

Guideline: Who processes a complaint



The New Brunswick Police Commission (“NBPC”) is an independent civilian oversight body that oversees the management of the public complaints process into the conduct of police officers and the policies or services of municipal and regional police forces within the province of New Brunswick.

Any member of the public can make a complaint against the police. This is done by making the complaint in writing on the NBPC’s complaint form. The *Police Act (Act)* defines two types of complaint. A conduct complaint relates to the conduct of a member of a police force. A service or policy complaint relates to the services provided by or the policies of a police force.

After receiving a complaint, the NBPC decides what type of complaint it is, conduct, service, policy, or a combination of types.

The *Act* sets out who will process the complaint. The purpose of these guidelines is to:

- Outline who will process the complaint; and
- Identify when the NBPC will process the complaint or take over from a chief of police or civic authority.

What happens if the NBPC decides my complaint is a service and/or policy complaint?

The *Act* states that the NBPC will refer complaints identified as **service** and/or **policy** to the appropriate civic authority¹ and the chief of police. The chief of police or civic authority will give complainants notice in writing of the outcome of their complaint.

What happens if the NBPC decides my complaint is a conduct complaint?

The *Act* states that the NBPC will refer complaints identified as **conduct** to the appropriate chief of police to process. When the complaint is against a deputy chief or chief of police, the NBPC will refer those complaints to the appropriate civic authority to process.

The NBPC monitors the processing of all complaints from when they are filed until they are resolved.

How does the NBPC decide if it should manage or take over from the chief of police or civic authority the management of a conduct complaint?

The *Act* states that if the NBPC considers it to be in the public interest, it may, at any time before an arbitrator has been appointed, process a conduct complaint, or take over from a chief of police or civic authority the processing of a conduct complaint.

The NBPC, in deciding whether to process or take over the processing of a conduct complaint, will take into consideration the following:

- The seriousness of the complaint and apparent harm to the complainant, including cases investigated by the NS Serious incident Response Team (NS SiRT) or another investigative body;
- Whether the allegations raise questions regarding the integrity of the police force;
- Whether there are issues of systemic importance or broader public interest at stake;
- Whether the NBPC’s decision would maintain or enhance the public confidence in policing and police oversight;
- Complaints in which the chief of police or civic authority request the NBPC process the complaint, the NBPC finds the request reasonable and there are compelling reasons why the police force should not process the complaint; and
- Any other factor that necessitates the NBPC processing the complaint.

For more information

Further information about the *Act* or this guideline may be obtained by contacting us at 506-453-2069 or by visiting our website at [NB Police Commission / Commission de police du N.-B.](https://www.nbpc.ca) or email us at nbpc@gnb.ca .

¹ Civic authority means a board, a joint board or, where a board or joint board has not been established, a council, and includes any person designated by the civic authority to act on the civic authority’s behalf (*Police Act*, s. 1). All municipal/regional police forces have a civic authority.