

FORM 5 - Public Complaint

[Section 31(1) of the *Police Act Regulations*]

Date of Incident	Time	Location of Incident
DD/MM/YYYY		

First Name	Second Name	Last Name	DOB
			DD/MM/YYYY

Address	Email Address	Phone Number

<u>Details of Complaint:</u> (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? <input type="checkbox"/> Yes <input type="checkbox"/> No Were any charges laid or tickets issued? <input type="checkbox"/> Yes <input type="checkbox"/> No

Complaint Filed With	DATE COMPLAINT FILED <small>(please do not write in this area – for office use only)</small>	<u>← IMPORTANT</u>
<input type="checkbox"/> Police Department <input type="checkbox"/> Complaints Commissioner <input type="checkbox"/> Municipal Board of Police Commissioners		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)

Information about what to expect when you file a complaint against a municipal police officer

Definition of a Complaint

A complaint is defined in Section 2(d) of the *Police Act*:

“Complaint means any communication received from a member of the public in writing, or given orally to the chief officer or the chief officer’s delegate and reduced to writing and signed by the complainant, that alleges that a member of a department breached the code of conduct or alleges the failure of the department itself to meet public expectations”

Please refer to Section 24 of the *Police Act* Regulations for the Code of Conduct:

<https://novascotia.ca/just/regulations/regs/polregs.htm>

How to File a Complaint

A complaint must be made in writing by completing and signing a Form 5. Be sure to include the date of the incident you are complaining about, details about the incident and the name of the officer(s) involved, if you know their names. Also, we require your current address, phone number and e-mail address, if you have one, so that we may contact you.

You may send your complaint to any one of the following: The Office of the Police Complaints Commissioner (OPCC); the municipal police agency where the officer complained about works or the Municipal Board of Police Commissioners for the municipality where the officer works.

Who Sees Your Complaint

The following may see your complaint: the OPCC, the chief of police of the municipal police agency involved in your complaint, the police officer(s) complained of and their lawyer, the police investigator and the police authority who makes a decision on your complaint. The OPCC does not share your address or phone number with the officer(s) or their lawyer.

Processing of Your 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.

Once the OPCC has processed your complaint, it will be sent to the chief of police for him/her to begin the investigation process. You will receive a copy of the letter to the Chief. If your complaint is not processed you will receive a letter from the OPCC explaining why.

Resolution of Your Complaint

The police officer (investigator) assigned to your complaint shall attempt to resolve the complaint. He/she will contact you to find out if you are interested in an informal resolution and, if so, what that resolution may be. An informal resolution can only happen with the consent of the complainant and the police officer(s) involved. If consent is given, both parties sign an Informal Resolution Agreement outlining what the resolution is.

Investigation of Your Complaint

If the complaint is not resolved, the complaint will be investigated. The investigator may interview you, the police officer(s) involved and any other witnesses.

The investigator has 60 days to complete the investigation; however, the Police Complaints Commissioner may grant an extension, upon request by the investigator. You will receive notice if an extension is granted. You will also receive notice once the investigation has been completed (Form 9 – Notice of Completion of Investigation).

Decision of the Discipline Authority

The chief of police, or their delegate, will review all investigation reports and, within 30 days from receiving the investigation report, either

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

You will be informed in writing of the decision made by the chief of police or their delegate. This decision is on a Form 11 (Decision of the Police Authority – Public Complaint).

Review by the Police Complaints Commissioner

If you are not satisfied with the decision, you may request a review.

To request a review of the decision, you must complete a Form 13 - Notice of Review outlining why you think there should be a review. The form must be dated, signed and sent, by mail or email, to the OPCC. A Request for Review must be received by the OPCC no later than 30 days after the date you received the decision from the police agency. A Form 13 will be included with the decision from the police agency.

Upon receipt of your Request for Review, the Complaints Commissioner will review the file. You may be contacted if further information is required. The Complaints Commissioner may also appoint an independent investigator to conduct another investigation prior to making a decision on referring your complaint to the Police Review Board for a hearing.

The Complaints Commissioner may decide that your complaint is without merit, frivolous, vexatious or an abuse of process and not refer it to the Police Review Board for a hearing. You will receive a letter advising you of the Complaints Commissioner's decision, which is final.

Police Review Board Hearing

If your complaint is referred by the Complaints Commissioner to the Police Review Board, you will be notified in writing. A conference call will be held to schedule the date of the Police Review Board hearing. You may wish to be represented by a lawyer but it is not necessary. The police officer(s) may be represented by a lawyer.

A Police Review Board hearing is called a hearing *de novo* meaning the Police Review Board does not consider any evidence presented in any other investigation and makes its decision solely on what is presented to them at the hearing. The Clerk to the Police Review Board will be able to provide you information on the process. You, or your lawyer, will be responsible for presenting your evidence to the Police Review Board. The hearing will be open to the public unless the Police Review Board determines otherwise. After the hearing is concluded, the Police Review Board will consider the evidence and make a decision. You will receive a copy of the Police Review Board's decision. The decision of the Police Review Board is final.

Complaint against a Chief of Police

The steps followed if the complaint is against a chief of police are the same as a complaint against a member of a municipal police agency except the Municipal Board of Police Commissioners is responsible for the attempt at an informal resolution, the investigation, and the decision. If you are not satisfied with the decision made by the Municipal Board of Police Commissioners you may request a review by the Police Complaints Commissioner (Form 13 – Notice of Review).

If you have any questions regarding the complaints process, please contact the Office of the Police Complaints Commissioner.

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

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

Reference: Section 30 of the *Police Act Regulations*