

ALBERTA BEACH

GENERAL VILLAGE POLICIES

Policy: G.2.4 ALBERTA BEACH PATROL OPERATING PROCEDURES COMPLAINT PROCESS

- 1) All complaints must be in written form. All complaints must be sealed and forwarded directly to the Chief Administrative Officer.
- 2) Chief Administrative Officer may designate who will conduct an investigation.
- 3) The authorized employer must, within 30 days and in writing, acknowledge receipt of the complaint to the complainant.
- 4) The Employer shall notify the peace officer involved of the complaint if appropriate. In circumstances where such notification may unduly have a negative impact on an internal investigation or place the complainant in an unfavorable position, the notification to the peace officer may be delayed for a period of time.

In the following general circumstances consideration must be given to delay informing the peace officer about a complaint when it may reasonably be suspected that:

- (a) The complainant may be placed in danger,
 - (b) The complainant may face other inappropriate action by the peace officer should the peace officer be informed,
 - (c) The notification may impede the gathering of evidence during the internal investigation conducted.
 - (d) A reasonable likelihood exists that the complaint may lead to charges under federal or provincial legislation and that notification of the peace officer could impede any resulting police or other investigative agency investigation, or
 - (e) Any other situation identified by the authorized employer or Director in which may be appropriate to delay informing the peace officer about the complaint.
- 5) In any case where the authorized employer is uncertain as to the appropriateness of informing a peace officer about a complaint, the Public Security Division should be contacted.
 - 6) The CAO or Designate shall follow the form ABP-004

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- 7) The CAO or Designate shall determine if there is any possibility of a breach of law by the peace officer. They may consult with the RCMP to determine if those actions constitute a criminal action. Should it be determined that there is criminal activity the CAO or Designate shall stop their investigation immediately and request in writing that the RCMP conduct an investigation and advise the Employer of the outcome.
 - a) .Should the findings by the RCMP indicate criminal activity they should follow due process. The CAO or Designate may at any time immediately suspend the Peace Officer with pay while the investigation is being carried out. The Employer shall not do any activity that would interfere with the Criminal Investigation and wait for the results of the investigation. With the finding of criminal activity the Employer can continue with disciplinary process.
 - 1) The employer must provide a report to the Director, as soon as the authorized employer becomes aware of it, about every incident in which a peace officer while carrying out the peace officer's duties may have,
 - a. used excessive force,
 - b. used a weapon or equipment prescribed by the regulations in circumstances referred to in the regulations,
 - c. been involved in an incident involving a weapon used by another person,
 - d. been involved in an incident involving serious injury to or the death of any person, or
 - e. been involved in any other circumstances referred to in the regulations,
 - f. any matter of a serious or sensitive nature related to the actions of a peace officer.
 - b) Should the findings by the RCMP indicate no criminal activity the Employer should start further investigation into the complaint.

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- 8) The CAO or Designate shall investigate the allegations of the complaint by interviewing the complainant, any witness, the peace officer(s) involved if they so consent, and any other person who may have knowledge relevant to the occurrence and take statements.
- a. Review any relevant documents in existence pertaining to the occurrence including, but not limited to:
- a) Occurrence reports
 - b) Dispatch logs
 - c) Peace Officer notebook(s)
 - d) Court reports
 - e) Legal documents
 - f) In car video recordings
- 9) An employer may choose not to 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.

Reasons for not investigating complaints must be explained in written format to the complainant and advising them of the ability to appeal to the Director.

All complaints disposed through this section still must be reported to the Director on a monthly basis.

- 10) The Employer may do an informal resolution of complaints. Authorized employers who choose to make use of the section must have an informal resolution process filed with the Director.

This section may also be used in those unforeseen circumstances where an investigation is not required based on an evaluation of the circumstances. This Section does alleviate the need for authorized employers to exercise effective

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Management and due diligence in dismissing the complaint.

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This section may also be used in those unforeseen circumstances where an Investigation is not required based on an evaluation of the circumstances. This Section does alleviate the need for authorized employers to exercise effective Management and due diligence in dismissing the complaint.

- (a) The CAO or Designate may meet with the complainant and discuss the merits of the complaint.
- (b) The CAO or Designate shall at a minimum maintain written notes of the meeting.
- (c) If the complainant is satisfied in the meeting the CAO or Designate shall provide a written notice that the complaint has been resolved to the complainant within 5 days.
- (d) If the complainant is not satisfied the CAO or Designate shall continue with the formal complaint procedure.

All complaints resolved in this manner, pursuant to the act, must be reported to Director On a monthly basis.

- (11) The Employer shall notify the complainant, the peace officer involved if appropriate, and Director as to the investigation at least once every 45 days.
- (12) Upon conclusion of the investigation the authorized employer must notify the complainant, the peace officer involved, and the Director of the disposition of the complaint.
- (13) The wording on the notification letter MUST include the following wording as follows:
 - (a) ' the complaint is unfounded'
This means that on the basis of a thorough investigation on 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;

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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.

- (14) In the event a complaint is found to have merit in whole or in part the authorized employer must state that disciplinary action has been taken and it must be in accordance with the agency's disciplinary policy that has been filed with the director.
- (15) 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.

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.

Correspondence to the Director must be sent to:
Director of Law Enforcement
10th Floor, 10365 – 97 Street
Edmonton, AB T5J 3W7

- (16) A complainant may appeal a decision of an authorized employer within 30 days, in writing, to the Director. The Director is then required by the act to conduct a review of the circumstances and after consideration may:
- (a) direct the authorized employer to take any action the Director considers appropriate,
 - (b) confirm, reverse or vary the authorized employer's disposition.

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The decision of the Director under this review process is final and there are no avenues for appeal.

(17) On a monthly basis the authorized employer must submit details of complaints made to the Public Security Division.

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Complaint Management Sheet

Date Received _____ / _____ / _____ Received By: _____
Sworn Signed Written Statement received

Complainant's Name: _____

Address _____
Street City Prov Postal

Phone #'s _____
Home Business Cell Other

Complaint against Peace Officer(s): _____

Date letter to Complainant acknowledging receipt of complaint (within 30 days) _____ / _____ / _____

Does the Complaint involve criminal misconduct? YES NO

If yes: What agency Notified: _____ Individual: _____

Date Notified: _____ / _____ / _____ Employer in almost all cases should discontinue any further
action until after agency investigation

Criminal Misconduct Decision: Founded Unfounded

Clearance date to resume Employer's Investigation's : _____ / _____ / _____

NOTE: in most cases the Employer will wish to await the outcome of the criminal legal process
before conducting an internal review.

Date Director of Law Enforcement notified: _____ / _____ / _____
(must be within time frame outlined in legislation/policy)

Date Officer notified of complaint: _____ / _____ / _____ Not Notified by Sec. 21.6

Employer Investigation Completed By: _____ Date: _____ / _____ / _____

Director, Complainant & Officer(s) notified of status of ongoing investigation at least
once every 45 days:

Dates: _____ / _____ / _____ Director Complainant Officer

Dates: _____ / _____ / _____ Director Complainant Officer

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Dates: ___/___/___ Director Complainant Officer
Dates: ___/___/___ Director Complainant Officer

Complaint Management Sheet

Dates: ___/___/___ Director Complainant Officer

NOTE: Items that should be reviewed, if available during investigation: Statements of 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.

Review any relevant documents in existence pertaining to the occurrence including, but Not limited to: Occurrence reports, Dispatch logs, Peace officer notebook(s), Court Reports, Legal documents, In car video recordings.

Investigation Concluded: ___/___/___ By: _____

Findings: This Complaint was found to be:

frivolous vexatious made in bad faith complaint on quality of service
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.

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, Having regard to all of the circumstances, no investigation is necessary.(ie 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.

Complaint is unfounded

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

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.

Complaint is found to have merit in whole in part

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

‘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.

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Complaint Management Sheet

Discipline Action taken: Cautioned Suspension Probation Discharge
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 the agency's disciplinary policy that has been filed with the Director.

DATE OF DECISION: ____ / ____ / ____ By: _____

Date Complainant Notified: ____ / ____ / ____ CERTIFIED MAIL IN PERSON

Date Officer Notified: ____ / ____ / ____ CERTIFIED MAIL IN PERSON

Date Director of Law Enforcement Notified: ____ / ____ / ____ CERTIFIED MAIL

Date Appeal Ends: ____ / ____ / ____

DATE FILE CLOSED: ____ / ____ / ____ By: _____

Investigation Data/Notes/Report attached to file:

Final decision letter attached to file:

NOTES:
