



County of Wetaskiwin No. 10 Municipal Policy

Department:

Policy No.

21.0 Protective Services

21.0.5

Title Community Peace Officer Public Complaint

1. Policy Statement:

- 1.1. The Public Security Peace Officer Program Policy under the direction of the Ministry of Public Safety and Emergency Services states that all agencies employing Community Peace Officers must have a Public Complaint Process that meets the requirements of the *Peace Officer Act* and Peace Officer (Ministerial) Regulations.

2. Responsibilities:

- 2.1. All complaints received by the County of Wetaskiwin No. 10 alleging misconduct of Community Peace Officers that result in disciplinary action shall be forwarded to the Solicitor General of Alberta for investigation.
 - a. Should the responsibility of discipline regarding Community Peace Officers be delegated to the County of Wetaskiwin, the matter will be investigated, and a report shall be forwarded to the Ministry of Public Safety and Emergency Services outlining the nature of the complaint and the outcome of the investigation on the form outlined.
- 2.2. If at any time, before, during or after the investigation of a complaint received alleging a Community Peace Officer of committing an offence in contravention of an Act of the Parliament of Canada or the Legislature of Alberta other than a misconduct as set out by the County of Wetaskiwin Code of Conduct Policy #21.0.6, it shall be referred to the police service having jurisdiction in the place where the offence is believed to have occurred.
- 2.3. Any allegations of criminal misconduct must be turned over to the police service of jurisdiction for investigation and the complainant notified forthwith.
 - a. Should the police service make a determination that a criminal event has not occurred then the standard complaint process must be followed.
 - b. The County of Wetaskiwin No. 10 shall delay continuing the public complaint investigation until the police investigation has finished.
- 2.4. All complaints concerning the conduct of Community Peace Officers shall be directed to the Assistant Chief Administrative Officer in written form to: Box 6960, Wetaskiwin, Alberta T9A 2G5. Witness statements and interviews in oral form shall be transcribed to written form.
- 2.5. All written complaints received by the Assistant Chief Administrative Officer shall be acknowledged in writing within thirty (30) days to the person making the complaint and the Community Peace Officer against whom the complaint was made.
 - a. All written and verbal complaints against Community Peace Officers will be investigated by the Assistant Chief Administrative Officer. At the end of an investigation, the Assistant Chief Administrative Officer shall provide written documentation advising the Chief Administrative Officer of a complaint against a Community Peace Officer.
 - b. All complaints against the Assistant Chief Administrative Officer shall be investigated by the Chief Administrative Officer.
 - c. The investigation of the allegations of a written complaint will be conducted by interviewing the complainant, any witnesses, the Peace Officer(s) involved if they so consent, and any other person who may have knowledge relevant to the occurrence.

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- d. The investigation will consist of the review of any relevant documents in existence pertaining to the occurrence including, but not limited to:
 - i. Occurrence reports
 - ii. Dispatch logs
 - iii. Peace Officer notebook(s)
 - iv. Court reports
 - v. Legal documents
 - vi. In-car video recordings
- 2.6. For written complaints, the Assistant Chief Administrative Officer will notify the complainant, peace officer involved, if appropriate, and the Director of Law Enforcement as to the status of the investigation at least once every forty-five (45) days.
- 2.7. Upon conclusion of the investigation, the Assistant Chief Administrative Officer must notify the complainant, Community Peace Officer involved, and the Director of Law Enforcement of the disposition of the complaint using the following words as found in Section 20 of the Peace Officer Ministerial Regulation:
 - a. “The complaint is unfounded”. This means that on conclusion of the investigation no reasonable belief exists that the complaint has merit or basis.
 - b. “The complaint is unsubstantiated”. This means that on conclusion of the investigation there is insufficient evidence to determine the facts of the complaint 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 the basis of a 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 existed that the peace officer has engaged in misconduct in regards to a portion(s) of the complaint, but not in its entirety.
 - iii. “The complaint is frivolous, vexatious or made in bad faith”. This disposition will be used when the Assistant Chief Administrative Officer chooses not to investigate a complaint as per Section 15(2) of the *Peace Officer Act* which allows no investigation to occur when the complaint is deemed to be frivolous, vexatious, or made in bad faith.
- 2.8. In the event a complaint is found to have merit in whole or in part, the Assistant Chief Administrative Officer must state what disciplinary action has been taken in accordance with the County of Wetaskiwin’s Incremental Discipline and be filed with the Director of Law Enforcement.
 - a. All records of a warning issued under the Incremental Discipline Policy will be kept on the Member’s service record.

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- 2.9 The conclusion letter issued to a written complaint must contain the following closing paragraph which communicates to the complainant that appeals of the decision reached by the Assistant Chief Administrative Officer must be addressed to the Director of Law Enforcement as required under Section 15 of the *Peace Officer Act*.

PLEASE BE ADVISED YOU HAVE THE RIGHT TO APPEAL THESE FINDINGS TO THE DIRECTOR OF LAW ENFORCEMENT OF THE PROVINCE OF ALBERTA PURSUANT TO SECTION 15(4) OF THE *PEACE OFFICER ACT*. AN APPEAL MUST BE IN WRITING AND INITIATED WITHIN 30 DAYS OF RECEIPT OF THIS DECISION, AND ANY DECISION REACHED BY THE DIRECTOR OF LAW ENFORCEMENT ON APPEAL IS FINAL.

Correspondence to the Director must be sent to:

Director of Law Enforcement
c/o Peace Officer Program
Public Safety and Emergency Services
9th Floor, 10365-97 Street NW
Edmonton, AB T5J 3W7

3. Related Documents:

- 3.1. Ministry of Public Safety and Emergency Services - Public Security Peace Officer Program Policy
3.2. *Peace Officer Act* and Peace Officer (Ministerial) Regulations

Previously Signed

Scott MacDougall, CAO

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Council Resolution