

Guideline: When is the processing of a complaint suspended



The New Brunswick Police Commission (“NBPC”) is the independent civilian oversight body that oversees the management of the public complaints process into the conduct of police officers and the policies or services of municipal and regional police forces within the province of New Brunswick,

Any member of the public can make a complaint against the police. This is done by making the complaint in writing on the NBPC’s complaint form. The *Police Act (Act)* defines two types of complaint. A conduct complaint relates to the conduct of a member of a police force. A service or policy complaint relates to the services provided by or the policies of a police force.

In some circumstances, the NBPC may suspend the processing of a conduct complaint. The purpose of these guidelines is to identify when the NBPC will suspend the processing of a conduct complaint.

How does the NBPC decide it should suspend the processing of a conduct complaint?

If there is an investigation into a police-involved incident by the Nova Scotia Serious Incident Response Team (NS SiRT) or by another police service in New Brunswick, the NBPC may, on its own motion, or at the request of a chief of police or civic authority, suspend the processing of a conduct complaint.

The NBPC, in deciding whether to suspend the processing, will take into consideration the following:

- Whether there exists a risk of prejudice to a criminal investigation;
 - This is when the criminal investigation and *Police Act* investigation involve the same parties and are based on the same set of facts;
- What has been done on *Police Act* proceeding, for example, whether the Complainant or Respondent Officer has already provided a statement, or whether other investigative steps outside interviewing the Respondent Officer or Complainant can be completed without risk to the criminal investigation;
- The Respondent Officer or Complainant’s right to silence as guaranteed under section 7 of the *Charter of Rights and Freedoms*;
- The need to use evidence gathered during the criminal investigation in order for the NBPC to process the complaint; and
- Any other factor that necessitates the NBPC processing the complaint.

Each request for suspension will be determined on the unique circumstances of the case.

For more information

Further information about the *Act* or this guideline may be obtained by contacting the Commission at 506-453-2069 or by visiting the Commission’s website at NB Police Commission / Commission de police du N.-B. or email us at nbpc@gnb.ca.