

SECTION: BYLAW ENFORCEMENT

SUBJECT: PUBLIC COMPLAINTS
PROCESS AGAINST PEACE OFFICER

Original Resolution No.: 07-05-43

Peace Officer Public Complaints Process Policy

The County of Warner No. 5, in accordance with the Peace Officer's Act, establishes processes for the investigation of a complaint and discipline measures against the County's Peace Officer.

Guidelines

1. Receipt of Complaint

- a. Any person may make a complaint regarding a Peace Officer employed by The County of Warner No. 5. The complaint shall be in writing and directed to the County Administrator.
- b. The complaint shall immediately be forwarded to the person having direct responsibility for the Peace Officer within the County, if it is not the County Administrator.
- c. The County Administrator shall acknowledge receipt of the complaint, in writing, to the complainant and the Peace Officer against whom the complaint was made, within 30 days of receipt of the complaint.

2. Investigation

- a. The County Administrator shall investigate the complaint or dispose of the complaint in accordance with the procedures set out in the Peace Officers Act and the Peace Officer (Ministerial) Regulation.
- b. The County Administrator may refuse to investigate or may discontinue the investigation of a complaint, if in the County Administrator's opinion,
 - i. the complaint is fictitious, vexatious or made in bad faith, or
 - ii. having regard to all the circumstances, no investigation is necessary.
- c. The County Administrator must,
 - i. notify the complainant and the Peace Officer, who is the subject of the complaint, in writing at least once every 45 days as to the status of the complaint until the disposition of the complaint, and
 - ii. notify the complainant, the Peace Officer who is the subject of the complaint and the Director of Law Enforcement for the Province of Alberta, in writing of:
 - (1) the County Administrator's disposition of the complaint and the reasons for the disposition, and,

- (2) the right of the complainant to have the County Administrator's disposition of the complaint reviewed by the Director of Law Enforcement for the Province of Alberta.
- d. Where the County Administrator becomes aware, other than through a written complaint, that a Peace Officer has failed to comply with the terms of the Peace Officers' appointment, the County Administrator must:
 - i. investigate and dispose of the matter in accordance with the procedures set out in the Peace Officer Act or the regulations, and
 - ii. notify the Director of Law Enforcement for the Province of Alberta of the County Administrator's investigation and disposition of the matter.
 - iii. if at any time before or during the investigation, the County Administrator suspects the Peace Officer has committed an offence in contravention of an Act of the Parliament of Canada or the Legislative of Alberta, the matter shall be referred to the police service or jurisdiction in the area where the offence is believed to have occurred.

3. Disposition of Complaints

- a. The County Administrator must dispose of the complaint by making one of the following decisions and giving reasons for the decision:
 - i. the complaint is unfounded.
 - ii. the complaint is unsubstantiated.
 - iii. the complaint is found to have merit in whole or in part.
 - iv. the complaint is frivolous, vexatious or made in bad faith.
- b. If a complaint about a Peace Officer is found to have merit or is founded in part, the County Administrator must take action in accordance with the disciplinary section of this policy in relation to Peace Officers. The County Administrator must notify the Complainant, the Peace Officer concerned, and the Director of Law Enforcement with the action taken in accordance with Section **15** of the Peace Officers Act

4. Disciplinary Action

- a. The County Administrator will present the allegation made and the finding of the investigation to the Peace Officer.
- b. The Peace Officer will be given the opportunity to make a full response to the allegation and supporting evidence.
- c. If the County Administrator found that the Peace Officer has committed a misconduct, he may take one of the following measures:
 - i. Warn the Peace Officer,
 - ii. Reprimand the Peace Officer,

- iii. Recommend to the County of Warner Council that the Peace Officer be suspended with or without pay,
 - iv. Recommend to the County of Warner No. 5 Council that the Peace Officer be dismissed.
- d. Additional details regarding disciplinary matters can be found in the Code of Conduct and Disciplinary Actions for Peace Officers, Policy 260.02.

5. Appeal

- a. Pursuant to Section 20 of the Peace Officers Act, a Peace Officer whose Peace Officers' appointment is cancelled under Section 8 of the Peace Officers Act, may, within 30 days from the day that the person is advised in writing of the cancellation, appeal the decision to the Law Enforcement Review Board by filing a written notice of appeal setting out grounds on which the appeal is based.