

Codiac Regional Policing Authority

Policy #: G-104
Category: Values and Ethics
Subject: Complaints Against CRP Authority Members
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Framework

Police Act

Under s. 1.1(1) of the *Police Act*, the Minister of Justice and Public Safety shall (a) promote the preservation of peace, the prevention of crime, the efficiency of police services and the development of effective policing, and (b) coordinate the work and efforts of police forces and the RCMP within the Province.

Section 1.1(2) of the *Act* provides that the Minister may provide to boards, councils, police forces, a regional policing authority and the RCMP:

- (i) information and advice respecting the management and operation of police forces and the RCMP in handling special problems, and
- (ii) such other information as the Minister considers to be of assistance.

Finally, Section 1.1 (3) provides that subject to the *Act* and regulations, the Minister may issue guidelines and directives to any police force within the Province for the attainment of the purposes in s. 1.1(1) above.

Governance Guidelines

In 2011, the Department of Public Safety issued the Police Governance and Oversight in New Brunswick Policy Guidelines (“Governance Guidelines”). These Guidelines apply to a regional policing authority, as well as to other models of police governance in use in New Brunswick. The Guidelines suggest a policy for complaints regarding the actions of the board or members of police governance and oversight bodies (see pp. 18-22). The policy below is substantially similar to the one suggested in the Guidelines.

Policy

Complaints or allegations against the Codiac Regional Policing Authority (CRP Authority) or a CRP Authority member must be made in writing, signed and dated by the complainant. Complaints may be submitted to the CRP Authority (attention of the CRP Authority Chair or the Chair of the Governance Committee) at the address

provided on the CRP Authority's website or to the New Brunswick Police Commission.

If a complaint is received that is not signed, the Chair and the CRP Authority must exercise due diligence in reaching an appropriate decision on whether or not to pursue an investigation.

Allegations concerning criminal offences against an Act of the Parliament of Canada or the Legislature of New Brunswick will be dealt with by the formal criminal investigative process.

The processes to address the three (3) categories of potential complaints are set out below.

1. Allegations that the CRP Authority has failed to meet its obligations under the *Police Act of New Brunswick*

- a) A copy of the written and signed complaint should be forwarded by the complainant to the Chair of the CRP Authority or to the New Brunswick Police Commission.
- b) Any communication forwarded to one should be copied to the other.
- c) At the first practicable opportunity, the Chair should inform the CRP Authority of the complaint.
- d) The Chair will cause the complaint to be investigated such that sufficient information is gathered to allow, first, an assessment of the validity of the complaint and, if deemed valid, an investigation of the complaint with supporting operational, financial, statistical, management or other data and the development of a recommended course of action.
- e) The New Brunswick Police Commission will be notified of the outcome of the investigation and will be requested to conduct a review of the outcome to ensure that the investigation by, and the actions of, the CRP Authority are sufficient in the circumstances. The New Brunswick Police Commission will be requested to notify the Chair, CRP Authority, of any requirement for clarification or further information gathering.
- f) If the report identifies a need to change policies or practices of the CRP Authority these will be introduced by the CRP Authority along with any necessary changes to the CRP Authority manual.
- g) A summary of the findings and outcome of the investigation will be forwarded to the complainant.
- h) A copy of the investigation report, summary, findings, and outcome of the investigation will be forwarded to the New Brunswick Police Commission.

2. Allegations that a Member of the CRP Authority has contravened the CRP Authority's Code of Conduct

- a) A copy of the written and signed complaint should be forwarded by the complainant to the Chairperson of the CRP Authority. If the Chairperson is the subject of the complaint, the complaint will be forwarded to the Vice Chairperson, in consultation with the Chair of the Governance Committee.

- b) If the Chairperson of the CRP Authority is the subject of the complaint, the Chairperson will step down and the Vice-Chair will assume the role of the Chair for the duration of the investigation of the complaint. In this circumstance and dependent upon the nature of the complaint, the Vice-Chair may wish to consult the CRP Authority as to whether the Chair should be suspended from all activities of the CRP Authority pending the outcome of the investigation.
- c) At the first practicable opportunity, the Chair or Vice Chair should inform the CRP Authority of the complaint.
- d) The Chair or Vice Chair will cause the complaint to be investigated such that sufficient information is gathered to allow, first, an assessment of the validity of the complaint and, if deemed valid, an investigation of the complaint with the development of a recommended course of action.
- e) The Chair or Vice-Chair will share with the full CRP Authority at an in camera session (a) the complaint, (b) the affected CRP Authority Member's written response to the allegations, (c) a summary of investigation findings and (d) a recommendation on any action to be taken in relation to the complaint.
- f) Upon review of the complaint, the CRP Authority will follow one of the following actions:
 - i. Receive the complaint and take no action
 - ii. Counsel the affected CRP Authority Member
 - iii. Pass a motion reprimanding the affected CRP Authority Member, or
 - iv. Recommend to the Minister or the municipality that appointed the Member to the CRP Authority that the Member be removed from the CRP Authority
- g) If the investigation determines that the CRP Authority member has committed an offence against an Act of the Parliament of Canada or the Legislature of New Brunswick, the process under Section 3 of this Policy will be followed.
- h) If the report identifies a need to change policies or practices of the CRP Authority, then these will be introduced by the CRP Authority along with any necessary changes to the CRP Authority manual.
- i) A summary of the findings and outcome of the investigation will be forwarded to the complainant.

3. Allegations that a CRP Authority member has committed an offence against an Act of Parliament of Canada or the Legislature of New Brunswick

- a) If information is received by any CRP Authority Member alleging that a member of the CRP Authority has committed an offence against an Act of the Parliament of Canada or the Legislature of New Brunswick, the Chair will be immediately notified. If the Chair is the subject of the allegation, then the Vice Chair will be immediately notified.
- b) The Chair (or Vice Chair, if the Chair is the subject of the allegation) shall request the Minister of Public Safety Minister to request or direct a police force to investigate the complaint.
- c) Upon notification by the police, and subject to maintaining the integrity of the investigation, if the Chair of the CRP Authority is the subject of an

- investigation, the Vice-Chair will then assume the role and function of the Chair for the duration of the investigation of the complaint.
- d) The Chair or Vice Chair, in consultation with the Minister of Public Safety, will determine whether, in the best interest of the CRP Authority, and subject to maintaining the integrity of the investigation, the CRP Authority member who is the subject of the complaint will be suspended from his or her duties for the duration of the investigation.
 - e) If the Chair or Vice Chair is advised by the Minister or the police agency of the jurisdiction conducting the investigation that the complaint does not constitute an offence against an Act of the Parliament of Canada or Legislature of New Brunswick, then the CPR Authority will determine whether the alleged conduct of the CRP Authority member constitutes misconduct under the policies and practices (*Code of Conduct*) of the CRP Authority. If the actions of the Board member are considered to be such misconduct, then the process noted in Section 2 of this Policy will be followed.
 - f) If the CRP Authority member is convicted of an offence against an Act of the Parliament of Canada or the Legislature of New Brunswick, the Chair or Vice Chair (if the Chair is the CRP Authority member convicted), will consult with the Minister and determine if the member should be removed from the CRP Authority, for cause. The Chair or Vice Chair will, as determined and appropriate, request the municipality *or* the Minister to remove the member from the CRP Authority.
 - g) The CRP Authority policy, outlined above, with respect to a member allegedly contravening an Act of the Parliament of Canada or the Legislature of New Brunswick, recognizes that the CRP Authority cannot become involved in operational matters with respect to a criminal investigation, yet there is a need for the CRP Authority to be, and be seen to be, objective and transparent when confronted with an allegation of criminality on the part of a CRP Authority member. As well, there is a need to ensure that the CRP Authority's response does not 'politicize' the administration of justice or in any manner bring the administration of justice into disrepute.

The CRP Authority will consider the public interest in determining whether the matter is made public during or at the conclusion of the process under process 1, 2 or 3 above.

The requirement for a thorough investigation will be balanced with the need to respect the rights of the accused individual.

The CRP Authority, in its oversight and governance capacity, must feel confident that the investigational process, undertaken by a police agency, upon request or direction by the Minister, aligns with CRP Authority policy and practice, as provided above.

Procedure:

1. The Chairperson (or the Vice-Chair if the complaint concerns the Chair) will review the complaint to ensure that it is dated and signed and contains sufficient information to allow an investigation to be initiated.

2. The Chairperson (or the Vice-Chair) will immediately retain legal counsel, at the CRPA's expense, to provide guidance to the Chair (or Vice-Chair) on the conduct of an investigation, recommendations to the CRP Authority and/or any referrals to other parties required under this policy.