POLICY

26 – 280– 26/10/19
Department: Municipal Enforcement

PUBLIC COMPLAINTS ENFORCEMENT

PURPOSE:

The purpose of this SOP is to establish a clear, fair, and transparent process for receiving, investigating, and resolving public complaints against Peace Officers within the Town of Nanton. This procedure ensures accountability, maintains public confidence in municipal enforcement services, and complies with the Peace Officer Act, the Peace Officer (Ministerial) Regulation, and the Alberta Justice and Solicitor General's Peace Officer Program Policy.

OBJECTIVES:

- To protect the rights of complainants, Peace Officers, and all other parties involved in a complaint.
- To ensure that all complaints are addressed in a timely, impartial, and consistent manner.
- To provide regular communication to complainants and officers throughout the investigation.
- To ensure proper documentation, reporting, and submission requirements are fulfilled to meet provincial program standards.

SCOPE

Peace Officer Act
Peace Officer (Ministerial) Regulation
Peace Officer Program Policy and Procedure Manual
Town of Nanton Employment and Discipline Policies

ROLES AND RESPONSIBILITIES

Chief Administrative Officer (CAO) or Designate: Oversees the complaint process, ensures compliance with legislative and policy requirements, and designates investigators.

Investigating Officer/Authority: Conducts a thorough and impartial investigation, prepares findings, and recommends disposition.

Complainant and Peace Officer Involved: Participate as required in the process, providing information, evidence, or clarification.

COMPLAINT SUBMISSION

All complaints must be in **written form** and addressed to the CAO. Complaints may be submitted by letter, email, or the Town's official complaint form.

Anonymous complaints will be considered but may be limited in the ability to investigate.

Complaints must include sufficient details such as date, time, location, and description of the incident.

ACKNOWLEDGEMENT AND INITIAL REVIEW

The Town of Nanton will acknowledge receipt of the complaint to the complainant in writing within 30 days of the receipt of the complaint.

If appropriate, the Peace Officer subject to the complaint will be notified, unless doing so would compromise the investigation, endanger the complainant, or otherwise negatively impact the process.

The CAO or Designate will review the complaint to determine whether:

- The matter falls under municipal jurisdiction.
- It raises potential breaches of law (in which case the RCMP will be notified immediately and the Town's investigation paused).
- The complaint is frivolous, vexatious, or made in bad faith, in which case it may be declined with written explanation and information on appeal rights.
- The complaint may be appropriate for informal resolution or alternative dispute resolution in accordance with section 15(2)(b) of the Peace Officer Act.

INFORMAL RESOLUTION / ALTERNATIVE DISPUTE RESOLUTION

1. Where appropriate, the CAO or Designate may attempt to resolve a public complaint informally in accordance with section 15(2)(b) of the Peace Officer Act before proceeding with a formal investigation.
2. Informal resolution may be considered where the nature and circumstances of the complaint are suitable for resolution through communication, clarification, explanation, mediation, or another mutually acceptable resolution process.
3. Participation in an informal resolution process shall be voluntary. The complainant and the Peace Officer who is the subject of the complaint must agree to participate in the process.
4. The CAO or Designate shall determine whether a complaint is appropriate for informal resolution, having regard to the nature and seriousness of the allegations, public interest, officer and public safety, and any applicable legislative or Peace Officer Program requirements.
5. Informal resolution shall not be used where the allegations involve conduct that may constitute a criminal offence, serious misconduct, a significant public or officer safety concern, or another matter requiring formal investigation or mandatory reporting.
6. Informal resolution may include clarification of circumstances, an explanation of applicable legislation, policy or procedure, facilitated discussion, mediation, acknowledgement of concerns, an apology where appropriate and voluntarily offered, or other reasonable measures agreed upon by the parties.
7. The CAO or Designate shall document the informal resolution process, including the nature of the complaint, the parties involved, the steps taken to resolve the matter, and the outcome.
8. Where an informal resolution is reached, the complainant and the Peace Officer shall be advised in writing of the resolution and the complaint file shall document that the matter was resolved informally.
9. Where an informal resolution cannot be reached, either party withdraws from the process, or the CAO or Designate determines that informal resolution is no longer appropriate, the complaint shall proceed through the formal investigation process established by this Standard Operating Procedure.
10. Information obtained during an informal resolution process shall be handled in accordance with applicable privacy legislation and Town policies governing access to information, privacy, confidentiality, and records management.

INVESTIGATION PROCESS

Where a complaint is not appropriate for informal resolution, informal resolution is declined, or an informal resolution is unsuccessful, the complaint shall proceed to formal investigation in accordance with this section:

- Interviews with the complainant, the Peace Officer(s) involved (with their consent), witnesses, or any relevant individuals.
- Review of relevant documentation such as occurrence reports, dispatch logs, notebooks, court records, legal documents, and correspondence.
- Examination of evidence, including audio, video, photographs, GPS or in-car/body-worn camera recordings.

The investigation must be impartial, thorough, and documented in detail.

COMMUNICATION DURING INVESTIGATION

The complainant, the Peace Officer, and the Director of Law Enforcement will receive an update every 45 days on the progress of the investigation.

Updates must be provided in writing and reflect the status of the investigation without compromising confidentiality or integrity.

DISPOSITION OF COMPLAINTS

Upon completion of the investigation, the complaint will be classified as:

- Unfounded – no reasonable belief the complaint has merit.
- Unsubstantiated – insufficient evidence to determine facts.
- Merit (in whole or in part) – reasonable belief that misconduct occurred either in full or in part.
- Frivolous, Vexatious, or Bad Faith – complaint dismissed without investigation, in accordance with the Act.
- Informally Resolved – the complaint was resolved to the satisfaction of the parties through the informal resolution or alternative dispute resolution process.

The complainant and the Peace Officer involved will receive written notification of the outcome. If misconduct is substantiated, disciplinary measures will be taken consistent with Town of Nanton policies and the Peace Officer Program requirements.

APPEAL RIGHTS

The conclusion letter to the complainant must include the following statement:

"Please be advised you have the right to request a review of these findings by the director of law enforcement for the province of Alberta pursuant to section 15(4) of the peace officer act. A request for review must be in writing and initiated within 30 days of receipt of this decision. Any decision reached by the director of law enforcement on review is final."

Correspondence to the Director may be submitted by:

Email: poprogram@gov.ab.ca

Mail: Director of Law Enforcement
c/o Peace Officer Program Public Safety and Emergency Services
9th Floor, 10365 - 97 Street NW
Edmonton AB T5J 3W7

EMPLOYER REPORING OBLIGATIONS

In addition to the above, the Town of Nanton is required under *Section 20.8 of the Peace Officer Program Policy* to submit documentation to the Peace Officer Program for review. All reporting related to public complaints and employer-initiated investigations must be sent to the Complaints Coordinator at poprogram@gov.ab.ca using the Incident Report Form (PS3535) [https://cfr.forms.gov.ab.ca/Form/PS3535].

The reporting package must include, without modification or redaction:

- Original public complaint and any attachments (photos, videos, etc.)
- Acknowledgement letter to the complainant
- Notification to the Peace Officer
- 45-day updates to both the complainant and the Peace Officer
- Completed Investigation Report
- Disposition letters to both parties
- Peace Officer Occurrence Report(s)
- Any other supporting documentation required by policy

Complaints addressed through informal resolution shall be documented and reported to the Peace Officer Program where required by the Peace Officer Act, regulations, or Peace Officer Program Policy and Procedures Manual.

All documents must be submitted in their original form to allow effective review. The Peace Officer Program will assess compliance with the Act, Regulations, and policy. If deficiencies are identified, the Town will be notified, and corrective measures will be required.

RECORDS AND CONFIDENTIALITY

All complaint records, investigation files, and correspondence shall be maintained securely by the Town of Nanton in accordance with provincial legislation and municipal records management policies. Confidentiality will be respected at all stages, with disclosure limited to those with a legitimate need to know.

AMENDMENTS / REVIEWS:

Date (yyyy/mm/dd)	Section # Amended	Comments

Next Review Date:	

MAYOR

Oct. 19/26
Date

CHIEF ADMINISTRATIVE OFFICER

Oct. 19/26
Date