



TOWN POLICY

POLICY NUMBER: 2101

REFERENCE:
Council 610.12.94

ADOPTED BY:
Town Council
7 December 1994

PREPARED BY: Administration

DATE: 7 December 1994

TITLE: Special Constable Operating Policy

PAGE 1 OF 11

Policy Statement

The Town of Strathmore will provide guidelines for the Code of Conduct, Handling Public Complaints and Administration of Discipline for Special Constables.

1. **Definitions**
 - 1.2 Committee of Council means the Council of the Town of Strathmore.
 - 1.3 Municipality means the Town of Strathmore.
 - 1.4 Special Constable means a person appointed as a Special Constable under Section 42 of the Police Act.
 - 1.4 Town Manager means the Town Manager of the Town of Strathmore as appointed by Council.
 - 1.5 Bylaw Enforcement Officer means a person appointed by Council as such by resolution.

2. Responsibilities

2.1 Council

2.1.1 To act as the Committee of Council to hear appeals from any decision of the Town Manager regarding the disciplining of Bylaw Enforcement Officers/Special Constables.

2.2 Town Manager/Director of Administrative Services

2.2.1 To present to Council any recommendations for changes in this policy.

2.2.2 To administer and ensure consistent application of this policy.

3. Hours of Service

3.1 Shifts are based on a 40-hour workweek.

3.2 Hours worked shall be entered on a bi-weekly timesheet.

3.3 Any hours over and above 40 hours shall be recorded and will be granted as time in lieu hours at a future time.

3.4 All time in which the officer is actively involved in the performance of his duties as per his job description shall be considered to be on duty time.

4. Times Schedule

4.1 A time schedule of proposed hours of service shall be prepared at least two weeks prior to the commencement of the schedule.

4.2 The schedule shall be prepared in such a way so that most days of the week and the majority of hours of the day will be covered over the course of a month, in so far as it is possible to do with time and man power available.

4.3 Where it is deemed necessary for the purposes of coverage or commitment, the schedule may be changed. Such changes should be noted on the schedule.

4.4 A copy of the time schedule shall be submitted to the Director of Administrative Services.

5. Personal Appearance

5.1 Members shall wear a complete uniform while on duty.

- 5.2 Members shall not wear any part of the uniform while off duty.
- 5.3 Members are required to keep their uniform kit in good, clean condition and are required to report any damaged article of uniform to the Director of Administrative Services.
- 5.4 The working uniform is to be worn at all times when attending Court.
- 5.5 Members shall maintain a high level of personal hygiene when on duty.
- 5.6 Member shall keep their hair neatly trimmed; this applies to the moustache and beard, if worn.
- 5.7 The uniform belt and accessories are to be kept polished. The same applies to the boots or shoes.

6. **Equipment and Accessories**

- 6.1 Staff members shall carry only equipment issued to them by this department.
- 6.2 No member shall carry or have in his or her possession any item of equipment that is not departmental issue while on duty.
- 6.3 No member shall wear any article or uniform which is not departmental issue while on duty.
- 6.4 No member shall carry any equipment issued by this department when that member is off duty.

7. **Equipment Care and Control**

- 7.1 All members shall maintain equipment issued to them in good order.
- 7.2 All equipment is to be handled in a responsible manner.
- 7.3 Damage to any item of equipment or faulty equipment is to be reported to the Director of Administrative Services forthwith.
- 7.4 Negligence in the use or handling of any equipment issued will be the responsibility of the user to repair.

- 7.5 Equipment, such as the laser unit, shall be stored at the R.C.M.P. detachment or in the Town Office storage room.

8. **Receipt of Complaint Regarding Conduct**

- 8.1 Complaints concerning the conduct of a Special Constable/Bylaw Enforcement Officer shall be directed to the Town Manager at the Town of Strathmore, 680 Westchester Road, Strathmore, Alberta T1P 1J1.
- 8.2 All public complaints will be accepted and dealt with according to policy. Complaints must be in writing and be signed by the complainant.
- 8.3 The complaint shall immediately be forwarded to the Town Manager.
- 8.4 The Town Manager shall acknowledge receipt of the complaint in writing to the person making the complaint, and the person against whom the complaint was made.

9. **Investigation**

- 9.1 The Town Manager shall investigate the complaint or have it investigated.
- 9.2 If the Town Manager is satisfied that misconduct has been committed, he will take corrective disciplinary action as per Bylaw #87-6.
- 9.3 Notwithstanding Section 8.2, the Town Manager may resolve minor complaints informally, arriving at a solution that is satisfactory to all parties.

10. **Disciplinary Action**

- 10.1 The Town Manager will present the allegations made and the findings of the investigation to the Special Constable/Bylaw Enforcement Officer.
- 10.2 The Special Constable/Bylaw Enforcement Officer will be given the opportunity to make a full response to the allegations and supporting evidence.
- 10.3 Upon hearing the response and explanation of the Special Constable/Bylaw Enforcement Officer, and any other information the Town Manager believes appropriate to determine the facts, he will either dismiss the complaint as

unfounded, as unsubstantiated, or find that the Special Constable/Bylaw Enforcement Officer has committed a misconduct.

- 10.4 If the Town Manager finds the Special Constable/Bylaw Enforcement Officer has committed misconduct, he may take measures as outlined in Bylaw #87-6, Section 8.

11. **Notification and Appeal**

11.1 The Town Manager shall notify the complainant and Special Constable/Bylaw Enforcement Officer in writing as to the results of the investigation, the action taken, and the right to appeal the decision to the Committee of Town Council within 30 days from the day of receipt of the notice of disposition, Bylaw #87-6, Section 9.

11.2 The Committee of Town Council in considering the appeal, may confirm, vary or set aside the decision of the Town Manager, Bylaw #87-6, Section 13.

11.3 The Committee of Town Council shall notify the complainant and Special Constable/Bylaw Enforcement Officer in writing as to the results of the appeal.

12. **Code of Conduct**

12.1 Section 15, of Bylaw #87-6 shall apply as the Code of Conduct.

13. **Care and Operation of Patrol Vehicles**

13.1 At the start of the shift members shall make a visual inspection of the patrol vehicle for any damage or low tire inflation or other potential problems. Findings shall be noted on the Daily Activity Reports.

13.2 The two-way radio, if turned off, shall be warmed up for ten minutes before transmitting to prevent damage to the radio. After the warm up period the radio shall be tested.

13.3 The emergency equipment shall be tested before operating the vehicle.

13.4 The fluid levels are to be checked when fueling up the vehicle.

13.5 While on patrol, members shall not exceed the posted speed limit and shall obey all rules of the road. (Set a good example).

13.6 When responding to an urgent call lights and siren shall be used.

- 13.7 Members shall operate the patrol vehicle in a responsible manner at all times, particularly when responding to an urgent call.
- 13.8 Upon stopping a violator, the lights shall be left activated until such time as the violator vehicle has reentered the flow of traffic.
- 13.9 Members shall position the patrol vehicle, in a violator stop, to provide protection for the member and the violator.
- 14.10 The use of the patrol vehicle is to be restricted to patrol and work related duties.
- 14.11 There are to be no unauthorized persons in the patrol car at any time.
- 14.12 The patrol vehicle is to be kept in a neat, orderly and clean condition.
- 14.13 The patrol car headlights shall be turned on at all times, when the vehicle is in motion.
- 14.14 Seat belts are to be worn by all members when on patrol.

15. **Routine Preventative Patrol**

- 15.1 While on routine patrol, members shall drive the patrol vehicle at a low rate of speed (See and be seen).
- 15.2 Patrol areas shall be checked at varying times and no set pattern is to be followed.
- 15.3 The patrol officer should watch for suspicious persons or activities in his or her patrol area, as well as traffic and other violations.
- 15.4 A proper notebook shall be maintained by each patrol member and should include such entries as names and addresses of persons, license numbers and descriptions of vehicles, etc.

16. **Radar & Laser Enforcement**

- 16.1 A tolerance of 20% shall be allowed before the violator is charged.
- 16.2 Vehicles traveling 10% - 19% over the posted speed limit may be stopped and the driver issued a Warning.

- 16.3 The radar unit being used shall be checked with the tuning fork(s) provided at the start of the radar operation and again before the shut down of the radar. The times the tuning fork tests were conducted shall be recorded.
- 16.4 Radar should be set up in a location that allows the officer plenty of time to pull violators over safely without endangering the officer or the public. An ideal situation is to set up so the violators can be pulled off the roadway without chasing after them with the patrol vehicle.
- 16.5 Violators shall be charged under the Highway Safety Act in all cases and the Provincial tickets will be used.

17. **Motor Vehicle Pursuits**

- 17.1 Members are not permitted to become involved in motor vehicle pursuits unless:
 - 17.1.1 the vehicle or driver cannot readily be identified (stopped);
 - 17.1.2 it is determined that the driver of the vehicle being pursued is driving in such a manner that continuation of the driving pattern may endanger the life or well being of the driver or others using the roadway; or
 - 17.1.3 it is determined that the driver of the vehicle is involved in the continuation of an offence.
- 17.2 A member shall immediately discontinue the pursuit if:
 - 17.2.1 the situation is such that if the pursuit continues, it may endanger the safety of the member or the public;
 - 17.2.2 identification of the vehicle had been obtained; or
 - 17.2.3 requested by the R.C.M.P. or other police agency.
- 17.3 In relation to traffic enforcement, if a vehicle cannot be pulled over safely within a short distance, the member shall not attempt to stop the vehicle.

18. **Making Arrests**

- 18.1 Members shall avoid making an arrest if other reasonable options are available. For example, in the case of an intoxicated person in a public place, if a

responsible adult friend can be summoned to take the person home rather than arresting the subject.

18.2 If the situation requires making an arrest the arresting officer shall:

18.2.1 identify himself as a Peace Officer;

18.2.2 take physical custody of the subject;

18.2.3 tell the subject he/she is under arrest;

18.2.4 tell the subject why he is being arrested; and

18.2.5 advise the subject of his Right to Counsel. This should be read from your wallet card or notebook using the appropriate wording as per the Charter of Rights.

18.3 The member shall place physical restraints on all arrested subjects. The member shall:

18.3.1 Ensure restraints are applied properly and not over tightened.

18.3.1 Use only as much force as required to bring about an arrest.

18.4 Persons placed under arrest are the responsibility of the arresting officer. The arresting officer shall keep the welfare of his prisoner in mind at all times.

18.5 Persons placed under arrest shall be turned over to the R.C.M.P. as soon as practical.

19. **Seizure of Motor Vehicles**

19.1 Motor vehicle seizure can be exercised under the authority of the Highway Safety Act.

19.2 It is suggested that our members not impound motor vehicles when other reasonable means of handling the situation are available.

19.3 In a situation where the vehicle must be impounded, i.e. uninsured motor vehicles, the following procedure shall be followed:

19.3.1 the investigating officer shall complete a Motor Vehicle Seizure form;

19.3.2 the driver of the tow truck shall be given one copy of this form;

19.3.3 the vehicle shall be towed to the closest vehicle storage location, unless otherwise requested by the registered owner or driver;

19.3.4 in situations where a complaint has been received from a property owner regarding an abandoned vehicle on his property or blocking his driveway, the investigating officer will first make a reasonable attempt to locate the owner of the vehicle involved before tagging and towing.

19.4 In situations where a violator is stopped and charged for driving without an operator's license, insurance or registration infraction, 24 hour driver's license suspension or impaired driver, the vehicle may be impounded. In no even is the vehicle involved to be left unattended. The investigating officer and the Town may be liable should a theft or vandalism occur to the vehicle and/or its contents.

20. **Impaired Drivers**

20.1 Should a suspected impaired driver be encountered while on patrol, the patrol member shall:

20.1.1 notify the R.C.M.P. office advising them of the situation;

20.1.2 attempt to stop the vehicle involved;

20.1.3 should the driving pattern and physical appearance of the driver indicate impairment, immediately detain the driver following the arrest policy, and;

20.1.4 keep the driver under observation until the R.C.M.P arrive.

20.2 Accurate notes shall be kept on times and observations up to the point the R.C.M.P. arrive.

20.3 The section of this policy in relation to vehicle seizures shall be followed.

21. **Enforcement on Provincial Highways**

- 21.1 It is the primary responsibility of the Town of Strathmore and its employees to protect the integrity of highways designated to be under the direction, control and management of the Town of Strathmore.
- 21.2 It is also a primary responsibility to protect those persons using the above highways.
- 21.3 While the primary duty of the Town is as stated above, it is also the responsibility of the Town and its employees to provide a safe and viable community, as specified under the Municipal Government Act.
- 21.4 Considering the above points, the Town's employees (i.e. Municipal Constables) may, pursuant to their lawful appointments, and using their discretion as to what may be considered unsafe, stop those persons traveling on Provincial Highways within the Town of Strathmore in an attempt to prevent the continuation of an offence detected.
- 21.5 The method used shall be in accordance with legal practice and those policies established by the Town of Strathmore.

21. **Jurisdiction**

- 21.1 The member shall enforce only such laws as listed in their appointments.
- 21.2 In no event shall a member act in an official capacity outside of his appointed jurisdiction unless:
 - 21.2.1 the member is investigating a matter that originated in his jurisdiction;
 - 21.2.2 the member is attending court as a witness or on docket duty; or
 - 21.2.3 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 render assistance until such time as the agency responsible arrives.
- 21.3 Calls received from persons outside of a member's appointed jurisdiction shall be handled as follows:
 - 21.3.1 advise the caller that they have called the wrong agency; and/or

- 21.3.2 supply the caller with the telephone number for the appropriate agency.
- 21.4 Members 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.
- 21.5 The transportation of a person taken into custody is to be carried out by the R.C.M.P., unless the person has been arrested under an Act the member is appointed to enforce. In these cases the accused is to be transported to the closest R.C.M.P. detachment.
- 21.6 Should a call be received in relation to a Criminal Offence ask the caller to contact the R.C.M.P.
- 21.7 In no event is a member to enter into or tamper with the possible crime scene, unless to render emergency assistance to the public or another officer or to carry out an arrest in relation to the Criminal Code.

End of Policy