



DRUMHELLER

COUNCIL POLICY

COUNCIL POLICY C#05-06



SPECIAL CONSTABLE POWERS, DUTIES, DISCIPLINARY PROCEDURES

Policy Statement

The Council will provide a guideline for the Powers and Duties and Disciplinary Procedures for Special Constables.

1. Definitions

- 1.1 **Special Constable** means a person appointed as a special constable under section 42 of the Police Act.
- 1.2 **Council** means the Council of the Town of Drumheller.
- 1.3 **Municipality** means the Town of Drumheller.
- 1.4 **CAO** means Chief Administrative Officer appointed by Council pursuant to the Municipal Government Act. (Section 205-2).
- 1.5 **Director of Community Services** means the person appointed by the C.A.O. to the position of Director of Community Services.
- 1.6 **Committee Appointed by Council** means the Committee appointed to hear the appeal. This can be an individual or a group to a maximum of 3 persons.
- 1.7 **Peace Officer** means a person employed for the purposes of preserving and maintaining the public peace.

2. Powers and Duties

- 2.1 To enforce all municipal bylaws within the boundaries of the municipality.
- 2.2 To enforce related Provincial statutes as authorized by Alberta Solicitor General and Public Security or Council.
- 2.3 To follow the directions of the Director of Community Services and to report to the Director of Community Services as required.
- 2.4 To respond to and investigate complaints.
- 2.5 To issue notices, tickets, or tags.
- 2.6 To enforce municipal or provincial laws including the gathering of evidence, advising witnesses and any appearances in court that may be required.
- 2.7 To perform all other duties as may from time to time be assigned by the Director of Community Services, CAO or Council.
- 2.8 To take the Official Oath of Allegiance and Office for Police Officers and other Peace Officers.

3. Code of Conduct

The Special Constable shall not:

- 3.1 Violate an Act of the Parliament of Canada, an Act of Legislature of Alberta, and regulation made under an Act of either the Parliament of Canada or the Legislature of Alberta, or any provision of the special constable appointment, where the violation is of a nature that it would be harmful to the organizational discipline or that it is likely to discredit the reputation of law enforcement;
- 3.2 Act in a disorderly or inappropriate manner, or a manner that would be harmful to the organizational discipline or is likely to discredit the reputation of law enforcement;
- 3.3 Apply the law differently or exercise authority on the basis of race, color, religion, sex, physical disability, marital status, age, ancestry, or place of origin;
- 3.4 Withhold or suppress a complaint against or a report made about a peace officer;
- 3.5 Neglect, without lawful excuse, to promptly or diligently perform duties as a peace officer;
- 3.6 Willfully or negligently make or sign a false, misleading or inaccurate statement in any official document or record;
- 3.7 Without a lawful excuse destroy, mutilate, or conceal an official document or record, or alter or erase an entry in an official document or record;
- 3.8 Make known any matter that is a person's duty to keep in confidence;
- 3.9 Fail to account for or to make a prompt and true return of money or property that the special constable receives in the capacity as a special constable;
- 3.10 Directly or indirectly ask for or receive a payment, gift, pass, subscription, testimonial or favor without the consent of the municipality;
- 3.11 Become involved in a financial, contractual or other obligation with a person whom the special constable could reasonable expect to report or give evidence about;
- 3.12 Without lawful excuse, use the position as peace officer for personal advantage or other persons' personal advantage;
- 3.13 Exercise authority as a special constable when it is unlawful or unnecessary to do so;
- 3.14 Consume alcohol while on duty;
- 3.15 Consume or otherwise use or possess drugs unless otherwise authorized to do so by the municipality;
- 3.16 Report for duty, be on duty or be on standby for duty while unfit to do so by reasons of the use of alcohol or a drug;

- 3.17 Demand, persuade, or attempt to persuade another person to give, purchase or obtain any liquor for a peace officer who is on duty;
- 3.18 Apply excessive or otherwise inappropriate force in circumstance where force is used;
- 3.19 Be in possession of any firearm while on duty.

4. Handling Public Complaints and Administrative of Discipline
Receipt of Complaint

- 4.1 Complaints or other information about inappropriate conduct of a special constable shall be directed to the Director of Community Services at:

703 2nd Avenue West
Drumheller, AB T0J 0Y3
Phone: (403) 823-1316

- 4.2 Complaints must be in writing. Verbal complaints shall be recorded in writing. At the time of the complaint, the individual should express if the complaint is formal or informal.
- 4.3 The complaint shall be immediately be forwarded to the Director of Community Services.
- 4.4 The Director of Community Services shall acknowledge receipt of the complaint in writing to the person making the complaint and the special constable against whom the complaint was made.

Investigation

- 4.5 The Director of Community Services shall investigate the complaint or have it investigated.
- 4.6 If the Director of Community Services is satisfied that misconduct has been committed, he/she will take corrective disciplinary action.
- 4.7 The Director of Community Services may resolve minor complaints informally, with a solution that is satisfactory to all parties.

Disciplinary Action

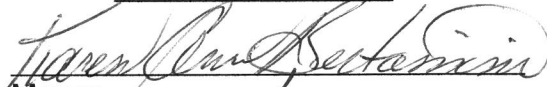
- 4.8 The Director of Community Services shall present the allegations that were made and the findings of the investigation to the special constable.
- 4.9 The special constable shall be given an opportunity to make a full response to the allegations and supporting evidence.
- 4.10 The Director of Community Services shall hear the explanation of the special constable and any other information that is relevant to determine the facts. He/she shall determine if the complaint is unfounded or unsubstantiated or that the special constable has committed misconduct.

- 4.11 If the Director of Community Services finds the special constable has committed a misconduct he/she may take one of the following disciplinary actions:
- 4.11.1 Warn the special constable;
 - 4.11.2 Reprimand the special constable;
 - 4.11.3 Recommend to the CAO that the special constable be suspended without pay for the period not exceeding 5 days;
 - 4.11.4 Recommend to the CAO that the special constable be dismissed.

Notification and Appeal

- 4.12 The Director of Community Services shall notify the complainant and the special constable in writing of the results of the investigation, the action taken and the right to appeal the decision. The complainant shall be notified that a Committee Appointed by Council will hear the appeal, and that the appeal must be filed in writing, within 30 days of receiving the decision.
- 4.13 After reviewing the information, the Committee Appointed by Council may dismiss the Appeal, or allow the appeal. If the appeal is allowed, the Committee Appointed by Council may impose discipline as outlined in paragraph 4.11 or vary the discipline to meet the circumstances.
- 4.14 The Chairman of the Committee Appointed by Council shall notify the complainant and the special constable in writing the results of the appeal.
- 4.15 The decision of the Committee Appointed by Council is final.

Date: December 11, 2006



Mayor



Chief Administrative Officer