



Peace Officer Policy

Version 6
Sept. 28, 2022
Investigations

Peace Officer Policy

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2. Introduction

2.1 Policy statement

AMVIC will be responsible for carrying out certain powers, duties and functions under the *Consumer Protection Act* (CPA). AMVIC will employ peace officers to assist in carrying out the powers, duties and functions that are delegated to it by the Director of Fair Trading. Peace officers are appointed by the Alberta Solicitor General under the provisions of the *Peace Officer Act*.

2.2 Purpose

The *Peace Officer Act* and Regulations (Alta. Reg. 312/2006 and 291/2006) require an employer of peace officers to have a policy in place respecting the standard of conduct expected of peace officers. This policy must be in writing and must be satisfactory to the Alberta Solicitor General. The policy that has been adopted by AMVIC respecting the standard of conduct expected of peace officers employed by AMVIC is described herein.

2.3 Definitions

In this policy,

“breach of confidence” consists of one or more of the following:

- (a) divulging any information that it is in their duty to keep in confidence without proper authorization from AMVIC;
- (b) communicating to the news media or to any unauthorized person any matter connected with the performance by AMVIC of its duties and responsibilities;
- (c) without proper authorization from AMVIC, showing to any person who is not an officer, employee or director of AMVIC, or any unauthorized officer, employee or director of AMVIC, any record that is the property of or in the custody of AMVIC;
- (d) signing or circulating a petition or statement in respect of a matter concerning AMVIC, except as permitted by AMVIC;

“consumption or use of liquor or drugs in a manner that is prejudicial to duty” consists of one or more of the following:

- (a) consuming liquor while on duty;
- (b) consuming or otherwise using drugs that are prohibited by law from being in his or her possession;
- (c) reporting for duty, being on duty or standing by for duty while unfit to do so by reason of the use of alcohol or a drug;
- (d) demanding, persuading or attempting to persuade another person to give, purchase or obtain any liquor for a peace officer who is on duty;

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“corrupt practice” consists of one or more of the following:

- (a) failing to account for or to make a prompt and true return of money or property that the peace officer received in their capacity as a peace officer;
- (b) directly or indirectly soliciting or receiving a payment, gift, pass, subscription, testimonial or favour without the express authorization of AMVIC;
- (c) placing themselves under a financial, contractual or other obligation to a person in respect of whom the peace officer could reasonably expect they may be required to report or give evidence;
- (d) without adequate reason, using their position as a peace officer for their personal or another person’s advantage;

“deceit” consists of one or more of the following:

- (a) wilfully or negligently making or signing a false, misleading or inaccurate statement or entry in an official document or record;
- (b) willfully or negligently making or signing a false, misleading or inaccurate statement pertaining to their peace officer duties without a lawful excuse;
- (c) destroying, mutilating or concealing an official document or record, or altering or erasing an entry in an official document or record;

“discreditable conduct” consists of one or more of the following:

- (a) contravening
 - (i) an Act of the Parliament of Canada,
 - (ii) an Act of the Legislature of Alberta,
 - (iii) any regulation made under an Act of either the Parliament of Canada or the Legislature of the Alberta, or
 - (iv) any provision of the instrument appointing the individual as a peace officer;
- (b) where the contravention is of such a character that it would be prejudicial to discipline or likely to bring discredit to the reputation of AMVIC;
- (c) using oppressive or tyrannical conduct towards a subordinate;
- (d) using profane, abusive or insulting language towards any officer, employee or director of AMVIC or to any member of the public;
- (e) willfully or negligently making a false complaint or statement against a peace officer;
- (f) withholding or suppressing a complaint against or a report made in respect of a peace officer;
- (g) abetting in or knowingly being an accessory to a contravention of this section by another peace officer;

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- (h) differently applying the law or exercising authority on the basis of race, colour, religion, sex, physical disability, mental disability, marital status, age, ancestry or place of origin;
- (i) doing anything prejudicial to discipline or likely to bring discredit to the reputation of AMVIC;

“neglect of duty” consists of one or more of the following:

- (a) neglecting, without a lawful excuse, to promptly and diligently perform their duties as a peace officer;
- (b) failing to work in accordance with orders or leaving an area, detail or other place of duty without due permission or sufficient cause;
- (c) failing to report a matter that it is in their duty to report;
- (d) failing to disclose any evidence that he/she, or any other person to their knowledge, can give for or against any defendant;

“unlawful or unnecessary exercise of authority” consists of one or both of the following:

- (a) exercising their authority as a peace officer when it is unlawful or unnecessary to do so; and
- (b) applying inappropriate force in circumstances in which force is used.

3. Policy

3.1 Duties and responsibilities

AMVIC investigators are designated peace officers and incur responsibility and accountability to this Policy and the Public Security Peace Officer Program. The *Peace Officer Act* contains a number of requirements applicable to the Public Security Peace Officer Program that must be adhered to. To ensure AMVIC is held accountable for their peace officer’s actions, the *Peace Officer Act* has legislated remedies, as detailed in Section 6 of the Act.

3.2 Application of the policy

Actions by peace officer

A peace officer employed by AMVIC shall not engage in any action that constitutes one or more of the following:

- (a) breach of confidence;
- (b) consumption or use of liquor or drugs in a manner that is prejudicial to duty;
- (c) corrupt practice;
- (d) deceit;
- (e) discreditable conduct;

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- (f) insubordination;
- (g) neglect of duty;
- (h) unlawful or unnecessary exercise of authority.

Handling public complaints about a peace officer

Receipt of complaint and notice of complaint

- 3.2.1 Complaints or other information about inappropriate conduct of a peace officer shall be directed to the attention of the Chief Executive Officer of AMVIC.
- 3.2.2 All complaints must be accepted and dealt with according to this Policy. Complaints must be in writing, must contain the reasons for the complaint, and the details of the incident involved.
- 3.2.3 The Chief Executive Officer must, within 30 days and in writing, acknowledge receipt of the complaint to the complainant.
- 3.2.4 The Chief Executive Officer shall provide written notification of the complaint to the peace officer against whom the complaint was made subject to 3.2.6.
- 3.2.5 Notification to the peace officer may be delayed for a period of time if such notification may unduly have a negative impact on an internal investigation or place the complainant in an unfavourable position.
- 3.2.6 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 complaints.
- 3.2.7 In any case where AMVIC is uncertain as to the appropriateness of informing a peace officer about a complaint, the Public Security Division should be contacted.

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- 3.2.8 The Chief Executive Officer shall provide the peace officer with a copy of the complaint subject to s. 3.2.4 above. The Chief Executive Officer shall notify the Director of Law Enforcement of the complaint in accordance with Incident Report Form PS3535.
- 3.2.9 The Chief Executive Officer must notify the complainant and peace officer who is the subject of the complaint in writing at least once every 45 days as to the status of the complaint until the disposition of the complaint.
- 3.2.10 The Chief Executive Officer must notify the complainant, the peace officer who is the subject of the complaint and the Director of Law Enforcement in writing of
- (a) AMVIC's disposition of the complaint and the reasons for the disposition, and
 - (b) the right of the complainant to have AMVIC's disposition of the complaint reviewed by the Director of Law Enforcement
- 3.2.11 The Chief Executive Officer must provide the complainant with a conclusion letter containing 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*.
- (a) "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

Investigation

- 3.2.12 The Chief Executive Officer shall investigate the complaint against the peace officer, or shall designate a person to investigate the complaint on his behalf.
- 3.2.13 The investigation will include investigating 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.
- 3.2.14 The investigation will include the review of any relevant documents in existence pertaining to the occurrence. If the Chief Executive Officer is satisfied that a misconduct has been committed, he will take corrective disciplinary action against the peace officer that has committed the misconduct.

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- 3.2.15 The Chief Executive Officer may resolve minor complaints informally, with a solution that is satisfactory to all parties.

Complaints not requiring investigation by the authorized employer

- 3.2.16 Pursuant to Section 15(2) of the *Peace Officer Act*, the authorized employer may choose not to investigate a complaint if the authorized employer is of the opinion that the complaint falls into one of the four 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 of 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.
- 3.2.17 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 of Law Enforcement.
- 3.2.18 All complaints disposed in this manner must be reported to the Director of Law Enforcement on a monthly basis.

Informal resolution of public complaints against peace officer

- 3.2.19 Section 15(2)(b) of the *Peace Officer Act* allows for an authorized employer to refuse to investigate or may discontinue the investigation of a complaint if, in the authorized employers opinion and having regard to all of the circumstances, no investigation is necessary.
- 3.2.20 The direct supervisor of the peace officer against which a complaint has been made 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 is necessary.
- 3.2.21 Authorized employers who choose to make use of the informal resolution of public complaints must have an informal resolution process filed with the Director of Law Enforcement.
- 3.2.22 All complaints resolved in this manner, pursuant to the *Peace Officer Act*, will be reported to the Director of Law Enforcement on a monthly basis.

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Appeals of authorized employer (AMVIC) decision

- 3.2.23 Any decision reached by AMVIC relating to a written complaint may be appealed to the Director of Law Enforcement by virtue of Section 15(4) of the *Peace Officer Act*.
- 3.2.24 A complainant may appeal a decision of AMVIC within 30 days, in writing, to the Director of Law Enforcement.
- 3.2.25 The Director of Law Enforcement is required to conduct a review of the circumstances and after consideration may:
- (a) direct AMVIC to take any action the Director of Law Enforcement considers appropriate, or
 - (b) confirm, reverse or vary AMVIC's disposition.

The decision of the Director of Law Enforcement under this review process is final and there are not avenues for appeal.

Administration of discipline for peace officers

Disciplinary action

- 3.2.26 The Chief Executive Officer shall present the allegations that were made and the findings of the investigation to the peace officer.
- 3.2.27 The peace officer shall be given an opportunity to make a full response to the allegations and supporting evidence.
- 3.2.28 The Chief Executive Officer shall hear the explanation of the peace officer and any other information that is relevant to determine the facts. He shall determine if:
- (a) the complaint is unfounded or unsubstantiated
 - (b) the complaint is found to have merit in whole or in part
 - (c) the complaint is frivolous, vexatious or made in bad faith
 - (d) the peace officer has committed a misconduct.
- 3.2.29 If the Chief Executive Officer finds the peace officer has committed a misconduct he may take one of the following disciplinary actions:
- (a) warn the peace officer;
 - (b) reprimand the peace officer;
 - (c) suspend the peace officer without pay;
 - (d) dismiss the peace officer from employment with AMVIC.

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4. Administration

4.1 Related documents and legislation

Consumer Protection Act

Peace Officer Act and Regulations (Alta Reg.312/2006 and 291/2006)

4.2 Procedures

4.3 Forms

4.4 Amendment history

Version	Date	Summary of update
1	June 23, 2009	Original
2	March 12, 2014	Format update – content remains the same as 2009 Policy. Reviewed and approved.
3	Sept. 23, 2015	Revisions made to the Handling Public Complaints against a peace officer section of the Policy – reviewed and approved.
4	June 21, 2016	Revision as requested by Solicitor General's office Reviewed and approved by the board.
	Feb. 8, 2018	Administrative change: executive director to Chief Executive Officer
5	June 18, 2019	Removal of reference to society and update to new template.
6	Sept. 28, 2022	Revision made to <i>Peace Officer Act</i> reference in section 3.2.16(d). Reviewed and approved by the Board of Directors.

4.5 Scheduled review date

September 2025