



## CPO Complaint Process Policy

**Policy #5.3.30**

Department Owner:	Protective Services		
Policy Applies To:	Public Complaints on CPOs		
Date Created:	May 16, 2025	Date Approved By Council:	
Version #:	1.1	Resolution #:	
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### Intent:

1. To comply with the Alberta Public Security Peace Officer Program Policy and Procedures Manual in relation to complaints against a Community Peace Officer.
2. To help ensure the prompt investigation, documentation and/or resolution of any complaints against our Community Peace Officer(s) to protect the rights and safety of our citizens and our Community Peace Officer(s).
3. In the event of a conflict between the provisions of this policy and the provisions of any Federal, Provincial or Municipal regulation, the provisions of those regulations shall prevail over the provisions of this policy to the extent of any conflict.

### Definitions:

- CAO – Chief Administrative Officer
- CPO – Community Peace Officer
- Director – Unless otherwise specified, “Director” refers to the Director of Law Enforcement with the Government of Alberta.
- Director of Corporate Services – Is an employee of the Town who is the direct supervisor of the CPO or Bylaw Officer(s) and reports directly to the CAO.
- POMR – Peace Officer (Ministerial) Regulations
- The Act – refers to the Peace Officer Act of Alberta – Statute of Alberta, 2006 Chapter P-3.5

### Guidelines:

1. In the event of a complaint against or related to the CPO and/or their conduct or actions, such complaints should be taken seriously and be immediately brought to the attention of the Director of Corporate Services and/or the CAO, and where appropriate to the attention of the CPO.
2. An official complaint is a written complaint and must be handled as per the Act, and detailed in the Alberta Public Security Peace Officer Program Policy and Procedures Manual:
  - a. A written complaint is received by the authorized employer.
  - b. The authorized employer 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 ‘Appendix A’ below for details).
  - d. The authorized employer must advise Public Security Division of public complaints in accordance with Incident Report Form J3535 (‘Appendix B’).
  - e. 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. 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
  - vi. In car video recordings
- g. 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 authorized employer 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 POMR, which reads as follows:
  - '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.
  - '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.
  - 'The complaint is found to have merit in whole or in part.' This means that on the basis of a thorough investigation that
    - '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.
  - '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. 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 filed with the Director:

NOTE1: The specifics of what disciplinary action is taken (verbal reprimand, three day suspension, dismissal, etc.) may be articulated, if permitted by a Collective Agreement or Human Relations policy. If the details are released it is permitted under 40(1)(f) of the FOIP Act.

NOTE2: The specifics of what disciplinary action is taken must be reported to the Director of Law Enforcement to ensure the disciplinary policy submitted as a requirement of legislation is being adhered to. If specific information is not provided to the complainant, employers must indicate disciplinary action was taken in accordance with discipline policies supplied to the Solicitor General and Ministry of Public Security. 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.

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

3. It is recognized that some complaints will be made under circumstances in which an investigation is not required. The legislation has included four circumstances under which 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.
  - d. 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. After a review, the authorized employer may choose not to investigate these occurrences pursuant to Section 15(2)(b) of the Act (Peace Officer Act of Alberta).

Reasons for not investigating complaints by reason of the above definitions must be explained in written format to the complainant and advise them of the ability to appeal to the Director. All complaints disposed through this section must be reported to the Director on a monthly basis.

4. Informal Resolution of Official Complaints:

The Director of Corporate Services, being the direct supervisor of the CPO or Bylaw Officer against which a complaint was made, or the CAO 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, or further investigation, is necessary. An informal resolution must be reported to the Director within one month of resolution.

## **APPENDIX A**

### **Notification to CPO of Complaint**

Part 5 of the Peace Officer (Ministerial) Regulation (POMR) makes references in Sections 20 and 21 to notifying a Peace Officer of complaints made where the Director deems it appropriate. It is recognized that in the majority of cases it is always appropriate and necessary to inform a Peace Officer about a complaint made to facilitate the principles of due process and fairness. However, in circumstances where such notification may unduly have a negative impact on an internal investigation or place the complainant in an unfavourable 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 an internal investigation conducted under Part 3 of the Act,
- 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 it may be appropriate to delay informing the Peace Officer about the complaint.

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.