



# Edmonton Police Service

*Committed to Policing Excellence*



## Professional Standards Branch 2012 Annual Report

February 2013

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## Abbreviations

ASIRT	Alberta Serious Incident Response Team
EPC	Edmonton Police Commission
EPS	Edmonton Police Service
CPB	Community Policing Bureau
LERB	Law Enforcement Review Board
PA	<i>Police Act</i>
PSB	Professional Standards Branch
PSR	<i>Police Service Regulation</i>
SCSB	Specialized Community Support Bureau

**Professional Standards Branch Mission:**

*Our mission is to resolve complaints with pride, professionalism and investigative excellence. We work to deserve the respect, trust and confidence of all those we serve and support.*

**Professional Standards Branch Values:**

*Truth, Integrity, Courage, Honour*

**Strategic Priorities:**

*Investigative Excellence, Talent Management, Process Innovation, Marketing, Customer Service*

**Introduction from Professional Standards Branch**

2012 was a year of change for the Professional Standards Branch. The year started with a change of command, with Inspector Denis Jubinville taking over from Inspector Mark Neufeld. Upon arriving, the Inspector was tasked with reviewing the structure and processes of PSB in order to develop increased efficiencies throughout the branch. This review included a quantitative and qualitative analysis of current processes and systems and the development and implementation of new systems. As part of the change project, the following has been accomplished:

**Staffing:** A review of the existing PSB staffing model was undertaken. Through a review of previous consultation reports, assessment with current staff, and discussions with previous PSB Inspectors, it was determined that a two-team investigative model, including an Expedite Team, was the most effective staffing model. This model required internal restructuring of PSB and the approval and funding for a Major Case Manager and a quality assurance clerk. At the conclusion of the process, funding was approved and the vacant positions were posted and filled with permanent employees.

**Process and Investigative Quality:** A review determined that there was a lack of consistency in the processes used by PSB when conducting formal investigations. Through collaboration with the managers and Legal Counsel in PSB, structure was put in place to ensure systematic progression of each investigation. This structure includes initial complaint review, acquiring Chief's direction, strategic assessment, case conference prior to subject officer report/interview, and final review and recommendation by the Inspector. Since implementing this process, far greater consistency has been achieved, ensuring legislative and procedural requirements are met. In addition to this change, efficiencies have been achieved in the 45-day-letter process and the extension request process.

**IT System Improvements:** In 2012, PSB worked collaboratively with Information Technology Branch to improve productivity lost through considerable computer system freezing and slowdown. A business analysis of all processes within PSB was conducted and process improvements were adopted. In addition, a complete review of data transfer from PSB to Headquarters was conducted. At the conclusion of the review, a virtual desktop interface (VDI) environment was developed, hardware was updated, and For the Record interview software was acquired. This has enabled the implementation of a totally digital investigative environment, the first of its kind in the EPS.

**Change in Investigative Methodology:** Historically, PSB has investigated alleged misconducts as described by the *Police Service Regulation* rather than investigate the actions of the officer being complained about. This often resulted in multiple investigations into one incident. For example, if an officer allegedly swore during the arrest of a subject, at minimum PSB would serve a member with allegations of discreditable conduct (using profane language toward a member of the public) and insubordination (failure to follow policy). Both allegations would be investigated separately even though they related to the one alleged action (swearing) by the officer. Recognizing the inefficiency in this process, a change in methodology was implemented whereby PSB now investigates the alleged action (swearing), and it is then determined through investigation if one or more misconducts has occurred. This new investigative methodology significantly decreases the complexity of PSB investigations, thereby increasing investigative efficiency. This efficiency began bearing fruit near the end of 2012.

**Alternative Dispute Resolution (ADR):** An ADR Coordinator, recruited and hired in late 2011, took her post at the beginning of 2012. In her first year with PSB, she has researched and surveyed ADR best practices across Canada, developed an ADR process suited to the EPS,

drafted an ADR program policy, developed a checklist to profile unreasonable complainant conduct, facilitated mediation / ADR discussions, and organized supervisory reviews to informally resolve complaints. This program will allow PSB to divert complaints from formal investigation into informal resolutions that are far more efficient and often result in a much higher satisfaction for the complainants.

**McNeil Project:** In 2012, PSB also made significant advances in the McNeil court disclosure project. Police Information Check Section successfully queried nearly 1,800 former and current EPS members to certify which members have a McNeil court disclosure requirement. PSB then audited the results and created a McNeil record and tracking system in our database that correlates to the electronic disclosure developed in the EPS main report management system (EPROS). While this audit and entry was being completed, PSB worked with Information Technology Branch to develop the province's first automated McNeil disclosure system. At present, the EPS can confidently state that we are meeting the McNeil disclosure requirements on all files forwarded to the Crown. This accomplishment has been several years in the making, and we are very proud to see it completed.

Implementing significant change is always challenging, and even more so when normal business must continue throughout the change. In the upcoming year, we look forward to stability and making use of the new streamlined and improved processes. We anticipate that 2013 will see improved timeliness in complaint investigation and we look forward to assisting the EPS in achieving its goals of increased efficiency and effectiveness, reduced complaints, and a continued commitment to professionalism.

## 1. The EPS and the Community

The EPS		The City of Edmonton	
<b>Employees:</b>	<b>2,254.5</b>	<b>City Population:</b>	812,201
Sworn:	1,635	<b>Officers per 1,000 Population:</b>	2.01
Non-sworn:	619.5		

## 2. Public Complaints Process

The Alberta *Police Act* and the *Police Service Regulation* provide statutory authority and detail the requirements regarding the handling of formal complaints involving the police service or sworn police officers. Part 5 of the Alberta *Police Act* refers.

PSB is responsible for all complaints regarding the conduct of sworn members of the EPS with the exception of the Chief of Police. Responsibility for complaints against the Chief of Police rests with the EPC.

### 2.1 How Are Complaints Made?

When a member of the community or another EPS employee raises a concern about conduct or service levels, PSB opens a file. This allows the information to be accurately captured and ensures that every concern is tracked and monitored through to resolution.

When PSB receives notice of a complaint or concern, it is classified according to the following categories:

- **Complaint** – a complaint as to the conduct of a member that may contravene the regulations governing the discipline or performance of duty of police officers, or a complaint related to the policies of and services provided by a police service. A Complaint may take the form of a written complaint, an e-mail complaint or an online complaint submitted on the website of a police service or police commission. Complaints may be further classified as “External” or “Internal” complaints, depending on whether they were brought forward by a specific individual or initiated by the Chief of Police.

- **Statutory Complaint** – a criminal complaint consisting of any act by a police officer that may constitute an offence under the *Criminal Code* or *Controlled Drugs and Substances Act*. A Statutory Complaint also includes a complaint consisting of any act by a police officer that may contravene an Act of the Legislature of Alberta.
- **Citizen Contact** – an initial contact that may be either verbal or written from a member of the public to the police service or police commission. A Citizen Contact may take the form of an informal concern consisting of an actual allegation under the PSR or an offence under the Parliament of Canada or the Legislature of Alberta. A Citizen Contact may also consist of a matter that is purely inquiry- or assistance-based.
- **EPS Matter** – internally generated files dealt with by PSB without invoking the *Police Act* and/or files that are brought to the attention of PSB for tracking purposes only.

In order for a complaint to be classified in either of the first two categories (i.e., Complaint or Statutory Complaint), the correspondence must meet a set of criteria specified in section 42.1 of the *Police Act*. Specifically, a complaint must be made in writing and must include the following information:

- a) The full name of the complainant;
- b) The complainant's contact information, including the complainant's
  - i. Address,
  - ii. Telephone number,
  - iii. Cellular telephone number, if available, and
  - iv. Electronic mail address, if available;
- c) If the complaint is made by an agent of the complainant, the agent's full name and contact information;
- d) If the complaint is in respect of the conduct of a police officer,
  - i. The date of the alleged conduct, if known,
  - ii. The identification of the police officer, if known, and
  - iii. A description of the incident that gave rise to the alleged conduct;
- e) If the complaint is in respect of a policy or service of a police service, sufficient information to identify the policy or service complained of;

- f) Any other information requested by the Chief of Police, the officer in charge of a police service, the Public Complaint Director, the Regional Public Complaint Director, or the Provincial Public Complaint Director
- g) Any other information prescribed in the regulations.

If an inquiry is not made in writing or does not meet the criteria list above, it will be classified in one of the latter two categories (i.e., Citizen Contact or EPS Matter). These are considered informal files as they do not meet the threshold of a complaint in terms of the *Police Act*. As such, they are not subject to formal investigation following the standards described in the *Police Act* and *Police Service Regulation*.

**Table 1: PSB File Types**

	Investigation initiated by the Chief of Police	Investigation initiated by a member of the public or EPS member other than the Chief
Complaint made in writing, and meets the criteria set out in s. 42.1 of the <i>PA</i>	<b>Complaint – Internal</b>	<b>Complaint – External</b>
<i>Chief of Police directs a criminal investigation</i>	<b>Statutory Complaint</b> (in addition to either above Complaint)	
Complaint is made verbally or does not meet the criteria set out in s. 42.1 of the <i>PA</i>	<b>EPS Matter</b>	<b>Citizen Contact</b>

## 2.2 How Are Complaints Resolved?

Files that are classified as informal (i.e., Citizen Contact and EPS Matter files) can be resolved through a variety of methods. These resolutions can include:

- resolving the concern or inquiry through discussion with a PSB evaluator
- requesting that a supervisor speak with the officer about the concern or inquiry
- referring the complainant to contact other parts of the EPS or other City of Edmonton departments, or referring the complainant to submit a formal letter of complaint
- resolution through other means
- if PSB evaluators are unable to contact the complainant, the concern or inquiry may be considered “abandoned”
- storing the comments or event for tracking purposes only

When a file is classified as a Complaint, prior to commencing a formal investigation, the Chief (where appropriate) offers an alternative dispute resolution (ADR) process to both the complainant and the police officer who is the subject of the complaint. If a complaint cannot be resolved through ADR, or where the complainant requests that a formal investigation be commenced immediately, PSB will conduct that investigation. Under certain circumstances (described in section 46.1 of the *Police Act*), the investigation may be conducted by another police service or by the Alberta Serious Incident Response Team (ASIRT) instead of by the EPS.

If both the complainant and the subject officer are agreeable to ADR, the complaint may be concluded through a number of methods, including informal discussion with PSB, a supervisory review, or mediation. PSB employs a dedicated ADR Coordinator, who facilitates the process in all complaints where ADR has been deemed appropriate and is agreed upon.

If ADR is not appropriate or is not agreed upon by both the complainant and the subject officer, the complaint proceeds to a formal investigation. Once PSB concludes its investigation, it submits a report to the Chief of Police. The Chief of Police then reviews the findings and may:

1. Direct that no further action be taken if disciplinary action is not supported;
2. In the case of minor contraventions,
  - a. dismiss the matter, impose an Official Warning, or take any other appropriate action pursuant to section 19(1)(a) of the *PSR*;
  - b. enter into an agreement with the subject officer to impose discipline ranging from a reprimand to suspension without pay for up to 80 hours, pursuant to section 19(1)(b) of the *PSR*; or
3. Direct that a disciplinary hearing be conducted.

Where an investigation has established that an offence against an Act of Parliament (such as the *Criminal Code*) or the Legislature of Alberta may have occurred, the Inspector in charge of PSB refers the file to Alberta Justice for opinion. A Crown prosecutor from outside Edmonton is tasked to review the file. The assigned prosecutor provides an opinion to the Chief of Police on whether charges should be laid based on the evidence presented. This ensures that an independent and impartial evaluation of the facts is undertaken and helps to preserve the integrity of the investigative process.

**Figure 1: Schematic File Flow**

<p><b><u>Informal Concern/Inquiry</u></b> (Citizen Contact or EPS Matter) <i>Inquiry/Concern is made verbally or does not meet the criteria set out in s. 42.1 of the PA</i></p>	<p><b><u>Formal Complaint</u></b> (Complaint – Internal, Complaint – External, Statutory Complaint) <i>Complaint made in writing and meets the criteria set out in s. 42.1 of the PA</i></p>
<p><b><u>Resolutions</u></b></p> <ul style="list-style-type: none"> <li>- Resolved through informal discussion with PSB</li> <li>- Resolved through supervisory review</li> <li>- Referred</li> <li>- Resolved</li> <li>- Abandoned</li> <li>- Tracking Only</li> </ul>	<p><b><u>Alternative Dispute Resolutions</u></b></p> <ul style="list-style-type: none"> <li>- Resolved through informal discussion with PSB investigators</li> <li>- Resolved through supervisory review</li> <li>- Mediation</li> </ul>
	<p><b><u>Formal Resolutions</u></b></p> <ul style="list-style-type: none"> <li>- Dismissal (e.g., Loss of Jurisdiction, Time-barred, Frivolous / Vexatious / Bad Faith)</li> <li>- Withdrawn</li> <li>- No Reasonable Prospect (no further action)</li> <li>- Minor Contravention (Official Warning or Agreed Discipline)</li> <li>- Reasonable Prospect (Disciplinary Hearing)</li> </ul>
	<p><b><u>Disciplinary Hearing</u></b> Allegations deemed as Proven or Not Proven</p>
	<p><b><u>LERB</u></b> Complainants have the right to appeal either the Chief's disposition or the result of the Disciplinary Hearing. Subject officers have the right to appeal misconduct(s) proven at a Disciplinary Hearing.</p>

### 2.3 Disciplinary Hearing Process

Under section 47(1) of the *Police Act*, a police officer appointed to conduct a hearing has the same power as the Court of Queen's Bench for the trial of civil actions. In cases referred to a hearing by the Chief of Police, the Hearing Officer is considered the tribunal of first instance. The Hearing Officer hears evidence and submissions relating to alleged breaches of the *Police Act* or *Police Service Regulation*. If, on a balance of probabilities, the allegations are proven, the Hearing Officer has the ability to impose penalties up to and including dismissal from the police service. Penalties levied in Alberta have included reprimands, suspensions without pay, and

dismissal. More details on the penalties applied by the EPS can be found in section 4.5 of this report.

## 2.4 Civilian Oversight of PSB

The actions and activities of police commissions and police services in Alberta are governed by the Alberta *Police Act* (R.S.A. 2000, Chapter P-17). Standards of service and conduct expected of sworn members of the province's police services are described in the *Police Service Regulation* (PSR).<sup>1</sup> Where a police commission is established, the *Police Act* requires the commission to maintain oversight of the public complaints made against the police service and its members.

### 2.4.1 Edmonton Police Commission

The Edmonton Police Commission (EPC) maintains oversight of the public complaint process as it relates to the EPS. The EPC is committed to:<sup>2</sup>

1. Promoting a complaints process that is fair, equitable, and transparent for all parties to the complaint;
2. Monitoring the complaints process; and
3. Receiving complaints, including third-party and anonymous complaints, and addressing the complaints or directing them to the Chief of Police as laid out in section 43(1)(2) of the *Police Act*.

The EPC has appointed a Public Complaints Director who is responsible for managing these commitments.

When the complaint relates to the policies or services of the EPS, the initial responsibility for investigating the complaint rests with the Chief. If the complainant disagrees with any decision made, they have the right to appeal that decision to the EPC.<sup>3</sup>

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<sup>1</sup> The sworn members of the Royal Canadian Mounted Police are subject to the provisions of the *RCMP Act* rather than the Alberta *Police Act*.

<sup>2</sup> Edmonton Police Commission, *Public Complaints Director*, <http://www.edmontonpolicecommission.com/content.php?typeID=2&pageID=17&tertID=9> (accessed 26 February 2013).

<sup>3</sup> Alberta *Police Act* (R.S.A. 2000, Chapter P-17), s. 44(3).

Upon receiving an appeal, the Public Complaints Director provides the Commission with a description of the appeal, any relevant information provided by any of the parties, and the relevant case law. The Commission may then choose to make a decision on the appeal based on the submissions made by the parties, or it may conduct hearings as it sees fit to determine the appropriate outcome.

If the complaint relates to the Chief of Police, the Commission will assume responsibility for the investigation process. This could include requesting support from other provincial policing agencies to ensure that an impartial investigation is conducted.

Depending on the type of complaint, and particularly where the complaint relates to the conduct of a police officer, the parties may also be able to file an appeal through the Law Enforcement Review Board.

#### **2.4.2 Law Enforcement Review Board**

The Law Enforcement Review Board (LERB) is an independent quasi-judicial body established under section 9 of the *Police Act*. The Board consists of private citizens appointed by the Lieutenant Governor and operates under the authority of the Solicitor General. The members represent a broad range of experience in the community, and the Board chair is required to be an active member of the Alberta Law Society.

The principal activity of the Board is to hear appeals from both citizens and police officers separate and apart from the police service involved. The principal objective of the Board is to provide independent and impartial review. At the request of the Minister, the Board may also investigate any matter relating to policing. Once the Board has made a decision about an appeal, the decision is binding. The only further avenue of appeal is with leave to the Court of Appeal, and an appeal is permitted only if the Board made a legal error in its decision.

### **3. Professional Standards Files Generated in 2012**

During 2012, the EPS dispatched officers to 140,875 calls for service. As a result of these calls, along with a multitude of other interactions with the community, 1,074 inquiries were made to PSB regarding the service or conduct of the organization or its members during 2012. Additionally, of files opened in 2012, 215 (20%) were classified as complaints under the criteria provided in the *Police Act*. The remaining 859 (80%) files were classified as informal Citizen Contacts or EPS Matter files. The following table provides some context for these numbers.

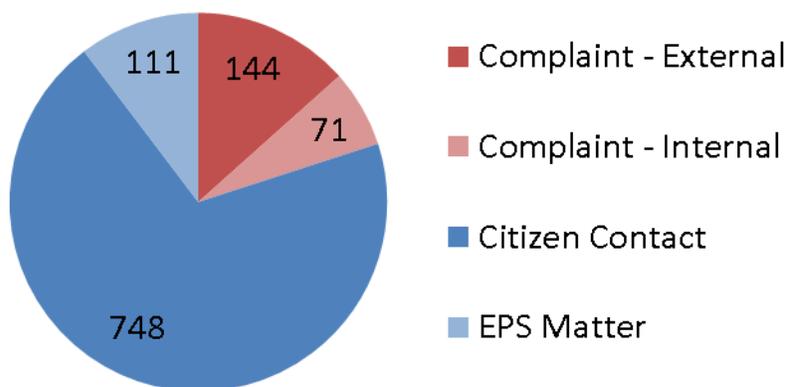
**Table 2: Five-Year Comparison of File Rates as a Function of Dispatched Calls for Service**

	2008	2009	2010	2011	2012
Dispatched calls	141,514	136,791	134,749	135,698	140,875
Total PSB files opened	997	1,055	1,057	1,006	1,074
Rate per 10,000 dispatched calls	70	77	78	74	76
PSB Complaints opened	235	275	240	215	215
Rate per 10,000 dispatched calls	17	20	18	16	15

As was the case in 2010 and 2011, less than 0.2% of all calls for service dispatched to first responders in 2012 resulted in a formal complaint being made. It is important to remember that many more contacts occur between police members and the community than are captured as the initial response to a call for service. As such, if the complaint rate is considered to be a function of all interactions (recorded and non-recorded), the rate of formal complaints is likely much lower than 0.2%.

Comparing the number of files generated over the last five years, a relatively steady relationship between the number of calls for service and the number of files opened is observed. In contrast, the rate of complaints per 10,000 dispatched calls has shown a slight decreasing trend since 2009.

Of the 1,074 files opened by PSB in 2012, 892 related to concerns raised by members of the public. The remaining 182 concerns (17%) were internally generated concerns. The following figure shows the number and type of files received during the 2012. Blue colours represent informal files and red colours represent formal investigations. Lighter shades indicate internally generated files and darker shades indicate externally generated files.

**Figure 2: Distribution of PSB File Types During 2012**

Comparing the distribution of PSB files over the previous three years (Table 3, below), the number of public complaints (i.e., Complaint – External) decreased steadily both in the overall number of complaints and as a percentage of total files.

**Table 3: Categorization of Files, 2010–2012**

Type of File <sup>4</sup>	Number of Files Opened During 2010		Number of Files Opened During 2011 <sup>5</sup>		Number of Files Opened During 2012	
Complaint – External	201	19%	176	17%	144	13%
Complaint – Internal	39	4%	39	4%	71	6%
<i>Statutory Complaint</i> <sup>6</sup>	17	2%	26	3%	27	2%
Citizen Contact	713	66%	678	66%	748	68%
EPS Matter	104	10%	113	11%	111	10%
<b>Total</b>	<b>1,057</b>		<b>1,006</b>		<b>1,074</b>	

The 2012 Edmonton Police Service Annual Policing Plan committed to reducing the number of public complaints by 5% over the numbers seen in 2011. This goal was exceeded: the EPS achieved an over 18% decrease in public complaints (down from 176 in 2011 to 144 in 2012). Overall, although formal public complaints decreased, the total number of publicly generated PSB files (including both formal complaints and informal Citizen Contact files) increased slightly (4%) from 854 in 2011 to 892 in 2012. The decrease in formal public complaints may be due in part to a more thorough intake process, during which complainants are contacted to determine their intent of contact (i.e., whether they intend to make a formal complaint or intend to convey an informal concern).

### 3.1 Formal Complaints Received by PSB in 2012

As seen in Figure 3, below, publicly generated complaints (blue line) have shown a decreasing trend since 2008. In 2008, PSB received, on average, 16 public complaints per month; in 2012, this decreased to 12 complaints per month, on average. The number of public complaints

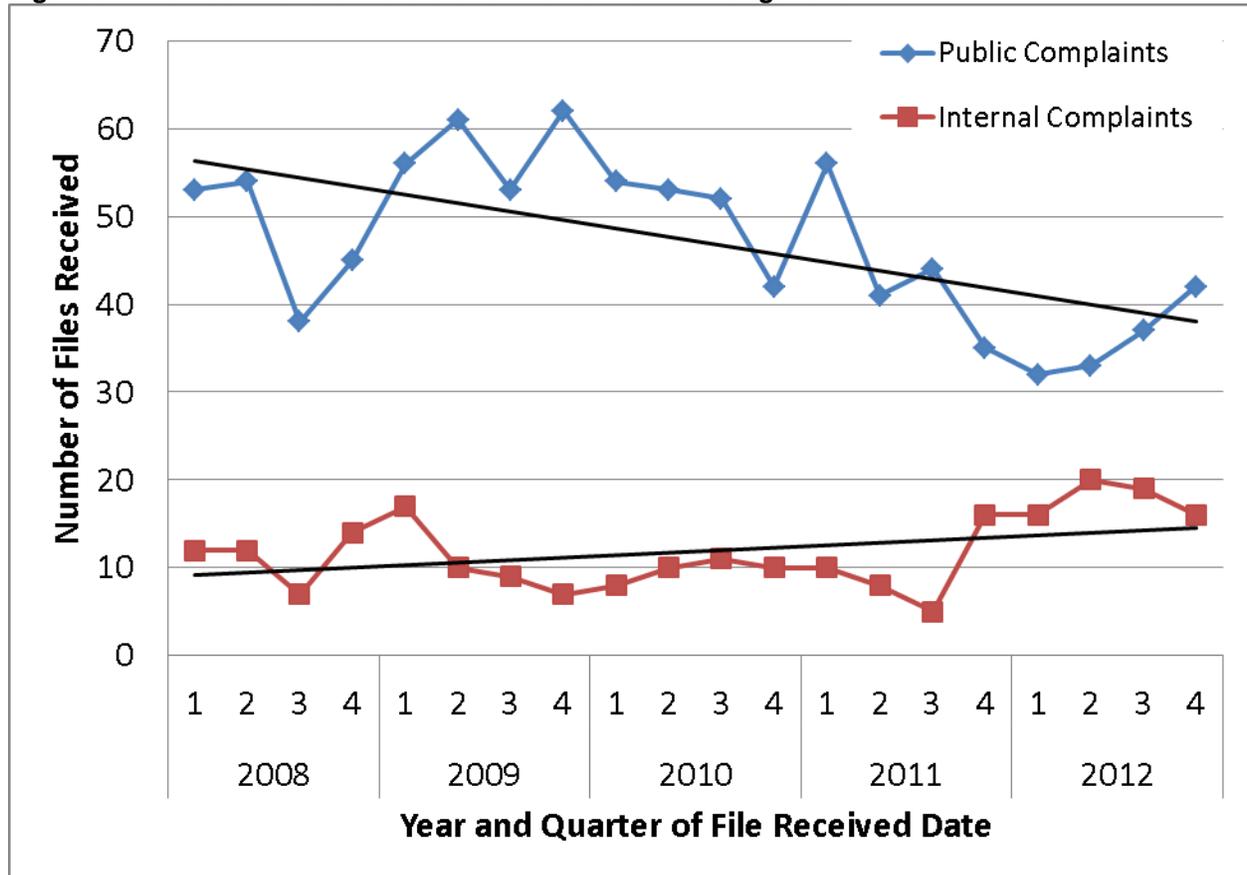
<sup>4</sup> The file classifications from previous years have been updated to the current terminology.

<sup>5</sup> The numbers reported here are slightly different from those reported in the same table in the 2010 and 2011 PSB annual reports. This difference is caused by changes in classification as the files continued to be investigated.

<sup>6</sup> “Statutory Complaints” represent a duplication of “Complaint” files (i.e., all files classified as a “Statutory Complaint” have a corresponding “Complaint” for the allegations of misconduct under the *Police Service Regulation*). For this reason, the number of active “Statutory Complaints” is not represented in the sum total.

received saw a slight increase over the last two quarters of 2012 but remained among the lowest rates seen in the last five years. In contrast to the decrease in public complaints, the number of internally generated complaints (red line) increased from 39 complaints in 2011 to 71 complaints in 2012.

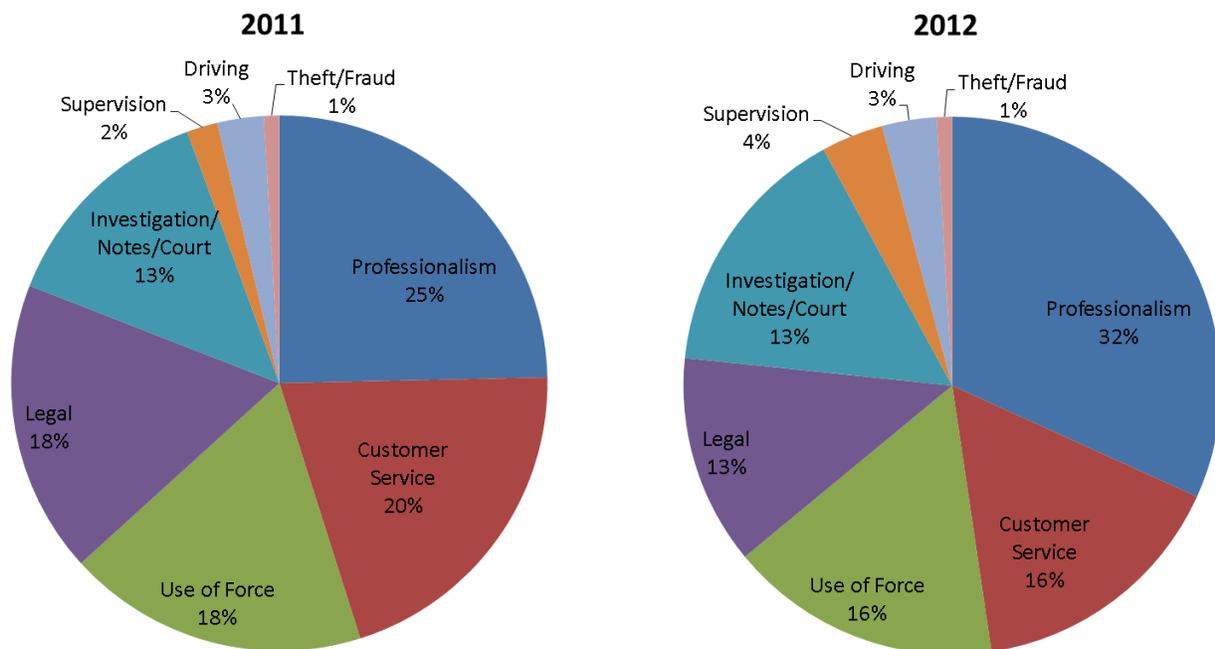
**Figure 3: Five-Year Trend of Public and Internal PSB Investigations**



Internally generated complaints showed an initial rise beginning in the fourth quarter of 2011 and remained fairly steady since that point. This increase corresponds with an increased focus on internal accountability.

**3.1.1 Causes of Complaints Received in 2012**

For each file received, PSB classifies the file in order to capture data about the specific causes of concerns. This process is intended to assist the organization in better identifying the trends of behaviour or conduct that contribute to concerns and complaints. Figure 4, below, shows the principal causes of complaints in 2011 and 2012.

**Figure 4: Principal Causes of Formal Complaints in 2011 and 2012**

The professionalism of officers remained the highest cause for complaints in 2012. This includes complaints about rudeness, deceit, and insubordination. Complaints about customer service (including dissatisfaction with tickets or charges, lack of police response, or inappropriate police responses) and use of force decreased in 2012.

### 3.2 Statutory Complaints Initiated During 2012

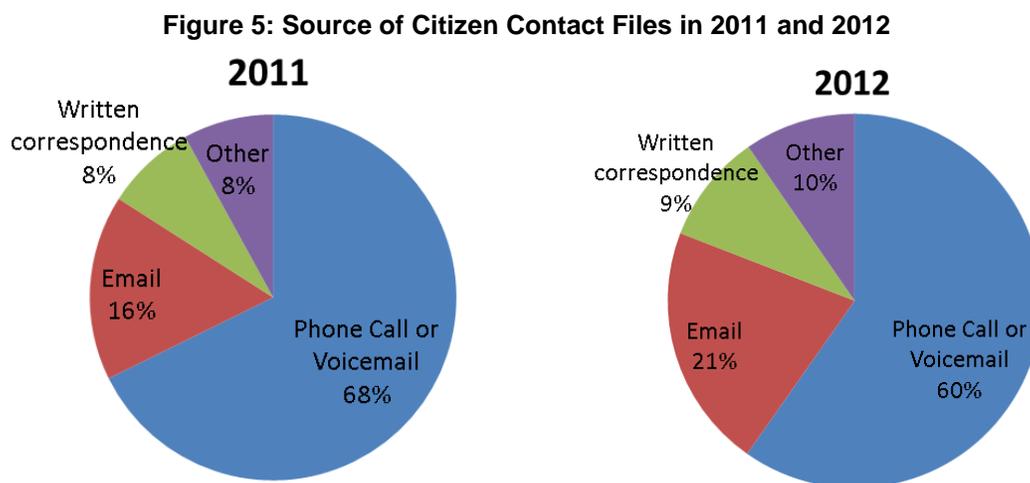
Criminal investigations, labeled as “Statutory Complaints,” are dealt with separately from *Police Act* complaints; that is, a single incident could result in the creation of both a Complaint (dealing with misconduct as defined by the *Police Service Regulation*) and a Statutory Complaint (dealing with criminal allegations). Thus, the number of Statutory Complaints should not be considered as additional to the number of Complaints, but rather as a duplication of a subset of the Complaints. Statutory Complaints are initiated once the Chief of Police directs that a criminal investigation be conducted. This may occur initially when the complaint is received or after some preliminary investigative work has been conducted on an associated PSR Complaint. In 2012, 34 criminal investigations were directed regarding the conduct of officers. Of those, 10 investigations were related to complaints that were received during 2011 and the remaining 24 were related to complaints received during 2012.

### 3.3 Informal Files Received by PSB in 2012

As shown in Table 3, above, the number of informal files increased from 791 files in 2011 to 859 files in 2012. However, the proportional increase in informal files is fairly small; that is, informal files accounted for 78.6% of PSB's total files in 2011 and 80.0% of PSB's total files in 2012.

#### 3.3.1 How Are Informal Files Received?

The figure below shows the media through which informal files were received from the public in 2011 and 2012.



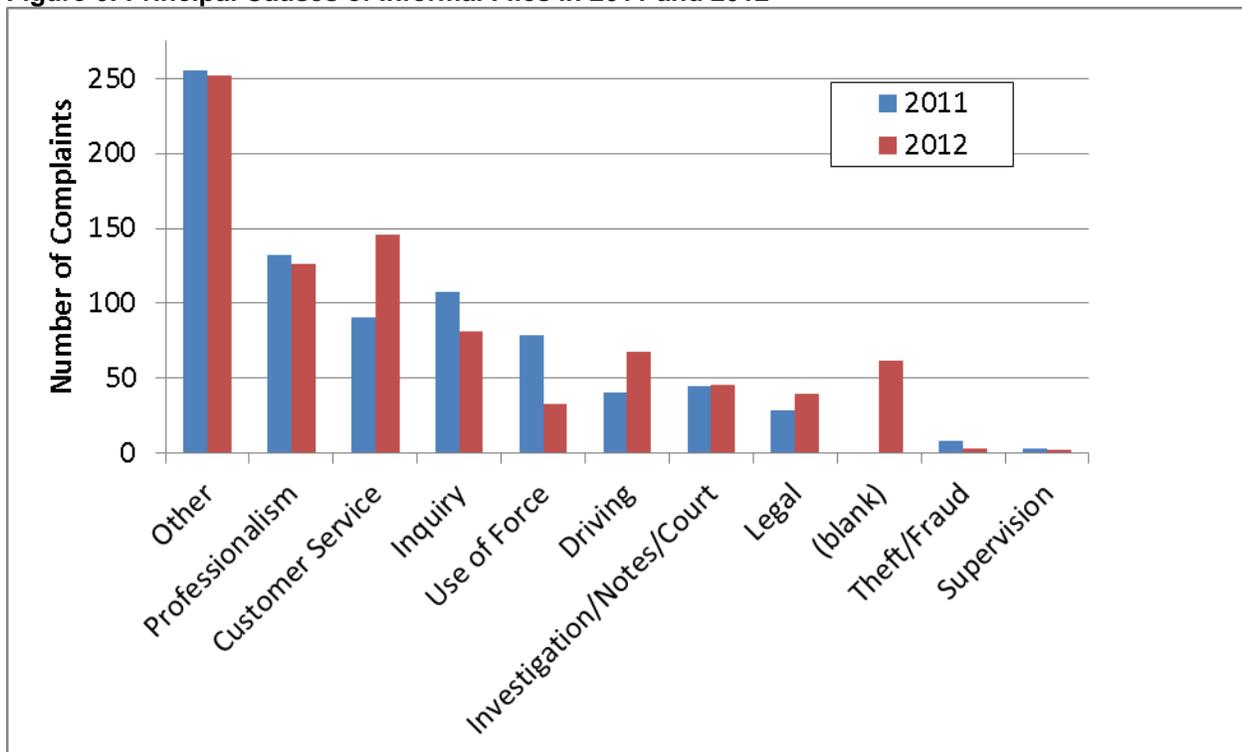
The number of concerns and inquiries received verbally (i.e., through phone calls) has decreased, whereas the number of files received in written formats (i.e., email, mailed correspondence, and faxes) has increased. The most likely explanation for this increase is that the adoption of the ADR program and increased contact with the complainant allows PSB to start from a position of dealing with concerns informally rather than approaching ADR only later in the complaint process. In other words, a thorough intake process, during which complainants are contacted to determine their intent of contact (i.e., whether they intend to make a formal complaint or intend to convey an informal concern), has allowed PSB to more accurately assess the intent of written correspondence and deal with files informally.

#### 3.3.2 Types of Informal Files Received in 2012

Informal concerns and inquiries are often more difficult to classify than formal complaints in terms of the primary cause of contact. As seen in Figure 6, below, the majority of informal files receive a primary classification of "Other," which includes contacts wherein a citizen expresses

their comments or opinion for information purposes only, risk management files that are used for internal tracking, and files where PSB is unable to make contact with a complainant to determine their intent.

**Figure 6: Principal Causes of Informal Files in 2011 and 2012**



The majority of informal concerns and inquiries (excluding those classified as “Other”) are primarily about officer professionalism (including rudeness, harassment, swearing, and lack of empathy) and customer service (including refusal to lay charges, lack of police response, inappropriate police response, and communication).

### 3.4 Distribution of PSB Files

In order to develop effective intervention and prevention strategies that best assist members in avoiding conduct that could lead to concerns or complaints, it is important for the EPS to analyze which groups are most likely to be the subject of a PSB file.

Community Policing Bureau (CPB) officers provide the first-line response to the majority of calls for service. As such, the number of interactions they have with the public tends to be higher than those officers employed within other areas of the service. Files that are not generated within the CPB divisions are typically generated by the specialized units within the Specialized

Community Support Bureau (SCSB) that have a high level of interaction with the public. These include areas within Operational Support Division such as Traffic Section, Canine/Flight Operations Section, Tactical Section, and Police Dispatch 911 Section. The “Other” row in Table 4, below, refers to files generated by areas such as PSB, the Office of Strategy Management, Recruits, and the Chief of Police.

There are some files that cannot be defined as having been generated by any particular division or area; these can include files where the complaint is about policy or services provided by the EPS generally, and many Citizen Contact files. The majority of “unspecified” Citizen Contact files (59%) are classified in either the “Other” category, which includes sub-categories such as “Unresponsive Complainant” and “Comments/Opinion,” or the “Inquiry” category.

**Table 4: Distribution of PSB Files Across Bureaus and Divisions**

	Complaint	Citizen Contact	EPS Matter	Disp Calls
<b>Community Policing Bureau</b>				
Downtown	33	83	15	39,777
Northeast	34	66	8	34,965
Southeast	19	49	4	23,628
Southwest	26	54	7	30,121
West	29	85	14	27,383
<b>CPB Total Files</b>	<b>141</b>	<b>337</b>	<b>48</b>	
<b>Specialized Community Support Bureau</b>				
Criminal Investigations	8	9	3	
Operational Support	22	67	13	
Spec Investigation	13	26	7	
<b>SCSB Total Files</b>	<b>43</b>	<b>102</b>	<b>23</b>	
<b>Corporate Services Bureau</b>				
Human Resources Div	3	1	1	
Informatics Div	0	0	1	
Supply Services	0	4	0	
<b>CBS Total Files</b>	<b>3</b>	<b>5</b>	<b>2</b>	
<b>Other/Unspecified</b>	<b>28</b>	<b>304</b>	<b>38</b>	
<b>Grand Total</b>	<b>215</b>	<b>748</b>	<b>111</b>	

## 4. Professional Standards Files Concluded in 2012

During 2012, PSB concluded 893 files. This included the resolution of 715 files opened during 2012, with the remainder of the files (178) being from previous years.<sup>7</sup> The *Police Act* requires that complaints are investigated promptly and thoroughly. Fairness to all parties requires that these complaints also be investigated in as timely a fashion as possible. This ensures that the best evidence is available and allows people to move on with their lives and careers without undue pressure or stress associated with a drawn-out investigative process.

### 4.1 Resolution of Formal Complaints

In 2012, there was an increase in the number of sustained complaints. As seen in Table 5, below, 8 complaints in 2012 resulted in sustained dispositions from disciplinary hearings, up from 4 complaints in 2011. A further 16 complaints were deemed as minor contraventions, up from 11 complaints in 2011.

**Table 5: Disposition of Complaints Concluded by PSB During 2012**

	2011	2012
<b>Formal Resolutions</b>		
Reasonable Prospect - Proven	4	8
Reasonable Prospect - Not Proven	4	3
No Reasonable Prospect	58	59
Minor Contravention	11	16
Dismissed/Withdrawn	35	33
<b>Informal Resolutions</b>		
Supervisory Review	58	29
Resolved through PSB	29	12
Mediation	0	1

A total of 161 formal complaints were concluded during 2012. Those files contained a total of 598 allegations of misconduct by police officers and 12 allegations regarding the policies or services provided by the EPS. Those allegations and their outcomes are detailed in Table 6, below.

<sup>7</sup> As of February 27, 2013, PSB has concluded 881 of the 1,074 files received during 2012.

**Table 6: Outcome of Allegations Concluded During 2012**

<b>Disciplinary Hearings</b>			
	Sustained	Not Sustained	Total
Deceit	3	3	6
Discreditable Conduct	14	2	16
Insubordination	5	3	8
Neglect of Duty	0	1	1
Unlawful/Unnecessary Exercise of Authority	2	2	4
<b><i>Disciplinary Hearing Total</i></b>	<b>24</b>	<b>11</b>	<b>35</b>
<b>Minor Contraventions and Informal Resolutions</b>			
	Minor Contravention	Informal Resolution	Total
Breach of Confidence	0	1	1
Deceit	0	1	1
Discreditable Conduct	6	30	36
Insubordination	8	8	16
Neglect of Duty	4	13	17
Unlawful/Unnecessary Exercise of Authority	7	21	28
Deficient Policy or Services (s. 44 PA)	1	2	3
<b><i>Minor Contravention / Informal Total</i></b>	<b>26</b>	<b>76</b>	<b>102</b>
<b>Not Sustained, Dismissed, or Withdrawn</b>			
	Not Sustained	Dismissed / Withdrawn	Total
Breach of Confidence	8	1	9
Corrupt Practice	4	8	12
Deceit	21	15	36
Discreditable Conduct	110	21	131
Improper Use of Firearm	2	1	3
Insubordination	16	11	27
Neglect of Duty	80	8	88
Unlawful/Unnecessary Exercise of Authority	116	38	154
Deficient Policy or Services (s. 44 PA)	9	0	9
<b><i>Not Sustained, Dismissed, Withdrawn Total</i></b>	<b>366</b>	<b>103</b>	<b>469</b>

Because every PSB file contains different information and different allegations, it is difficult to accurately forecast how long each file will take to investigate. However, it is possible to obtain a general range for a particular type of file by analyzing past performance with similar file types. In order to provide a more accurate comparison of the amount of time it takes to complete an investigation, PSB classifies complaints according to the severity of the allegations, where "A" is

the most severe. The following table shows the time taken in months by PSB to conclude each file type during 2012.

**Table 7: Time Taken to Conclude PSB Complaints by Severity of Allegations**

Severity of Allegations	Number of Files Concluded	Median Time (months) to Complete
A	28	14
B	54	16
C	24	10
Unidentified	55	4
<b>Total</b>	<b>160</b>	<b>10</b>

The majority of files in the “Unidentified” row (58%) were concluded informally, indicating that the allegations were not of a severe nature.

## 4.2 Resolution of Statutory Complaints

During 2012, PSB concluded 24 criminal investigations. Criminal charges were laid in 4 of the 24 investigations. The 24 criminal investigations included a total of 60 criminal allegations. Of those, four allegations resulted in convictions, one was concluded via a peace bond, one is pending trial, and the remaining allegations did not result in charges being laid. Table 8, below, details the criminal allegations and their outcomes.

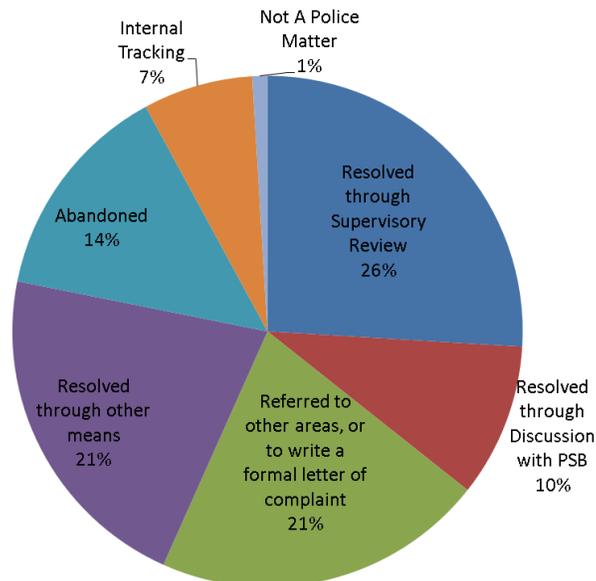
**Table 8: Outcome of Criminal Allegations Concluded During 2012**

Allegation	Total # of Allegations	Not Charged	Conviction	Other Outcomes
Assault Causing Bodily Harm, Assault with Weapon, Assault (CCC 266, 267)	24	21	2	1 – Concluded via Peace Bond
Break and Enter (CCC 348)	4	4	0	
Forcible Confinement (CCC 279)	7	7	0	
Fraud (CCC 380)	2	1	1	
Impaired Driving (CCC 253)	1	1	0	
Indecent Act (CCC 173)	2	2	0	
Mischief (CCC 430)	1	1	0	
Obstruction of Justice (CCC 139)	11	10	0	1 – Pending Trial
Perjury (CCC 131)	3	3	0	
Sexual Assault (CCC 271)	1	1	0	
Theft (CCC 322)	1	0	1	
Utter Threats (CCC 264.1)	3	3	0	

### 4.3 Resolution of Informal Files

In 2012, PSB resolved 732 informal concerns or inquiries. On average, files were resolved in less than two months. The breakdown of the resolutions is shown in Figure 7, below.

**Figure 7: Resolutions of Informal Concerns and Inquiries During 2012**



### 4.4 Complaints Directed to Disciplinary Hearings in 2012

In 2012, a total of 20 complaints were directed to disciplinary hearings. Of those 20, 18 were directed to hearing by the Chief of Police. The remaining two were directed to hearing after an appeal to the LERB. In three of those cases, there was a loss of jurisdiction due to the officer resigning or retiring before the hearing took place. Six of the hearings have already been completed, while the remaining 11 are still pending.

### 4.5 Discipline Ordered During 2012

Eleven complaints were concluded through disciplinary hearing during 2012. One additional complaint has been partially concluded through a disciplinary hearing during 2012; one officer underwent a hearing and has been disciplined, but the complaint is outstanding pending the hearing of another involved officer. Three officers were dismissed from the service as a result of their misconduct.<sup>8</sup>

<sup>8</sup> In one case, although the disciplinary hearing was concluded in 2012, the dismissal was not issued until 2013.

**Table 9: Discipline Resulting from Disciplinary Hearings Concluded During 2012**

<b>Allegation</b>	<b>Total # of Allegations</b>	<b>Not Sustained</b>	<b>Sustained</b>	<b>Penalties Applied</b>
Deceit	6	3	3	Dismissal* Reduction of Rank*
Discreditable Conduct	17	3	14	Dismissal Dismissal* Reprimand Suspension without Pay (avg. 22 hours)
Insubordination	7	2	5	Dismissal* Reduction of Rank* Suspension without Pay (avg. 20 hours)
Neglect of Duty	1	1	0	
Unlawful / Unnecessary Exercise of Authority	4	2	2	Suspension without Pay (avg. 40 hours)

\* *Penalty was applied as a global penalty for multiple allegations.*

Sixteen complaints were concluded as minor contraventions, with discipline applied as per section 19 of the *Police Service Regulation*. Portions of two other complaints were settled as minor contraventions; one complaint is still outstanding pending the disciplinary hearing of another involved officer, and the other complaint was ultimately at a disciplinary hearing for other allegations.

**Table 10: Discipline Resulting from Minor Contraventions During 2012**

<b>Allegation</b>	<b>Total # of Allegations</b>	<b>Penalties Applied</b>
Discreditable Conduct	6	Suspension without Pay (avg. 18 hours) Official Warning Remedial Training Counselling
Insubordination	8	Suspension without Pay (avg. 16 hours) Official Warning
Neglect of Duty	4	Suspension without Pay (avg. 26 hours) Official Warning
Unlawful / Unnecessary Exercise of Authority	7	Suspension without Pay (avg. 15 hours) Forfeiture of OT hours (avg. 10 hours)
Failure to Provide Adequate Services or Policy (s. 44 PA)	1	Policy amended

## 5. Compliments

Along with ensuring that the highest standards of professionalism and conduct are maintained by EPS members, PSB also receives a number of compliments on the performance of organizational members. In 2012, PSB opened 296 compliment files from members of the community. This is 81 more compliments than the 215 formal complaints investigated over the same period.

These compliments were received by 339 members, with 61 members receiving multiple compliments over the course of the year. Passing on these compliments to the hard-working members of the EPS allows PSB and command teams to reinforce positive behaviours and conduct. It also serves to remind members that the citizens of Edmonton appreciate the efforts being made on their behalf. The following table describes the distribution of citizen-generated compliments.

**Table 11: Compliments Received by the EPS During 2012**

	Number of Compliments	Total Involved Officers
<b>Community Policing Bureau</b>		
Downtown	41	63
Northeast	29	55
Southeast	31	48
Southwest	36	53
West	25	61
<b>CPB Total Files</b>	<b>162</b>	<b>280</b>
<b>Spec Community Support Bureau</b>		
Criminal Investigations	10	26
Operational Support	22	38
Spec Investigation	31	47
<b>SCSB Total Files</b>	<b>63</b>	<b>111</b>
<b>Corporate Services Bureau</b>		
Human Resources Division	3	8
<b>CSB Total Files</b>	<b>3</b>	<b>8</b>
<b>Other/Unspecified</b>	<b>24</b>	<b>32</b>
<b>EPS (General)</b>	<b>44</b>	
<b>Grand Total</b>	<b>296</b>	<b>475</b>