	<b>CORPORATE POLICY</b>	<b>Policy No:</b> 8,029 Revised
		<b>Approved By:</b> Council
		<b>Effective Date:</b> September 27, 2010 <b>Resolution No.:</b> 259-10
		<b>Department:</b> Community and Protective Services

## **COMMUNITY PEACE OFFICER PUBLIC COMPLAINTS PROCESS**

### **POLICY STATEMENT**

The City of Spruce Grove, in accordance with the Peace Officer Act of Alberta, establishes processes for the investigation of a complaint and discipline measures against the City's Peace Officers.

### **PURPOSE**

To ensure complaints received from the public regarding a Community Peace Officer is handled in a manner acceptable to the Solicitor General's Office and the City of Spruce Grove.

### **DEFINITIONS**

n/a


### **RESPONSIBILITIES**

#### **1. Receipt of Complaint**

- a. Any person may make a complaint regarding a Peace Officer employed by The City of Spruce Grove. The complaint shall be in writing and directed to the General Manager of Community and Protective Services.
- b. The complaint shall immediately be forwarded to the person having direct responsibility for the Peace Officers program within the City (Fire Chief).
- c. The Fire Chief 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 Fire Chief 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.

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- b. The Fire Chief may refuse to investigate or may discontinue the investigation of a complaint, if in the Fire Chief'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 Fire Chief must,
  - i. notify the complainant, the director of Law Enforcement, 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 Fire Chief's disposition of the complaint and the reasons for the disposition, and
    - (2) the right of the complainant to have the Fire Chief's disposition of the complaint reviewed by the Director of Law Enforcement for the Province of Alberta.
  
- d. Where the Fire Chief 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 Fire Chief 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 Fire Chief's investigation and disposition of the matter.
  - iii. if at any time before or during the investigation, the Fire Chief 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 Fire Chief must dispose of the complaint by making one of the following decisions and giving reasons for the decision:
  - i. the complaint is unfounded.

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- 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 Fire Chief in consultation with Human Resources must take action in accordance with the disciplinary section of this policy in relation to Peace Officers. The Fire Chief 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 Disciplinary Action.
  
- c. The complainant may appeal the Fire Chief's disposition of the complaint to the Solicitor General's Office, Director of Law Enforcement in accordance with instructions contained in the correspondence to the Complainant.

#### 4. Disciplinary Action

- a. The Fire Chief with Human Resources 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 Fire Chief 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. Suspended with or without pay,
  - iv. Recommend to the General Manager Community and Protective Services that the Peace Officer be dismissed.
  
- d. If in the Fire Chief's opinion a violation of City Policy or an offence has been committed by a Peace Officer of such nature to warrant an immediate suspension pending an investigation and notification of Human Resources nothing in this policy shall be deemed to limit his authority to immediately suspend a Peace Officer pending a full investigation of the

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circumstances that lead to the immediate suspension. This immediate suspension is in addition to any other disciplinary action that may occur up to and including dismissal.

## 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.
- b. A Peace Office may appeal any disciplinary action by the City in accordance with City Policy and Procedures.

## RELATED DOCUMENTS

- Peace Officers Act of Alberta
- Spruce Grove Community Peace Officer Code of Conduct.

### APPROVAL

Mayor: Original signed by Stuart Houston Date: October 14, 2010