

FORM 5 - Public Complaint – [Section 31(1)] Police Act Regulations

First Name	Second Name	Last Name	Sex	DOB DD/MM/YYYY
Street No. & Name		City/Town	Province & Postal Code	Telephone Home/Work/Cell
Police Department	Date of Incident DD/MM/YYYY	Time	Location of Incident:	
Details of Complaint: (Including any injuries, medical attention, witnesses etc. - Use separate sheet of paper if required)				
Name(s) of Police Officer(s) being complained about		Did you receive a Form 5A? ___ Yes ___ No Were any charges laid or tickets issued? ___ Yes ___ No		
Complaint Filed With ___ Police Department ___ Complaints Commissioner ___ Municipal Board of Police Commissioners		DATE COMPLAINT FILED		< ----- IMPORTANT Use organizational date stamp if available, otherwise hand written date and name of person receiving the complaint
I certify that the information Given here is true. Signature of Complainant Date I hereby consent to the processing Of this third party complaint Signature of Person Affected Date				

Distribution: Complainant, named police officer(s), Chief Officer or Board and Police Complaints Commissioner

FORM 5(A)

Statement of Procedures and Rights to Complainant [Section 30 of the *Police Act Regulations*]

To the Complainant:

This statement briefly sets out the procedures that will be followed upon receipt of your complaint against a member of a police force in Nova Scotia and your rights under the *Police Act* and Regulations.

Who Sees Your Complaint

1. No matter where your complaint is recorded a copy of the complaint will be sent to the Nova Scotia Police Complaints Commissioner [**the Commissioner**], the chief of police of the municipal police force involved in your complaint and the police officer(s) complained of.

Resolution of a Complaint

2. The chief of police or his delegate **shall** attempt to resolve the complaint; however, this can only occur with the consent of the complainant and the police officer(s) concerned. No complaint can be resolved unless both you and the police officer(s) concerned agree in writing to the resolution.

Investigations and Reports

4. If the complaint is not resolved, the chief of police or the delegated complaints officer will have the complaint investigated. The investigator will interview you, the police officer(s) concerned and any other witnesses.

5. The investigator has 60 days to complete the investigation; however, there are provisions for an extension in time to investigate which may be granted by the Commissioner. You will be notified when the investigation has been completed.

6. If you have any questions regarding the process you may contact the Office of the Police Complaints Commissioner at the contact information provided below or by phone: 902-424-3246 or Fax: 902-424-1777.

Decision of the Police Authority

7. The chief of police or his designate will review all investigation reports and may

- (a) decide that no further action be taken with respect to the complaint; or
- (b) commence disciplinary proceedings against the member complained about.

8. You will be informed in writing of the decision made by the chief of police or his designate.

Review by the Police Review Board

9. If you are not satisfied with the decision of the chief or his designate with respect to the complaint you may contact the Office of the Police Complaints Commissioner, an independent body, to review the decision.
10. **If you wish a review of a decision you must complete a Form 13 Appeal, sign it and forward it to the Commissioner**, P.O. Box 1573, Halifax, Nova Scotia, B3J 2Y3. This form must be filed no later than **30 days** after the date you received the decision of the chief of police or his designate or local board of police commissioners.
11. Upon receipt of your appeal in Form 13, the Commissioner **shall** attempt to resolve the complaint. A complaint is resolved only when you and the police officer(s) agree in writing with the proposed resolution.
12. The Commissioner may appoint an investigator to conduct an investigation prior to making a decision to refer your complaint to the Police Review Board.
13. If the complaint is not resolved and the Commissioner does not refer the matter to the Police Review Board because it is deemed to be frivolous or vexation, the decision of the Commissioner is final.

Police Review Board Hearing

14. When a Police Review Board hearing is ordered by the Commissioner, you will be notified in writing of the date and place of the hearing. You have a right to attend and take part in the hearing and to be represented by counsel or an agent. The hearing will be open to the public unless the Review Board otherwise determines. You will receive a copy of the Review Board's decision. The decision of the Review Board is final.
15. A complaint against a chief of police will be handled in the same way as a complaint against a member of a municipal police force except that the initial investigation, attempt at resolution and the decision will be made by the municipal board of police commissioners and NOT the chief of police.

Appeals by Police Officers

16. A police officer may appeal disciplinary actions imposed by the Chief of Police or the Authority as a result of either a public complaint or an internal disciplinary matter.