

# A New Police Complaints Model for Saskatchewan



# Steering Committee

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- Saskatchewan Justice
- FSIN
- MFCJS
- Regina Police Service
- Saskatoon Police Service
- RCMP
- Saskatchewan Association of Chiefs of Police
- Saskatchewan Federation of Police Officers

# The Former Complaints Process in Saskatchewan

- **RCMP** complaints handled by an independent body: *The Commission for Public Complaints Against the RCMP*
- **Municipal Police Public Complaints** reviewed by the Office of the Saskatchewan Police Complaints Investigator under *The Police Act, 1990*

# Former Process for Handling Criminal Complaints

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- Local Police Service Investigates
- Reviewed by Internal Affairs
- Independent Review by Public Prosecutions
- Charge proceeds to court
- If no charge, matter referred back to police disciplinary process

## Challenges Identified by Steering Committee

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- First Nations and Métis people seldom used the Municipal Police Complaints process and rarely used the RCMP complaint process
- First Nations people used and trusted the FSIN Special Investigations Unit (SIU)

## How can a new process foster the same level of trust?

- Continue to work with the SIU to identify and receive complaints
- Include First Nations and Métis people as decision makers and investigators
- Simplify the process to make a complaint
- Respond quickly and seriously to produce results

# Challenges Identified by the Steering Committee

- Must have control over the process of the investigation into a public complaint, including investigations into criminal matters
- Must be fair to the complainant and to the member complained against
- Develop a more seamless process for RCMP and Municipal Police complaints to work together

# Structure of the New Public Complaints Commission (PCC)

- Independent PCC appointed by Order of the Lieutenant Governor in Council and responsible to the Minister of Justice
- Five members, with First Nations and Métis representation
- Consult with the Saskatchewan Association of Chiefs of Police, the FSIN, MFCJS, Boards of Police Commissioners and the Saskatchewan Federation of Police Officers about appointments

# Authority of the new PCC

- Conduct public complaint investigations
- Initiate public complaints
- Deem an internal disciplinary or criminal investigation to be a public complaint
- Assume responsibility for an existing complaint investigation
- Resolve a complaint through mediation or other informal resolution
- Appeal a disciplinary decision of the hearing officer to the Sask Police Commission

## The PCC Handle Complaints That Are:

- Referred by the FSIN Special Investigation Unit
- Made by a member of the public
- Forwarded by the police service receiving the complaint
- Referred by Saskatchewan Justice
- Deemed by the PCC to be public complaints as it directly involves a member of the public
- Independently initiated by the PCC

# PCC - Investigation Authority

- PCC will first determine how the complaint will be investigated, including allegations of criminal or disciplinary offences by police members
- The PCC may:
  - assign the matter to their field investigators
  - assign to an outside police service to investigate
  - appoint an observer to monitor the investigation
  - assign the police service that is the subject of the complaint to investigate

# Complaints Involving Criminal Offences

- When a public complaint is received alleging that a police officer **may** have committed a criminal offence, that complaint will be investigated through the public complaint process
- When the investigation warrants it, the PCC will refer the matter to Public Prosecutions for an independent review

# Benefits of New Model

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- Better represents the community it serves
- Aboriginal people are employed as field investigators
- A First Nations and a Métis person have been appointed as two members of the Public Complaints Commission (PCC)
- Ensures a continuing role for the FSIN Special Investigations Unit (SIU)

# Benefits of New Model

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- Authority to investigate public complaints alleging criminal or disciplinary offences by police members
- Ensures that complainants have their matter dealt with as quickly as possible
- Complainants remain informed through the process

# Possible Links with the RCMP Complaints Process

- Desire to develop a protocol with the Commission for Public Complaints against the RCMP to ensure that both the RCMP and provincial processes are similar

# Investigative Observer

- Justice Deputy Minister shall appoint an investigative observer from another police force where:
  - a person has suffered a serious injury or died while in custody
  - a person has suffered a serious injury or died as a result of the actions of a police officer
- Applies to both municipal police and RCMP
- Used twice to-date

# Conclusion

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- New legislation reflects the goal of the Steering Committee to improve the police complaints process to better meet the needs of First Nations and Métis peoples
- First Nations and Métis people are asked to develop and participate in the process - not just trust it
- Fundamental shift in the complaints process

# Next Steps

