

	<b>Abbotsford Police Board</b> <b>Policy and Procedure</b>	
	<b>RESPONDING TO SERVICE OR POLICY COMPLAINTS</b>	
	<b>Policy #: 1.APB.004</b>	<b>Effective:</b>

## PREAMBLE

The Abbotsford Police Board is responsible for taking action to respond to complaints made about the services or policies of the Abbotsford Police Department and certain conduct complaints as per Part 11 of the *Police Act*. This policy sets out the process in which complaints about services and/or policies will be addressed.

## 1. DEFINITIONS

1.1. In this policy the following definitions apply.

- a. "Board" means the Abbotsford Police Board, the governing authority for the municipal police service of the City of Abbotsford.
- b. "Board's EA" means the Executive Assistant to the Chief Constable and the Abbotsford Police Board.
- c. "Chair" means the Board member elected to be Chair of the Abbotsford Police Board by the Abbotsford Police Board.
- d. "Chief Constable" means the Chief Constable for the Abbotsford Police Department.
- e. "Complaint" means a Service or Policy Complaint regarding:
  - a) the general direction and management or operation of the Abbotsford Police Department, or
  - b) the inadequacy or inappropriateness of any of the following in respect of the Abbotsford Police department:
    - i) its staffing or resource allocation;
    - ii) its training programs or resources;
    - iii) its standing orders or policies;

- iv) its ability to respond to requests for assistance; or
  - v) its internal procedures.
- f. "OPCC" means the Office of the Police Complaints Commissioner.
  - g. "Police Department" or "Department" means the Abbotsford Police Department.
  - h. "Promptly" means taking action as soon as reasonably practicable, without unnecessary or avoidable delay.
  - a. "Vice-Chair" means the Board member elected to be Vice-Chair of the Abbotsford Police Board by the Abbotsford Police Board.

## 2. BOARD POLICY

### Compliance with the Police Act

- 2.1 The Board must comply with the Police Act, Part 11, Division 5 — Process Respecting Department Service and Policy Complaints, Sections 168 to 173.1. Where any part of this policy becomes inconsistent with the *Police Act*, the responsibilities set out in the *Police Act* will prevail.

### Monitoring for Incoming Complaints

- 2.2 The Board's EA is responsible for monitoring incoming correspondence on behalf of the Board and is to forward Complaints received in a timely manner and in accordance with this policy.

### Process for Making a Complaint

- 2.3 The Board will maintain information on the Department's website on how members of the public may submit a Complaint.
- 2.4 A complaint may be made directly to the front counter of the Department, direct to the OPCC, or to the Board in the prescribed form. A Complaint form may be obtained by downloading it from the OPCC website, from the Department's website, or in person at the Department's front counter.
- 2.5 The person receiving the complaint must:
- a) Record the date and time of the Complaint;
  - b) Provide written confirmation to the person making the Complaint that the Complaint has been received; and

- c) Forward a copy of the Complaint to the Board's EA.
- 2.6 Should a member of the public require assistance completing the Complaint Form, the Board's EA will provide reasonable assistance to the person wishing to make a Complaint.

### **Preliminary Review of a Complaint**

- 2.7 Upon receipt of a Complaint, the Board's EA will, as soon as possible:
- a) Ensure a copy of the Complaint is forwarded to the Chief Constable;
  - b) File a copy of the Complaint to the OPCC using the prescribed OPCC complaint form; and
  - c) Send a copy of the Complaint to the Governance and Policy Committee (GPC) and to the Chair and Vice-Chair.
- 2.8 Upon receipt of a Complaint, the GPC will convene as soon as is reasonable to assess the complaint and prepare a recommendation to the Board.
- 2.9 In preparing to make a recommendation to the Board, the GPC may do one or more of the following, if deemed appropriate in the circumstances:
- a) Request additional information from the Chief Constable about the subject matter of the Complaint;
  - b) Request the Chief Constable to conduct a preliminary investigation and provide information to the GPC;
  - c) Take steps to gather additional information from any source deemed necessary;
  - d) Take steps to determine if it has sufficient expertise to deal with the complaint or whether it wishes to engage third party consultants or advisors; or
  - e) Take any other action the GPC determines is necessary, reasonable and appropriate to make an informed recommendation to the Board.

### **Board's Response to a Complaint**

- 2.10 The Board must respond to a Complaint promptly by taking one of the actions set out in section 2.11.

- 2.11 At the next regularly scheduled open meeting of the Board following receipt of a Complaint, the GPC will recommend to the Board one or more of the following actions:
- a) Refer the complaint to the Chief Constable to investigate and report back to the GPC;
  - b) Initiate a study or investigation concerning the complaint. This can be completed by seeking the services of an independent contractor to complete this study or investigation;
  - c) Dismiss the complaint on permissible grounds. Permissible grounds include:
    - i) The Complaint is trivial, frivolous, vexatious or not made in good faith;
    - ii) The Complaint is filed for an improper purpose or motive;
    - iii) The Complaint concerns a policy or service matter that has been appropriately resolved; or
    - iv) The Complaint is not about a service or policy matter that:
      - (1) is under the general direction or management or operation of the Abbotsford Police Department; or
      - (2) is otherwise described in section 168(1) of the *Police Act*.
  - d) Take any other course of action the Board considers necessary to respond adequately to the Complaint.
- 2.12 A decision of the Board under section 2.11 may be deferred to a future regularly scheduled open meeting of the Board where the GPC requires more time to make a proper and informed recommendation to the Board. The GPC must ensure that the Board's responsibility to make a prompt decision is always considered.
- 2.13 Should the Complaint involve subject matter to which exemptions apply under section 69 of the *Police Act*, the matter may be addressed in closed meetings of the Board.
- 2.14 If the Complaint is not about a service or policy matter but may represent potential misconduct under Part 11, Division 3 or 6 of the *Police Act*, in addition to dismissing the service or policy complaint, the Board will refer the Complaint to the Chief Constable for review and action as appropriate.

### **Communication Regarding Course of Action**

2.15 After the Board decides on a course of action to address the Complaint, the Chair of the GPC must communicate the Board's intended course of action in writing to the person making the complaint, the Director of Police Services, and the OPCC within 20 business days. Should there be a delay in deciding a course of action, the Chair of the GPC will notify the person making the Complaint the reasons for the delay and advise of an estimated timeline for making a decision.

### **Regular Review of the Status of Complaints**

2.16 The Chief Constable or a person designated by the Chief Constable, will provide the Board with updates regarding any Complaint assigned to the Chief Constable, including the status of any active investigations, actions taken, and other relevant information, at least every three months.

2.17 Where a study or investigation has been assigned by the Board outside of the Department, the Board will seek updates from the assigned person or body, including the status of the study or investigation, actions taken, and other relevant information, at least every three months.

### **Concluding Complaints**

2.18 Where the Board has initiated a study or investigation into a Complaint, the Board shall comply with the reporting requirements of section 172 of the *Police Act* which includes:

- a) An explanation for the Board's action in respect to the service or policy complaint, and
- b) If applicable, a detailed summary of the results of any investigation or study initiated by the Board.

### **Regular Review of Policy**

2.19 At least every four (4) years, the Board will review the process for responding to service or policy complaints together with the Chief Constable and Board's EA and make any adjustments or amendments as necessary.

2.20 The Board will comply with section 173.1 of the *Police Act* when establishing or modifying this policy.

### **Policy is Publicly Available**

2.21 The Board will ensure a copy of this policy remains posted on the Abbotsford Police Department’s website.

REFERENCES AND RELATED DOCUMENTS	
Form:	<a href="#">OPCC Complaint Form</a>
Legislation:	<a href="#">Police Act</a>

DOCUMENT HISTORY	
Effective:	TBD
Revised:	