



Date Issued: April 27, 2010

GUIDELINE re:
RESOLUTION OF COMPLAINTS BY
MEDIATION OR OTHER INFORMAL MEANS
(Division 4, Part 11 of the *Police Act*)

INTRODUCTION

Admissible complaints against members and former members *may* be informally resolved. Section 157 states:

If, at any time before or during an investigation into a complaint concerning the conduct of a member or former member, the complaint appears to the discipline authority to be such that, under the guidelines, the matter is suitable for resolution by informal means other than mediation, the discipline authority may resolve the matter informally, if the complainant and the member or former member agree in writing to the proposed resolution.

With the condition that:

... the police complaint commissioner may set aside the proposed resolution if the police complaint commissioner considers it inappropriate or inadequate.

Similarly, with respect to the formal mediation of admissible police complaints, section 158 states:

If, at any time before an investigating officer's final investigation report respecting an investigation into a complaint concerning the conduct of a member or former member is filed with the discipline authority, the complaint appears to the discipline authority to be such that, under the guidelines, the matter is suitable for resolution by mediation, the discipline authority may request the police complaint commissioner to approve of an attempt at mediation under this Division.

The following guideline establishes the rules and procedures to be followed when determining the suitability of complaints for either informal resolution or mediation, the timelines to be met, documentation required and general practices to be observed.

INFORMAL RESOLUTION

At any time, before or during a *Police Act* investigation, the Discipline Authority may attempt to resolve the matter by informal means such as:

- Privately negotiating a resolution; or
- Seeking the opinion and/or assistance of a neutral third party to suggest a resolution.

Matters Appropriate for Informal Resolution:

Generally, Informal Resolution is targeted towards complaints that:

- are less serious in nature;
- contain less complicated issues; and
- involve parties who would not be intimidated by participating in an informal resolution and are able to communicate well.

In determining whether the Commissioner will approve an informal resolution, **the guiding principle will be whether the public interest is best served by such a resolution.** The Commissioner must consider all the relevant factors of the allegation(s), including without limitation the following:

- a) The nature and seriousness of the alleged misconduct;
- b) The nature and seriousness of the harm or loss alleged to have been suffered by any person as a result of the alleged misconduct, including without limitation the following considerations:
 - i. Whether the alleged misconduct was likely to cause physical, emotional, or psychological harm or financial loss to the complainant;
 - ii. Whether the alleged misconduct violated the complainant's dignity or privacy, or rights recognized by law; or
 - iii. Whether the alleged misconduct and proposed informal resolution would likely undermine the public confidence in the police or the police complaint process in British Columbia.

Complaints concerning a death or the suffering of serious harm or a reportable injury as described in section 89(1) are not permitted to be informally resolved. In addition, complaints involving bodily harm or the endangerment of life will not be considered for informal resolution.

The Process:

If the Office of the Police Complaint Commissioner (“OPCC”) concludes that a complaint is admissible under Division 3 of the *Act*, the OPCC may notify the police agency involved that the complaint may be suitable for informal resolution. The decision to attempt an informal resolution remains within the sole discretion of the police agency.

The proposed informal resolution must be agreed to in writing by both the complainant and the member (or former member), and include the specific terms of the proposed resolution. [Form 1].

If neither party revokes their consent within 10 business days of the agreement, and the Commissioner, within 15 business days of notification of the proposed informal resolution, does not set aside the resolution, the proposed informal resolution is final and binding. [Form 2]

If the complainant or member (or former member) revokes their consent within the time allowed, or the Commissioner upon review deems the proposed informal resolution inappropriate or inadequate, the matter proceeds (or continues) with an investigation pursuant to Division 3 of the *Police Act*. [Form 3]

Timeline for Completion of an Informal Resolution:

An informal resolution must be completed prior to the submission of a Final Investigation Report.

Effect of an Informally Resolved Complaint on a Member’s (or former Member’s) Service Record of Discipline:

A complaint that is successfully informally resolved and where no disciplinary or corrective measures are taken against the member (or former member) is not entered in the Service Record of Discipline, but may be entered in the member’s (or former member’s) personnel file.

MEDIATION

Mediation is a process for resolving disputes between two or more parties with the assistance of a neutral professional mediator to settle the issues in dispute on their own terms. This may include the parties meeting face to face during or after the mediation, but is not necessary. The mediation takes place in a private, non-confrontational setting, where the parties participate in the design of the settlement agreement. The mediator is impartial and trained to help parties settle conflict collaboratively, but has no decision-making power. **The dispute is settled only if all of the parties agree to the settlement.**

Matters Appropriate for Mediation:

Generally, complaints that are suitable for mediation are those that:

- Are less serious in nature;
- may contain more complicated issues than those complaints that are suitable for informal resolution; and
- where the dynamics between the parties require the assistance of a professional mediator to reach a settlement.

Upon receipt of a request from a Discipline Authority to attempt to resolve a complaint by mediation, the Commissioner will review the allegations using the **guiding principle of whether the public interest is best served by such a resolution**. The Commissioner must consider all the relevant factors of the allegation(s), including without limitation the following:

- a) The nature and seriousness of the alleged misconduct;
- b) The nature and seriousness of the harm or loss alleged to have been suffered by any person as a result of the alleged misconduct, including without limitation the following considerations:
 - i. Whether the alleged misconduct was likely to cause physical, emotional, or psychological harm or financial loss to the complainant;
 - ii. Whether the alleged misconduct violated the complainant's dignity or privacy, or rights recognized by law; or
 - iii. Whether the alleged conduct and mediated agreement would likely undermine the public confidence in the police or the police complaint process in British Columbia.

Complaints concerning a death or the suffering of serious harm or a reportable injury as described in section 89(1) are not permitted for mediation. In addition, complaints involving bodily harm or the endangerment of life will not be considered for mediation.

The Process:

If the OPCC concludes that a complaint is admissible under Division 3 of the *Act*, the OPCC may notify the police agency involved that the complaint may be suitable for mediation. The Disciplinary Authority retains sole discretion whether to request the Commissioner to approve an attempt at mediation.

If a Discipline Authority believes a complaint is suitable for resolution through mediation, the Discipline Authority must submit to the Commissioner a written request to attempt mediation. The request should clearly set out the reasons why the complaint is deemed suitable and provide the Commissioner with sufficient information and detail upon which to make a decision.

Where the Commissioner approves an attempt at mediation, a complainant may apply to the Commissioner to be excused from participation in the mediation process. The Act requires that a complainant must provide a valid reason for not participating in the mediation process. Where an application for exemption from mediation is successful, the Commissioner will provide reasons for the exemption and direct that the investigation continue into the complaint.

Upon approval, the Commissioner will issue a "Notice of Approval to Attempt Resolution Through Mediation" [Form 4] to the complainant, the member (or former member), the assigned investigator and to the Discipline Authority. A copy will also be sent to the Roster Coordinator of the British Columbia Mediator Roster Society. The complainant will be directed by the Commissioner to attend a pre-mediation conference at a date, time and place as determined by the mediator, and the Discipline Authority must issue a notice ordering the member (or former member) to attend a pre-mediation conference at a date, time and place as determined by the mediator. [Form 5]

The Roster Coordinator will have sole discretion with respect to the appointment of a mediator from the roster of mediators created for this purpose. The Roster Coordinator, within 5 business days, will advise the parties of the selection.

The appointed mediator will contact the assigned Professional Standards investigator to obtain any information or details of the complaint as required.

The complainant and member (or former member) will be directed to attend a pre-mediation conference. A pre-mediation conference is an opportunity for the mediator to separately meet with the participants, in person or by telephone in the mediator's discretion, to:

- determine if there is any factor that would render a mediation unfair to either party and assess whether mediation is appropriate in the circumstances,
- discuss with the participant the importance of independent legal advice; and
- consider all the organizational matters relating to the mediation, including the issues, exchange of documents, scheduling and review and sign the Agreement to Mediate [Form 6]

Upon completion of the mediation, the mediator will submit a report to the Commissioner and to the Discipline Authority, advising of the outcome and any agreement reached by the parties. [Form 7]

Agreements that are reached by the parties through mediation are final and binding.

If the parties are unable to reach an agreement at mediation, the investigation pursuant to Division 3 must be recommenced. [Form 8]

At the conclusion of any attempt to mediate, whether successful or not, the mediator will submit a report to the Commissioner and Discipline Authority for statistical and program evaluation purposes. [Form 9]

Failure of Parties to Attend:

If a complainant fails to attend a scheduled session, the mediation is cancelled and the Commissioner, upon consultation with the discipline authority, may:

- a) order the complaint be discontinued and take no further action [Form 10]; or
- b) direct the investigation pursuant to Division 3 continue. The continued investigation is deemed to have been initiated under section 93 without a complainant [Form 11].

If a member or former member fails to attend a scheduled session, the Commissioner must cancel the mediation and direct the investigation continues pursuant to Division 3, and may, upon consultation with the discipline authority, order an investigation into the member's failure to attend [Form 12].

Timeline:

An attempt at resolving a complaint through mediation may occur at any time during an investigation, but before the Final Investigation Report is submitted.

An investigation into a complaint that is approved for mediation is immediately suspended upon the issuing of a Notice of Approval to Attempt Resolution Through Mediation. The suspension is lifted if the mediation is cancelled for whatever reason and the investigation is ordered to continue.

A mediation shall be completed within 40 business days of the appointment of a mediator, unless an extension is granted by the Commissioner upon application by the mediator.

Effect of a Successfully Mediated Complaint on a Member's (or former Member's) Service Record of Discipline:

A complaint that is successfully mediated and where no disciplinary or corrective measures are taken against the member (or former member) is not entered in the Service Record of Discipline, but may be entered in the member's (or former member's) personnel file.

RESOLUTIONS INVOLVING MULTIPLE MEMBERS OR COMPLAINANTS

In the event there is more than one member participating in an informal resolution or mediation, the provisions as set out in Division 4 and this guideline apply to participants individually. A successful informal resolution or mediation does not require unanimous agreement of all parties. For those individuals who have not reached an agreement, an investigation pursuant to Division 3 may or must, depending on the circumstances, continue.

INFORMAL RESOLUTIONS & MEDIATIONS OF ORDERED INVESTIGATIONS

If the alleged misconduct meets the above-noted requirements as a matter that is suitable for mediation or other less formal resolution, a complaint that was initiated by way of an ordered investigation may still be resolved pursuant to Division 4. In order to proceed, the person who was directly affected by the alleged misconduct must first sign a complaint form, changing their status to a formal complainant. The receipt of a registered complaint form will set aside the ordered investigation.

SUPPORT PERSONS

Both the complainant and the member (or former member) may be accompanied at any session of the mediation or informal resolution by a support person. The support person's participation will be subject to the approval of the mediator and the consent of the other party.

CONFIDENTIALITY

Statements made during the course of an informal resolution or mediation are confidential and are not to be communicated to any third party or raised in any other proceeding. Additionally, the agreement to mediate creates a binding contractual agreement at law preventing disclosure of statements, either oral or written, unless expressly waived in writing by both parties to the mediation.

With the signed consent of the complainant and member, the mediator's report to the Police Complaint Commissioner and Discipline Authority will include an "outcome summary" that will describe the basic elements of the outcome while maintaining the confidentiality of the statements made by the parties within the mediation process. Parties will be given the opportunity to review and approve the "outcome summary" prior to its publication by signing the Mediator's Report.

FORMS

Attached are the following suggested forms relating to Division 4:

Consent to Informal Resolution (s.157) 1

PCC Confirmation of Informal Resolution (s.157(7) 2

PCC Objection to Informal Resolution (s.157(6) 3

Notice of Approval to Attempt Resolution Through Mediation (s.158(2) 4

DA's Order to Attend Mediation (s.158(2)(b)..... 5

Agreement to Mediate 6

Mediator's Report Following Mediated Session (s.163(2)..... 7

Mediator's Report Cancelling Mediation (s.161(2)..... 8

Mediator's Evaluation Report 9

Cancellation of Mediation & Investigation (s.164(1)(a)
(Failure of C to attend & Inv NOT cont'd)..... 10

Cancellation of Mediation & Recommencement of
Investigation (s.164(1)(b) *(Failure of C to attend & Inv cont'd)* 11

Cancellation of Mediation & Recommencement of
Investigation (s.164(3) *(Failure of M to attend)* 12

LETTERHEAD

CONSENT TO INFORMAL RESOLUTION

(Pursuant to s.157 of the *Police Act*)

Date: *[date]*

OPCC File No. *****_*****

DA File No. ***_******

TO: *Police Complaint Commissioner*

This is to advise that the parties to the above-noted complaint have agreed to the following resolution:

Set out details of agreement

The complainant and the member have 10 business days in which they may revoke their agreement to this resolution by giving written notice to either:

The Office of the Police Complaint Commissioner
3rd Floor, 756 Fort Street
PO Box 9895, Stn Prov Govt
Victoria, BC V8W 9T8
Fax: 250 356-6503

Or to:

*Name of DA
Contact Information*

The complainant and the member also agree that all oral or written statements made by either party in the course of arriving at this informal resolution is not to be communicated to any other person and must not be used in any criminal or civil proceedings.

I have read this Consent to Informal Resolution and agree with the contents.

Name of Complainant (Complainant)

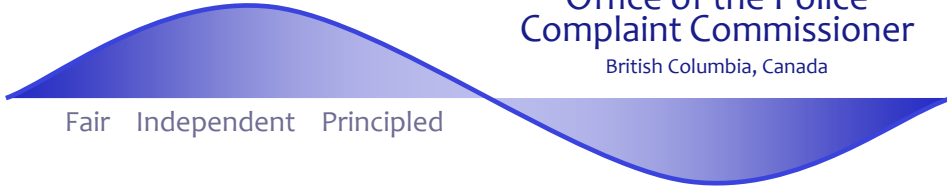
Date

Name of Member (Member)

Date



Office of the Police
Complaint Commissioner
British Columbia, Canada



CONFIRMATION OF
INFORMAL RESOLUTION
(Pursuant to s. 157 of the *Police Act*)

Date: *[date]*
OPCC File No. *****_*****
DA File No. ***_******

TO: *Name of Complainant* (Complainant)
AND TO: *Name of Member* (Member)
AND TO: *Name of Investigator* (Investigator)
AND TO: *Name of Discipline Authority, Name of Department* { *Or if complaint against C/Cst, to the Chair of the Police Board* } (Discipline Authority)

I have received a copy of the Consent to Informal Resolution with respect to the above-noted *Police Act* complaint, signed by both parties. Upon review of the circumstances of the complaint, I agree that the informal resolution reached is both appropriate and adequate.

Please be advised that the resolution agreed to by the parties is final and binding, and that our file with respect this matter is now concluded.

*Or assigned analyst
on behalf of PCC*

Stan T. Lowe,
Police Complaint Commissioner



Office of the Police
Complaint Commissioner
British Columbia, Canada

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OBJECTION TO
INFORMAL RESOLUTION
(Pursuant to s. 157 of the *Police Act*)

Date: *[date]*

OPCC File No. *****_*****

DA File No. ***_******

TO: *Name of Complainant* (Complainant)

AND TO: *Name of Member* (Member)

AND TO: *Name of Investigator* (Investigator)

AND TO: *Name of Discipline Authority,* { *Or if complaint against C/Cst, to*
Name of Department { *the Chair of the Police Board* } (Discipline Authority)

I have received a copy of the Consent to Informal Resolution with respect to the above-noted *Police Act* complaint, signed by both parties. Upon review of the circumstances of the complaint, I find the proposed resolution is not appropriate.

Set out reasons

Accordingly, I hereby direct that [*the matter proceed to an investigation pursuant to Division 3 of the Police Act.*] or [*the investigation pursuant to Division 3 of the Police Act be continued.*]

*Or assigned analyst
on behalf of PCC*

Stan T. Lowe,
Police Complaint Commissioner



Office of the Police
Complaint Commissioner
British Columbia, Canada

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NOTICE OF APPROVAL TO ATTEMPT
RESOLUTION THROUGH MEDIATION
(Pursuant to s. 158(2) of the *Police Act*)

Date: *[date]*
OPCC File No. ****-****
DA File No. **-*****

TO: *Name of Complainant* (Complainant)

AND TO: *Name of Member* (Member)

AND TO: *Name of Investigator* (Investigator)

AND TO: *Name of Discipline Authority,* *Name of Department* { *Or if complaint against C/Cst, to the Chair of the Police Board* } (Discipline Authority)

On *[date of DA's request]*, *[Name of DA]* submitted a request for consent to attempt to informally resolve this complaint through mediation. Based upon the information available to date, I agree that the allegations contained within this complaint appear to be suitable for resolution by mediation. Accordingly, pursuant to section 158 of the *Police Act*, I direct that this matter proceed to mediation.

To *[Name of Complainant]*:

You are hereby directed to attend at a time and place as determined by the mediator, and any dates and times as thereafter required. The assigned Mediator will be in contact with you shortly to determine your availability.

If you wish, you may seek advice before or during the mediation process. You may also have a support person of your choice (or from an agency listed on the attached list of support groups and agencies) attend with you at any of the sessions; however their participation in the mediation will be by the consent of the Mediator and the Member.

Also, if you believe there are reasons why you should be excused from attempting to mediate this matter, you are invited to submit your reasons in writing to my office. Such submissions are to be received within 10 business days of the date of this Notice. Please send your submissions to:

Office of the Police Complaint Commissioner
3rd Floor, 756 Fort Street, PO Box 9895, Stn Prov Govt
Victoria, BC V8W 9T8
Tel: 250 356-7458 / Fax: 250 356-6503 / Email: info@opcc.bc.ca

If I am satisfied upon review of the submissions that this matter is not appropriate for mediation, I will cancel the mediation and direct that the investigation continue through to decision.

Should you fail to attend a scheduled session, be advised that the mediation may be cancelled, the investigation discontinued and no further action taken. I may also order that the investigation continue, however you will no longer have any rights afforded as a complainant.

To *[Name of Member]*:

The Discipline Authority will order you to attend at a time and place determined by the Mediator, and as required thereafter.

You may seek advice before or during the mediation process and you may have a support person of your choice attend with you at any of the sessions; however their participation in the mediation will be by the consent of the Mediator and the Complainant.

To *[Name of investigator]*:

I hereby direct that your investigation and the required filing of reports be suspended until further direction.

Please find attached an informational pamphlet regarding the mediation process. Should you have any questions or concerns about the process, please contact our Mediation Coordinator, Mr. Tom Steenvoorden at the Office of the Police Complaint Commissioner or visit our website at www.opcc.bc.ca.

*Or designate on
behalf of PCC*

Stan T. Lowe,
Police Complaint Commissioner

c. *[name of analyst assigned]*
c. Administrator,
BC Mediators' Roster

LETTERHEAD

ORDER TO ATTEND MEDIATION
(Pursuant to s.158(2)(b) of the *Police Act*)

Date: *[date]*

OPCC File No. ****-****

DA File No. **-*****

TO: *Name of Officer & PIN*

(Member)

This is to notify you that the Police Complaint Commissioner has approved the above-noted *Police Act* complaint to proceed to mediation. Accordingly, you are hereby ordered to attend at the time and place as directed by the Mediator, and thereafter as required. The Mediator will be in contact with you shortly to determine your available dates and times.

Further, please be advised that should you fail to attend a session as directed, you may face additional *Police Act* proceedings for that failure to attend.

[Name],
Discipline Authority

c. Office of the Police Complaint Commissioner

Agreement to Participate in Mediation

BETWEEN:

OPCC File No. _____

DA File No. _____

(Complainant)

AND:

(Police Officer)

(If more than 1 complainant or member, include ALL)

I agree to take part in discussions to try to resolve concerns that led to the complaint being filed under the *Police Act* with the help of *[Name of Mediator]*, Mediator.

I understand and agree that:

1. Mediation is a process where the Complainant and Police Officer try, with the help of the Mediator, to negotiate a voluntary agreement on how to resolve issues that caused the complaint to be filed.
2. Mediation cannot be used to cancel any municipal, provincial or criminal offence.
3. The Mediator is independent from any municipal police department, the Office of the Police Complaint Commissioner, the Complainant and the Police Officer. The Mediator is a member of the Civil Roster of the B.C. Mediator Roster Society and is bound by its Standards of Conduct. The Mediator will remain impartial and help the parties to reach an agreement.
4. The Complainant or Police Officer may be accompanied by a support person during mediation. During mediation the support person may not advocate in any manner.
5. The *Police Act* requires the parties to keep statements made and answers given during mediation confidential. In addition, all the discussion in pre-mediation conferences and in the mediation is without prejudice and confidential.
 - (a) Nothing disclosed in the mediation or pre-mediation conferences can be used in any other legal process; and
 - (b) Nothing disclosed in the mediation or pre-mediation conferences can be used by any party in any civil, criminal or administrative proceeding including a complaint under the *Police Act*.
6. An apology made by the Complainant or Police Officer during the mediation process cannot be

admitted as evidence or construed as an admission of fault at any subsequent civil, criminal or administrative proceeding or in any subsequent proceedings under the *Police Act*.

7. I will not subpoena the Mediator to testify about any spoken or written information disclosed as part of the mediation process, or to disclose documents made or exchanged as part of the mediation process. The Mediator will not provide information, give evidence, or produce documents from the mediation at any other proceeding. The Mediator's notes will not be part of the record of any complaint under the *Police Act*.
8. The Mediator is neutral, and cannot advise me. I may obtain independent legal advice concerning questions arising at the mediation.
9. The Mediator will record any agreement reached at mediation, which will be signed by the Complainant and Police Officer. I may obtain independent legal advice prior to signing the agreement. The Mediator will forward the signed agreement to the Police Complaint Commissioner, with a copy to the Chief Constable of the Police Officer's department.
10. In order to assist me at the mediation, the Mediator is free to share any information received in the mediation process with my legal counsel, but such information will only be shared on the basis that the legal counsel will keep the information confidential.
11. The Mediator will usually meet with the Complainant and Police Officer together, but sometimes the Mediator will ask to meet alone with each party. When that happens, the Mediator will be free to share all information received from me with the other parties, unless we agree to keep the information private.
12. I will fully disclose in a pre-mediation conference or mediation all relevant information about the issues being negotiated. An agreement will not be binding if important information is withheld.
13. I agree to negotiate a resolution to this complaint in good faith and to carry out the terms of any settlement reached.

This Agreement entered into on the
___ day of _____ 20__.

This Agreement entered into on the
___ day of _____ 20__.

Complainant

Police Officer

Date of mediation: _____
(Day / Month / Year)

Mediator

MEDIATOR's
LETTERHEAD

Division 4 – Form 7

MEDIATOR'S REPORT
FOLLOWING MEDIATED SESSION
(Pursuant to s.163(2) of the *Police Act*)

Date: *[date]*
OPCC File No. ****_****
DA File No. **_*****

TO: Mr. Stan T. Lowe (Police Complaint Commissioner)
AND TO: *Name of Discipline Authority* (Discipline Authority)

This is to advise that on *[date(s) of mediation]* the parties with respect to the above-noted *Police Act* complaint attended a mediation session and have agreed to the following resolution:

*Set out basic elements of agreement
"Outcome Summary"*

The complainant and the member also agree that all oral or written statements made by either party in the course of the mediated settlement is not to be communicated to any other person and must not be used in any criminal or civil proceedings.

I have read the above and agree with the contents.

Or

Following discussions, no agreement could be reached between the parties, and pursuant to section 161 of the Police Act, I have concluded the mediation process.

Signature of Complainant

Signature of Member

Signature of Mediator

*MEDIATOR's
LETTERHEAD*

Division 4 – Form 8

Cancellation of Mediation
(Pursuant to s.161(2) of the *Police Act*)

Date: *[date]*
OPCC File No. ****-****
DA File No. **-*****

TO: Mr. Stan T. Lowe (Police Complaint Commissioner)

This is to advise that following a pre-mediation conference / mediation session with respect to the above-noted matter, I am of the view that mediation is not appropriate. *[Or – the mediation process will be not be productive.]*

Pursuant to section 161 of the Police Act, I have concluded the mediation process.

Signature of Mediator

MEDIATOR'S EVALUATION REPORT

Date: *[date]*

OPCC File No. ****-****

DA File No. **-*****

TO: Mr. Stan T. Lowe (Police Complaint Commissioner)

AND TO: *Name of Discipline Authority* (Discipline Authority)

1. Date of mediation session: _____ Duration: ____ hours and ____ minutes
(yy/mm/dd)

2. The outcome of the mediation was: [Please check one]

- The parties resolved all issues
- The parties did not fully resolve their differences but they made significant progress towards resolution
- The parties did not resolve any issues and did not make any significant progress towards resolution.

3. Which of the following were barriers to settlement in this case? [you may check more than one]

- Unrealistic expectations by one or more parties
- Perceived power imbalance
- Lack of information about the process
- Lack of preparation/lack of information
- Lack of willingness to accept responsibility
- A "communication disability" (ESL, literacy, cognitive disability, stress etc.)
- Lack of representation/legal advice
- Lack of support (practical, emotional, educational)
- Other _____

4. Comments from Mediator: [Please attach additional pages if required]

Signed by Mediator

Date:



Office of the Police
Complaint Commissioner
British Columbia, Canada

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*Failure to attend by
the Complainant &
complaint is
discontinued*

CANCELLATION OF MEDIATION
AND
DISCONTINUANCE OF THE COMPLAINT
(Pursuant to s. 164(1)(a) of the *Police Act*)

Date: *[date]*
OPCC File No. *****-*****
DA File No. ***-******

TO: *Name of Complainant* (Complainant)
AND TO: *Name of Member* (Member)
AND TO: *Name of Investigator* (Investigator)
AND TO: *Name of Discipline Authority,
Name of Department* { *Or if complaint against C/Cst, to
the Chair of the Police Board* } (Discipline Authority)

I have been advised by *[Name of Mediator]*, the appointed Mediator in the above-noted matter, that *[Name of Complainant]* failed to attend the *[pre-mediation conference]* or *[mediation session]*.

Accordingly, I hereby direct that any further attempts at mediation with respect to this complaint be cancelled and the complaint be discontinued. No further action pursuant to Division 3 is required and our file with respect to this matter is concluded.

*Or assigned analyst
on behalf of PCC*

Stan T. Lowe,
Police Complaint Commissioner



Office of the Police
Complaint Commissioner
British Columbia, Canada

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*Re: Failure to attend
by the Complainant &
investigation is
continued.*

CANCELLATION OF MEDIATION
AND
RECOMMENCEMENT OF INVESTIGATION
(Pursuant to s. 164(1)(b) of the *Police Act*)

Date: *[date]*
OPCC File No. *****-*****
DA File No. ***-******

TO: *Name of Complainant* (Complainant)
AND TO: *Name of Member* (Member)
AND TO: *Name of Investigator* (Investigator)
AND TO: *Name of Discipline Authority,* { *Or if complaint against C/Cst, to* } (Discipline Authority)
Name of Department { *the Chair of the Police Board* }

I have been advised by *[Name of Mediator]*, the appointed Mediator in the above-noted matter, that *[Name of Complainant]* failed to attend the *[pre-mediation conference]* or *[mediation session]*.

Accordingly, I hereby direct that:

1. Any further attempts at mediation with respect to this complaint be cancelled;
2. *[Name of Complainant]* is removed as a formal Complainant to this matter and is no longer afforded the rights of a Complainant pursuant to Division 3 of the *Act*; and
3. As of the date of this document, the suspension of the investigation and report filing be lifted and the investigation continue in accordance with Division 3 of the *Act*.

*Or assigned analyst
on behalf of PCC*

Stan T. Lowe,
Police Complaint Commissioner



Office of the Police
Complaint Commissioner
British Columbia, Canada

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*Failure to attend by
the Member*

CANCELLATION OF MEDIATION
AND
RECOMMENCEMENT OF THE INVESTIGATION
(Pursuant to s. 164(3) of the *Police Act*)

Date: *[date]*
OPCC File No. *****-*****
DA File No. ***-******

TO: *Name of Complainant* (Complainant)
AND TO: *Name of Member* (Member)
AND TO: *Name of Investigator* (Investigator)
AND TO: *Name of Discipline Authority,
Name of Department* { *Or if complaint against C/Cst, to
the Chair of the Police Board* } (Discipline Authority)

I have been advised by *[Name of Mediator]*, the appointed Mediator in the above-noted matter, that *[Name of Member]* failed to attend the *[pre-mediation conference]* or *[mediation session]*.

Accordingly, I hereby direct that:

1. Any further attempts at mediation with respect to this complaint be cancelled; and
2. The suspension of the investigation and report filing be lifted and the investigation continue in accordance with Division 3 of the *Act*.

*Or assigned analyst
on behalf of PCC*

Stan T. Lowe,
Police Complaint Commissioner