



**Peace Officer Public
Complaints, Discipline
and Informal Resolution
Policy**

Policy No.: 4194
Department: Administration
Authority: Council

Current Approved Date: 2012

Policy Statement:

Lamont County recognizes that during the execution of the Peace Officer duties a member of the public may make complaint about the actions of the Peace officer

Purpose:

To set out the policy and procedures on how Lamont County will deal with complaints made against the Peace Officers employed by Lamont county

Application of This Policy:

- Public complaints that allege Criminal Code violations (ie. allegation of excessive force) must be turned over to the police service of jurisdiction. Agency investigations should be delayed so as to avoid contamination of the criminal investigation.
- Public complaints against a peace officer must be in writing unless a complainant is unable to make the complaint in writing due to a language barrier or disability. In this case the agency will record the complaint and treat it as if it was received in writing.
- Complaints against peace officers may be categorized as 'Complaint of Service' or 'Complaint of Conduct'.
- Complaints of service are normally considered less serious and may include:
 - Failing to respond to a complaint
 - Failing to complete an investigation
 - Improper application or interpretation of the law
 - Failing to communicate with complainants and witnesses as a best practice
 - Failing to exercise appropriate discretion when conducting enforcement
- Complaints of conduct may be considered more serious and may include:

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- Breaches of the Code of Conduct or policy
 - Breaches of the Peace Officer Appointment
 - Breaches of municipal, provincial or federal laws

- If a member of the public presents himself in person to make a verbal complaint about a peace officer but refuses to commit the complaint to writing, a report will be compiled outlining the circumstances and the employer will take what, if any, steps they deem necessary. These complaints are not captured under the provisions in section 14 of the Peace Officer Act.

- Verbal complaints made by phone may be subject of an occurrence report at the discretion of the employer.

- The employer must investigate written complaints against peace officers, except after a thorough review, they may discontinue the investigation if the complaint is found to be frivolous, vexatious or made in bad faith. The complainant must be notified in writing stating the reasons for not investigating or for discontinuing the investigation.

- The employer must investigate, when it receives information other than from public complaints, when a peace officer has failed to comply with the terms of his appointment and the reporting requirements are the same as if the complaint had been a public complaint.

Complaints Process for Peace Officers working for Lamont County is as follows;

Established pursuant to section 15 of the Peace Officer Act.

- a) A complaint must be in writing and received by the Chief Administration Officer.
- b) The Chief Administration Officer must, within 30 days and in writing, acknowledge receipt of the complaint to the complainant.
- c) Notify the peace officer involved of the complaint if appropriate. (see section 21.6 of the Program Manual for details)
- d) The Chief Administration Officer must submit details of complaints made to the Director of Law Enforcement in accordance with the Public Security Peace Officer Program Policy and Procedure Manual.
- e) The Chief Administration Officer will investigate the allegations of the complaint by interviewing the complainant, any witnesses, the peace officer(s) involved if they so consent, and any other person who may have knowledge relevant to the occurrence.
- f) The Chief Administration Officer will review any relevant documents in existence pertaining to the occurrence including, but not limited to:
 - i. Occurrence reports
 - ii. Dispatch logs
 - iii. Peace officer notebook(s)
 - iv. Court reports

v. Legal documents

g) The Chief Administration Officer will notify the complainant, the peace officer involved if appropriate, and Director as to the status of the investigation at least once every 45 days.

h) Upon conclusion of the investigation the Chief Administration Officer must notify the complainant, the peace officer involved, and the Director of the disposition of the complaint using wording found in Section 22 of the Peace Officer (Ministerial) Regulation, which reads as follows:

i. 'the complaint is unfounded.' This means that on the basis of a thorough investigation no reasonable belief exists that the complaint has merit or basis.

ii. 'the complaint is unsubstantiated.' This means that on the 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.

iii. 'the complaint is found to have merit in whole or in part.' This means that on the basis of a thorough investigation that:

1. 'in whole' a reasonable belief exists that the peace officer has engaged in misconduct in regards to the entirety of the complaint or;

2. '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.

iv. 'the complaint is frivolous, vexatious or made in bad faith'. This disposition will be used when an authorized employer chooses not to investigate a complaint as per section 15(2) of the Act which allows no investigation to occur when the complaint is deemed to be frivolous, vexatious, or made in bad faith.

i) The conclusion letter issued to the complaint must contain the following closing paragraph which communicates to the complainant that appeals of the decision reached by the authorized employer must be addressed to the Director as required in Section 15 of the act.

Informal Complaints Process for Peace Officers working for Lamont County is as follows

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.

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