

Procedure of the Waterloo Regional Police Service		
Public Complaints and Chief's Complaints		
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Subject

As an organization committed to providing ethical, honest and professional service, this is the Procedure for the intake, investigation and resolution of *public complaints* about the conduct of *police officers* or the policies or services provided by the Service, as well as *Chief's complaints*.

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A. References

- 1. Charter of Rights and Freedoms

- 2. "Public complaints – Local Complaints", Ontario Regulation 263/09, Police Services Act
- 3. "Code of Conduct", a Schedule to "General", Ontario Regulation 268/10, Police Services Act
- 4. Statutory Powers Procedure Act

B. Forms

- 1. Informal Resolution Agreement – Record of Disposition without a Hearing
- 2. OIPRD Complaint Against the Police
- 3. OIPRD Customer Service Resolution
- 4. OIPRD Local Resolution Agreement
- 5. OIPRD Withdrawal of Complaint
- 6. OIPRD Informal Resolution Agreement
- 7. OIPRD 45 Day Investigative Status Update
- 8. OIPRD Investigative Report
- 9. WRPS Customer Service Issue/Contact
- 10. WRPS Local Complaint Acknowledgement Form

C. Definitions

- 1. For the purpose of this Procedure:
 - a. *Alternative Dispute Resolution (ADR) process* – means mediation, conciliation, negotiation or any other means of facilitating the resolution of issues in dispute;
 - b. *Chief's complaint* – means a complaint initiated by the Chief or designate about the conduct of a *police officer* of the Service;
 - c. *complainant* – means a person(s) who makes a complaint in accordance with the provisions of the Police Services Act (PSA);
 - d. *contact* – means a discussion or exchange with a potential *complainant* who, after being informed of *local complaint* and *public complaint* options, wishes only to express a concern, seek explanation and/or information or discuss a customer service issue;
 - e. *criminal allegation* – means an alleged breach of any Act of the Parliament of Canada;
 - f. *delegate* – means an officer authorized by the Chief to perform a duty as set out herein and/or authorized by the PSA;
 - g. *Director* – means the Director of the *Office of the Independent Police Review Director*;
 - h. *disposition without a hearing* – means a discipline process in accordance with the informal discipline provisions of the PSA for breaches of conduct and/or unsatisfactory work performance that are not considered to be of a serious nature but where an *informal resolution* was not reached;

- i. *final report* – means the report created pursuant to the PSA that addresses an unresolved *OIPRD* matter or the outcome of a *Chief's complaint* investigation;
- j. *formal discipline hearing* – means a discipline process involving a formal hearing in accordance with the PSA for:
 - i. substantiated breaches of the Code of Conduct and/or unsatisfactory work performance that are considered to be of a serious nature; or
 - ii. substantiated breaches of the Code of Conduct and/or unsatisfactory work performance that could not be resolved through *informal resolution* or the *disposition without a hearing* process;
- k. *informal resolution* – means a resolution of a discipline process in accordance with the PSA for breaches of conduct and/or unsatisfactory work performance that was not of a serious nature and the *respondent officer* and the *complainant* if applicable consents to the resolution;
- l. *Liaison Officer* – means the *police officer* delegated by the Chief, in accordance with the PSA, to liaise with the *OIPRD*. The *Liaison Officer* shall be the Professional Standards Branch Inspector or designate unless the Chief designates in writing another *member* for a specific complaint;
- m. *local complaint* – means a complaint made in person, by a member of the public regarding the conduct of a *police officer* or about the policies or services provided by the Service that are a less serious complaint and where a *public complaint* in respect to the matter has not been made. *Local complaints* may be accepted for:
 - i. dealing with personal property other than firearms or money;
 - ii. failing to treat a person equally;
 - iii. using profane language;
 - iv. acting in a disorderly manner;
 - v. neglect of duty;
 - vi. failing to work in accordance with orders;
 - vii. failing to make a report or record entry;
 - viii. conspiring to commit any of the above; and/ or
 - ix. contravening any provision of the Act or Regulations;
- n. *local resolution* – means a process for resolving *local complaints*;
- o. *member* – means any employee of the Service including auxiliaries;
- p. *misconduct* – means an act or omission on the part of a *police officer* that constitutes an offence under Part V of the PSA;
- q. *Office of the Independent Police Review Director (OIPRD)* – means an arm's length independent body within the Ministry of the Attorney General to administer *public complaints* about the police in Ontario;
- r. *police officer* – means the Chief or any other police officer of the Service but does not include special constables, auxiliaries, civilians or volunteers;
- s. *public complaint* – means an allegation(s) made by a member of the public to the *OIPRD* under Part V of the PSA, about the conduct of a *police officer* or about the policies or services provided by a police service;

- t. *serious misconduct* – means conduct contrary to the Code of Conduct of the PSA that, in the sole discretion and determination of the Chief or designate or OIPRD, is of such a nature that it is considered serious, taking into account relevant facts and other considerations;
- u. *supervisor* – means, for the purposes of resolving *contacts*, at least a confirmed rank sergeant or for *local or public complaints* and *local resolutions*, a confirmed rank staff sergeant or acting staff sergeant in consultation with a confirmed rank staff sergeant or *police officers* assigned to the Professional Standards Branch;
- v. *respondent officer* – means a *police officer* who is the subject of a complaint filed by a member of the public, Chief or the Board under Part V of the PSA, and may include the Chief or Deputy Chief; and
- w. *witness officer* – means a *police officer* who may have been a witness to an incident or information regarding a complaint.

Procedure of the Chief

D. General

1. The Service is committed to respecting the rights of a *complainant* and the involved *police officer(s)* by having any complaints investigated in a professional and timely manner.
2. Any member of the public making a complaint directly to the Service shall be advised of their right to complain to the OIPRD about:
 - a. policies or services provided by the Service; and/or
 - b. the conduct of a *police officer* of the Service.
3. A *member* of the Service cannot make a *public complaint* against the Service or another *police officer* of the Service. However, the Chief may initiate a *Chief's complaint* about the conduct of a *police officer* of the Service.
4. The Chief may delegate the Deputy Chief of Systems and Innovation to oversee that investigation.
5. In circumstances where a *respondent officer* works within an area of the Service that is not overseen by a Divisional Inspector, the Professional Standards Branch Inspector shall assume the responsibilities of the Divisional Inspector, as outlined in Section P of this Procedure.
6. A *public complaint* must be made in writing and submitted to the OIPRD and their process (see OIPRD website).
7. Complaints may be brought by a third party not directly involved (see Section 60(6) of PSA).
8. Telephone complaints are not acceptable formats for initiating a *public complaint*.
9. Should a complaint be received by the Service in a written format (e.g., faxed, hand delivered letter or received via Canada Post), the complaint shall be sent to the Professional Standards Branch where the *Liaison Officer* shall forward the information to the OIPRD for follow up.
10. Once a *public complaint* has been officially submitted, *members* are legislatively prohibited from advising the *respondent officer*. However, the *respondent officer's* supervisors may:

- a. take necessary risk management actions (e.g., the need to re-assign, suspend or direct no contact) after notifying the Divisional Inspector or Duty Officer; and/or
 - b. advise the *respondent officer* of the *public complaint* if the Professional Standards Inspector has received permission from the *OIPRD* before a determination is made regarding the complaint.
11. It is the responsibility of the *OIPRD* to determine whether the complaint relates to the conduct of a *police officer* or to the policies or services provided by the Service.
12. The *OIPRD* will return a policy or service complaint to the Chief for investigation, and the Chief will have 60 days to reply to the *complainant*, and the *OIPRD*, in writing, of any decision or disposition.
13. The *OIPRD* may decide not to deal with a *public complaint* if for a variety of legislated reasons including but not limited to:
- a. the complaint is made more than six (6) months after the incident;
 - b. prohibited by position/employment as set out in Section 58(2) of the PSA; or
 - c. if the complaint is considered to be frivolous, vexatious or made in bad faith.
14. The Chief and the *complainant* will be notified in writing by the *OIPRD* if the *Director* decides not to deal with the complaint.
15. Notice of the complaint shall not be provided to any *respondent* or *witness officer* until the *OIPRD* so directs for a *public complaint* or the Chief for a *Chief's complaint*. Notice may be withheld if, in the opinion of the *Director* or the Chief, the notice might prejudice an investigation into the matter.
16. If a *complainant* and a *police officer* are referred to an *ADR* process:
- a. the person selected or appointed to facilitate the *ADR* process shall not be a *police officer* or employee of any police service; and
 - b. all communications and the facilitator's notes and records shall remain confidential and are deemed to have been made without prejudice to the *complainant* and the *respondent officer* in the process.
17. Where this Procedure requires notification of a complaint, such shall not be done to a *police officer* named in the complaint. Notification shall be to the next supervisor of equal or higher rank.

E. Members

1. Members shall when:
- a. a *complainant* attends a police station to make a complaint, immediately notify the patrol supervisor or another staff sergeant on duty (or their supervisor if they are the subject of the complaint);
 - b. receiving a complaint by telephone, notify the patrol supervisor or another on duty staff sergeant (not the subject of the complaint) and transfer the *complainant* to that *supervisor*, and
 - c. receiving complaints about the policies of another police service or about the conduct of an officer from another police service, shall notify an on-duty *supervisor*.

F. Supervisor

1. When a *complainant* attends a police station to make a complaint, the on-duty staff sergeant or acting staff sergeant shall meet the *complainant*, unless they are the subject of the complaint.
2. A *supervisor* shall:
 - a. when receiving a potential complaint by telephone, consider whether the complaint is a *contact* (Section G), a *local complaint* (Section H) or a *public complaint* (Section I);
 - b. when receiving a complaint about the policies of another police service or about the conduct of an officer from another police service:
 - i. advise the *complainant* of the *public complaints* process and provide an *OIPRD* information pamphlet outlining *complainant* rights, methods of filing a complaint, addresses or website information, as required; and
 - ii. advise the *complainant* the signed complaint may be submitted to any police service, including the involved police service; and
 - c. only accept a written *public complaint* made in relation to:
 - i. a *police officer* of this Service or any other service; or
 - ii. the policies and services of this Service or any other service.

G. Contacts

1. A *supervisor* dealing with a *complainant* who has been informed of the *local complaint* and *public complaint* options, yet wishes only to seek explanation, information or discuss a customer service issue, shall:
 - a. attempt to address the concern, which may include an apology for the inconvenience;
 - b. make notes of the issue and resolution;
 - c. complete a WRPS Customer Service Issue/Contact form; and
 - d. forward the completed document by fax to the Professional Standards Branch Inspector.

H. Intake of a Local Complaint

1. Where the criteria in Section C(1)(m) for a *local complaint* are met, the *supervisor* shall:
 - a. attempt to deal with the matter as a *local complaint* and resolve the issue;
 - b. prior to accepting a *local complaint*:
 - i. offer the *complainant* *OIPRD* publications/information regarding *public complaints*;
 - ii. advise the *complainant* they may complain to the *OIPRD* pursuant to Part V of the PSA;
 - iii. print a Local Complaint Acknowledgement form available on At Your Service;

- iv. review the form with the *complainant* and check off each box to ensure the *complainant* has been informed:
 - I. that they may make a *public complaint* to the OIPRD;
 - II. that the Chief may require a *public complaint* be made if the allegation exceeds the limits of a *local complaint*;
 - III. of publications respecting *public complaints* provided by the OIPRD;
 - IV. the complaint cannot be accepted if the *complainant* has already made a *public complaint* respecting the same incident;
 - V. of the 30 day time limit to resolve a *local complaint* and that a further 30 days is possible on consent of the OIPRD;
 - VI. that the *local resolution* must be in writing on the prescribed OIPRD Local Resolution Complaint Summary form and signed by the *complainant*, *respondent officer* and:
 - i. Chief or designate;
 - ii. confirmed rank staff sergeant; or
 - iii. sergeant assigned to the Professional Standards Branch;
 - VII. that a failure to sign the OIPRD Local Complaint Acknowledgement form will result in the matter being recorded as a local inquiry and forward to the OIPRD; and
 - VIII. that *Alternative Dispute Resolution (ADR)* process may be requested by the *complainant*;
 - c. fill out the "Complainant" and "Summary of Complaint" section of the OIPRD Local Resolution Agreement form and have the *complainant* initial both sections;
 - d. notify the Divisional Inspector and discuss resolution options. For *respondent officers* working within an area of the Service that is not overseen by a Divisional Inspector, notify the Director of the Branch and discuss resolution options with the Professional Standards Branch Inspector;
 - e. attempt to resolve the *local complaint* by considering:
 - i. discussing the matter with the *police officer* and inform the *complainant* of results;
 - ii. facilitating discussion between the *complainant* and the *police officer*;
 - iii. facilitating an apology by the *police officer*, if appropriate;
 - iv. after consultation with the Divisional Inspector or the Professional Standards Branch Inspector in circumstances listed above, any other appropriate resolution; and
 - v. if the matter cannot be resolved, explore whether formal mediation, or *ADR*, may be appropriate.
2. If the *local complaint* can be resolved, the *supervisor* shall:
- a. record the resolution on the OIPRD Local Resolution Agreement;

- b. ensure the OIPRD Local Resolution Agreement form is signed by the *complainant*, the *police officer* and the designated officer who resolved the complaint within 30 days (an extension may be requested from the OIPRD by the *Liaison Officer* at the 20 day mark if it is clear the 30 day timeline will expire prior to the parties signing off on the resolution);
 - c. forward the completed OIPRD Local Resolution Agreement form to the Professional Standards Branch Inspector immediately by fax and the original copy afterwards by courier; and
 - d. if the *complainant* refuses to complete or sign the form, forward it to the Professional Standards Branch Inspector.
3. The *supervisor* shall, if a *local complaint* cannot be resolved:
- a. advise the *complainant* that they may make a *public complaint*; and
 - b. bring the matter to the attention of the Divisional Inspector for consideration as a *Chief's complaint*. If the complaint involves a *police officer* that is not overseen by a Divisional Inspector, advise the Professional Standards Branch Inspector.
4. The *supervisor* shall:
- a. refuse the *local complaint* if the criteria exceed the definition of a *local complaint*;
 - b. request the *complainant* to make a *public complaint* instead;
 - c. if the *complainant* refuses to make a *public complaint*, forward all pertinent information to the Divisional Inspector to consider the appropriateness of a *Chief's complaint*;
 - d. not accept a *local complaint* if:
 - i. it does not meet the criteria of a *local complaint*;
 - ii. the complaint is in respect of the conduct of the Chief or a Deputy Chief of Police; or
 - iii. in the opinion of the supervisor it is in the public interest for the matter to be dealt with as a *Chief's or public complaint*; and
 - e. when the *complainant* wishes to proceed by way of a *public complaint*, the *supervisor* shall follow the process in Section I.

I. Intake of a Public Complaint

1. Upon receiving a *public complaint*, the *supervisor* shall:
- a. notify the Divisional Inspector or Director, if on duty, or the Duty Officer at the first reasonable opportunity, if the urgency of the matter requires it;
 - b. complete the OIPRD Complaint Against the Police form, or if a *complainant* insists, accept the complaint in any written format;
 - c. have the *complainant* sign the form and if they refuse, advise him/her that the OIPRD may refuse their complaint;
 - d. give the *complainant* an OIPRD information pamphlet outlining the complaint process and *complainant's* rights;
 - e. advise the *complainant* that their complaint will be forwarded to the OIPRD for screening and assignment to the appropriate agency for investigation;

- f. take reasonable steps to ensure that evidence that might otherwise be lost is immediately secured, including, but not limited to:
 - i. obtaining Forensic Identification Branch assistance for video or photographs of any injury or damage; and
 - ii. seizing any relevant evidence;
- g. record details of the complaint and interview with the *complainant* in their notebook;
- h. immediately fax the signed *public complaint* and any related documents to the Professional Standards Branch;
- i. forward the original documents to the Professional Standards Branch Inspector and a copy to the Divisional Inspector/Director;
- j. not communicate any information gained during the complaint intake to anyone other than those authorized to process or administer the complaint; and
- k. inform the *complainant* the *OIPRD* requires the form to be signed for the complaint to proceed and the matter could be subject to an internal investigation (*Chief's complaint*) and forward the complaint to the Professional Standards Branch.

J. Investigation of Public Complaints

1. Complaints that are received in the form of a *public complaint* and returned to the Service for investigation may be assigned to a Professional Standards Branch investigator, a *respondent officer's supervisor* or another *supervisor* as deemed appropriate by the Deputy Chief of Systems and Innovation.
2. *Police officers* assigned to investigate *public complaints* shall:
 - a. be of equal or higher rank than the *respondent officer*;
 - b. ensure the *respondent officer(s)* have been served with a letter of notice from the *OIPRD* and a copy of the *OIPRD* complaint, when directed to do so by the *OIPRD*;
 - c. conduct the investigation in a prompt and timely manner within 120 days of the receipt of a complaint about the conduct of an officer or within 60 days for a complaint about policy or service; and
 - d. advise the *respondent officer* prior to any request for a statement that they have the right to be represented by a Waterloo Regional Police Association member, any other representative or counsel.
3. At the request of the *respondent officer*, their representative may be present with them during any meeting between an investigator and the *respondent officer* pertaining to the *public complaint*.
4. An investigator who wishes to interview a *respondent officer* or request a statement in relation to a complaint containing *criminal allegations* shall:
 - a. advise the *police officer* they are the subject of a complaint containing a *criminal allegation*; and
 - b. determine whether it is necessary to discuss with and get direction from the *OIPRD* regarding the non-service of a Notice of Investigation because it would compromise the investigation.

5. The *police officer* who is investigating a complaint of an allegation of *misconduct* shall:
 - a. advise the *respondent officer* that the complaint is one of *misconduct* under the PSA;
 - b. ensure the *respondent officer* has received a copy of the OIPRD Complaint Against the Police form;
 - c. order the *respondent officer* to provide a full and complete statement or attend an interview in response to the complaint;
 - d. if criminal conduct is subsequently identified during the complaint investigation, only use the *respondent officer's* compelled statement for the PSA portion of the investigation;
 - e. order the *respondent* or *witness officers* to produce any notebooks, Service equipment or duty reports pertaining to the allegations in the complaint;
 - f. ensure the *respondent officer* is advised of the status of the investigation on a reasonable basis unless such might prejudice the investigation or for another appropriate reason;
 - g. when complaints are referred to another agency for investigation, ensure any request for notebooks, statements, or other evidence are referred to the *Liaison Officer*;
 - h. complete a *final report* to be submitted to the OIPRD within 120 days in the case of a conduct complaint and 60 days in the case of a policy or service complaint unless an extension is given by the OIPRD; and
 - i. also provide the *final report* to the *complainant*.

K. Public Complaint Decisions

1. At the conclusion of an investigation, the Chief or designate will decide, based on reasonable grounds, whether the complaint is substantiated or unsubstantiated.
2. If the complaint is deemed to be substantiated, the Chief or designate will decide if the conduct was of a *serious* or less serious nature.
3. If the OIPRD conducted the investigation, the *Director* will make the decision described in (2) above. The Chief will be responsible for any discipline that may result from a substantiated complaint.
4. The *respondent officer* will receive a copy of the *final report*.
5. If it is determined that there was *misconduct* or unsatisfactory work performance but it was not a *serious misconduct*, the Chief or delegate, may resolve the matter consistent with Part V of the PSA.
6. *Serious misconducts* shall go to a disciplinary hearing.
7. No copy of a *public* or *local complaint* will be directed to a *respondent officer's* personnel file unless the complaint resulted in an *informal resolution* or a *disposition without a hearing*, which requires agreement by the *respondent officer* or a conviction as a result of a disciplinary hearing (no consent required). Entries shall be purged in accordance with the Collective Agreements or PSA.

L. Informal Resolutions (Public Complaints)

1. Only a complaint in relation to conduct which is of a less serious nature may be the subject of *informal resolution*, which may be obtained at any stage of the complaint process, with the consent of the *OIPRD*, providing that all parties agree.
2. The investigating officer may attempt to resolve the complaint during an investigation using any remedial action or strategy that does not involve forfeiture of time or other punitive options, subject to the approval of the Professional Standards Inspector or designate.
3. At the conclusion of an investigation that has substantiated *misconduct* that is not a *serious misconduct* and on the direction of the Chief or designate, the complaint may be resolved using any remedial action or strategy, including discipline.
4. No resolution or discipline may be issued by the Chief until the matter is reviewed by the *OIPRD* with regard to the facts of the *misconduct*.
5. Should both the *complainant* and *respondent officer* agree to an *informal resolution* or withdrawal of the complaint, the investigating officer shall:
 - a. ensure the *informal resolution* or withdrawal of the complaint has been approved by the *OIPRD* prior to being accepted or any related discipline being administered;
 - b. complete an *OIPRD Informal Resolution* form;
 - c. forward the completed original *OIPRD Informal Resolution Agreement* form or the *OIPRD Withdrawal of Complaint* form to the Professional Standards Branch Inspector;
 - d. forward the applicable copy to the Divisional Inspector;
 - e. provide the *complainant* and the *respondent officer* with copies of the *OIPRD Informal Resolution Agreement* form or the *OIPRD Withdrawal of Complaint* form; and
 - f. ensure the *informal resolution* does not form part of the officer's personnel file.
6. If an *informal resolution* cannot be achieved with the *complainant*, the investigating officer shall:
 - a. complete the *final report* and forward it to the Professional Standards Branch Inspector for a decision; and
 - b. inform the *complainant* that they may request a review of the *final report* by the *OIPRD*.
7. Subject to an approval of the finding of the misconduct not being of a serious nature, discipline may be imposed with acceptance of the *respondent officer* (i.e., disposition without a hearing). Failing that, the matter shall go to a hearing pursuant to the PSA.

M. Policy and Service Complaints

1. All policy/service complaints, (like those of conduct), must be recorded on the *OIPRD Complaint Against the Police* form and forwarded to the *OIPRD* by the *Liaison Officer* within three (3) days of receipt.
2. After screening, the *OIPRD* is required to refer policy/service complaints back to the Chief for investigation. The Chief or designate shall determine the appropriate action.

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3. Upon receiving a service or policy complaint and where the Chief or designate has directed action be taken, the Chief or designate shall:
 - a. notify the Police Services Board of the matter and the resolution;
 - b. assign the complaint to a *police officer* for investigation; and
 - c. notify the *complainant* and the *OIPRD* of the disposition within 60 days of the referral by way of written report.
 4. *Complainants* have the right to ask the Police Services Board for a review of the decision and be so informed.

N. Chiefs Complaints

1. A *complainant* making a *public complaint* shall be advised of the right to complain to the *OIPRD* under Part V of the PSA before the matter proceeds as a *Chief's complaint*.
2. An internal conduct complaint may be initiated by the Chief or a Deputy Chief against a *police officer* when the *police officer* is a member of the Service, except for the Deputy Chief. The Chief or designate shall promptly give notice to the *police officer* of the allegation, unless in the opinion of the Chief it might prejudice the investigation.
3. The investigation of *Chief's complaints* shall be conducted in accordance with Part V of the PSA.
4. *Chief's complaints* shall be resolved by *informal resolution*, disposition without a Hearing or by Hearing consistent with Part V of the PSA.
5. If it is a *Chief's complaint* matter and the complaint is unsubstantiated, the *final report* shall be forwarded to the *respondent officer*.
6. Investigation into a *Chief's complaint* shall be conducted in a timely manner.
7. A *Chief's complaint* investigation shall be considered to have commenced and shall be completed within six months of the date on which the Chief becomes aware of the facts upon which the complaint is based. Note: the date of commencement may be considered the day upon which a supervisor becomes aware of enough evidence upon which the Chief (or designate) could act upon and investigate.
8. An extension of this time period may be requested from the Police Services Board where appropriate.

O. Professional Standards Branch Inspector

1. The Professional Standards Branch Inspector or designate shall:
 - a. upon receiving a completed *OIPRD Local Resolution Agreement* form, ensure the form is forwarded, with a cover letter, to the *Director* by electronic copy no later than five days after it is completed and signed;
 - b. forward a copy of the cover letter and *OIPRD Local Resolution Agreement* form to the Divisional Inspector of the *police officer* being complained about;
 - c. where a *complainant* refuses to complete or sign the *OIPRD Local Resolution Agreement* form, record the matter as an inquiry, advise the involved *police officer* and take no further action, unless the subject matter should be reviewed as a *Chief's complaint*;

- d. ensure that any *public complaint* received, in any written format, is forwarded to the *OIPRD* pursuant to the *OIPRD* guidelines;
- e. where the matter is a *public complaint* ensure the *respondent officer* and the Divisional Inspector/Director receive a copy of the notification letter and complaint except where the *OIPRD* has directed the *respondent officer* not be notified. Where the Professional Standards Branch Inspector or designate determines the *respondent officer* should not be notified, this decision shall be reviewed with the *OIPRD*;
- f. in the case of a *Chief's complaint*, with consultation with the Deputy Chief of Systems and Innovation, determine if the *respondent officer* will be notified of the complaint or whether to do so would prejudice the investigation;
- g. ensure *Chief's complaints* and any assigned *public complaints* are properly investigated;
- h. when complaints are referred to another agency for investigation, liaise with that agency to collect and produce *Service member's* notebooks, statements, or other evidence as requested;
- i. ensure that all WRPS Customer Service Issue/Contact sheets are reviewed and captured for quarterly reporting; and
- j. comply with the reporting requirements of the *OIPRD*.

P. Divisional Inspector/Duty Officer

1. The Divisional Inspector, Duty Officer or the Professional Standards Branch Inspector (in circumstances as outlined in Section D(5)) when informed of a *complaint* or potential *misconduct* recognized or reported internally, shall:
 - a. in consultation with their Superintendent assess the seriousness of the complaint allegations and notify the Professional Standards Branch Inspector if the matter warrants immediate investigation;
 - a. if necessary risk management actions (e.g., the need to re-assign, suspend or direct no contact) have been made, notify the appropriate Command Superintendent;
 - b. direct *members* under their command to retain complaint related documents in a manner consistent with the Records Retention – Law Enforcement Activity Procedure and the provisions of the PSA and Collective Agreements;
 - c. ensure that if the matter has been reported by a member of the public, that person is advised of their right to report the matter to the *OIPRD* and of the right of review of the *final report* and standing at Hearing, that may be forfeited as a result of not doing so; and
 - d. ensure *OIPRD* brochures are available for the public to access at their respective Divisions.

Q. Superintendent

1. The Superintendent shall:
 - a. in consultation with their Divisional Inspector assess the seriousness of the complaint allegations and ensure the Professional Standards Branch Inspector is notified if the matter warrants immediate investigation;

- b. notify the Deputy Chief of Systems and Innovation of any immediate risk management action that has been taken (e.g., the need to re-assign, suspend or direct no contact); and
- c. seek the direction of the Deputy Chief of Systems and Innovation regarding:
 - i. the appropriateness of suspending the *police officer* from duty or reassigning the *police officer* until an assessment of their duties may be completed; and
 - ii. the initiation and coordination of any potential *Chief's complaint* and subsequent investigation. The *Chief's complaint* may be conducted in concert with a *public complaint* about the related subject matter.

R. Deputy Chief of Systems and Innovation

- 1. The Deputy Chief of Systems and Innovation shall:
 - a. inform the Chief of the progress of all investigations and penalty Hearings;
 - b. assist the Chief with the reporting of all Service and policy complaints to the Police Services Board, regardless of disposition;
 - c. approve the issuing of a notice of investigation to *respondent officers*;
 - d. in consultation with the Chief, and upon recommendations made by the Superintendent, Divisional Inspector and the Director of Legal Services review reports and determine:
 - i. whether misconduct has been substantiated or not;
 - ii. if substantiated whether the misconduct is of a serious nature and if so ensure a hearing is commenced;
 - iii. if substantiated and the misconduct is not of a serious nature, decide upon informal resolution, the informal penalty and ensure the informal resolution/disposition without a Hearing is pursued;
 - e. assign an investigator to public complaints returned to the Service by the *OIPRD* for investigation;
 - f. review and determine in consultation with the Chief, the need for suspensions, the length of time and the continued need; and
 - g. determine and assign a Hearing Officer and Prosecutor, unless directed otherwise by the *OIPRD*.