

TOWN OF BENTLEY

BYLAW # 99/06

A BYLAW OF THE TOWN OF BENTLEY, IN THE PROVINCE OF ALBERTA, TO CREATE THE POSITION OF SPECIAL CONSTABLE/COMMUNITY POLICE OFFICER

WHEREAS the Council of the Town of Bentley deems it desirable to create the position of Special Constable/Community Police Officer; and

WHEREAS legislation provides that Council must, by bylaw, specify the powers and duties of the position and establish disciplinary procedures for misuse of power including penalties and appeal process;

THEREFORE, pursuant to and under the authority of the Municipal Government Act, Chapter M-26, RSA 2000 and amendments thereto, the Council of the Town of Bentley in the Province of Alberta enacts as follows:

DEFINITIONS:

- 1.** "Bylaw" means a municipal bylaw of the Town
- 2.** "Special Constable/Community Police Officer" means a person appointed as such by the Council
- 3.** "Committee" means the Protective Services Committee as established by resolution of Council
- 4.** "Council" means the Council of the Town of Bentley
- 5.** "Town" means the Town of Bentley
- 6.** "C.A.O." means the Chief Administrative Officer of the Town of Bentley

APPOINTMENT

The Council may appoint by resolution of Council an individual or individuals to the position of Special Constable/Community Police Officer.

POWERS AND DUTIES

The powers and duties of the Special Constable/Community Police Officer are as outlined in "Schedule A" of this bylaw.

POLICIES AND PROCEDURES

The policies and procedures are as outlined in "Schedule B" of this bylaw.

CODE OF CONDUCT AND ADMINISTRATION OF DISCIPLINE

In the event of a complaint, misuse of power or any disciplinary default as outlined in "Schedule C" of this bylaw, the disciplinary procedure and appeal process shall be followed as outlined in "Schedule D".

THIS BYLAW comes into full force and effect upon third and final reading.

READ a first time this 10 day of JANUARY, 2006

READ a second time this 10 day of JANUARY, 2006

READ a third and final time this 10 day of JANUARY, 2006



Mayor



Administrator

**TOWN OF BENTLEY
BYLAW # 99/06**

SPECIAL CONSTABLE/COMMUNITY POLICE OFFICER

**SCHEDULE A
POWERS AND DUTIES**

DEFINITIONS:

For the purpose of this and the following schedules attached to this bylaw, "Special Constable/Community Police Officer means a person employed by the Town of Bentley to perform enforcement duties within appointed duties.

1. Purpose of Position

- 1.1 The Special Constable/Community Police Officer is responsible for the day-to-day enforcement of bylaws, policies, regulations and Provincial Statutes as they pertain to the Town of Bentley and the safety of its citizens.

2. Organization Structure

- 2.1 The position reports to the Chief Administration Officer.
- 2.2 Part-time or Auxiliary Officers report to the Senior Special Constable/Community Police Officer

3. Program Responsibilities

- 3.1 The Special Constable/Community Police Officer is an advisor to the Town Council, Committee and Mayor in the enforcement of Town bylaws and regulations as well as Provincial Statutes as they pertain to the Town. The Officer comments on the implications of new or changed bylaws and Provincial Legislation and assists in the long-term development of bylaws and policies
- 3.2 The Special Constable/Community Police Officer assists in the coordinating of the bylaws as well as assists in the analysis of bylaws, policies and any related reports

- 3.3 The Special Constable/Community Police Officer is primarily responsible for the monitoring and review of Provincial and bylaw enforcement as well as advising on the budgetary needs of the section and ensuring that actual financial results meet the approved budget
- 3.4 The Special Constable/Community Police Officer is responsible for the overall supervision and enforcement of Provincial Statutes and Town bylaws, regulations and policies.
- 3.5 Duties that are included in, but not limited to, the forgoing are:
- i. to provide enforcement of Provincial Statutes and Town bylaws as required including issuing warnings, tickets and associated court appearances
 - ii. to prepare the budget requirements for the Protective Services section
 - iii. to provide analysis and comments on various reports, bylaws and proposed policies
 - iv. to ensure the Town complies with Provincial Legislation requirements
 - v. to assist other Town staff, when required, in the completion of their duties as it affects bylaws and other policies
 - vi. to advise the Committee and Council in all aspects of Provincial and Bylaw enforcement
 - vii. to draft any proposed bylaws and policies required by the Town
 - viii. to investigate all accidents on Town roads and reconstruct such accidents for Town insurance and legal purposes
 - x. When required, to liaise with, and provide assistance to, other agencies as approved by the Chief Administration Officer or Council

- xi. Respond to accidents, disasters and other emergencies as required
 - xii. Any other related duties that may be assigned from time to time
 - xiii. To liaise with the Royal Canadian Mounted Police and any other Law Enforcement agency and assist them as required
 - xiv. To develop and implement community-based policing programs
 - xv. Conduct routine preventive patrols and stop checks throughout the municipality to detect and prosecute violations of appointed statutes
 - xvi. Attend public functions and meeting as required and represent the municipality in a professional manner.
 - xvii. Ensure the protection of public safety and property as well as the Town's infrastructures.
 - xviii. Identify and report road hazards and other infrastructures deficiencies
4. This is a key senior position within the Town and necessary to ensure the judicious and common sense enforcement of Provincial Statutes and Town bylaws, regulations and policies.

**TOWN OF BENTLEY
BYLAW # 99/06**

SPECIAL CONSTABLE/COMMUNITY POLICE OFFICER

SCHEDULE B

POLICIES AND PROCEDURES

1. Hours of Service

- A. Shifts are based on a maximum of a 40-hour work week and times past that shall be approved by Chief Administrative Officer.
- B. All starting and finishing times shall be placed on a daily time sheet and a copy shall be submitted to the Chief Administration Officer on the last working day of each month.
- C. All times in which the Special Constables is actively involved in the performance of their duties as per the job description or assignment shall be considered to be on duty time.
- D. A normal work month shall be so scheduled to provide for viable days of service through the week, including weekends, and variable work shifts through the day with 8 hours or less as conditions indicate unless emergency situations require otherwise.

2. Personal Appearance

- A. The Special Constable/Community Police Officer shall wear a uniform approved by the Chief Administrative Officer
- B. The Uniform shall be comprised of;
 - Duty Uniform as defined in the Kit list.
 - Full Dress Uniform where approved by the Chief Administrative Officer

3. Jurisdiction

- A. The Special Constable/Community Police Officer shall enforce only those Provincial Statutes and Municipal Bylaws, which the Special Constable/Community Police Officer has authorization to enforce.
- B. In no event shall the Special Constable/Community Police Officer act in an official capacity outside of this appointed jurisdiction or his appointed authority unless:
 - 1. The Special Constable/Community Police Officer is investigating a matter, which originated in his jurisdiction and is covered under his appointment.
 - 2. The Special Constable/Community Police Officer is attending court as a witness or on docket duty.
 - 3. The Special Constable/Community Police Officer is a member of a Multi-Jurisdictional project pre-approved by the Committee or Council.
 - 4. The Special Constable/Community Police Officer has been requested by the R.C.M. Police to assist.
 - 5. The Special Constable/Community Police Officer encounters a person in need of assistance while the member is on a routine patrol. The Special Constable/Community Police Officer may render assistance until such time as the agency responsible arrives.
- C. Calls received from persons outside of the Special Constable/Community Police Officer's appointed jurisdiction shall be handled as follows:
 - 1. Advise the caller to contact the agency that is responsible for that jurisdiction however the Special Constable should determine what the incident is and where it is. If it is within the Town the Special Constable shall ensure that there is not a public safety issue.
 - 2. Supply the caller with the telephone number for the appropriate agency.

3. If the Special Constable/Community Police Officer encounters any Criminal Code violations, the Special Constable/Community Police Officer shall immediately notify the R.C.M. Police. The Special Constable/Community Police Officer shall act as a professional witness and shall not take any action against those violations unless, in an emergency, and justified within the meaning of Section 25, 27, 30 & 494 of the Criminal Code.

25. *(1) Every one who is required or authorized by law to do anything in the administration or enforcement of the law*

- (a) as a private person,*
- (b) as a Peace Officer or Public Officer,*
- (c) in aid of a Peace Officer or Public Officer, or*
- (d) by virtue of his office, is, if he acts on reasonable grounds, justified in doing what he required or authorized to do and in using as much force as is necessary for that purpose.*

27. *Every one is justified in using as much force as is reasonably necessary*

(a) to prevent the commission of an offence

- (i) for which, if it were committed, the person who committed it might be arrested without warrant,*

And

- (ii) that would be likely to cause immediate and serious injury to the person or property of anyone;*
or

(b) to prevent anything being done that, on reasonable grounds, he believes would, if it were done, be an offence mentioned in paragraph (a).

R.S., c. C-34, s. 27.

30. *Every one who witnesses a breach of the peace is justified in interfering to prevent the continuance or renewal thereof and may detain any person who commits or is about to join in or to renew the breach of the peace, for the purpose of giving him into the custody of a Peace Officer, if he uses no more force than is reasonably necessary to prevent the continuance or renewal of the breach of the peace or than is reasonably proportioned to the danger to be apprehended from the continuance or renewal of the breach of the peace.*

R.S., c. C-34, s. 30.

- D. Should a call be received in relation to a Criminal Offence, ask the caller to contact the R.C.M. Police directly. If the Special Constable/Community Police Officer finds a crime scene the Special Constable is to secure the crime scene and let the R.C.M. Police take possession of the scene. The Special Constable/Community Police Officer shall ensure to render emergency assistance to the Public or another officer as required.

4. Routine Preventative Patrol

- A. While on routine patrol, the Special Constable/Community Police Officer shall drive the patrol vehicle at a reasonable rate of speed.
- B. Patrol areas shall be checked at varying times and days and no set pattern is to be followed.
- C. The Special Constable/Community Police Officer should watch for suspicious persons or activities in the patrol area, as well as traffic and other violations.

- D. A complete and accurate activity report must be filed by the Special Constable/Community Police Officer at the completion of each shift. This report shall contain the following information:
- Location of patrol
 - Time of patrol
 - Patrol activity
 - Vehicle maintenance requirements
 - Mileage at the beginning and end of each shift

The Special Constable/Community Police Officer shall provide copies of the daily activity reports, to the C.A.O. monthly. It shall consist of the following:

Number of:

- Tickets pertaining to Town Bylaws issued
- Tickets pertaining to Provincial Statutes
- Written warnings issued
- Town Bylaws being investigated or enforced.
- Hours and mileage as pertaining to daily log.
- Relevant documentation pertaining to court appearances and other legal matters.
- All other information the Special Constable deems to be relevant.

5. Extra-Territorial Authority of Special Constable/Community Police Officer

- A. The Special Constable/Community Police Officer shall have the authority to perform the Special Constable/Community Police Officer's duties outside of the corporate boundaries of the Town in the following circumstances:
1. Service of court documents, both civil and criminal, related to offences or other activities that occurred within the corporate boundaries of the Town;
 2. For training purposes when such training is outside the jurisdiction of Bentley.
 3. For the purposes of meetings with the R.C.M. Police and transferring documentation to the R.C.M. Police detachment

4. Investigations and enforcement actions as it relates to the Special Constable Duties and responsibilities within the Special Constable's authority.
5. Under the request of the R.C.M. Police or other agencies in urgent need.
6. To fulfill the contractual agreements of the Town of Bentley

6. Enforcement Procedures

- A. Whenever dealing with the public, the Special Constable/Community Police Officer shall always clearly identify the respective role – Special Constable/Community Police Officer or Bylaw Enforcement Officer that the Special Constable/Community Police Officer is exercising at the time of the meeting.
- B. Issuance of Violation Tickets
 1. In dealing with offenders, the Special Constable/Community Police Officer may use their discretion by dealing with the offender through education, awareness or enforcement by issuing a ticket or tickets or warnings.
 2. In the case of an offender with multiple potential violations, the Special Constable/Community Police Officer may use their discretion in issuing to the offender a violation ticket or tickets for the most appropriate offence or offences.

7. Seizure of Motor Vehicles

- A. Motor Vehicle seizures can be exercised under the authority of the Traffic Safety Act.
- B. In situations where the vehicle must be impounded, i.e. operating without insurance or registration or operating while disqualified;
 - 1. The Special Constable/Community Police Officer shall complete a vehicle seizure form
 - 2. The driver of the tow truck shall be given two copies of this form
 - 3. The vehicle shall be towed to the vehicle storage yard used by the R.C.M. Police unless the registered owner requests an alternate acceptable site.
- C. In situations regarding abandoned vehicle on public property or blocking driveways, the Special Constable/Community Police Officer first must make all reasonable attempts to locate the owner of the vehicle involved before towing. At the Special Constable/Community Police Officer's discretion, he/she may issue a violation ticket for the offence.

8. Radar Enforcement

A. Radar Operation

- 1. The radar unit being used shall be checked with the tuning fork(s) provided at the start of the radar operation and again before shut down of the radar. The times the tuning fork tests were conducted shall be recorded on the daily activity report.
- 2. The radar tuning forks shall be sent away and re-certified at the beginning of each calendar year.

B. Traffic Tickets

Violators within the Town's jurisdiction shall be dealt with under the appropriate legislation and it shall at the discretion of the Special Constable to issue a Provincial Ticket or warning.

9. Impaired Drivers

- A. Should a suspected impaired driver be encountered while on patrol, the Special Constable/Community Police Officer shall:
 - 1. Notify the R.C.M. Police advising them of the situation.
 - 2. Attempt to stop the vehicle involved, only if violations within the appointment are observed.
 - 3. Keep the driver under observation and control until the R.C.M. Police arrives.
 - 4. If the police are unable to attend and sufficient grounds exist the Special Constable should administer a 24-hour disqualification in accordance with their Special Constable/Community Police Officer Appointment pursuant to the appropriate provincial legislation.

10. Motor Vehicle Pursuits

- A. A motor vehicle pursuit occurs when a Special Constable/Community Police Officer in the lawful execution of his/her duty attempts to stop a vehicle and the driver of that vehicle is aware of this attempt and refuses to bring their vehicle to a stop.
- B. A pursuit may involve high or low speeds and vehicles other than automobiles/trucks such as off-road vehicles (snowmobiles, quads, etc). A pursuit may involve locations other than a roadway in the case of off-road vehicles.
- C. The Special Constable/Community Police Officer will NOT engage in a pursuit.

- D. Upon encountering an individual who has chosen not to stop their vehicle when directed to do so, a Special Constable/Community Police Officer will immediately cease actively continuing attempts to stop the vehicle. This will include turning off all emergency equipment and reducing speed. Contact, on an urgent basis, should be made with the police service of jurisdiction to advise them of the circumstances, providing a description of the vehicle and direction of travel.

11. Weapons and Batons

OC Spray

- a/. The Special Constable/Community Police Officer must be authorized for the carrying of OC spray by the Solicitor General Office and listed on the Special Constable's appointment.
- b/. Follow the written policy involving the usage, care and handling of OC spray
- c/. The Special Constable/Community Police Officer must be trained in its use.
- d) When off-duty, OC spray must be secured in a locked cabinet within the office. If a special constable goes off shift at their residence, the OC spray must be secured within a locked cabinet while off-duty.

Baton

- a) Follow the written policy involving the usage, care and handling of a baton
- b) The Special Constable must be trained in its use

Shotgun

- a) A special constable may be authorized to carry a shotgun if they have authority to enforce the *Animal Protection Act*, the *Dangerous Dogs Act*, or the *Stray Animals Act*.
- b) The Special Constable/Community Police Officer must be authorized by Solicitor General on his/her appointment.

c) The Special Constable shall follow the policy for use, storage and service/handling of shotguns

d) The shotgun is to be used in accordance with the respective provincial statutes for **animal control purposes only**.

e) When transported, the shotgun must be contained in a secure locking device specifically manufactured to secure a firearm in a vehicle.

f) The secure locking device must be mounted in the trunk of a vehicle operated by a special constable.

g) A special constable shall complete training in the use and care of a shotgun from an accredited instructor. The training must have been completed within a one-year period prior to applying for authority to use a shotgun.

h) Re-qualification in the handling and firing of the firearm must occur on a yearly basis from a qualified instructor.

i) The Special Constable shall not carry a shotgun unless indicated on his/her appointment

j) A shotgun must be secured at the work site in an approved locked cabinet/device, unloaded, when not in use. Any storage must be within the requirements of legislation pertaining to the storage of firearms/ammunition.

Other Weapons

a) No other prohibited weapons are available to be carried/used by a special constable.

b) While engaged in their lawful duties a special constable shall not have any other firearm in his/her possession other than in accordance with these Special Constable Policies.

c) Use or possession of a Taser is not allowed.

d) Sap gloves or lead lined gloves are not allowed.

**TOWN OF BENTLEY
BYLAW # 99/06**

SPECIAL CONSTABLE/COMMUNITY POLICE OFFICER

SCHEDULE C

CODE OF CONDUCT

A Special Constable/Community Police Officer shall not:

1. violate
 - a) an Act of the Parliament of Canada.
 - b) an Act of the Legislature of Alberta.
 - c) any Regulation made under an Act of either the Parliament of Canada or the Legislature of Alberta.
 - d) any provision of the special constable appointment.
2. act in
 - a) a disorderly or inappropriate manner.
 - b) a manner that would be harmful to the organizational discipline or is likely to discredit the reputation of law enforcement.
 - c) a manner that is not fit nor proper.
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, or in any manner that would contravene the Alberta Human Rights Act.
4. withhold or suppress a complaint against, or a report made about, a peace officer.
5. neglect, without a lawful excuse, to promptly or diligently perform their duties as a peace officer.
6. willfully or negligently make or sign a false, misleading or inaccurate statement in any official document or record.

7. without lawful excuse:
 - a) destroy, mutilate or conceal an official document or record.
 - b) alter or erase an entry in an official document or record.
8. make known any matter that is a person's duty to keep in confidence.
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.
10. directly or indirectly ask for, or receive, a payment, gift, pass, subscription, testimonial or favors without the consent of the employer.
11. become involved in a financial, contractual or other obligation with a person whom the Special Constable/Community Police Officer could reasonably expect to report or give evidence about.
12. without lawful excuse, use the position as a peace officer for personal advantage or another person's personal advantage.
13. exercise authority as a special constable when it is unlawful or unnecessary to do so.
14. consume alcohol while on duty.
15. consume or otherwise use or possess drugs that are prohibited by law.
16. report for duty, be on duty or be on stand-by for duty while unfit to do so by the use of alcohol or a drug (includes prescription medication).

17. demand, persuade or attempt to persuade another person to give, purchase or obtain liquor for a peace officer who is on duty.
18. apply excessive or otherwise inappropriate force in circumstances where force is used.
19. be in possession of any firearm while on duty, that is
 - a) not approved by the Alberta Solicitor General.
 - b) not issued to the special constable by the employer of the special constable.
 - c) not authorized to possess or use.
20. when on duty discharge a firearm either intentionally or by accident, and not report the discharge of the firearm to the senior official or employer of the special constable. This does not include a firearms training exercise.
21. fail to exercise sound judgment and restraint in the use and care of a shotgun, firearm, OC spray, baton, other weapon or restraining device.

**TOWN OF BENTLEY
BYLAW # 99/06**

SPECIAL CONSTABLE/COMMUNITY POLICE OFFICER

SCHEDULE D

**HANDLING PUBLIC COMPLAINTS
AND ADMINISTRATION OF DISCIPLINE**

When the employer of a Special Constable/Community Police Officer receives a complaint concerning the conduct of a Special Constable/Community Police Officer in relation to the performance of his/her duty or function, or the employer otherwise becomes aware of inappropriate conduct of a special constable, it is important that the action taken by the employer follow the course of natural justice. The Special Constable/Community Police Officer must be given the opportunity to answer the allegations of the complaint. The employer should obtain information and supporting facts from persons involved or others who may have knowledge of the matter, to ensure that all decisions are based on facts.

If at anytime, before, during or after the investigation, the employer suspects the Special Constable/Community Police Officer has committed an offence in contravention of an Act of the Parliament of Canada or the Legislature of Alberta, other than a misconduct defined in the Special Constable Regulation, the matter should be referred to the police service of jurisdiction for further investigation. A complaint alleging a breach of the Criminal Code must be reported forthwith to the police service. The police investigation will take precedence over any internal review. In most cases involving a criminal allegation, the internal review should be delayed until the police investigation has been completed.

The C.A.O.:

- a) receives complaints.
- b) is responsible for the Special Constable/Community Police Officer.
- c) administers discipline.

Receipt of Complaint

1. Complaints or other information about inappropriate conduct of a Special Constable/Community Police Officer shall be directed to the C.A.O.. The Complainant **MUST** provide their name, address, telephone and fax numbers if any. All complaints must be accepted and dealt with according to the established policy. Complaints must be in writing.

2. The complaint shall immediately be forwarded to C.A.O.
3. The C.A.O. shall acknowledge receipt of the complaint, in writing, to the person making the complaint and the Special Constable/Community Police Officer against whom the complaint was made.

Investigation

4. The C.A.O. shall investigate the complaint or have it investigated.
5. If the C.A.O. is satisfied that misconduct has been committed, they will take corrective disciplinary action.
6. The C.A.O. may resolve complaints informally, with a solution that is satisfactory to all parties.

Disciplinary Action

7. The C.A.O. shall present the allegations that were made and the findings of the investigation to the Special Constable/Community Police Officer
8. The Special Constable/Community Police Officer shall be given an opportunity to make a full response to the allegations and supporting evidence.
9. The C.A.O. shall hear the explanation of the Special Constable/Community Police Officer and any other information that is relevant to determine the facts. The C.A.O. shall determine if the complaint is:
 - a) unfounded (complaint has no merit or basis upon which a reasonable belief that an action did occur).
 - b) unsubstantiated (insufficient evidence to determine facts of the complaint may or may not have occurred).
 - c) founded (complaint has merit and investigation can reasonably conclude that the Special Constable/Community Police Officer has committed a misconduct).

10. If the C.A.O. finds the Special Constable/Community Police Officer has committed misconduct they may take one of the following disciplinary actions.

- a) Warn the Special Constable/Community Police Officer.
- b) Reprimand the Special Constable/Community Police Officer
- c) Designate a training requirement.
- d)Suspend the Special Constable/Community Police Officer without pay for a period not exceeding 30 days
- e) dismiss the Special Constable/Community Police Officer

Notification and Appeal

11. The C.A.O. shall notify the complainant and the Special Constable/Community Police Officer in writing of the results of the investigation, the action taken and the right to appeal the decision. The complainant and the special constable shall be notified by the C.A.O., and that the appeal must be filed in writing, within thirty (30) days of receiving the decision. The discipline action taken shall not be released to the complainant as it is a personnel matter.

12. If an appeal is filed then three members of Council form an Appeal Board, the Special Constable/Community Police Officer shall pick one member. The Board shall review all the facts and the complainant and the Special Constable/Community Police Officer shall have the right to address the Board.

13. The Town Administrator shall notify the complainant and Special Constable/Community Police Officer, in writing, of the results of the appeal.

14. The decision of the Appeal Board is final.