



TOWN POLICY

ADMINISTRATION POLICY:

Peace Officer Complaints Process

DEPARTMENT: Municipal Enforcement

POLICY NUMBER: ME-053

APPROVAL: 
APPROVED BY CAO
Jeff Shaw

EFFECTIVE DATE: December 13, 2016

SUPERSEDES: Policy #P-53

UP FOR REVIEW: December 7, 2021

Policy Statement:

The Town of Cardston being an authorized employer of Peace Officer(s) is required under the Peace Officer Act and Regulations to adopt into Policy a structured complaints process as outlined in the Solicitor General Peace Officer Policy Manual.

The purpose of this policy is to:

Meet the requirements of a complaints process as laid out in the Peace Officer Act and Regulations.

DEFINITIONS

In this policy:

- (a) "Director" means the Director of Law Enforcement appointed under the *Police Act* and any person authorized by the Director to act on the Director's behalf;

ACKNOWLEDGEMENT OF COMPLAINTS

On receipt of a complaint under Section 14 of the Peace Officer Act (Act), the authorized employer must acknowledge to the complainant receipt of the complaint in writing within 30 days and, where the Director deems appropriate, notify the peace officer concerned that a complaint has been made and advise the complainant of the status of the complaint in accordance with section 15(3) of the Act.

INVESTIGATION OF COMPLAINTS

If an investigation is carried out in respect of a complaint under section 14 of the Act, the authorized employer must, where the Director of Law Enforcement deems appropriate, give the peace officer notice of the details of the complaint. The investigation must be carried out in accordance with the authorized employer's policies and procedures provided to the Director under section 2.

Complaints Not Requiring Investigation by the Authorized Employer (Section 15(2) of the Act)

It is recognized that some complaints will be made under circumstances in which an investigation is not required. The legislation has included four circumstances under which an employer may choose not to





TOWN POLICY

TITLE: Peace Officer Complaints Process

POLICY NUMBER: ME-053

investigate a complaint if the authorized employer is of the opinion that the complaint falls into one of noted categories:

- (a) *Frivolous*. A complaint intended merely to harass or embarrass.
- (b) *Vexatious*. Complaint that has no basis in fact or reason, with its purpose to bother, annoy and embarrass the peace officer or authorized employer.
- (c) *Bad Faith*. Filing the complaint with intentional dishonesty or with intent to mislead.
- (d) Public complaints received regarding quality of service relating to the interpretation or application of legislation, investigation outcome or action taken as a result of an investigation are not normally considered complaints against the conduct or actions of a peace officer.

After a review, the authorized employer may choose not to investigate these occurrences pursuant to Section 15(2)(b) of the Act.

Reasons for not investigating complaints by reason of the above definitions must be explained in written format to the complainant and advise them of the ability to appeal to the Director. All complaints disposed through this section must be reported to the Director on a monthly basis.

Informal Resolution

Section 15(2)(b) of the Peace Officer Act allows for an authorized employer to refuse to investigate or may discontinue the investigation of a complaint if, in the authorized employers opinion and having regard to all of the circumstances, no investigation is necessary.

The direct manager of the Peace Officer against which a complaint has been made has the authority to informally resolve the public complaint. This shall be accomplished by meeting with the complainant to discuss their concerns, circumstances, facts and any information pertaining to the complaint. If a mutually agreeable solution can be reached by all parties involved the complaint shall be deemed to be resolved and no investigation is necessary.

All complaints resolved in this manner, pursuant to the *Peace Officer Act*, will be reported to the Director on a monthly basis.

DISPOSITION OF COMPLAINTS

- 1) Subject to section 15(1) of the Act, the authorized employer must dispose of a complaint by making one of the following decisions and giving reasons for the decision:
 - (a) the complaint is unfounded;
 - (b) the complaint is unsubstantiated;
 - i. having regard to all of the circumstances of the complaint, no investigation is necessary;
 - (c) the complaint is found to have merit in whole or in part;
 - (d) the complaint is frivolous, vexatious or made in bad faith.





TOWN POLICY

Page 3 of 4

TITLE: Peace Officer Complaints Process

POLICY NUMBER: ME-053

- 2) If a complaint about a peace officer is found to have merit or is founded in part, the authorized employer must take action in accordance with the authorized employer's disciplinary policy and must notify the complainant, the peace officer concerned and the Director of the disposition and action taken in accordance with section 15(3)(b) of the Act.
- 3) Records of public complaints will be kept for a period no less than five (5) years. *Reference: Peace Officer (Ministerial) Regulation, 151/2011, Part 5, Page 16*



