

M.D. of Opportunity No 17
EMERGENCY & ENFORCEMENT POLICY

TITLE: Security Officer Policy

EFFECTIVE DATE: July 25, 2018

POLICY NUMBER: **EOP.9**

Purpose of Policy:

This policy applies to Licensed Security Officers who are employed by the Municipal District of Opportunity #17 (M.D). A Licensed Security Officer is an employee of the M.D who holds a security services license issued by the Registrar under *the Security Services and Investigators Act*.

Policy Statements:

The M.D is committed to ensuring compliance with applicable legislation pertaining to Licensed Security Officers employed by our organization. This policy outlines the legislative requirements for managing public complaints against licensed employees pursuant to the Security Services and Investigators Act (SSIA) and the Code of Conduct that licensed employees must adhere to during the course of their duties and employment.

1.0 Definitions:

Licensed Employees: refers to security officers employed by the M.D who hold a security license issued by the Registrar under the Security Services and Investigators Act.

Individual Licensees: refers to the security officer with a valid security license.

Licensee's employer: refers to the CAO of the M.D.

Employer: refers to the Manager of Legislative Service.

Business licensee: refers to the M.D organization.

Registrar: refers to the Registrar, Security Services and Investigators Act, Alberta Justice and Solicitor General.

Complainant: refers to the public member writing the complaint.

2.0 PUBLIC COMPLAINTS REQUIRING INVESTIGATION

- 2.1** Complaints against individual licensees must be made in writing to the licensee's employer *within 90 days* of the action or circumstances that prompted the complaint.

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If a complainant is unable to provide a written document due to a valid reason such as language barrier or disability, Manager of Legislative Services shall take the necessary steps to have the complaint recorded in writing on behalf of the complainant. The complainant must sign the written complaint.

2.2 *Within 30 days* of receiving the complaint the employer **must** acknowledge receipt, in writing, to the complainant (as per section 26 of the *Security Services and Investigators Ministerial Regulation*).

2.3 In acknowledging the complaint, the employer must notify the licensed employee who is subject of the complaint. The employer may delay notification to the employee under the following circumstances:

- The complainant may be placed in danger.
- The complainant may face other inappropriate action by the licensed employee should the licensed employee be informed.
- The notification may impede the gathering of evidence during an internal investigation.
- A reasonable likelihood exists that the complaint may lead to charges under federal or provincial legislation and that notification could impede any resulting police or other investigative agency investigation.
- Any other situation identified by the employer or Registrar in which it may be appropriate to delay informing the licensed employee about the complaint.

In the case where it is uncertain as to the appropriateness of informing a licensee about a complaint, the Registrar, should be consulted.

2.4 The employer must, *within 90 days*,

- Investigate and dispose of the complaint (unless section 4.0 below applies), and
- Notify the complainant, the licensed employee who is the subject of the complaint, and the Registrar (use Public Complaint Outcome Form PS3749), in writing, of the disposition of the complaint with reasons.

2.4.1 The letter of disposition must advise the complainant of their right to request a review of the outcome by the Registrar. The letter must indicate the following:

- If dissatisfied with the outcome of the company's investigation the complaint may request a review of the disposition by the Registrar.

- The request must be made in writing *within 30 days* of receipt of the disposition.
- Requests for review must be submitted to:

Complaints Coordinator,

Security Programs Justice and Solicitor General

9th Floor, 10365-97 Street Edmonton AB T5J 3W7

Fax: 780-427-4670

3.0 CRIMINAL MATTERS

Any allegations of criminal misconduct **must** be reported to the police service of jurisdiction for investigation. Complaints that contain allegations of excessive force are considered to be criminal allegations.

3.1 In allegations of criminal misconduct the company may consider the obligation to reach a conclusion *within 90 days*, as per section 25(4) of the Act, fulfilled if the company has:

- Notified the police service of the allegation, and
- Provided written notification to the complainant, and
- Provided written notification to the Registrar that this action has occurred.

3.2 A concurrent internal investigation may proceed provided company employees interact/cooperate with the police service and take such steps that are necessary to avoid contaminating the criminal investigation. If a concurrent investigation is conducted it must be completed *within 90 days* as per section 25(4) of the Act and the outcome report as per section 2.0 of this policy.

4.0 COMPLAINTS NOT REQUIRING INVESTIGATION

The Act recognizes that some complaints will be made under circumstances in which an investigation is not required.

4.1 Under the following conditions, the company may choose not to investigate a complaint

- Employer utilizes an informal resolution process (see 4.4.1 below).
- Employee no longer works for the employer.
- Contact with complainant after submission of initial complaint cannot be made (documentation showing this is the case should be kept in case of request for review by the Registrar).
- Anonymous complaints.
- Frivolous: a complaint intended merely to harass or embarrass.
- Vexatious: a complaint that has no basis in fact or reason, with its purpose to bother, annoy, and embarrass the individual or business licensee.

- Bad Faith: filing a complaint with intentional dishonesty or with intent to mislead.
- Having regard of all the circumstances, no investigation, in the option of the employer or Registrar, is deemed necessary.

4.2 Notification that investigation will not proceed:

The employer must notify the complainant *within 90 days* of receipt of the complaint that the matter will not be investigated, except where an informal resolution process is undertaken, the complainant cannot be contacted or the complaint is anonymous.

4.2.1 The letter must advise the complainant of their right to request a review of the outcome by the Registrar. The letter must indicate the following:

- If dissatisfied with the outcome of the company's investigation the complaint may request a review of the disposition by the Registrar.
- The request must be made in writing *within 30 days* of receipt of the disposition.
- Requests for review must be submitted to:

*Complaints Coordinator,
Security Programs Justice and Solicitor General
9th Floor, 10365-97 Street Edmonton AB T5J 3W7
Fax: 780-427-4670*

4.3 Anonymous complaints

Anonymous complaints do not allow the employer or the Registrar to discharge required legal responsibilities and therefore they are not considered a complaint under the Act.

If the nature of an anonymous complaint is serious, the employer shall review the matter and consider what, if any further action should or can be taken. In the event some element of substance to the allegation is uncovered, the employer must:

4.3.1 *Within 90 days,*

- Investigate and dispose of the complaint, and
- Notify the Registrar in writing (use Public Complaint Outcome Form PS3749), of the disposition of the complaint with reasons.

4.4 Informal resolutions of complaints

Successful informal resolution allows an investigation to be discontinued. If, in the employer's opinion and having regard to all of the circumstances, no investigation is necessary, the employer may discontinue the investigation.

a) The Manager of Legislative services will contact the complainant to arrange a mediation session between the complainant and the licensed security officer.

b) Upon successful resolution of complaint, document outcome and obtain the complainant's signature, where possible, to show that a matter has been informally resolved.

This would preclude the complainant from claiming duress or that they did not agree with the outcome. Without clear documentation, complaints that are informally resolved by the employer may, in some circumstances, be eligible for review by the Registrar and subsequently the Director of Law Enforcement, Province of Alberta.

5.0 Code of Conduct:

All employees and businesses licensed under the *Security Services and Investigators Act* are required to adhere to and abide by the following Code of Conduct. **Violations of this code may result in disciplinary action up to and including suspension/cancellation of your licence and termination of employment.** All Code of Conduct violations must be reported to the Security Services and Investigators Program.

All employees are required to:

1. Act with honesty and integrity,
2. Maintain confidentiality,
3. Comply with all federal, provincial and municipal laws,
4. Comply with the policies of the Security Services and Investigators Program and the M.D of Opportunity #17,
5. Respect and use all property and equipment in accordance with the terms and conditions of the individual licensee's licence and M.D policies,
6. Comply with the terms and conditions of the individual's licence,

7. Comply with the business licensee's code of conduct for individual licensees,
8. Engage in orderly and appropriate conduct,
9. Report all adverse information, complaints and reports about any other licensee,
10. Make or sign truthful and accurate statements,
11. Abstain from the use of controlled drugs and controlled substances under the *Controlled Drugs and Substances Act* (Canada), and
12. Abstain from possessing or consuming alcohol while on duty.

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APPROVED: July 25, 2018

"The personal information submitted pursuant to this form will be utilized for this purpose only and is subject to compliance with the Freedom of Information and Protection of Privacy Act."