



EA20

**INDEPENDENCE OF INVESTIGATIONS**

EA20

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**POLICY**

1. Employees of the Delta Police Department (Department) are to perform their duties fairly and impartially, and in a manner that seeks to ensure that a reasonable person, properly informed, scrutinizing their performance would recognize that their duties are so performed.
2. A conflict of interest does not necessarily disqualify a member from leading or participating in an investigation, and the Chief Constable must ensure that procedures are established and followed that seek to eliminate or minimize the impact of identified conflicts of interest in relation to investigations.
3. A member who determines that it is necessary to act immediately to preserve the peace, protect life or safety or property, or ensure investigative integrity, may do so, regardless of any conflict of interest.
4. The Chief Constable and Deputy Chief Constables have the discretion not to advise the Delta Police Board (Board) of an investigation, as otherwise required in procedure, if they reasonably believe it to be necessary to ensure investigative integrity.



## REASON FOR POLICY

5. To seek to ensure the effective management of potential or actual conflicts of interest, such that the integrity of investigations and public confidence are maintained.

## DEFINITIONS

6. For the purposes of this Policy, the following definitions will apply:

**Conflict of interest:** any situation where an employee's impartiality in performing their duties may be perceived, by a reasonable person, properly informed, to be adversely affected due to an association or possible bias (refer to Policy EC11 – *Conflict of Interest*).

**Association:** a workplace reporting, kinship, collegial, or present or past intimate relationship, as well as a non-workplace relationship of the same nature or based on friendship, acquaintance, or business or organizational connection (refer to Policy EC31 – *Personal Relationships*).

## PROCEDURES

### General

7. Any employee who becomes aware of or perceives the existence of a conflict of interest in relation to an investigation of a criminal offence or *Police Act* investigation, must report the issue to their supervisor at the earliest opportunity.
8. A supervisor who receives a report of a possible conflict of interest must assess whether a conflict of interest exists, and if a determination cannot be made, refer the matter to the Officer in Charge (OIC) for determination.
9. The supervisor and/or OIC shall document decisions and reasoning in determining whether a conflict of interest exists.

### Conflict of Interest Management

- Refer further below to *Investigations of Senior Officers, Police Board members and their immediate family.* -

10. If it is determined that a conflict of interest exists for a member responding to, leading or participating in an investigation, the supervisor, in consultation



- with the OIC, must weigh the risk that the conflict could compromise the investigation, against the member continuing to conduct the investigation, giving consideration to the:
- a) seriousness of the matter requiring investigation;
  - b) complexity of the investigation;
  - c) extent of injury or damage that has occurred or the risk of the same occurring;
  - d) the member's role in the investigation; and
  - e) the supervisory oversight to be applied.
11. If the supervisor or the OIC decide that:
- a) a member in a conflict of interest may continue to lead or participate in a criminal investigation; or
  - b) the investigation is to continue with one or more other members, but without the further involvement of the member in conflict,
- the decision must be reported to the Duty Officer, and by the Duty Officer to the Chief Constable, as soon as practicable.
12. A complaint or report of a possible criminal offence having been committed by a member must be attended and investigated by a member senior in rank to the subject member.

### **Referral to or Review by Other Police Agency**

13. If the supervisor or the OIC determine that the risk of the conflict of interest compromising a criminal investigation outweighs allowing any member of the Department to conduct or continue to conduct an investigation, the Duty Officer must be advised, and a request must be made by the Duty Officer, to the Chief Constable, to seek to have another police agency assume conduct of the investigation.
14. The Chief Constable will determine whether to request another police agency to:
- a) assume conduct of an investigation; or



- b) review an investigation conducted by a member determined to have been in a conflict of interest or that was continued without that member's further involvement.

### Investigations of Chief Constable, Deputy Chief & Management Team

- 15. A member investigating a criminal matter involving the Chief Constable, or an immediate family member of the Chief Constable, must notify a Deputy Chief Constable as soon as possible, and the Deputy Chief Constable must notify the Police Board, as soon as practicable.
- 16. A member investigating a criminal matter involving a Deputy Chief Constable, or an immediate family member of a Deputy Chief Constable, must notify the Chief Constable as soon as possible, and the Chief Constable must notify the Police Board as soon as practicable.
- 17. A member investigating a criminal matter involving a member holding the rank of Superintendent or Inspector, or an immediate family member of a superintendent or inspector, must notify the Chief Constable as soon as possible, and the Chief Constable must notify the Police Board as soon as practicable.
- 18. In any scenario in Sections 15, 16 and 17, **that does not involve an immediate family member**, the Chief Constable or Deputy Chief Constable (as the case may be) will arrange for an investigation of the matter by an outside police agency.
- 19. In any scenario in sections 15, 16 and 17, involving an immediate family member, the Chief Constable or Deputy Chief Constable (as the case may be) will consult with the Board Chair and make a determination whether an investigation will be:
  - a) conducted by members of the Department;
  - b) requested to be conducted by another police agency; or
  - c) requested to be subsequently reviewed by another police agency, if conducted by members of the Department.
- 20. The Chief Constable or Deputy Chief Constable will, through the Professional Standards Section, advise the Police Complaints Commissioner of any criminal investigation of the other, or of a Superintendent or Inspector, of family member of any of the foregoing.



21. Internal and public communications regarding investigations of the Chief Constable, a Deputy Chief Constable, Superintendents, Inspectors, or their family members, may only be issued:
- a) by the Chair of the Board, regarding the Chief Constable or immediate family members; and
  - b) by the Chief Constable, in all other situations.

**Investigations of Police Board Members**

22. A member investigating a criminal matter involving the Chair of, or an appointee to the Board, or immediate family member of the same, must notify the Chief Constable, as soon as practicable.
23. When advised that the Chair of, or an appointee to the Board is the subject of a complaint regarding a potential criminal offence, the Chief Constable will arrange for an investigation of the matter by an outside police agency.
24. When advised that an immediate family member of the Chair of, or an appointee to the Board, is the subject of a complaint regarding a potential criminal offence, the Chief Constable will make a determination whether an investigation will be:
- a) conducted by members of the Department;
  - b) requested to be conducted by another police agency; or
  - c) requested to be subsequently reviewed by another police agency, if conducted by members of the Department.
25. The Chief Constable will advise the Police Board:
- a) Chair, if another member of the Board or immediate family member is the subject of a criminal investigation; or
  - b) Vice-Chair, if the Chair or immediate family member is the subject of a criminal investigation.

\*Revised Dates:  
N/A