

Town of Wainwright



Policy Number: 2018 – 02

Date of Issue: February 7, 2018

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Motion Number: 2018 – 39

Policy Subject/Title: HANDLING OF PUBLIC COMPLAINTS AND ADMINISTRATION OF DISCIPLINE FOR COMMUNITY PEACE OFFICERS POLICY

Signature of Approval by Authorized Personnel:

Ed Chow, CAO

Supersedes: December 18, 2007
Date of Last Update

Policy #2007-12 Motion #2007-457
Title & No. of Previous Policy if Applicable

POLICY STATEMENT:

The purpose of this policy is to establish a process for handling public complaints and internal discipline for Community Peace Officers.

PROCEDURES:

The following process shall be followed when handling a written public complainant received about the conduct of a Community Peace Officer:

RECEIPT OF COMPLAINT

1. Complaints and other information regarding inappropriate conduct of a Community Peace Officer shall be directed to the:

Director of Protective Services
1018 - 2nd Avenue
Wainwright, Alberta T9W 1R1
Telephone: 780-842-3381
Fax: 780-842-2898

2. All complaints must be accepted and dealt with in accordance with this policy. Complaints must be received in writing and be signed by the individual filing the complaint.
3. The complaint shall immediately be forwarded to the Chief Administrative Officer

who is responsible for handling Community Peace Officer complaints.

4. The Chief Administrative Officer shall acknowledge receipt of the complaint, within thirty (30) days in writing, to the person making the complaint.
5. The Chief Administrative Officer shall notify the Community Peace Officer against whom the complaint was made if it is deemed appropriate to do so. When there are circumstances where such notification may unduly have an impact on an internal investigation or place the complainant in an unfavorable position, notification to the Community Peace Officer may be delayed until deemed appropriate to do so.
6. The Chief Administrative Officer shall on a monthly basis submit the details of the written complaints received to the Public Security Division of the Alberta Solicitor General.

INVESTIGATION

7. The Chief Administrative Officer shall investigate the allegations of the complaint or have it investigated.
8. The investigation may include interviewing the complainant, any witnesses, the peace officer(s) involved if they so consent, any other person who may have knowledge relevant to the occurrence and the review of documents in existence regarding the occurrence. These documents may include but are not limited to occurrence reports, dispatch logs, Community Peace Officer notebook(s), court reports and legal documents.
9. The Chief Administrative Officer may resolve complaints informally, with a solution that is satisfactory to all parties.
10. The Chief Administrative Officer shall present the allegations that were made and the findings of the investigation to the Community Peace Officer.
11. The Community Peace Officer shall be given an opportunity to make a full response to the allegations and supporting evidence.
12. The Chief Administrative Officer shall notify the complainant, Community Peace Officer involved, if appropriate and the Public Security Division of the Alberta Solicitor General as to the status of the investigation at least once every forty-five (45) days.
13. Upon conclusion of the investigation the Chief Administrative Officer must notify the complainant, Community Peace Officer involved and the Public Security Division of the Alberta Solicitor General of the disposition of the complaint using wording found in Section 22 of the Peace Officer (Ministerial) Regulation 312/2006 which reads as follows:

- a) “the complaint is unfounded” - means that on the basis of a thorough investigation no reasonable belief exists that the complaint has merit or basis, or
- b) “the complaint is unsubstantiated” – means there is insufficient evidence to determine the alleged facts of the complaint and that it may or may not have occurred, or
- c) “the complaint is found to have merit in whole or in part” – “in whole” means a reasonable belief exists that the Community Peace Officer has engaged in misconduct in regards to the entirety of the complaint or “in part” means a reasonable belief exists that the Community 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” – means when the Town chooses not to investigate a complaint as per section 15(2) of the Peace Officer Act, Chapter P-3.5, R.S.A. 2006 which allows no investigation to occur when the complaint is deemed to be frivolous (complaint intended to merely harass or embarrass), vexatious (complaint that has no basis in fact or reason, with its purpose to bother, annoy and embarrass the Community Peace Officer or the Town) or made in bad faith (filing the complaint with intentional dishonesty or with intent to mislead).

DISCIPLINARY ACTION

14. If the Chief Administrative Officer finds that the Community Peace Officer has committed misconduct he/she may take one of the following disciplinary actions:

- a) warn the Community Peace Officer,
- b) reprimand the Community Peace Officer,
- c) designate a training requirement,
- d) suspend the Community Peace Officer with or without pay for a period not exceeding 30 days, or
- e) recommend that the Community Peace Officer be dismissed.

NOTIFICATION AND APPEAL

15. The Chief Administrative Officer shall notify the complainant and the Community Peace Officer in writing of the results of the investigation, the action taken and the complainant’s right to appeal the decision.

16. The complainant shall be notified of the following appeal process in writing:

“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 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 is final.”

Correspondence to the Director must be sent to:

Director of Law Enforcement
10th Floor, 10365 – 97th Street
Edmonton, Alberta T5J 3W7

17. When the Chief Administrative Officer deems a complaint frivolous, vexatious or made in bad faith the complainant shall be advised in writing of the reason(s) for not investigating the complaint. The complainant shall be advised of his/her ability to appeal the decision to the Director of Law Enforcement.