

SMOKY LAKE COUNTY



Title: Handling Public Complaints and Administration of Discipline for Peace Officer	Policy No.: 07-02
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Legislation Reference:	Alberta Provincial Statutes: <i>Peace Officers Act, Peace Officer Regulation and Peace Officers (Ministerial) Regulation.</i>
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Purpose:	To provide an outline for handling public complaints and disciplinary action for Peace Officer.
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Policy Statement and Guidelines:	
1. Receipt of Complaint	
1.1	Complaints concerning the conduct of a Peace Officer shall be in writing and directed to: Chief Administrative Officer Smoky Lake County P.O. Box 310 4612 McDougall Drive Smoky Lake, Alberta T0A 3C0
1.2	Within 30 days the Chief Administrative Officer shall acknowledge receipt of the complaint in writing to the person making the complaint and the Peace Officer against whom the complaint was made.
1.3	The Chief Administrative Officer is designated as the authority to investigate complaints in accordance with the investigative process outline in Section 2.
2. Investigation	
2.1	The Chief Administrative Officer shall investigate the complaint or have it investigated. The investigation should include an interview of the complainant, any witnesses, the Peace Officer, and any other person who may have knowledge of the occurrence.
2.2	The investigation should also include reviewing relevant documents pertaining to the occurrence including occurrence files, dispatch logs, court reports, legal documents and in-car video recordings.

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Policy Statement and Guidelines:

- 2.3 On a monthly basis the Chief Administrative Officer must submit details of complaints made to the Solicitor General's Public Security Division.
- 2.4 The Chief Administrative Officer shall notify the complainant, Peace Officer and the Solicitor General's Director of Law Enforcement as to the status of the investigation at least once every 45 days.
- 2.5 Notwithstanding 2.4, the Chief Administrative Officer may resolve minor complaints informally, arriving at a solution that is satisfactory to all parties.

3. Disciplinary Action

- 3.1 The Chief Administrative Officer will present allegations made and the findings of the investigation to the Peace Officer.
- 3.2 The Peace Officer will be given the opportunity to make full response to the allegations and supporting evidence.
- 3.3 The Peace Officer will be given the opportunity to have an attorney represent him in responding to the allegations.
- 3.4 Upon hearing the response and explanation of the Peace Officer, of his attorney, and any other information the Chief Administrative Officer believes appropriate to determine the facts, the Chief Administrative Officer will determine the following disposition of the complaint in accordance with Section 22, *Peace Officer (Ministerial) Regulation*:
 - 3.4.1 **The complaint is unfounded:** This means that on a basis of a thorough investigation no reasonable belief exists that the complaint has merit or basis.
 - 3.4.2 **The complaint is unsubstantiated:** This means that on a basis of a thorough investigation there is insufficient evidence to determine the facts of the complaint and that it may or may not have occurred.

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Policy Statement and Guidelines:	
<p>3.4.3 The complaint is found to have merit in whole or in part: This means that on a basis of thorough investigation that:</p> <ul style="list-style-type: none"> ■ In Whole: a reasonable belief exists that the Peace Officer has engaged in misconduct in regards to the entirety of the complaint. ■ In Part: a reasonable belief exists that the Peace Officer has engaged in misconduct in regards to a portion(s) of the complaint, but not in its entirety. <p>3.4.4 The Complaint is frivolous, vexatious, or made in bad faith: This disposition will be used when the Chief Administrative Officer chooses not to investigate a complaint as per Section 15(2) <i>Peace Officer Act</i>, which allows no investigation to occur when the complaint is deemed to be frivolous, vexatious or made in bad faith.</p> <p>3.5 In the event that the complaint is found to have merit in whole or in part the Chief Administrative Officer must state what disciplinary action has been taken and it must be in accordance with paragraph 3.7 as listed below.</p> <p>3.6 The conclusion letter issued to the complainant must contain the following closing paragraph which communicates to the complainant that any appeals of the decision reached by the Chief Administrative Officer must be addressed to the Solicitor General’s Director of Law Enforcement as required in Section 15 <i>Peace Officer Act</i>:</p> <p>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 THE RECEIPT OF THIS DECISION AND ANY DECISION REACTED BY THE DIRECTOR OF LAW ENFORCEMENT ON APPEAL IS FINAL.</p> <p><i>Correspondence to the Director must be sent to:</i></p> <p>Director of Law Enforcement 10th Floor, 10365 – 97 Street, Edmonton, Alberta T5J 3W7</p>	

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Policy Statement and Guidelines:	
3.7	If the Chief Administrative Officer finds that the Peace Officer has committed misconduct he may take one of the following measures:
3.7.1	Warn the Peace Officer.
3.7.2	Reprimand the Peace Officer.
3.7.3	Suspend the Peace Officer, with or without pay to a maximum of Thirty (30) Days .
3.7.4	Dismiss the Peace Officer.
4.	Appeal
4.1	The Chief Administrative Officer shall notify the Peace Officer in writing as to results of the investigation and disciplinary measures, if any, to be taken against the Peace Officer.
4.2	Within 30 days of receipt of this notification, the Peace Officer may appeal the decision of the Chief Administrative Officer, with regards to disciplinary measure(s) to Municipal Council.
4.3	Municipal Council may either uphold the disciplinary measure(s) as given by the Chief Administrative Officer or rescind the disciplinary measure(s).

	Date	Resolution Number
Approved	August 17, 2006	# 627-06 - Page # 8189
Amended	September 20, 2007	# 600-07 - Page # 8467
Amended		