

## Mackenzie County

<b>Title</b>	<b>Peace Officer Public Complaints and Disciplinary Policy</b>	<b>Policy No:</b>	<b>ENF003</b>
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<b>Legislation Reference</b>	Peace Officer Act Public Security Peace Officer Program
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### **Purpose:**

The purpose of this policy is to establish a process to manage complaints made against Mackenzie County's peace officer and enforce disciplinary measures as required.

### **Policy Statement:**

Mackenzie County recognizes that during the execution of peace officer duties a member of the public may make a complaint about the actions of the peace officer.

### **Complaints:**

1. All complaints respecting the conduct or performance of duty of peace officer shall be directed to the Chief Administrative Officer for investigation.
2. A complaint shall be in writing, dated and signed by the complainant.
3. All complaints, investigations, and disposition of complaints will be retained as stated in the Peace Officer Records Management Policy.

### **Investigation of Complaints:**

4. When appropriate, the Chief Administrative Officer or designate must provide the respondent with a copy of the complaint.
5. The Chief Administrative Officer or designate may refuse to investigate or further investigate a complaint against a respondent if the supervisor is satisfied that:
  - a. the complaint is frivolous, vexatious or in bad faith,
    - Frivolous. A complaint intended merely to harass or embarrass.
    - Vexatious. Complaint that has no basis in fact or reason, with its purpose to bother, annoy and embarrass the peace officer or authorized employer.
    - Bad Faith. Filing the complaint with intentional dishonesty or with intent to mislead.

- b. the conduct complained of primarily affects a person other than the complainant and the complainant does not have sufficient personal interest in the subject matter of the complaint, or
  - c. the complaint concerns an act or omission that, to the knowledge of the complainant, occurred more than 6 months before the complaint was made.
6. The Chief Administrative Officer or designate may attempt to informally resolve the complaint with the complainant and the respondent.
7. A complaint is resolved informally if a resolution of the complaint is proposed with which the complainant and respondent agree.
8. If a complaint is resolved informally, the Chief Administrative Officer or designate must:
- a. make a record of the resolution or disposition and any disciplinary or corrective measures imposed, and
  - b. deliver a copy of that record to the complainant, the Director of Law Enforcement and the respondent.
9. If the Chief Administrative Officer or designate is not able to resolve a complaint informally, they must:
- a. Conduct an investigation into that complaint, and
  - b. Provide notice of the investigation to the respondent and the Director of Law Enforcement.

**Investigation Conclusion:**

10. Upon conclusion of the investigation the authorized employer must notify the complainant, the peace officer involved, and the Director of Law Enforcement the disposition of the complaint using wording found in Section 22 of the Peace Officer Program Manual which reads as follows:
- a. '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.
  - b. '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.

- c. 'the complaint is found to have merit in whole or in part.' This means that on the basis of a thorough investigation that
    - i. 'in whole' a reasonable belief exists that the peace officer has engaged in misconduct in regards to the entirety of the complaint; or
    - ii. '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.
  - d. '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.
11. In the event a complaint is found to have merit in whole or in part the authorized employer must state what disciplinary action has been taken and it must be in accordance with this policy.
12. 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 of Law Enforcement as required in Section 15 of the *Peace Officer Act*.

"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 RECEIPT OF THIS DECISION, AND ANY DECISION REACHED BY THE DIRECTOR OF LAW ENFORCEMENT ON APPEAL IS FINAL."

**Discipline:**

13. The Chief Administrative Officer or designate may discipline the peace officer through the following methods:
- a. reprimand the peace officer, or
  - b. suspend the peace officer for a period of suspension not exceeding one (1) month, or
  - c. terminate the appointment of the peace officer.

**Conduct:**

14. Peace officers respecting the conduct or performance of duty, may be subject to suspension or termination if the offence includes:
  - a. Discreditable conduct:
    - i. Willfully or negligently makes a false complaint or lays a false complaint or statement against any person, or
    - ii. Withholds or suppresses a complaint or report against any person, or
    - iii. Is guilty of an indictable offence under a federal statute or an offence punishable upon summary conviction under the Criminal Code of Canada, or
    - iv. abets, connives or is knowingly an accessory to a general default
  - b. Deceit:
    - i. Knowingly makes or signs a false statement in an official document or book, or
    - ii. Willingly or negligently makes a false, misleading or inaccurate statement pertaining to official duties, or
    - iii. Without lawful excuse destroys, mutilates, or conceals an official document or record or alters or erases any entry therein.
  - c. Breach of confidence:
    - i. Divulges any matter which it is his duty to keep secret, or
    - ii. Without proper authorization or in contravention of any rules of the department communicates to the news media or to any unauthorized person any law enforcement matter which could be injurious to any person or investigation, or
    - iii. Without proper authorization shows to any unauthorized person, any book or written or printed paper, document or report relating to any law enforcement matter that is the property of or in the custody of Mackenzie County.

- d. Corrupt practice:
  - i. Fails to account for or make a prompt, true return of money or property received in an official capacity, or
  - ii. Directly or indirectly solicits or receives a gratuity, present, pass, subscription or testimonial, or
  - iii. Places himself under a pecuniary or obligation to a person of respect, whose conduct or business operation or employment the Officer may likely have to report or give evidence, or
  - iv. Improperly uses his position as a Bylaw Enforcement Officer for private advantage.
- e. Unlawful or unnecessary exercise of authority:
  - i. Is unnecessarily discourteous or uncivil to a member of the public, or
  - ii. Uses excessive force in the execution of his duties without just cause, or
  - iii. Uses excessive authority of his position with his co-workers
- f. Use of intoxicating liquor, or drugs in a manner prejudiced to duty:
  - i. While on shift is unfit for duty due to the personal use of liquor, drugs or intoxicants, or reports for a shift and is unfit for duty due to the personal use of liquor, drugs or intoxicants prior to reporting for work, or personally uses, consumes or receives from other persons liquor, drugs or intoxicants while on duty.

	<b>Date</b>	<b>Resolution Number</b>
<b>Approved</b>	2016-08-24	16-08-628
<b>Amended</b>	2017-06-13	17-06-418
<b>Amended</b>		