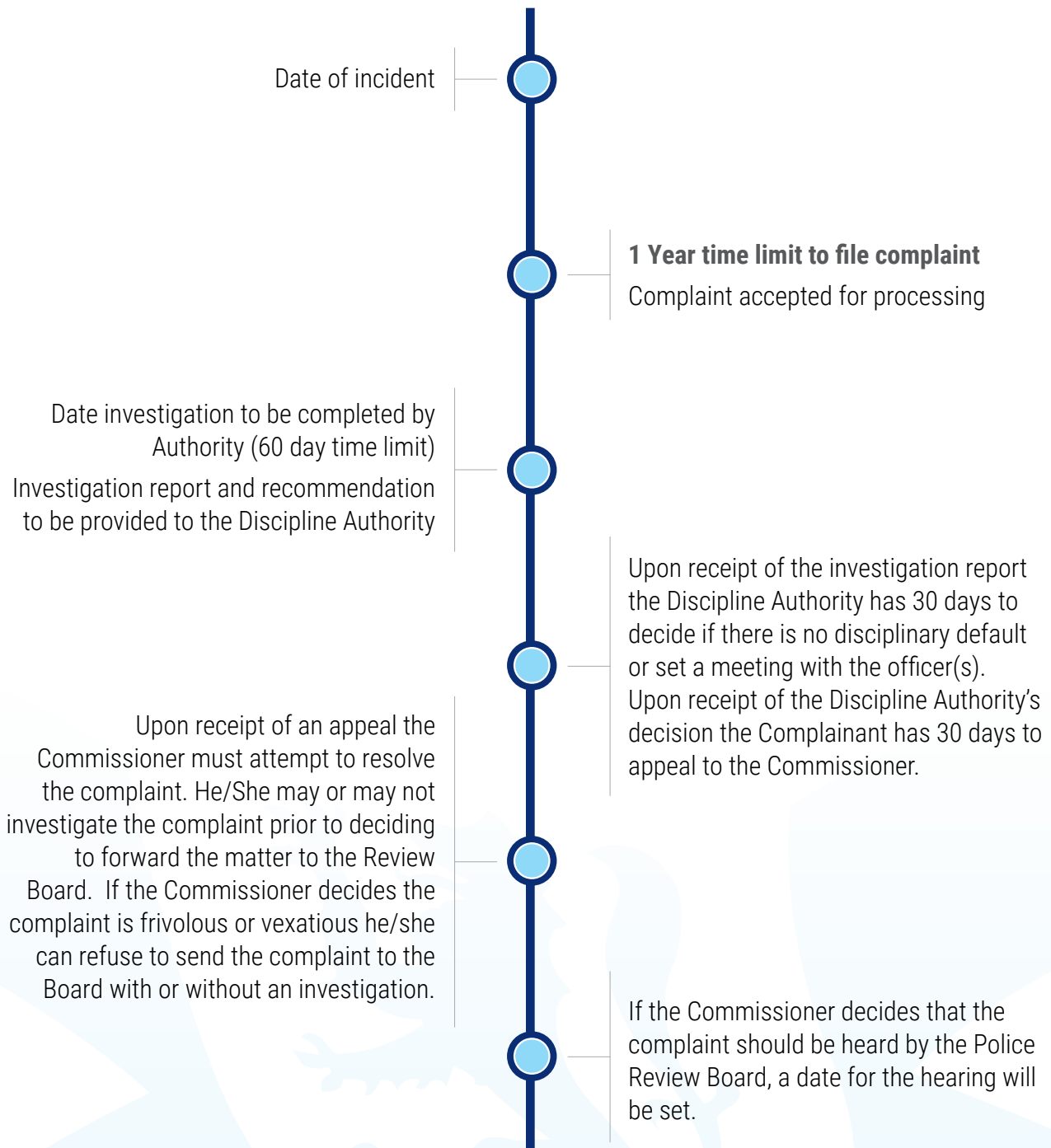
What if I am dissatisfied with the Review Board's decision?

— **Answer** —

The Review Board's decision is final, but the decision could be the subject of a judicial review in the Supreme Court of Nova Scotia.

Filing a Public Complaint:

Timeline Example





Appendix 2:

Professional Association

The Office of the Police Complaints Commissioner is a member of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE). CACOLE is a national non-profit organization of individuals and agencies involved in the oversight of police officers in Canada. CACOLE is dedicated to advancing the concept, principles and application of civilian oversight of law enforcement throughout Canada and abroad.

The first meeting of heads of oversight agencies happened in the fall of 1995. The first conference was held in Halifax in September of 1996. CACOLE was ultimately established in 1997 and is an incorporated non-profit organization under the Canada Incorporations Act. The national organization is governed by a set of By Laws and is managed by an elected, volunteer Board of Directors representing oversight agencies in each province.

For more information, please visit CACOLE's website at: www.cacole.ca

CACOLE Board of Directors

Matthew Block, *Executive Director, Alberta Serious Incident Response Team (AB)*

Prabhu Rajan, *Police Complaint Commissioner, Office of the Police Complaint Commissioner (BC)*

Jennifer Smith, *Executive Director, New Brunswick Police Commission (NB)*

Mike King, *Director, Serious Incident Response Team, (NL)*

Bill MacDonald, *Commissioner, Office of the Police Complaints Commissioner, (NS)*

Erin Nauss, *Director, Serious Incident Response Team, (NS)*

Stephen Leach, *Director, Law Enforcement Complaints Agency, (ON)*

Stephanie Mulcaster, *Senior Counsel and Director, National Security and Intelligence Review (ON)*

Ryan Teschner, *Inspector General of Policing, Office of the Inspector General (ON)*

Greg Gudelot, *Executive Director, Public Complaints Commission and Serious Incident Response Team (SK)*



“

...the source of a complaint
– **so whether it originates ‘internally’
in the police force, or ‘externally’
from a member of the public –**
is largely a historical relic, and a
complaint’s origin is ultimately not
relevant. The relevant issue is the nature
of the conduct being alleged, and the
public interest is no different, whatever
the origin of the allegations.

”

– *Paul Ceyssens, Legal Aspects of Policing’*

Notes





ABOUT US

The OPCC (Office of the Police Complaints Commissioner) provides independent civilian oversight of complaints against municipal police officers and departments in Nova Scotia.

CONTACT US

Office of the Police Complaints Commissioner
1690 Hollis Street, 3rd Floor
PO Box 1573
Halifax, NS B3J 2Y3
Phone: (902) 424-3246
Fax: (902) 424-1777
Email: polcom@novascotia.ca

Complaints against the RCMP are the responsibility of the Civilian Review and Complaints Commission for the RCMP.
P.O. Box 1722, Station B Ottawa, ON K1P 0B3
crcc-ccetp.gc.ca

*"As police complaints commissioner
I represent the public interest,
balanced with fairness to the police
without compromising accountability."*

Bill MacDonald, NS Police Complaints Commissioner



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