

Referrals to Police – Protection for Persons in Care

Overview:

Protection for Persons in Care (PPC) works in concert with police services at various stages of an allegation of abuse. If thought to be criminal in nature, an allegation may be reported directly to a police service or at any time during the investigation.

Legislative source:

Protection for Persons in Care Act

*2(1) Every individual or service provider who has reasonable and probable grounds to believe and believes that there is or has been abuse against a client shall report such abuse to the Minister of Community Development or a **police service** or a committee, body or person authorized under another enactment to investigate such an abuse.*

*8(2) Notwithstanding this section, if the Minister or the investigator is of the opinion that the subject matter of the complaint could constitute an offense under the Criminal Code (Canada), the Minister or the investigator must as soon as possible refer the complaint to a **police service**.*

Policy Statement:

Investigations by a police service will take precedence over investigations by PPC investigators.

Initial report of abuse under section 2(1):

- During the initial reporting and discussion of an allegation of abuse to the reporting line, the intake office completes an assessment to determine the type of abuse.

- All types of abuse may be considered as criminal matters - see PPC Bulletin 1 - Duty to Report - attachment 2.
- If determined that the allegation may be a criminal matter, the intake officer inquires if the incident has been reported to the police.
 - If *yes*, the reporter is assured that the reporting requirements of the *Act* have been met by reporting directly to a police service. No further information will be taken and a file number will not be assigned to the report. A notation is made in case proof of reporting is required at a later time.
 - If *no*, the intake officer will take the details like any other reported incident of alleged abuse.

Protection for Persons in Care Unit's role:

- The investigation coordinator will further discuss the matter with the reporter and/or a police service. If it is determined that the matter appears to fall under the Criminal Code, the investigation coordinator will release all of the reported information obtained to the police service.
- The PPC file will be closed and the reporter will be informed in writing of this decision.

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Discovery of possible criminal matters during an investigation:

- If a report/file has been assigned to an external investigator and during the investigation it has been determined that the subject matter may fall under the Criminal Code, the investigator contacts the PPC Unit and informs the Unit that the investigation should be referred to the police.
- The PPC Unit will give written authority to release the initial report and all collected information to the Police. The investigator will deal directly with the police.
- The investigator will inquire of the police whether the investigation should be discontinued or continued but limited to the matters connected with management, administration, or operation of the facility. This is usually done by the PPC investigator informing the police who they would like to interview and what areas they want to explore. Directions will be taken from the police as to whether or not the proposed interviews might compromise their investigation.
- If the PPC investigator does not continue with the investigation, the PPC unit will inform the reporter and the facility that the matter has been turned over to the police.
- The investigator will write a report for the Minister, up to the time the investigation was referred to the police. The investigator does not formulate a decision.
- If the investigation is ongoing by the PPC investigator, the investigator will inform the reporter and the facility of the police's involvement.
- If the investigator has continued with the investigation as it relates to the management, administration or operation of the facility, a conclusion is made regarding the facility's responsibility.

Follow-up of a PPC allegation of abuse referred to the police:

- When a report has been referred to the police, the file is put on hold for 30 days. At that time, the investigation coordinator inquires about the status of the investigation from the attending police officer.
- The file may be held for another 30 days and inquired about again. After 60 days, a letter is sent to the agency and the reporter indicating that the matter was referred to the police and the outcome is given if known.
- If the police have concluded their investigation and have asked PPC to resume the investigation, the allegation continues to be investigated in the normal manner.

Referrals from police:

- On occasion, a police officer has forwarded an allegation of abuse to the PPC reporting line for further investigation in relation to the agency's actions.
- This report is handled in the same manner as other reports.

Purpose

PPC Bulletins are intended to provide individuals with more detailed information for interpreting the *Protection for Persons in Care Act (PPC Act)*. These Bulletins supply information concerning procedures and practices to aid in the effective and consistent administration of the *PPC Act*. PPC Bulletins are not a substitute for legal advice.

