



North Bay Police Service Board

By-Law # 9 Complaints About Special Constables
Legislative Reference / Authority
<i>Community Safety and Policing Act</i> and Regulation 411/23

1. Preamble

- a. As prescribed in the *Community Safety and Policing Act (CSPA)* and through Regulation the North Bay Police Service Board shall establish policy(ies) consistent with the *Act*, Regulation(s) and any other applicable legislation;
- b. It is the policy of the North Bay Police Service Board with respect to complaints concerning Special Constables that it will establish policy(ies) that are consistent with the requirements of the *Community Safety and Policing Act*, Regulation(s) and incorporating any existing established operational and accounting practices as approved by the North Bay Police Service Board and or the Office of the Chief of Police;
- c. The North Bay Police Service Board shall establish a process for complaints to be made to the Chief of Police about the conduct of Special Constables in the employ of the North Bay Police Service; and
- d. To publish notice on the Internet informing the public on how to make a complaint in relation to Special Constables.
- e. Complaint forms are available at North Bay Police Service headquarters located at 135 Princess Street, North Bay and on line at www.northbaypolice.ca/services-board

2. Complaints

- a. Any person may make a complaint about a Special Constable to the Chief of the Police Service in which the Special Constable is employed with the exceptions of:
 - i. Other members of the Police Service in which the Special Constable is employed, and members or employees of the Board that maintains the Police Service;
 - ii. The Minister;
 - iii. The Inspector General, a Deputy Inspector General or an Inspector appointed under Section 111 – Inspectors of the *CSPA*;
 - iv. The Complaints Director, a Deputy Complaints Director and employee of the Law Enforcement Complaints Agency or an investigator; and
 - v. The Special Investigations Unit (SIU) Director or an employee or investigator in the SIU.



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- b. A complainant may act through an agent in respect to a complaint made in accordance with Section 2.a.
- c. A complaint may be made in accordance with Section 2,a. on behalf of:
 - i. A person who is a minor, by the person's parent or guardian; or
 - ii. A person who is incapable as defined in the Substitute Decision Act, and who is not a minor, by their substitute decision-maker under the *Act*.

3. **Forwarding Complaints**

- a. When a complainant files a complaint to any other person, other than the Special Constable's Chief, that person shall forward the complaint to the Chief of Police and advise the complainant that the complaint has been forwarded; and
- b. If a person who makes a complaint to a Chief of Police in accordance with this Regulation instead makes the complaint to a member of a police service other than a Chief of Police or to a Special Constable who is not a member of a police service, the member of a police service or Special Constable shall notify their Chief of Police of the complaint.

4. **Complaints Process**

- a. Pursuant to Regulation 411/23 the Board shall:
 - i. Establish a process for complaints to be made to the Chief about the conduct of Special Constables; and
 - ii. Publish notice on the Internet informing people how to make a complaint regarding a Special Constable.

5. **Investigations/Process**

- a. When the Chief receives a complaint regarding a NBPS Special Constable, the Chief shall provide the complainant with written acknowledgement that the complaint has been received.
- b. The Chief shall ensure that the complaint is investigated to determine whether the Special Constable's conduct constitutes misconduct, contravened the terms and conditions of the Special Constable's Certificate of Appointment or contravened any provision of the *CSPA* or its Regulations.
- c. The Chief shall ensure that any allegations in the complaint of conduct that may constitute criminal conduct are investigated by a North Bay Police Service member or a member of another Police Service.



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- d. Every investigation of a Special Constable under Section 5. c. must comply with the standards for adequate and effective policing, including the standards with respect to the avoidance of conflicts of interest.
 - e. The Chief shall:
 - i. Endeavour to complete any investigation of a Special Constable within 120 days after receiving the complaint, not including any period during which the investigation is postponed or suspended pursuant to Section 6 below;
 - ii. Give notice of the status of the investigation to the complainant and the person being investigated every 30 days until the investigation is concluded unless, in the opinion of the Chief, doing so might prejudice the investigation, when the timeline in Section 6. e. i. is not met;
 - iii. Take the appropriate action to remedy the contravention when the Special Constable is found to have engaged in conduct that constitutes misconduct, contravened the terms and conditions of their certificate of appointment or contravened any provision of the *CSPA* or its *Regulations*;
 - iv. Advise the complainant of the outcome of the investigation of the complaint in writing; and
 - v. Report on the outcome of the investigation to the Board.
6. **Postponement or Suspension of Investigations**
- a. When a complaint is or may be subject to an investigation under the *CSPA*, is or becomes the subject of an investigation of an offence under a law of Canada, a province or territory, or the prosecution of such an offence, the Chief may postpone the commencement of the investigation under the *CSPA*, or suspend it, for as long as necessary in their opinion to avoid interfering with the investigation or prosecution; and
 - b. The Chief shall postpone the commencement of the investigation under the *CSPA*, or suspend it, for as long as necessary, when advised by the Crown Attorney or prosecutor to do so, to avoid interfering with their investigation or prosecution.

Read the first time this 21 day of March, 2024

Read the second time this 21 day of March, 2024

Read the third time this 21 day of March, 2024

R. Stivrins

Board Chair