

Guideline: What happens when someone makes a complaint about you



The New Brunswick Police Commission (NBPC) is the independent civilian oversight body that oversees the management of the complaint process into the conduct of police officers of municipal and regional police forces within the province of New Brunswick, pursuant to the New Brunswick [Police Act \(Act\)](#).

What happens when someone makes a complaint against you?

Any member of the public, or a chief of police, can make a complaint against a police officer. This is done by making the complaint in writing on the NBPC's [complaint form](#). A complaint must be filed within one year of the alleged incident, however, the NBPC may [extend the time for making a complaint](#).

Your chief of police will notify you in writing what the complaint is about.

Who will process the complaint?

Most complaints are sent to your chief to be processed. However, the NBPC can take over processing the complaint at any time, if it considers it to be in the public interest to do so. In that case, the [NBPC will process the complaint](#).

When can the processing of a conduct complaint be suspended?

If there is an investigation into a police-involved incident by the [Serious Incident Response Team](#) or another police service in New Brunswick, the NBPC may, on its own motion, or at the request of a chief of police, [suspend the processing of a conduct complaint](#)

Can I be re-assigned or suspended?

In some circumstances, your chief may decide to reassign you or suspend you with pay until the complaint has been dealt with. Paid suspension can last up to a maximum of 180 days, after which the suspension will be without pay. If the processing of the complaint is suspended, the number of days it is suspended is not included in the counting of the 180 days.

What happens after I am notified of a conduct complaint?

Your chief will make an initial decision on whether the complaint should be summarily dismissed or, if not, whether the complaint can be informally resolved.

What is a summary dismissal?

If the chief determines the complaint made against you is frivolous, vexatious, or not made in good faith, they will summarily dismiss the complaint. The chief will provide their reasons in writing and the NBPC will review and either confirm or rescind the decision. If the summary dismissal is rescinded, the chief will continue processing the complaint.

What is an informal resolution?

An informal resolution is an agreement made between you, the respondent officer, and your chief of police. You should come prepared to discuss the complaint and make suggestions for ways the complaint can be resolved. This is an opportunity for you to discuss the complaint, take accountability for what happened, and figure out how to move forward and to learn from what happened.

Nothing said during an informal resolution can be used in any other part of the complaint process.

An informal resolution is not entered into your personnel file or your service record of discipline.

The NBPC may review the informal resolution on its own motion and will review it at the request of the complainant. If the NBPC reviews the informal resolution, it will either confirm or rescind the results.

If informal resolution is not successful or not appropriate, or if the NBPC rescinds the results, the chief will appoint an [investigator](#) to conduct an investigation.

Do I have to participate in an investigation?

As a respondent officer, no, you do not have to participate.

A negative inference cannot be drawn if you choose not to participate, however, by choosing to participate you are able to provide your version of events so that the chief may have a balanced view of what happened.

Police officers identified as witnesses do have to participate and are legally obligated to provide any information requested.

What am I entitled to receive once an investigation is completed?

In every investigation, you, as a respondent officer, are entitled to a summary of the investigator's findings and conclusions regardless of how the complaint is resolved. The complainant will also receive it.

If the chief determines there is sufficient evidence that the [Code of Professional Conduct Regulation](#) (*Code*) was breached, the chief will continue processing the complaint, which may include an offer to attend a settlement conference or a referral to arbitration. If this happens, you will receive the full details of the investigation as set out in the *Act*.

If the chief determines there is insufficient evidence that you breached the *Code*, the chief will decide to take no further action.

The complainant may ask the NBPC to review the decision to take no further action and if the NBPC reviews it, you will be advised in writing whether the NBPC has confirmed or rescinded the decision. If the decision to take no further action is rescinded, the chief will continue processing the complaint.

What is a settlement conference?

The purpose of a settlement conference is to provide you with an opportunity to respond to the alleged breach(es) of the *Code* and to reach an agreement with the chief concerning corrective and disciplinary measures. This can only occur after an investigation has been completed.

A settlement conference is voluntary. Either you or the chief may request one to the NBPC, but both parties must agree to participate. You may choose to bring one representative (lawyer, union president, another member of the police force or any other person you choose) with you to the settlement conference.

Nothing said during a settlement conference can be used at an arbitration hearing.

The complainant has the right to attend and make representations either orally or in writing.

A settlement agreement is entered into your service record of discipline.

The NBPC may review the settlement agreement on its own motion and will review it at the request of the complainant. If the NBPC reviews the agreement, it will either confirm or rescind the results.

If you, the respondent officer, do not attend the settlement conference, a settlement cannot be reached, or the conduct complaint has not been resolved within 180 days after the date the complaint is filed, the chief will serve you with a notice of arbitration hearing.

What is an arbitration hearing?

An arbitration hearing is a process to resolve the complaint by using a neutral third party called an arbitrator. An arbitrator hears the evidence and makes a binding, legally enforceable, decision.

If the chief serves a notice of arbitration hearing, you will be given an opportunity to choose the [arbitrator](#) in collaboration with the chief. In this case, the cost of the arbitration hearing is split between you, the respondent officer, and the chief.

If the NBPC serves a notice of arbitration hearing, the NBPC will select the arbitrator and pay for the cost of the arbitration.

The arbitrator decides whether the *Code* was breached, and they will determine the appropriate corrective and/or disciplinary measure(s).

For more information

Further information about the *Act* or this guideline may be obtained by contacting the Commission at 506-453-2069, visiting our website at [NB Police Commission](#) or emailing us at nbpc@gnb.ca.