

Title: Complaints against Peace Officers

Resolution: 280-2016 Nov 14, 2016 046-2015 Feb 23, 2015

Revised: Nov 14, 2016

Special Notes/Cross Reference:

Next Review Date:

Peace Officer Act/Regulation

Bylaw 2009-01

POLICY STATEMENT : A major component of the Peace Officer program is accountability and responsibility.

PURPOSE : To provide an outline for handling public complaints and disciplinary actions for Peace Officer(s).

GUIDELINES / PROCEDURES / RESPONSIBILITIES:

DEFINITIONS

Act – Peace Officer Act SA 2006 P-35 as amended from time to time. Peace Officer Regulation and the Peace Officer (Ministerial) Regulation

Authorized Employer - Town of Westlock

Chief Administrative Officer (C.A.O.) - the person duly appointed as Chief Administrative Officer of the Town of Westlock.

Days - shall mean calendar days

Director – means the person assigned by the C.A.O. to oversee and manage the Peace Officer Program.

Peace Officer - a person authorized under the Alberta Peace Officer Act/Regulation an employed by the Town of Westlock.

NUMBER and GENDER REFERENCES - All references in this Policy will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.


1.0 RECEIPT OF COMPLAINT – Public Security Peace Officer Program Section 21.2

1.1 Any person may, in accordance with the regulations, make a complaint in writing regarding a Peace Officer to the Peace Officer's authorized employer – the Town of Westlock.

1.2 A complaint must be in legible writing and received by the Director.

1.3 The Director shall, within thirty (30) days and in writing, acknowledge receipt of the complaint to the complainant.

1.4 The Director shall notify the Peace Officer involved of the complaint if appropriate. (Section 21.6 Public Security Peace Office Program Manual)

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- 1.5 The Director of Legislative Services must advise the Public Security Division of public complaints in accordance with Incident Report Form J 3535.

2.0 INVESTIGATION AND DISPOSITION OF COMPLAINTS

- 2.1 Where a complaint is made under Section 14, of the *Act*, the Authorized Employer must investigate and dispose of the complaint in accordance with the procedures set out in the *Act* and the regulations.
- 2.2 The Director of Legislative Services shall investigate the allegations of the complaint.
- 2.3 An Authorized Employer may refuse to investigate or may discontinue the investigation of a complaint if, in the authorized employer's opinion;
- a. the complaint is frivolous; a complaint intended merely to harass or embarrass.
 - b. vexatious or made in bad faith, or
 - c. having regard to all of the circumstances, no investigation is necessary.
- 2.4 All complaints resolved in this manner, pursuant to the *Act*, must be reported to the Solicitor General's Director of Law Enforcement, within thirty (30) days.
- 2.5 This section may also be used in those unforeseen circumstances where an investigation is not required on an evaluation of the circumstances.
- 2.6 Occurrences that are reviewed and assessed as unfounded do not need to be reported to the Solicitor General's Director of Law Enforcement.

3.0 INVESTIGATION


- 3.1 The investigation should include;
- a) a meeting with the Supervisor if applicable and the Peace Officer involved if appropriate,
 - b) an interview of the complainant, any witnesses, the Peace Officer, and any other person who may have knowledge of the occurrence.
 - c) reviewing relevant documents pertaining to the occurrence including occurrence files, dispatch logs, peace officer notebooks, court reports, legal documents and in-car video recordings.
- 3.2 The Director of Legislative Services shall notify the complainant, Peace Officer involved if appropriate, and the Solicitor General's Director of Law Enforcement as to the status of the investigation at least once every forty-five (45) days.
- 3.3 Upon conclusion of the investigation, Director of Legislative Services must notify the complainant, the Peace Officer who is the subject of the complaint and the Solicitor General's Director of Law Enforcement using wording as found in Section 22, *Peace Officer (Ministerial) Regulation*:

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- a) **The complaint is unfounded:** This means that on a basis of a thorough investigation no reasonable belief exists that the complaint has merit or basis.
- b) **The complaint is unsubstantiated:** This means that on a basis of a thorough investigation there is insufficient evidence to determine the facts of the complaint and that it may or may not have occurred.
- c) **The complaint is found to have merit in whole or in part:** This means that on a basis of thorough investigation that:
 - i) **In Whole:** a reasonable belief exists that the Peace Officer has engaged in misconduct in regards to the entirety of the complaint or;
 - ii) **In Part:** a reasonable belief exists that the Peace Officer has engaged in misconduct in regards to a portion(s) of the complaint, but not in its entirety.
- d) **The Complaint is frivolous, vexatious, or made in bad faith:** This disposition will be used when the Director of Legislative Services chooses not to investigate a complaint as per *Section 14(2) Peace Officer Act*, which allows no investigation to occur when the complaint is deemed to be frivolous, vexatious or made in bad faith.

- 3.5 In the event that the complaint is found to have merit in whole or in part the Director of Legislative Services must state what disciplinary action has been taken and it must be in accordance with the section as listed below.
- 3.6 The specifics of what disciplinary action may be articulated, if permitted by the Town of Westlock Policy. If details are released it is permitted under *Section 40 (1) (f) Freedom of Information and Protection of Privacy Act*.
- 3.7 The Director of Legislative Services shall notify the Peace Officer in writing as to results of the investigation and disciplinary measures, if any, to be taken against the Peace Officer.
- 3.8 The conclusion letter issued to the complainant must contain the following closing paragraph which communicates to the complainant that any appeals of the decision reached by the Director of Legislative Services must be addressed to the Solicitor General's Director of Law Enforcement as required in *Section 14 Peace Officer Act*:

PLEASE BE ADVISED YOU HAVE THE RIGHT TO APPEAL THESE FINDINGS TO THE DIRECTOR OF LAW ENFORCEMENT FOR THE PROVINCE OF ALBERTA PURSUANT TO SECTION 14(4) OF THE PEACE OFFICER ACT. AN APPEAL MUST BE IN WRITING AND INITIATED WITHIN 30 DAYS OF THE RECEIPT OF THIS DECISION AND ANY DECISION REACTED BY THE DIRECTOR OF LAW ENFORCEMENT ON APPEAL IS FINAL.

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Correspondence to the Director must be sent to:

Solicitor General's Director of Law Enforcement
10th Floor
10365 — 97 Street NW,
Edmonton, Alberta T5J 3W7

- 3.9 Should the Director of Legislative Services be included in the complaint then the C.A.O. shall perform the investigation.

4.0 DISCIPLINARY ACTION

- 4.1 Should a Peace Officer be found to be in breach of policy, the Peace Officer shall be issued a letter of misconduct.

The letter of misconduct shall be placed in the Peace Officer's service file.

- 4.2 Should the breach of policy involve a possible contravention of a Federal or Provincial Statute, the matter shall be referred to the police agency having jurisdiction in the place where the offence is believed to have occurred.


- 4.3 The Director of Legislative Services will present all allegations of a Breach of Policy or Code of Conduct and the findings of any related investigation, to the Peace Officer involved.

- 4.4 The Peace Officer will be given the opportunity to make a full response in writing, to any allegations.

- 4.5 The Director of Legislative Services shall review the response and explanation of the Peace Officer, and other appropriate information related to the complaint and report their findings to the C.A.O.

- 4.6 Should the Director of Legislative Services find that the Peace Officer has committed misconduct, they may take one of the following measures:

- a) Verbally warn the employee
- b) Reprimand the employee (letter of misconduct)
- c) Suspend the employee, without pay, for a period not exceeding twenty (20) working days.
- d) Dismiss the employee



Ralph Leriger, Mayor
Curtis Snell, Deputy Mayor



Dean Krause, C.A.O.