

The North Bay Police Service Public Complaint Process

The Police Services Act establishes a partnership between the North Bay Police Service, the Police Services Board, members of the public and the Ontario Civilian Commission on Police Services. The emphasis of the “Complaints” portion of the Act is to resolve complaints in a timely, professional, and where possible in an informal manner.

- The North Bay Police Service believes that all people have the right to be treated in a courteous and professional manner.
- We are committed to conducting all investigations with fairness and impartiality.
- Our investigations will be completed in a timely fashion with thoroughness and consistency.

The following explains how a complaint may be filed about the policies of, services provided or the conduct of a police officer employed by the North Bay Police Service.

Defining a complaint

A complaint may relate to:

1. The policies of, or services provided by the North Bay Police Service, or
2. The conduct of a police officer of the North Bay Police Service.

How may I make a complaint?

1. If you are **directly** affected by an incident, you may make a complaint. Your complaint must be in **writing, signed**, and mailed, faxed or delivered to this Service, to the attention of the Chief of Police or Ontario Civilian Commission on Police Services. **PLEASE NOTE: E-mailed complaints cannot be acted upon.**
2. You may also make a complaint using a standard form, which is available at this Service, from the office of the Ontario Civilian Commission on Police Services (OCCPS) in Toronto or via download as a (PDF) format from this site.
3. Your complaint must normally be made within six (6) months after the incident occurred.

How is my complaint processed?

The Chief of Police, or his designate, must determine how your complaint is to proceed and whether your complaint concerns conduct, policies or services of the North Bay Police Service. The Chief will classify your complaint and assign it to be investigated or, the Chief may decide not to deal with the complaint if:

- It was filed six (6) months after the incident which led to the complaint;
- It is frivolous, vexatious or made in bad faith;
- You are not directly affected by the incident.

The decision of the Chief must be made within thirty (30) days of receipt of the complaint.

Review of the decision

If you disagree with the initial classification of your complaint as either a policy, service or conduct issue, you may request that the Ontario Civilian Commission on Police Services review the classification. You may also request that the Ontario Civilian Commission on Police Services review the Chief’s decision not to deal with your complaint. However, in either case, your request must be made within thirty (30) days of receipt of the decision. You should provide the Ontario Civilian Commission on Police Services with as much information as possible, including your reasons for requesting the review.

The Ontario Civilian Commission on Police Services may confirm the decision of the Chief of Police, refer your complaint back for investigation, or assign it to another police service. There is no appeal from the decision of the Ontario Civilian Commission on Police Services.

Informal resolution of your complaint

The Police Services Act encourages an informal resolution of conduct complaints, at any time during the process, where the Chief of Police concludes that it was not of a serious nature and both you and the police officer consent to the proposed resolution.

Can I withdraw my complaint?

You may withdraw your complaint at any time in writing. However, the Chief of Police may continue to deal with your complaint if it is felt that the circumstances warrant further action.

What happens if I have a complaint about policy or services?

Complaints related to policy issues or services provided are referred to the appropriate member for investigation.

If you are not satisfied with the decision of the Chief of Police, you may request that the North

Bay Police Services Board review the complaint by making a written request to the Board within thirty (30) days of having received notice of the decision.

Complaints about conduct

The Chief of Police must ensure that every conduct complaint is investigated (except for reasons cited earlier). After the investigative report is completed, the Chief or designate may:

- Settle the matter by way of informal resolution if the misconduct was not of a serious nature;
- Find the complaint unsubstantiated, frivolous, vexatious or made in bad faith;
- Find the officer guilty of misconduct and impose a penalty without a formal hearing where the misconduct is not serious and the officer accepts the penalty;
- Decide the complaint should be heard by a police disciplinary hearing.

Can I file a complaint about the off-duty conduct of a police officer?

A complaint may be filed about the conduct of an off-duty officer, however, the officer shall not be found guilty of misconduct if there is no connection between the conduct and either the occupational requirements for a police officer or the reputation of the police service.

What takes place at a disciplinary hearing?

If the Chief of Police orders a disciplinary hearing, a prosecuting officer or a legal counsel or agent as designated by the Chief is responsible for presenting the evidence. You will be informed about your participation at the hearing. The hearing is presided over by a Hearing Officer who is also designated by the Chief. The Hearing Officer considers the evidence and decides the outcome.

An officer found guilty of misconduct could face a range of penalties from reprimand to dismissal and could also be directed to undergo counseling, treatment or training.

What can I do if I am not satisfied with a decision at a disciplinary hearing?

A person making a complaint (complainant) or the police officer named in a complaint may appeal to the Ontario Civilian Commission on Police Services within thirty (30) days of the decision of a disciplinary hearing if the officer's misconduct or unsatisfactory work performance was not established. If a complainant wishes to appeal a penalty imposed by the Hearing Officer, consent from the Ontario Civilian Commission on Police Services is required.

Who are the police accountable to in the complaints system?

The Chief of Police is accountable to the North Bay Police Services Board, which reviews the administration of the complaints system on a regular basis. The Chief is also accountable to the Ontario Civilian Commission on Police Services for the Service's handling of complaints.

Address for filing complaints

Please note that complaints must be written and signed and cannot be accepted by email. Your complaint must be in writing, signed, and mailed, faxed or delivered to:

**Chief of Police
North Bay Police Service
135 Princess Street West,
North Bay, Ontario
P1B 8J8
Fax (705) 495-3049**

Public Complaint Form:

<http://www.occps.ca/englishwebsite/process/forms/publiccomplaintform.pdf>