

# Public Complaints

**Policy Number: 26/201.01 (10)**  
**Adopted: April 12, 2010**  
**Res. # 10-126**

This policy is developed to illustrate how the policies and procedures of the Town of Lacombe Bylaw Enforcement will be applied and enforced.

## General

1. All employees are bound by law and good faith to observe and obey all of the policies, procedures, rules and regulations contained in the Policy Manual.
2. Policies and procedures may be changed or updated from time to time. Employees shall be provided with a policy manual and any new or revised policies as they are developed.
3. It is the responsibility of the employee to maintain their policy manual in an up-to-date manner.
4. Any allegations of criminal misconduct must be turned over to the police of jurisdiction for investigation and the complainant notified forthwith.

## Receipt of Complaint from the Public

1. All complaints concerning the conduct of a member shall be in writing and endorsed with the original signature of the complainant.
2. Complaints concerning the conduct of a member shall be directed to the Chief Administrative Officer, or designate.
3. The provincial Director of Law Enforcement will be notified of a public complaint concerning Peace Officers within 30 days of the receipt of such a complaint.
4. The Corporate Services Director for the Town of Lacombe has the authority to informally resolve the public complaint, where the Director of Law Enforcement has been notified of such a 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.
5. The Chief Administrative Officer, or designate shall acknowledge receipt of the complaint in writing to the person making the complaint and member against whom the complaint was made within 30 days of receipt.
6. The Chief Administrative Officer, or designate may direct the Corporate Services Director to investigate the complaint or have it investigated, regarding any member other than the Corporate Services Director.
7. The investigation may involve interviews of the complainant, any witnesses, the peace officer(s) involved, and any other person who may have knowledge relevant to the occurrence. A review of relevant documents may also be involved in the investigation. Documents may include, but are not limited to: occurrence reports, dispatch logs, peace officer notebooks, court reports, legal documents, in-car video recordings, etc.
8. Town of Lacombe shall notify the complainant, the peace officer involved and the Director of Law Enforcement (Alberta) as to the status of the investigation at least once

every 45 days.

9. Upon conclusion of the investigation, Town of Lacombe shall notify the complainant, the peace officer involved and the Director of Law Enforcement (Alberta) of the disposition of the complaint using the wording found in Section 22 of the POMR, 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
    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 office has engaged in misconduct in regards to a portion(s) of the complaint, but not in its entirety.
  - d. the complaint in frivolous, vexatious or made in bad faith". This disposition will be used when Town of Lacombe 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.
10. In the event a complaint is found to have merit in whole or in part, Town of Lacombe shall state what disciplinary action had been taken and it must be in accordance with Town of Lacombe's disciplinary policy as filed with the Director of Law Enforcement (Alberta).
11. 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 Town of Lacombe must be addressed to the Director of Law Enforcement (Alberta) 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"

Correspondence to the Director must be sent to: Director of Law Enforcement 10<sup>th</sup> Floor, 10365-97 Street Edmonton, Alberta, T5J 3W7

**Notification to Director of Law Enforcement (Alberta)**

1. As per requirements set out in the Alberta Peace Officer Act, the Regulations and peace Officer Program Policy, Town of Lacombe shall submit within one month reports to the Public Security Division with regard to any complaints.

The completion of **form J3535** should be submitted immediately following the receipt of a public complaint.

\_\_\_\_\_  
Officer

Kenneth Kendall  
RES: 10-126

\_\_\_\_\_  
DATE: April 12th, 2010 Chief Administrative

UNCERTIFIED COPY