

Making a Complaint Against a Municipal Police Officer in Nova Scotia



Office of the
Nova Scotia Police Complaints
Commissioner and the
Nova Scotia Police Review Board

The RCMP have their own complaints process. For information on that process contact:

The Civilian Review and Complaints Commission
1-800-665-6878

www.crcc-ccetp.gc.ca/

This pamphlet explains how to file a complaint about a municipal police officer in Nova Scotia and the process and time limitations for dealing with complaints.

Complaints

If you feel you have been treated improperly by a municipal police officer, or for any reason you feel an officer has acted inappropriately, you can file a complaint.

IMPORTANT TO KNOW

- Complaints must be in writing and signed
- There is a one year time limit for filing

How long do I have to file a complaint?

Complaints filed more than 1 year after an incident will not be processed unless the Commissioner extends the time for filing. The Commissioner may extend the time if satisfied there are good reasons for an extension and it would not be contrary to the public interest.



Where do I file a complaint?

You may make your complaint against a police officer, including a Chief of Police, or about a police department in general to 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

The Office of the Police Complaints Commissioner receives a copy of every complaint, wherever it is filed.

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 the Form 5 from any police department or local board or you can contact the OPCC's office. The Form 5 can also be found on the web site: novascotia.ca/opcc/filingacomplaint.htm

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?

When the OPCC processes a complaint, it directs the police department where the officer works to conduct an investigation. The police department will try to resolve the complaint informally if you and the officer(s) complained about agree. The police department's investigation must be completed 60 days from the day the complaint is received, unless the Commissioner extends the time for completion. You will receive a notice when the investigation is complete or if an extension is granted.

Who decides the outcome of the case?

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

This process may take several months.

You will be notified of the decision (Form 11 Decision of the Police Authority), as will the officer complained about and the Police Complaints Commissioner.

Common Questions and Answers

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

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

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

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, attempt to resolve the complaint and may conduct an independent investigation. If the complaint cannot be resolved, the Commissioner will decide whether the complaint has merit and if that is the case, the matter will be referred to the Police Review Board. 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.

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

The Police Complaints Commissioner's decision is final.

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

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 provide assistance in preparation of subpoenas for witnesses.

Is my complaint kept confidential?

Complaints are considered confidential. However, if your complaint is referred to the Police Review Board, the hearing is open to the public, unless the Police Review Board orders otherwise.

Who sits on the Police Review Board?

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



What can the Review Board do?

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 Police Review Board cannot award you compensation.

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

The Police Review Board's decision is final.

Where can I get more information about filing a public complaint?

Contact the Office of the Police Complaints Commissioner:

Phone: 902 424-3246

Email: polcom@novascotia.ca

Website: www.novascotia.ca/opcc

1690 Hollis Street

PO Box 1573

Halifax, NS B3J 2Y3

The Difference Between the Office of the Police Complaints Commissioner (OPCC) and the Serious Incident Response Team (SiRT)

The OPCC receives, manages and oversees complaints about the conduct of municipal police officers. The police department where the officer works does the initial investigation of a complaint. The OPCC may investigate a complaint if the complainant requests a review of the decision made by the police department. There is a Code of Professional Conduct for municipal police officers and breaches of this Code may include neglect of duty, abuse of force or authority, improper disclosure of information or discreditable conduct.

SiRT's mandate is to investigate all matters that involve death, serious injury, sexual assault and domestic violence or other matters of significant public interest that may have arisen from the actions of any police officer in Nova Scotia.

Contact Information

Office of the Police Complaints Commissioner
1690 Hollis Street
PO Box 1573
Halifax, Nova Scotia B3J 2Y3

Telephone: 902 424-3246
Facsimile: 902 424-1777
polcom@novascotia.ca
www.novascotia.ca/opcc/

Serious Incident Response Team:
1-855-450-2010
902 424-2010
sirt@novascotia.ca