

## **Anishinabek Police Service**

### **Public Complaints**

#### **Definitions**

<b>Complaint</b>	Complaints relate to either the services provided by a police service or the conduct of a police officer(s).
<b>Employee</b>	Any and all persons who perform full time, permanent, temporary, or contract services for the Anishinabek Police Service.
<b>Public complaint</b>	Includes any and all members of the public, whether or not they are members of a First Nation community served by the Anishinabek Police Service. This would not include employees of the Anishinabek Police Service or the members of the Police Governing Authority.
<b>Party</b>	Includes any person or other entity that would have standing at the hearing into the allegations of misconduct. This would include the subject officer(s), the complainant and the police chief on behalf of the police service.
<b>Respondent</b>	A.P.S. Employee mentioned in the complaint.
<b>Six Month Time Limit for Accepting Complaint</b>	That period of time, calculated from the date on which the conduct allegedly occurred or became known or ought to have been known by the complainant.
<b>Signed Complaint</b>	The person lodging the complaint shall, unless the situation dictates otherwise, sign the complaint. Where the person is unable to sign the complaint, and the Operational Director accepts the complaint notwithstanding, the Operational Director shall document the circumstances and such documentation shall be made available, upon request, to the respondent.
<b>Third Party</b>	Where the Police Chief determines that the person lodging the complaint is not directly affected by the conduct, and there is insufficient grounds for accepting the complaint from a person other than the person directly affected, the reasons for the Chief's decision to reject the complaint shall be provided, upon request, to the complainant

## **Process – Making a Complaint**

### **Step 1**

Your written complaint should include your name, address, postal code and home and business telephone numbers with area codes.

Date, time and location of incident

Name, rank and badge number of officer(s) involved. If you do not know the name of the officer, a physical description should be provided.

Summary of the specifics of your complaint. (What is your complaint about?)

A signed, written complaint can be either initiated at an A.P.S. detachment or can be sent directly to the Police Chief at the A.P.S. Administrative Headquarters.

Police Chief  
Anishinabek Police Service  
1436 Highway 17 East  
Garden River, ON  
P6A 6Z6

### **Step 2**

A written response will be sent to you acknowledging receipt of your complaint. The response letter shall also indicate that an investigation into the allegations shall be conducted.

### **Step 3**

Investigation is conducted by the A.P.S. complaints officer. Copies of the complaint shall be shared with all parties including the respondent (subject officer).

### **Step 4**

Efforts shall be made to resolve less serious complaints through a mutually agreeable informal resolution. An informal resolution of a complaint is an option that is available at any time during the process i.e., before, during or after the investigation.

## **Resolving the Complaint - Process**

### **A.P.S. Code of Conduct and Professionalism**

In the event that the investigation supports the allegations of misconduct an appropriate penalty will be assessed against the officer.

### **Factors when considering disposition**

An appropriate penalty is selected taking into consideration the following factors;

- Public interest
- Seriousness of the misconduct
- Recognition of the seriousness of the misconduct (by the respondent)
- Employment history
- Need for deterrence
- Ability to rehabilitate or reform the officer
- Damage to the reputation of the force
- Handicap or other relevant circumstances
- Effects on the officer and his family
- Management approach to the misconduct
- Consistency of Penalty

Less serious complaints are resolved outside of a Disciplinary Hearing however the resolution process is presented to the A.P.S. discipline committee for disposition approval.

Serious complaints are resolved through a Disciplinary Hearing that is presided over by an adjudicator and sentencing is at the recommendation of the A.P.S. Discipline Committee (taking into consideration the above-mentioned factors).

Complainants shall be required to attend this hearing to provide their evidence.

In the event that the investigation does not support the allegations the complaint shall be closed.

### **Step 6**

Complainant shall be advised in writing of the reasons for closing the complaint or be advised of how the complaint was resolved (A.P.S. Code of Conduct).

### **Withdrawing a Complaint**

At any time during the process you have the option of withdrawing your complaint by writing to the police service informing them of your intention to withdraw your complaint.