

Wheatland County
PROTECTIVE SERVICES POLICY SECTION

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Policy Name:	Code of Conduct and Ethics
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PURPOSE

Wheatland County is committed to caring for public safety and security and upholding our community standards on behalf of the public and all County employees. Peace officers help ensure our communities are safe and secure places to live. Peace Officers are employees of Wheatland County appointed under the Peace Officer Act.

The purpose of this policy is to provide procedural guidance to the Protective Services department as a function of the Community and Development Services department. This policy may be used as reference when reviewing service delivery provided by the department and assist in evaluating Officers regarding actions taken set against established protocols.

DISCLAIMER/SEVERABILITY

This policy and operational guidelines are not capable of, nor intended to, account for every possible situation a Peace Officer may encounter during the normal course of their duties. Aggravating or mitigating circumstances may require a departure from established policy and guidelines.

If any components of this document, in whole or in part, come into conflict with either Federal or Provincial law, or Alberta Justice and Solicitor General Peace Officer Program Manual, the law or manual shall take precedence without exception.

Should any provision of this document become invalid, void, illegal, or otherwise not enforceable, it shall be considered separate and severable from the rest of the document and the remainder shall remain in force and be binding as though such provision had not been included.

POLICY

Wheatland County Community Peace Officers, as a part of the Wheatland County Protective Services Department, are authorized under the Peace Officer Act, Peace Officer Regulation, Peace Officer (Ministerial) Regulation, and Wheatland County Bylaw Officer Bylaw 2013-42. All Wheatland County Peace Officers will abide by the Public Security Peace Officer Program Policy and Procedures Manual, as well as all applicable Wheatland County policies and by-laws.

Wheatland County Community Peace Officers are responsible for:

1. Enforcing Municipal Bylaws and Provincial Legislation as listed on individual Peace Officer Appointments.
2. Working scheduled shifts that may fall on any day of the week. This schedule of proposed hours of service shall be prepared by the Senior Community Peace Officer in coordination with department staff. Each Officer and affected department will be given a copy of this schedule.
3. Preparing and maintaining Occurrence Reports, Violation Ticket and Tag entries, and any other relevant forms or documentation. Community Peace Officers shall complete this documentation for all notable actions taken while performing duties as a Community Peace Officer. Reports include, but are not limited to, Contact Information, Training, Events, Complaints, Projects, Incidents, and Joint Operations.

CODE OF CONDUCT

- Members will abide by Wheatland County's *Employee Code of Conduct*, as well as inclusions of this policy.
- Community Peace Officers will align to Wheatland County's Mission Statement and Core Values.
- Community Peace Officers are professionally trained and will honour their duty as a member of a professional group of Officers under the Alberta Solicitor General.
 - By definition, duty is something that one is expected or required to do by moral or legal obligation. Duty encompasses the binding or obligatory force of something that is morally or legally right, moral or legal obligation, or an action or task required by a person's position of occupation. Wheatland County Community Peace Officers will embrace this definition and take pride in the duty that they are bestowed upon as a Peace Officer.

- Community Peace Officers are accountable and transparent; being ultimately responsible for the results of their decisions, actions, or inactions. Integrity in public service, at all levels, is paramount in upholding a commitment to the truth, and therefore an obligation to speak the truth.
- Community Peace Officers will use their professional training, education, and experience to provide management with concise and impactful analysis and advice that will support the best possible decisions for the communities in which they operate.

As per the Peace Officer Regulation, the Code of Conduct (applicable to the duties and responsibilities of Peace Officers) must comply with:

1. The terms of their Peace Officer Appointments.
2. Wheatland County Peace Officers are prohibited from:
 - a. Engaging in disorderly or inappropriate conduct, or
 - b. Acting in a way that would be harmful to the discipline of Peace Officers or that is likely to discredit the office of Peace Officer.
3. Members shall not withhold or suppress information, complaints, or reports about any other Peace Officer.
4. Members shall promptly and diligently perform the duties and responsibilities of a Peace Officer and maintain confidentiality throughout the duration of their employment with Wheatland County.
5. Peace Officers shall report to their immediate supervisor; complaints, job concerns, or personal issues that may affect aspects of their position.
6. Peace Officers shall not make or sign a false, misleading, or inaccurate statement.
7. Without lawful excuse, Peace Officers shall not:
 - a. Destroy, mutilate, or conceal records or property, or
 - b. Alter or erase any entry in a record.
8. Peace Officers shall properly account for, or return, any money or property that they receive, within the Peace Officer's capacity as a Peace Officer.
9. Members are prohibited from activities that may, or will, result in a conflict of interest or an apprehension of, or lack of integrity in, the office of Peace Officer.
10. Peace Officers, except in the performance of their duties, shall not possess controlled drugs and controlled substances under the Controlled Drugs and Substances Act (Canada) and where prohibited or controlled by Provincial and Federal Law.

COMPLAINTS AND DISCIPLINE

This section of the policy is to illustrate how the policies and operational guidelines of Wheatland County Protective Services will be applied and enforced.

General

1. All employees are bound by law and good faith to observe and obey all policies and operational guidelines contained in the policy manual.
2. Policies and operational guidelines may be changed or updated, as required. 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.

Receipt of Complaint from the Public Pertaining to Peace Officers Employed by Wheatland County

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 General Manager overseeing Protective Services.
3. The General Manager overseeing Protective Services shall acknowledge receipt of the complaint in writing to the person making the complaint, and the Peace Officer against whom the complaint was made within 30 days of receipt.
4. The General Manager overseeing Protective Services shall direct the investigation of the complaint or delegate its investigation, regarding any member other than the General Manager overseeing Protective Services.
5. 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 employer's opinion and having regard to all of the circumstances, no investigation is necessary, if:
 - a. The direct manager 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.

- b. All complaints resolved in this manner, pursuant to the *Peace Officer Act*, will be reported to the Director of Law Enforcement, Alberta Solicitor General and Public Security (the Director).
6. 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.
7. Wheatland County shall notify the complainant, the Peace Officer involved and the Director of Law Enforcement as to the status of the investigation at least once every 45 days.
8. Upon conclusion of the investigation, Wheatland County shall notify the complainant, the Peace Officer involved and the Director of Law Enforcement of the disposition of the complaint using the wording found in Section 22 of the Peace Officer Ministerial Regulation, 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:
 - i. “in whole” a reasonable belief exists that the Peace Officer has engaged in misconduct in regards to the entirety of the complaint or;
 - 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.
 - d. “the complaint is frivolous, vexatious or made in bad faith.” This disposition will be used when Wheatland County 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.
9. In the event a complaint is found to have merit in whole or in part, Wheatland County shall state what disciplinary action had been taken. Disciplinary action must be in accordance with Wheatland County’s Progressive Discipline Policy.
10. The conclusion letter issued to the complainant must contain the following closing paragraph which communicates to the complainant that appeals of the

decision reached by Wheatland County 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 PERSUANT TO SECTION 15(4) OF THE COMMUNITY 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, Alberta, T5J 3W7

Monthly Notification to Director of Law Enforcement (Alberta)

1. As per requirements set out in the Peace Officer Act, Wheatland County shall submit monthly reports to the Director of Law Enforcement regarding any complaints.

Enforcement

1. The General Manager overseeing Protective Services is responsible for the enforcement of policies contained in the manual and guidelines, as required.
2. Should a Community Peace Officer be found to be in breach of policy, the member shall be issued a letter of misconduct.
3. The letter of misconduct shall be placed in the member's personnel file.
4. Should the breach of policy involve a possible contravention of a Federal or Provincial Statute, the matter shall be referred to the police agency having jurisdiction in the place where the offence is believed to have occurred.

Disciplinary Action

1. The General Manager overseeing Protective Services will present all allegations of a Breach of Policy or Code of Conduct and the findings of any related investigation, to the member involved.
2. The member will be given the opportunity to make a full response in writing, to any allegations.
3. The General Manager overseeing Protective Services shall review the response and explanation of the member, and other appropriate information related to the complaint, and report their findings to the Chief Administrative Officer.

4. Should the Chief Administrative Officer find that the member has committed a misconduct, they may take one of the following measures as defined in the progressive discipline section of Wheatland County Human Resources Policy,
 - a. Issue a documented verbal warning to the employee.
 - b. Issue a written letter of reprimand to the employee.
 - c. Suspend the employee without pay.
 - d. Dismiss the employee.
5. Notification and appeal of findings are as set out in the Alberta Peace Officer Act.

JURISDICTION

1. Wheatland County Community Peace Officers shall enforce only such laws as listed in their appointments.
2. At no time shall a member act in an official capacity outside their appointed jurisdiction except in the following situations:
 - If the member is attending court as a witness or on docket duty.
 - If the member has been requested by the Royal Canadian Mounted Police (RCMP) to assist.
 - If the member encounters a person in need of assistance while the member is on a routine patrol from one assigned area to another. The member may assist until such time that the agency responsible assumes command.
3. Any call received from a person outside the Peace Officer's jurisdiction shall be advised that the caller has contacted the wrong agency and, if possible, will be supplied with the contact information of the appropriate agency.
4. Peace Officers encountering any *Criminal Code* violations of an indictable or dual procedure type of offence may exercise only the same authority as a private citizen in accordance with the *Criminal Code*. The member shall endeavor to contact the appropriate police agency.
5. Should a call be received in relation to a criminal offence, the call shall be directed to the appropriate police agency. In no event is a member to enter into or tamper with a possible crime scene, unless to provide emergency assistance to the public or to another agency requesting services.

Assistance to Other Agencies

In the interest of public safety and security, members may be required to assist other agencies, such as Law Enforcement Agencies, Fire Departments, or Emergency Response Management.

In the circumstances of Law Enforcement Agencies:

- Members may respond to an RCMP call at the request of the RCMP.
- If the situation is a motor vehicle collision and the member finds himself in the area of the call (particularly on a County road), the member shall advise the Incident Commander that they are in the area and offer assistance.

In the circumstances of a Fire Department:

- Members may respond as a resource to fire or rescue calls at the request of the Fire Department.
- Members shall limit themselves to duties assigned by the Incident Commander at the scene. Peace Officers shall not enter or engage in any fire suppression or search and rescue activities.
- Members are not to assume command unless designated to do so by the CAO or their designate.

In the circumstances of Emergency Response Management:

- Members may respond to an Emergency Response Management call at the request of the Director of Emergency Management, or their designate.

CPIC Access

The Canadian Police Information Centre (CPIC) is a computerized system that provides tactical information about crimes and criminals. CPIC is responsible for the storage, retrieval, and communication of shared operational policy information to all accredited criminal justice and other agencies involved with the detection, investigation, and prevention of crime.

Access to CPIC information by authorized Wheatland County Peace Officers shall comply with the Alberta Justice and Solicitor General's regulations and policies.

Wheatland County recognizes there are circumstances where Peace Officers will be required to arrest an individual for outstanding warrants related to matters investigated by Peace Officers. Subject to the provisions of this policy, Peace Officer Act, Peace Officer Regulations, and Peace Officer Ministerial Regulations, the Alberta Justice and Solicitor General authorizes Peace Officers to execute provincial warrants provided the provincial warrant has been issued for an offence found within the Peace Officer's appointment (i.e., If the warrant is for a moving offence under the *Traffic Safety Act*, the Peace Officer must have moving *Traffic Safety Act* authority on their appointment).

OPERATIONAL GUIDELINES

Operational guidelines have been created as part of the Protective Services Policy and Guideline manual.

The Protective Services Operating Guideline Manual is a living document adjusted in accordance with changes to legislation or best practice. This manual has been created to supplement the Protective Services policy and to provide clarity, interpretation, and understanding of Protective Services operations to Community Peace Officers.

Operational guidelines will be used in conjunction with Wheatland County policies and the direction given in the Public Security Peace Officer Manual.

These may include, but are not limited to:

- Body Cameras
- Communications
- Exhibit Handling
- Officer Safety and Known Threats
- Emergency Scenes and Motor Vehicle Collisions
- Encountering Criminal Activity
- First Aid and Personal Protective Equipment
- Kit and Clothing
- Pandemic Response
- Traffic Enforcement

RESPONSIBILITIES

The General Manager overseeing Protective Services and the Senior Community Peace Officer are responsible for monitoring and implementing this policy.

REFERENCES

- Criminal Code of Canada
- Peace Officer Act
- Peace Officer Regulation
- Peace Officer Ministerial Regulation
- Public Security Peace Officer Program Manual
- Wheatland County Human Resources Policy