

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

The Office of the Police Complaints Commissioner investigates police conduct in response to a complaint from a citizen, to determine whether an officer may be in breach of the code of professional conduct in areas such as neglect of duty, abuse of force or authority, deceit, improper disclosure of information, discreditable conduct, insubordination, corrupt practice, improper use of a firearm, property damage, and substance abuse.

The Police Review Board can impose discipline ranging from a reprimand or additional training to dismissal.

SiRT investigates police conduct which may constitute a criminal offence, and if so, lays a charge against an officer.



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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

This pamphlet tells you 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 or town police officer, or for any reason you feel an officer has not behaved properly, you can file a complaint.

You may also file a complaint against a police department in general.

IMPORTANT TO KNOW

- Complaints must be in writing and signed
- 6 month time limit for filing

How long do I have to file a complaint?

You must file your complaint within 6 months of the incident which gave rise to the complaint. If you file a complaint more than 6 months after the incident, it cannot be considered under any circumstances.

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 member of the police force of which the officer is a member;
- The Board of Police Commissioners for the area which the police force is responsible for policing;
- The Police Complaints Commissioner.

The Police Complaints Commissioner obtains a copy of every complaint, wherever it is filed.

How do I file a complaint?

You must file the complaint in writing. There is a form available (Form 5) and assistance can be provided by the Commissioner's office. You can obtain a form from any municipal police station, local board or you can write, or telephone the Police Complaints Commissioner (the "Commissioner"). A form can also be downloaded from the web site: novascotia.ca/opcc/filingacomplaint.htm

You should include the date, time, place and details of the incident that you are complaining about. When you file a complaint you will receive information describing the complaint procedure.

What Happens Next?

What happens after I make my complaint?

The police department where the police officer works will try to resolve the complaint informally if you and the officer you complained about agree. If there is no informal resolution, the police department will proceed with the investigation. The police department's investigation must be completed 60 days from the day you filed the written complaint. In some circumstances, the Commissioner may grant an extension of time to complete the investigation. You will receive a notice when the investigation is complete.

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 to:

- Take no further action with respect to the complaint; or
- Discipline the officer.

You will be notified of the decision, as will the officer complained about and the Commissioner.

Common Questions and Answers

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

The Commissioner ensures that time limitations provided within the Police Act are adhered to and may exercise his/her authority to extend the time to investigate complaints when additional time is requested by the investigator.

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

You must file a Notice of Review (Form 13) with the Commissioner within 30 days of receipt of the police department's decision.

Once you file the Form 13, the Commissioner will attempt to mediate a resolution. Any resolution will require the consent of the officer(s) being complained about and you, the complainant.

If there is no resolution the Commissioner may conduct an independent investigation of the complaint. Following the completion of this investigation, 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 Commissioner's decision is final. If you are unhappy with it, you should contact a lawyer.

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

A panel of three members will conduct a public hearing into your complaint. You will be notified of the hearing date and you may be represented by a lawyer if you wish. If you are not represented by a lawyer, the Office of the Police Complaints Commissioner will provide assistance in preparation of subpoenas for witnesses and information on hearing procedures.

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 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:

- Dismiss the matter;
- Affirm or change any penalty which has been imposed or substitute a finding;
- Award or fix costs where appropriate.

It cannot award you compensation.

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

The Review Board's decision is final. If you are unhappy with it, you should contact a lawyer.

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

You may contact the Office of the Police Complaints Commissioner.