

Rule 9: Timeline for Explanatory Reports and Interviews

Purpose

This rule establishes clear expectations on time frames for involved police officers, peace officers, and police service employees and contractors to provide explanatory reports or attend interviews as directed by the Police Review Commission (PRC) Code of Conduct investigators, thereby supporting adherence to section 10(1) of the Police Conduct and Oversight Regulation.

Legislation

- **S.1(h) of the Police Conduct and Oversight Regulation (PCOR)**
 - “Person in charge of the investigation” means the chief executive officer, the head of an integrated investigative unit under section 43.3(2)(a) of the Act or the chief of a police service or officer in charge of a police service conducting an investigation under the Act, as the case may be, and includes a person acting under the authority of that person.
- **S. 1(o) of the Police Conduct and Oversight Regulation (PCOR)**
 - “subject officer” means a police officer who is the subject of a Level 1 complaint, Level 2 complaint or **Level 3 complaint**.
- **S. 1(p) of the Police Conduct and Oversight Regulation (PCOR)**
 - “witness officer” means a police officer or a peace officer as defined in the *Peace Officer Act* who is a witness to or has material information in relation to a Level 1 complaint, Level 2 complaint or **Level 3 complaint**.
- **Section (6)(2)(c)(i) of the Police Conduct and Oversight Regulation (PCOR)**
 - The chief executive officer may establish rules governing the complaints procedure, including the management of complaints by the Police Review Commission.
- **S.6(3)(b) of the Police Conduct and Oversight Regulation**
 - A rule established under subsection (2) is binding on the persons to whom the rule applies.
- **S.10(1) of the Police Conduct and Oversight Regulation**
 - The chief executive officer must make reasonable efforts to ensure that an investigation into a Level 1 complaint, Level 2 complaint or Level 3 complaint is completed within 180 days of the complaint being categorized by the chief executive officer under section 42.2(4) and (5) of the Act.
- **S. 18(2)(g)(ii) of the Police Conduct and Oversight Regulation**
 - “insubordination” means omitting or neglecting, without adequate reason, to carry out a lawful order, directive, rule or policy of the commission, the chief of police or any other person who has the authority to issue or make that order, directive, rule or policy.
- **S. 19(4) of the Police Conduct and Oversight Regulation**
 - The person in charge of the investigation may direct a subject officer or witness officer to provide the investigator with an explanatory report and the subject officer or witness officer must provide the report as soon as practicable.

- **S. 20(1) of the Police Conduct and Oversight Regulation**
 - When investigating a Level 3 complaint, the person in charge of the investigation may direct police officers, peace officers and employees and contractors of a police service to attend an interview and answer questions.
- **S. 20(2) of the Police Conduct and Oversight Regulation**
 - A person directed under subsection (1) to attend an interview shall do so
 - immediately and as directed, or
 - where there are appropriate grounds for delay, as soon as practicable and as directed.

Procedure

1. When a PRC Code of Conduct investigator issues a Direction for Explanatory Report (DFER) pursuant to section 19 of the PCOR, the Direction for Explanatory Report will include a deadline by which the explanatory report and any requested records must be provided.
2. The Direction for Explanatory Report will usually specify a deadline of 14 days from the date of the Direction for Explanatory Report, but this may be varied by the investigator as required by the circumstances.
3. When an investigator issues a Direction for Interview (DFI) pursuant to section 20 of the PCOR, the Direction for Interview will include a deadline by which the person must attend for the interview.
4. The Direction for Interview will usually specify that the person must attend for an interview prior to the deadline and invite the person to provide available dates and times.
5. The Direction for Explanatory Report or Direction for Interview will advise that if there is any difficulty meeting the identified deadline, the person may contact the investigator so that reasonable alternative arrangements may be considered by the investigator.
6. Failure to comply with the deadline in a Direction for Explanatory Report or Direction for Interview by a police officer may constitute insubordination as defined under section 18(2)(g)(ii) of the PCOR.