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CHAPTER III – CHAPITRE III : Professionalism Professionnalisme	Readers are referred to the list of Related Documents at the end of this Policy for additional information. Les lecteurs peuvent se référer à la liste des documents connexes notés à la fin de cette politique pour information supplémentaire.	

PUBLIC COMPLAINTS

1. Statement of the Policy

From time to time, Public Prosecution Services will receive a complaint regarding the conduct of a Crown Prosecutor, a Regional Director, the Director of Specialized Prosecutions, the Executive Director or the Director of Public Prosecutions. Complaints will be dealt with objectively and in a timely manner in order to maintain public confidence in the criminal justice system. In order to ensure an appropriate and just response to complaints, only written complaints will be accepted.

2. Overview of Responsibilities

The Regional Directors and the Director of Specialized Prosecutions are responsible for resolving any complaint concerning the conduct of a Crown Prosecutor in his or her office. The Director of Public Prosecutions is responsible for resolving any complaint concerning the conduct of a Regional Director, the Director of Specialized Prosecutions, or the Executive Director. Any complaints against the Director of Public Prosecutions shall be referred to the Deputy Attorney General.

3. Initiating Complaints

A complaint shall be initiated in writing to the Regional Director, the Director of Specialized Prosecutions, the Director of Public Prosecutions, or the Deputy Attorney General, as the case may be, and shall indicate the following:

- (a) the name and contact information of the complainant;
- (b) the name of the person who is the subject of the complaint;
- (c) a description of the conduct that forms the basis of the complaint; and
- (d) a reference to the specific file or case in which the conduct occurred if applicable.

4. Processing Complaints

4.1 Complaints Against a Crown Prosecutor

Where a written complaint is received concerning the conduct of a Crown Prosecutor, the following procedure shall be followed:

1. Where the recipient is not the appropriate party to resolve the complaint, he or she shall ensure that the complaint is forwarded, within ten (10) days of receipt, to the Regional Director or the Director of Specialized Prosecutions, as the case may be, who will be responsible for resolving the complaint.
2. The Regional Director or the Director of Specialized Prosecutions, as the case may be, shall, within ten (10) days of receipt, send a copy of the complaint to the Crown Prosecutor against whom the complaint was made, requesting a response to the complaint, answers to any questions asked, and any relevant material, including the file.
3. The Crown Prosecutor against whom the complaint was made shall, within thirty (30) days of receipt, compose a response to the complaint, answer any questions asked, and forward any relevant material to the Regional Director or the Director of Specialized Prosecutions, as the case may be.
4. Upon receipt of the Crown Prosecutor's response and upon review of the file subject to the complaint, the Regional Director or the Director of Specialized Prosecutions shall, within thirty (30) days, respond, in writing, to the complainant. A copy of the complaint and the reply will be sent to the Crown Prosecutor against whom the complaint was made, and to the Director of Public Prosecutions.

4.2 Complaints Against a Regional Director, the Director of Specialized Prosecutions, or the Executive Director

Where a written complaint is received concerning the conduct of a Regional Director, the Director of Specialized Prosecutions, or the Executive Director, the following procedure shall be followed:

1. Where the recipient is not the Director of Public Prosecutions, he or she shall ensure that the complaint is forwarded, within ten (10) days of receipt, to the Director of Public Prosecutions.
2. The Director of Public Prosecutions shall, within ten (10) days of receipt, send a copy of the complaint to the Regional Director, the Director of Specialized Prosecutions, or the Executive Director, against whom the complaint was made, requesting a response to the complaint, answers to any questions asked, and any relevant material, including the file.
3. The Regional Director, the Director of Specialized Prosecutions, or the Executive Director, against whom the complaint was made, shall, within thirty (30) days, compose a response to the complaint, answer any questions asked, and forward any relevant material to the Director of Public Prosecutions.
4. Upon receipt of the response from the Regional Director, the Director of Specialized Prosecutions, or the Executive Director, and upon review of the file subject to the complaint, the Director of Public Prosecutions shall, within thirty (30) days, respond, in writing, to the complainant. A copy of the complaint and the reply will be sent to the Regional Director, the Director of Specialized Prosecutions, or the Executive Director, against whom the complaint was made.

4.3 Complaints Against the Director of Public Prosecutions

Complaints concerning the conduct of the Director of Public Prosecutions shall be referred to the Deputy Attorney General for resolution.

5. Responses to Complaints

When drafting a response to a complainant the author should

- (a) bear in mind that where a matter is still before the court, it is generally inappropriate to comment on the issue; otherwise
- (b) respond to the central or overriding concern;
- (c) respond to the other issues raised by the complainant where appropriate;
- (d) identify issues raised by the complainant that are beyond the scope of the author's authority and redirect the complainant to the appropriate authority;
- (e) show compassion and understanding of the complainant's position and emphasize balance and perspective;
- (f) simplify phrases and legal terminology accordingly;
- (g) be mindful of any publication ban or restrictions imposed by the *Youth Criminal Justice Act* or any other statute; and
- (h) indicate, as appropriate, any person with whom the complainant may make further inquiries or comments and provide that person's contact information.

6. Complaints Against Law Enforcement Officers

Any complaints against a municipal or regional police officer should be sent in writing to the Chairman of the New Brunswick Police Commission, 435 King Street, Suite 202, Fredericton, NB, E3B 2T7.

Any complaints against a Royal Canadian Mounted Police (RCMP) officer should be sent in writing to the Commission for Public Complaints against the RCMP, PO Box 3423, Station D, Ottawa, ON, K1P 6L4.

Any complaints against any member of another provincial or federal law enforcement agency should be sent in writing to the Minister of the department responsible for the agency.

Where the complainant alleges possible criminal or quasi-criminal conduct by a police officer, RCMP officer or other law enforcement officer, the complainant should contact the appropriate Chief of Police or RCMP authority.

7. Related Documents

None