

VIA Rail Canada Inc. Police Service

Complaint Process

1. COMPLAINT PROCESS

1.1. Procedure

- 1.1.1. This policy establishes a standard procedure for the administration and investigation of public and internal complaints against members of VIA Rail Canada Police Service (“VIA’s Police Service”).
- 1.1.2. VIA Rail is committed to conducting public and internal complaint investigations that are thorough, transparent, timely and promote a fair and equitable solution to the complaint.

1.2. Receipt of complaints

- 1.2.1. Any person may submit a complaint relative to the conduct of a member of VIA’s Police Service in the exercise of his/her duties. The complaint must be submitted in writing and include the name, birth date, telephone number, mailing address and email address of the complainant.
 - 1.2.1.1. The complainant must document the nature of the complaint, date, time, location of the incident and subject officer if known.
- 1.2.2. The Senior Director, Corporate Security and Safety has the responsibility to receive and examine any complaint against a member of VIA’s Police Service.
- 1.2.3. Upon receipt of a complaint the Senior Director – Corporate Security & Safety will:
 - 1.2.3.1. review the allegation(s) to determine if the complaint merits additional investigation or is trivial, frivolous, vexatious or made in bad faith, if the complainant refuses to cooperate in the investigation or if the conduct of an investigation is unnecessary given the circumstances;
 - 1.2.3.2. provide the subject officer with written acknowledgement of the allegation(s). If the officer’s conduct is criminal in nature and acknowledgement could compromise the investigation, the acknowledgement will be withheld;

- 1.2.3.3. conduct a review of the progress of the investigation 60 days after receipt of the complaint. Where the complexity requires a time extension, the investigating officer(s) will extend his/her investigation and inform the complainant and subject officer(s). In such cases, the subject officer(s) and the complainant must be provided with periodic updates by the investigating officer;
- 1.2.3.4. notify the complainant, in writing, of the outcome of the investigation and any action to be taken;
- 1.2.3.5. where it is believed that the complaint may be settled informally and that the complainant and the subject officer(s) concerned agree, the Senior Director – Corporate Security & Safety may take the appropriate action to address and settle the issue. The result must be put in writing, signed by the complainant, the subject officer(s) concerned and the Senior Director – Corporate Security & Safety;
- 1.2.3.6. notify the subject officer(s), in writing of the outcome of the investigation and, if applicable, what additional action will be taken in relation to the incident; and
- 1.2.3.7. administer the secure storage of completed complaint files and electronic documents.

1.3. *Time Limit to File Complaint*

- 1.3.1. The complaint must be submitted within two years of the date of the alleged incident except when the action constitutes a criminal act.

2. INVESTIGATION

2.1. *Information obtained*

- 2.1.1. The purpose of the investigation is to present all the facts surrounding the complaint.
- 2.1.2. The complaint investigation shall include, but not be limited to, the review of policies and procedures, the review of reports and audio recording relating to the incident, inspection of the scene or other evidence and interviews of complainant, member witnesses and subject officer(s).

2.2. *Documentation*

- 2.2.1. All files and documentation will be held by the investigation officer and must be secured to restrict access when not in active use.

2.3. External mandates

- 2.3.1. Depending on the circumstances, nature and the gravity of the action(s) alleged by the complainant, the Senior Director, Corporate Security & Safety may elect to have the investigation concluded internally or by person(s) outside the Department. The complainant and the subject officer(s) concerned will be advised.

2.4. Findings and Disclosure

- 2.4.1. The Senior Director, Corporate Security & Safety will inform the complainant and the subject officer(s) concerned in writing of his/her decision. The complainant will be advised of his/her option to submit their complaint to the President and CEO of VIA Rail.

2.5. Right of appeal

- 2.5.1. Once a final decision is reached the complainant, the subject officer(s) concerned and the Senior Director, Corporate Security & Safety will be informed. If the complaint is dismissed, the complainant must be informed that he/she may appeal the decision to the President and CEO of VIA Rail.
- 2.5.2. Even if the complaint is rejected, the Senior Director, Corporate Security & Safety may formulate comments to the subject officer(s) concerned with a view to improving his/her professional conduct.

3. REPORTING REQUIREMENTS

- 3.1.1. An annual report is prepared and filed with the Minister of Transport containing the number and nature of the complaint(s) received with their findings.

Montréal, September 19, 2013