

STATEMENT OF COMPLAINT PROCEDURES AND RIGHTS OF THE RESPONDENT

This statement briefly sets out the procedures that will be followed upon receipt of a complaint against you and your rights under the Police Act and Regulations.

Who Sees the Complaint?

1. The complaint is received by **Director, Atlantic Police Academy**. The investigator of the complaint will be a provided copy of the complaint. **(PLEASE NOTE: the person who filed the complaint will be referred to as the “complainant” in any documents related to this complaint. You will be referred to as the “respondent”).**

Withdrawal of a Complaint

2. The complainant may withdraw their complaint by providing written notice to the **Director of the Atlantic Police Academy**. You will receive notice confirming the withdrawal of the complaint. However, if the **Director of the Atlantic Police Academy** has commenced disciplinary proceedings, the **Director of the Atlantic Police Academy** may refuse to consent to the withdrawal of the complaint. You will be notified of the refusal to withdraw the complaint in writing within 15 days of the **Director of the Atlantic Police Academy** receiving the notice of withdrawal.

Investigations and Reports

3. Provided the complaint was received within six months after the conduct of the complaint occurred and the complainant was directly affected by the conduct, the **Director of the Atlantic Police Academy** will have the complaint investigated. The investigator will interview you, the complainant and any other relevant witnesses.
4. The investigator has approximately 90 days to complete the investigation. If further time is required to complete the investigation you will be notified of the requirement for more time and the revised completion date of the investigation.

Informal Resolution

5. The **Director, Atlantic Police Academy** or his delegate will consider whether your complaint can be resolved informally and will attempt to do so, but only with your consent and the consent of the complainant.
6. A complaint can be resolved informally only if the matter of complaint is not of a serious nature.

Decision of the Director of the Atlantic Police Academy

7. The **Director, Atlantic Police Academy** will review all investigation reports and may:

- a) dismiss the complaint if the complaint is found to be unsubstantiated, trivial, frivolous, vexatious, unfounded or made in bad faith;
- b) dismiss the complaint if the complainant has refused to accept a fair and reasonable resolution of complaint; or
- c) begin disciplinary proceedings against the officer.

Disciplinary Process

8. Throughout a disciplinary process, including a disciplinary process resulting from a public complaint, ***a instructional officer*** who is alleged to have committed a breach of the Code of Professional Conduct and Discipline, has the right to the advice and assistance of:
 - a) a fellow police officer;
 - b) an association representative, **if** the officer is a member of *the Prince Edward Island Police Association*;
 - c) a union representative, if the officer belongs to a union; or
 - d) legal counsel (privately retained by you or as approved by your union or employer)
- 9 You will be informed in writing of the decision made by the Director of the Atlantic Police Academy.

Review by the Police Commissioner

10. If you are not satisfied with the decision of the ***Director, Atlantic Police Academy***, with respect to the complaint, you may contact the Office of the Police Commissioner to request an independent review of the decision. A request for review of a decision must be made in writing and be delivered to the Office of the Police Commissioner within 30 days of being notified of the decision. For further information contact the Office of the Police Commissioner located at:

Office of the Police Commissioner
114 Kent Street (access from second level Confederation Mall)
PO Box 427
Charlottetown, PEI
C1A7K7

Telephone: (902) 368-7200 or 1-877-541-7204

Facsimile: (902) 368-1123

www.policecommissioner.pe.ca