



# Edmonton Police Service

*Committed to Policing Excellence*



## Professional Standards Branch 2015 Annual Report

February 2016

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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>
ISB	Investigative Support Bureau



### **Professional Standards Branch Values:**

*Truth, Integrity, Courage, Honour*

## **Introduction from Professional Standards Branch**

2015 was a significant year for the Professional Standards Branch and the Edmonton Police Service. PSB concluded a record number of complaints and informal concerns in 2015. This was due in a large part to the efficiency of Investigations and restructuring of the Intake Section. Previous bottlenecks of files awaiting review/disposition at the Investigative Manager and Inspector levels resolved. PSB created a sergeant position in the Intake Section which has created efficiencies.

The EPS saw a significant decrease in the number of publicly generated complaints against EPS officers in 2015. Formal complaints made by members of the public decreased by 20% as compared to 2014. Overall, public contacts to PSB, including both formal complaints and informal concerns, decreased by 3%.

Although public complaints were at a 5-year low, PSB faced a challenge with a high volume of internally generated complaints; specifically, a large number of complaints were opened after the results of an ASIRT investigation were disclosed to PSB, indicating that a number of EPS officers may have used and/or trafficked steroids. In total, 56 PSB files were created as a result of the ASIRT investigation, including 51 formal complaints, 3 internal concerns and 2 informal citizen concerns. The majority of these files (53 of the 56 files) have been concluded by PSB. 13 of the complaints resulted in discipline to EPS members, ranging from Reprimands to Reduction in Rank.

The goal for 2016 is to maintain or increase the current pace of investigating and concluding files. The ultimate goal is to complete 75% of formal complaints within 6 months of receiving the complaint.

## Executive Summary

The Professional Standards Branch of the Edmonton Police Service is responsible for investigating all complaints regarding the conduct of sworn members of the EPS, with the exception of the Chief of Police, and for complaints regarding the policies and services provided by the EPS.

In 2015, Professional Standards Branch opened 1160 files. The 1160 files was comprised of 260 formal complaints and 900 concerns brought forward for resolution outside the formal complaint process. Of the 260 formal complaints, 147 were made by citizens outside the EPS and 113 were made by members internal to EPS (as compared to 184 public complaints and 64 internal complaints received in 2014).

Although the 260 complaints represent a 5% increase in formal complaints as compared to 2014, the number of publicly generated formal complaints decreased by 20%. Moreover, the increase in internally generated complaints was largely due to a high volume of complaints generated in response to an ASIRT investigation regarding EPS officers using and/or trafficking in a controlled substance (i.e. use and/or trafficking of steroids); a total of 51 internal complaints were opened to investigate and track the allegations against any officer that may have purchased, used or trafficked in a controlled substance.

During 2015, PSB concluded 1397 files, marking a 10-year high in the number of concluded files. This included the completion of 317 formal complaints, 1058 informal concerns and 22 statutory complaints (criminal investigations).

PSB continues to work to resolve matters through informal resolution processes where possible as this has proven to be an effective way to satisfy the concerns of the public and meet the needs of our officers. Informal resolution takes many forms including supervisor reviews, facilitated discussions and formal mediations. In 2015, the Alternative Dispute Resolution initiative was responsible for completing 9 mediations and 6 facilitated discussions. In addition, 22 formal complaints were successfully concluded by supervisory review and 2 complaints were successfully resolved through informal discussion with PSB members. PSB will continue to focus on the informal resolution process.

2015 marked a change for the Community Policing Bureau as the Division boundaries were redrawn to include a sixth division. The launch of Northwest Division was in response to three factors: the growing size of the city, an imbalance in the workloads currently facing each Division, and the increased spans of control that supervisors in patrol divisions are dealing with. The number of dispatched calls across the six divisions was fairly even. Downtown Division received a higher number of complaints and concerns than other CPB Divisions; however, Downtown Division members also received the highest number of compliments for the CPB. Thus, the higher numbers likely reflect a high number of interactions with the community.

Finally, the number of compliments received by the EPS in 2015 totalled 237. The total number of compliments received in 2015 is higher than the number of publicly generated formal complaints received during the same period.

## 1. The EPS and the Community<sup>1</sup>

The EPS		The City of Edmonton	
Employees:	2,387.75	City Population:	877,926
Sworn:	1,692.00	Officers per 1,000 Population:	1.93
Non-sworn:	695.75		

## 2. Professional Standards Files Generated in 2015

PSB uses a number of different classifications for their files. All contacts to PSB generate a “file”. Contacts will then either be classified as a “complaint” if they meet the requirements of the Police Act or a “concern” if they do not meet the requirements of the Act. In this Report, “concerns” are referred to interchangeably as “concerns”, “citizen contacts” or “informal files”. Criminal investigations conducted by PSB are referred to as “Statutory Complaints”. For further explanation please see the Addendum to this Report.

During 2015, the EPS dispatched officers to 164,877 calls for service. As a result of these calls, along with a multitude of other interactions with the community, 1,160 inquiries were made to PSB regarding the service or conduct of the organization or its members during 2015. Additionally, of files opened in 2015, 260 (22%) were classified as complaints under the criteria provided in the *Police Act*. The remaining 900 (78%) files were classified as informal Citizen Contacts or EPS Matter files. The following table provides some context for these numbers.

**Table 1: Five-Year Comparison of File Rates as a Function of Dispatched Calls for Service**

	2011	2012	2013	2014	2015
Dispatched calls	135,050	140,518	147,315	152,002	164,877
Total PSB files opened	1,006	1,075	1,044	1,085	1,160
Rate per 10,000 dispatched calls	75	77	71	71	70
PSB Complaints opened	215	218	216	247	260
Rate per 10,000 dispatched calls	16	16	15	16	16

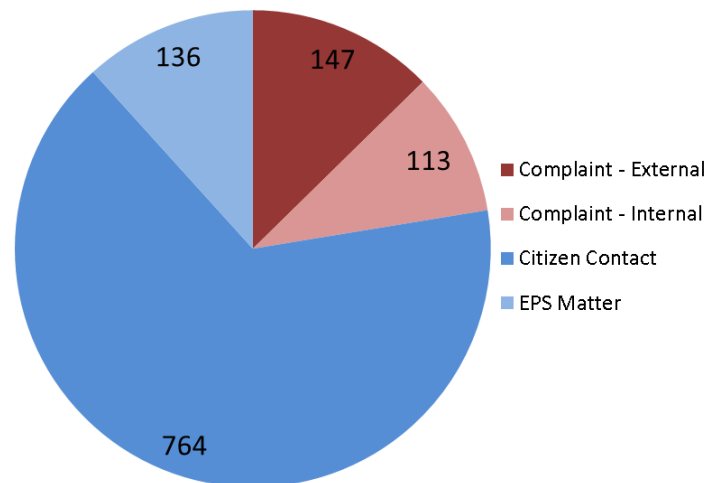
As was the case over the past five years, less than 0.2% of all calls for service dispatched for police response in 2015 resulted in a formal complaint being made. It is important to remember that many more contacts occur between police members and the community than are captured as the initial response 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. Similarly, the rate of complaints per 10,000 dispatched calls has remained steady over the past five years.

<sup>1</sup> EPS ‘Employees’ represents the number of authorized Full Time Employees in 2015. City of Edmonton population based on 2014 Municipal Census.

Of the 1,160 files opened by PSB in 2015, 911 (79%) related to concerns raised by members of the public. The remaining 249 concerns (21%) were internally generated concerns. The following figure shows the number and type of files received during the 2015. 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 1: Distribution of PSB File Types During 2015**



Comparing the distribution of PSB files over the previous three years (Table 2, below), the number of public complaints (i.e., Complaint – External) was exceptionally low in 2015, while the number of internal complaints (i.e., Complaint – Internal) showed a dramatic increase. As compared to 2014, public complainants showed a 20% decrease. In contrast, the increase in internal complaints was largely due to a high volume of complaints generated in response to an ASIRT investigation regarding EPS officers using and/or trafficking steroids; a total of 51 internal complaints were opened to investigate and track the allegations against any officer that may have purchased or used a controlled substance.

**Table 2: Categorization of Files, 2013-2015**

Type of File	Number of Files Received During 2013		Number of Files Received During 2014		Number of Files Received During 2015	
Complaint – External	172	16%	185	17%	147	13%
Complaint – Internal	44	4%	62	6%	113	10%
<i>Statutory Complaint<sup>2</sup></i>	17	2%	19	2%	19	2%
Citizen Contact	723	68%	751	68%	764	66%
EPS Matter	105	10%	87	8%	136	12%
<b>Total</b>	<b>1,044</b>		<b>1,085</b>		<b>1,160</b>	

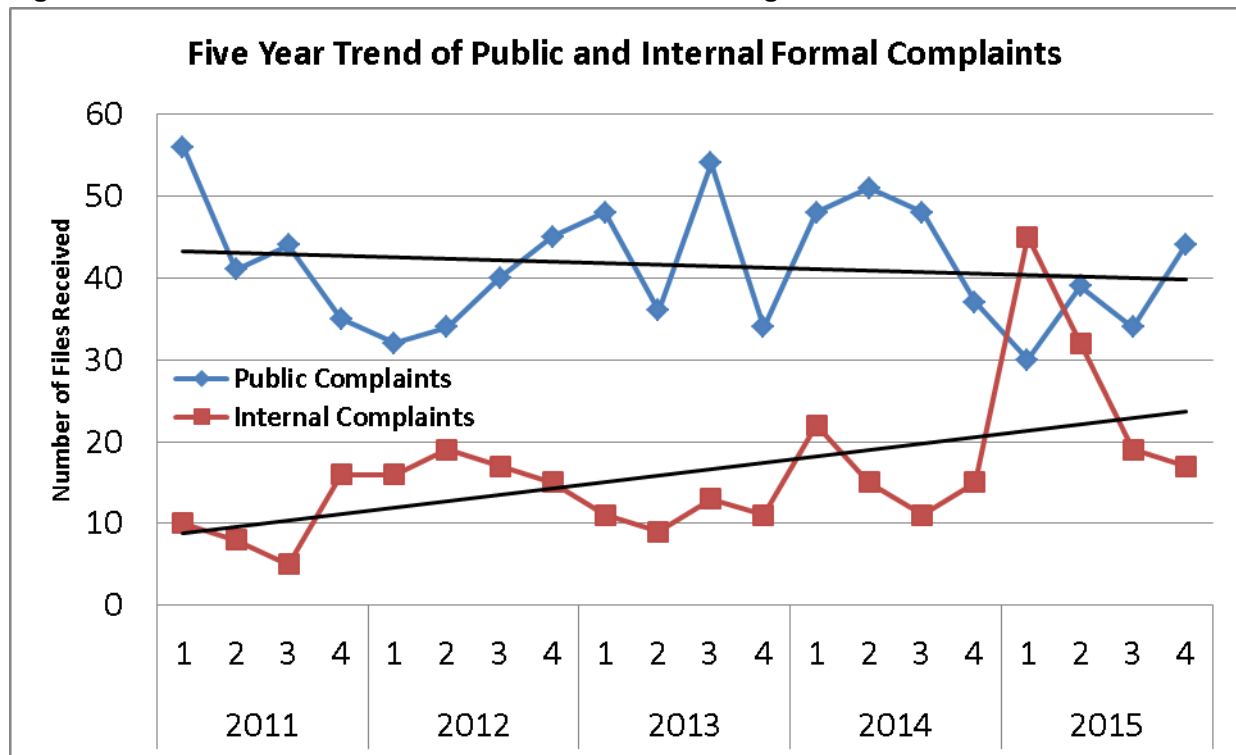
<sup>2</sup> “Statutory Complaints” represent a duplication of “Complaint” files (i.e., all files classified as a “Statutory Complaint” have a corresponding “Complaint – External” or “Complaint – Internal” for allegations of misconduct under the *Police Service Regulation*). For this reason, the number of active “Statutory Complaints” is not represented in the sum total.

## 2.1 Formal Complaints Received by PSB in 2015

As seen in Figure 2, below, publicly generated complaints (blue line) have shown a decreasing trend over the past five years. In 2011 PSB received an average of 44 public complaints per quarter and an average of 10 internal complaints per quarter for the same year. This is in comparison to 2015 wherein PSB received an average of 37 public complaints per quarter and 28 internal complaints per quarter in the same year.

As stated above, the increase in internal complaints is related to the large number of files generated in response to allegations of steroid use and/or trafficking by EPS members. If the complaints related to steroids are excluded from analysis, the number of internally generated complaints is consistent with previous years (i.e. an average of 16 internal complaints per quarter, which is equal to values seen in 2014).

Figure 2: Five-Year Trend of Public and Internal PSB Investigations



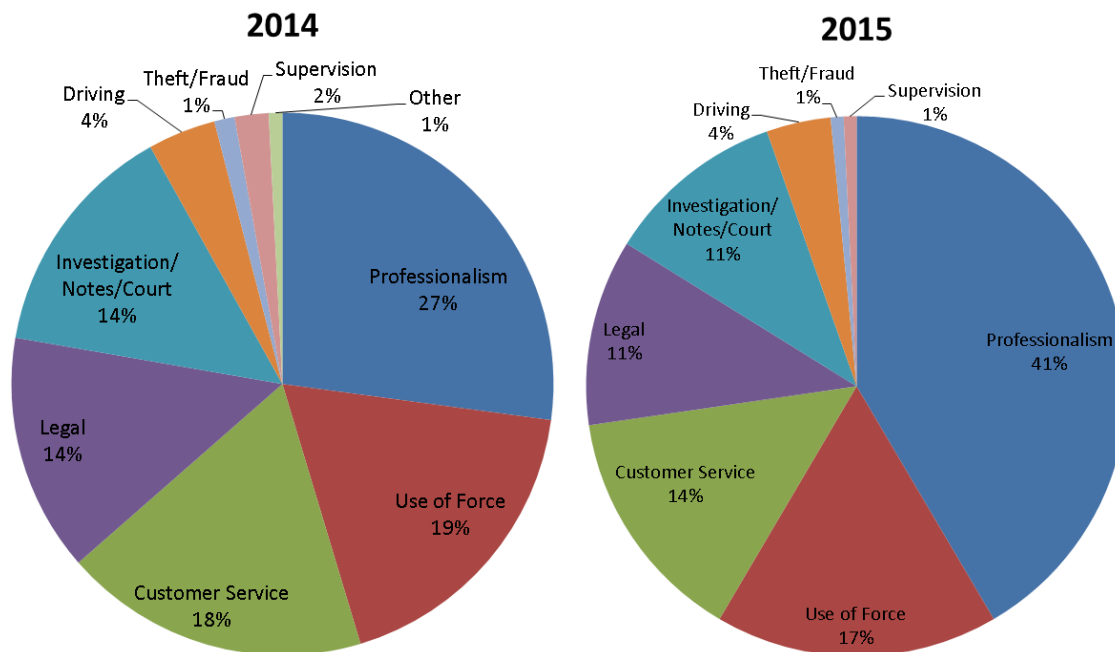
### 2.1.1 Causes of Complaints Received in 2015

For each file received, PSB classifies the file in order to capture data about the specific causes of concern. This process is intended to assist the organization in better identifying the trends of behaviour or conduct that contribute to concerns and complaints. Figure 3, below, shows the principal causes of complaints in 2014 and 2015.



The professionalism of officers remained the highest cause for complaints in 2015. This includes complaints about rudeness and harassment. Additionally, deceit<sup>3</sup> is classified as a complaint of professionalism, as well as the complaints regarding steroid use, which accounts for the increase in the proportion of complaints regarding professionalism in 2015.

**Figure 3: Principal Causes of Formal Complaints in 2014 and 2015**



## 2.2 Statutory Complaints Initiated During 2015

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 2015, 29 criminal investigations were initiated regarding the conduct of officers. Of those, 9 investigations were related to a complaint received during 2014 and the remaining 20 were related to complaints received during 2015.

## 2.3 Informal Files Received by PSB in 2015

As shown in Table 2, above, the number of informal files increased from 838 files in 2014 (including 751 Citizen Contact files and 87 internal EPS Matter files) to 900 files in 2015 (including 764 Citizen Contact files and 136 internal EPS Matter files). However, there was

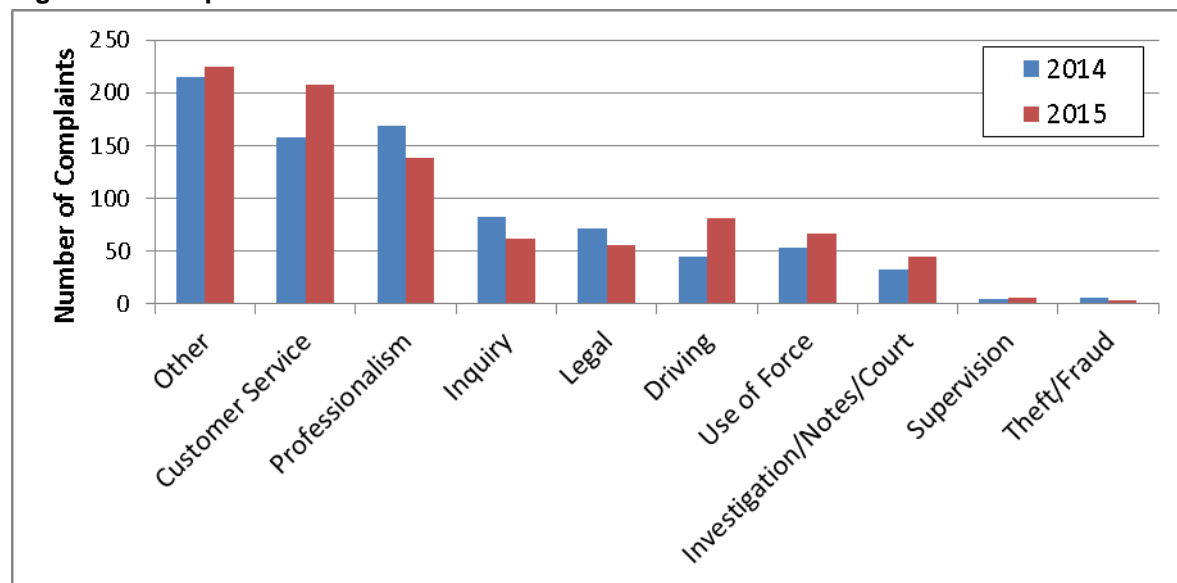
<sup>3</sup> Complaints categorized as ‘deceit’ account for less than 4% of all complaints.

virtually no change in the proportion of informal files; that is, informal files accounted for 77.2% of PSB's total files in 2014 and 77.6% of PSB's total files in 2015.

### 2.3.1 Types of Informal Files Received in 2015

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 4, 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 4: Principal Causes of Informal Files in 2014 and 2015**



The majority of informal concerns and inquiries (excluding those classified as "Other") are primarily about customer service (including decision not to lay charges, lack of police response, inappropriate police response, dissatisfaction with tickets/charges, and communication) and officer professionalism (including rudeness, harassment, swearing, and lack of empathy).

### 2.4 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. 2015 marked a change for the Community Policing Bureau as the Division boundaries were redrawn to include sixth division. The launch of Northwest Division was in response to three factors: the growing size of the city,

an imbalance in the workloads currently facing each Division, and the increased spans of control that supervisors in patrol divisions are dealing with.

Files that are not generated within the CPB divisions are typically generated by the specialized units within the Investigative Support Bureau (ISB) that have a high level of interaction with the public. These include areas within Operational Support Division such as Police Communications Branch, Traffic Services Branch, Canine/Flight Operations Section, and Tactical Section. The “Other” row in Table 3, below, refers to files generated by areas such as Legal and Regulatory Services (including PSB), the Office of Strategy Management, Supernumerary Positions and the Chief of Police<sup>4</sup>.

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. A large portion of Citizen Contact files (40%) are classified in either the “Other” category, which includes sub-categories such as “Unresponsive Complainant” and “Comments/Opinion,” or the “Inquiry” category.

**Table 3: Distribution of PSB Files Across Bureaus and Divisions**

	Complaint	Citizen Contact	EPS Matter	Disp Calls
<b>Community Policing Bureau</b>				
Downtown	45	82	20	27,995
Northeast	21	55	9	29,241
Northwest	20	48	14	27,351
Southeast	16	57	11	25,429
Southwest	24	62	11	28,662
West	26	58	13	26,199
Co-ordinated Policing	8	4	2	
Recruits	1	0	1	
<b>CPB Total Files</b>	<b>161</b>	<b>366</b>	<b>81</b>	<b>164,877</b>
<b>Investigative Support Bureau</b>				
Criminal Investigations	7	15	0	
Operational Support	38	65	11	
Spec Investigation	26	13	8	
<b>ISB Total Files</b>	<b>71</b>	<b>93</b>	<b>19</b>	
<b>Corporate Services Bureau</b>				
Human Resources Div	5	1	6	
Informatics Div	0	0	0	
Supply Services	1	2	2	
<b>CBS Total Files</b>	<b>6</b>	<b>3</b>	<b>8</b>	
<b>Other/Unspecified</b>	<b>22</b>	<b>302</b>	<b>28</b>	
<b>Grand Total</b>	<b>260</b>	<b>764</b>	<b>136</b>	

<sup>4</sup> As per section 46 of the PA, formal complaints regarding the Chief of Police are referred to the EPC; however, PSB may track informal files relating to the Chief of Police or members in the Office of the Chief.

### 3. Professional Standards Files Concluded in 2015

During 2015, PSB concluded 1397 files, a substantial increase from 922 in 2014. This included the resolution of 875 files opened during 2015, with the remainder of the files (522) being from previous years. 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.

#### 3.1 Resolution of Formal Complaints

In 2015, there were several sustained complaints. As seen in Table 4, in the majority of sustained complaints the Chief of Police was of the opinion that the alleged misconduct was not of a serious nature (see section 45(4) of the *Police Act* and s. 19 of the *Police Service Regulation*). These are often referred to as Minor Contraventions.

**Table 4: Disposition of Complaint Files Concluded by PSB During 2013-2015**

	2013	2014	2015
<b>Formal Resolutions</b>			
Reasonable Prospect (at hearing) - Proven	10	11	16
Reasonable Prospect (at hearing) - Not Proven	2	1	3
No Reasonable Prospect	122	85	139
Minor Contravention	29	27	58
Dismissed/Withdrawn*	54	32	62
<b>Informal Resolutions</b>			
Supervisory Review	33	24	22
Resolved through PSB	5	3	2
Mediation or Facilitated Discussion	16	11	15

\*Please Note: Dismissed/Withdrawn can include the following dispositions: Dismissed – 1 year 43(11), Dismissed - Frivolous/Vexatious/Bad Faith s. 43(7), Dismissed – Extension Not Granted, Dismissed – No Hearing PSR 19(1)(a)(i), Dismissed - Loss of Jurisdiction: Member retired/resigned, Withdrawn by Service – No Hearing, Withdrawn by Complainant.

A total of 317 formal complaints (not including Statutory Complaints, which are addressed in section 3.2) were concluded during 2015. Those files contained a total of 1,498 allegations of misconduct by police officers and 37 allegations regarding the policies or services provided by the EPS. Those allegations and their outcomes are detailed in Table 5, below.

**Table 5: Outcome of Allegations Concluded During 2015**

<b>Disciplinary Hearings</b>			
	Sustained	Not Sustained	Total
Breach of Confidence	0	1	1
Deceit	6	3	9
Discreditable Conduct	11	6	17
Insubordination	5	1	6
Neglect of Duty	5	0	5
Unlawful/Unnecessary Exercise of Authority	2	6	8
<b><i>Disciplinary Hearing Total</i></b>	<b>29</b>	<b>17</b>	<b>46</b>
<b>Minor Contraventions and Informal Resolutions</b>			
	Minor Contravention	Informal Resolution	Total
Breach of Confidence	1	5	6
Discreditable Conduct	41	30	71
Insubordination	34	5	39
Neglect of Duty	12	24	36
Unlawful/Unnecessary Exercise of Authority	4	24	28
Deficient Policy or Services (s. 44 PA)	0	5	5
<b><i>Minor Contravention / Informal Total</i></b>	<b>92</b>	<b>93</b>	<b>185</b>
<b>Not Sustained, Dismissed, or Withdrawn</b>			
	Not Sustained	Dismissed / Withdrawn	Total
Breach of Confidence	11	0	11
Corrupt Practice	5	0	5
Deceit	37	8	45
Discreditable Conduct	332	82	414
Insubordination	54	12	66
Neglect of Duty	234	47	281
Unlawful/Unnecessary Exercise of Authority	398	52	450
Deficient Policy or Services (s. 44 PA)	30	2	32
<b><i>Not Sustained, Dismissed, Withdrawn Total</i></b>	<b>1101</b>	<b>203</b>	<b>1304</b>

### 3.2 Resolution of Statutory Complaints

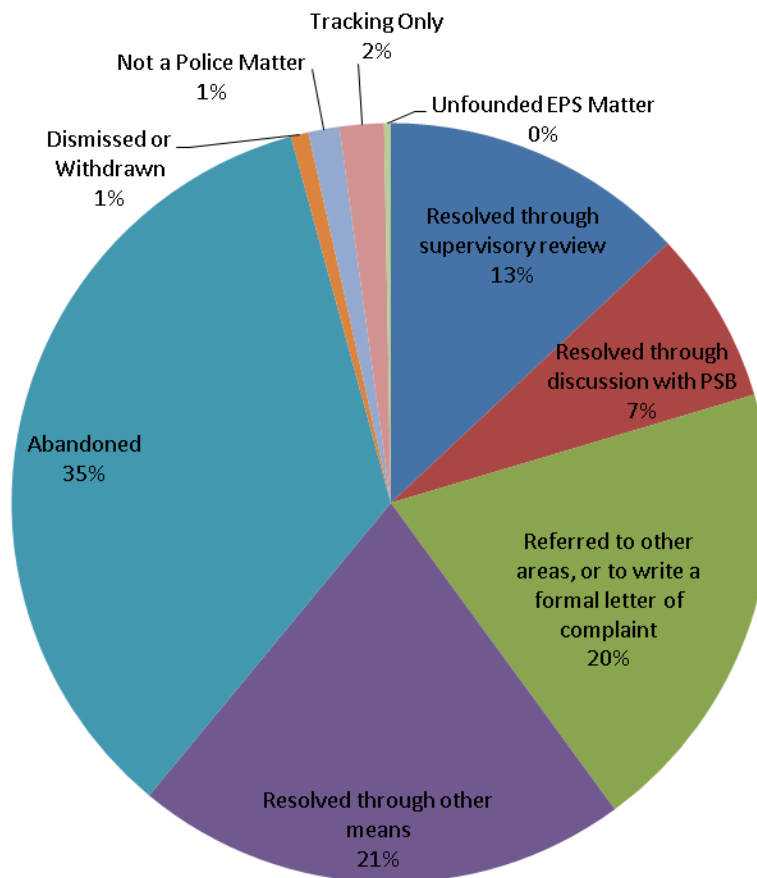
During 2015, PSB concluded 22 criminal investigations. Criminal charges were laid in 5 of the 22 investigations. The 22 criminal investigations included a total of 25 criminal allegations. Table 6, below, details the criminal allegations and their outcomes.

**Table 6: Outcome of Criminal Allegations Concluded During 2015**

Allegation	Total # of Allegations	Not Substantiated	Conviction / Outcome
Assault Causing Bodily Harm, Assault with Weapon, Assault (CCC 266, 267)	13	13	
Dangerous Operation of a MV (CCC 249(1))	1	0	Guilty Plea
Fraud (CCC 380)	1	1	
Obstruction of Justice (CCC 139)	5	5	
Perjury (CCC 131)	1	1	
Trafficking of a Controlled Substance (CDSA 5(1))	4		4 - Pending

### 3.3 Resolution of Informal Files

In 2015, PSB resolved 1059 informal concerns or inquiries. On average, files were resolved in approximately two months. The breakdown of the resolutions is shown in Figure 5, below.

**Figure 5: Resolutions of Informal Concerns and Inquiries During 2014**

### 3.4 Complaints Directed to Disciplinary Hearings in 2015

In 2015, a total of 22 complaints were directed to disciplinary hearings. Of those 22, 20 were directed to hearing by the Chief of Police and the remaining two were directed to hearing after an appeal to the LERB. In one internal complaint, the subject officer agreed to discipline pursuant to section 19(1)(b) of the *Police Service Regulation* prior to the hearing taking place. In another case, there was a loss of jurisdiction due to the officer resigning or retiring before the hearing took place. Of the remaining 20 complaints, 13 have been completed through disciplinary hearings, and seven are still pending.

### 3.5 Discipline Ordered During 2015

Nineteen complaints, including 47 allegations, were concluded through disciplinary hearing during 2015. Five of those allegations were withdrawn at hearing, and are not included in Table 7, below.

**Table 7: Discipline Resulting from Disciplinary Hearings Concluded During 2015**

<b>Allegation</b>	<b>Total # of Allegations</b>	<b>Not Sustained</b>	<b>Sustained</b>	<b>Penalties Applied</b>
Breach of Confidence	1	1	0	
Deceit	9	3	6	Dismissal* Reduction in Rank* Reduction of Seniority*
Discreditable Conduct	16	5	11	Reduction in Rank* Reduction of Seniority* Suspension Without Pay (avg. 38h) Reprimand
Insubordination	6	1	5	Suspension Without Pay (avg. 22h)
Neglect of Duty	5	0	5	Reduction in Seniority* Suspension Without Pay (avg. 50h)
Unlawful or Unnecessary Exercise of Authority	5	3	2	Suspension Without Pay (avg. 25h) Forfeiture of OT hours (avg. 20h)

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

Fifty-eight complaints were concluded as minor contraventions, with discipline applied as per section 19(1) of the *Police Service Regulation*. Additionally, two complaints were recorded as being concluded at disciplinary hearings; however, some of the officers and/or allegations included in the complaint were resolved as minor contraventions. This included 88 allegations against a total of 71 officers.

**Table 8: Discipline Resulting from Minor Contraventions During 2015**

<b>Allegation</b>	<b>Total # of Allegations</b>	<b>Penalties Applied</b>
Breach of Confidence	1	Official Warning
Discreditable Conduct	40	Suspension Without Pay (avg. 23h) Official Warning Reprimand
Insubordination	33	Suspension Without Pay (avg. 27h) Official Warning Reprimand Directed Remedial Training or Supervisory Review
Neglect of Duty	10	Suspension without Pay (avg. 10h) Official Warning
Unlawful / Unnecessary Exercise of Authority	4	Suspension without Pay (avg. 10h) Forfeiture of OT hours (avg. 15h) Official Warning

## 4. 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 2015, EPS received 237 compliment files from citizens of the community.

These compliments referenced a total of 328 members, with 47 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 9: Compliments Received by the EPS During 2015**

	<b>Number of Compliments</b>	<b>Total Involved Officers</b>
<b>Community Policing Bureau</b>		
Downtown	32	52
Northeast	30	49
Northwest	5	5
Southeast	20	72
Southwest	28	40
West	21	36
Co-ordinated Policing	4	13
Recruits	1	1
<b><i>CPB Total Files</i></b>	<b>141</b>	<b>268</b>
<b>Investigative Support Bureau</b>		
Criminal Investigations	10	11
Operational Support	20	62
Spec Investigation	24	32
<b><i>ISB Total Files</i></b>	<b>54</b>	<b>105</b>
<b>Other</b>	<b>17</b>	<b>26</b>
<b>EPS (General)</b>	<b>25</b>	<b>26</b>
<b><i>Grand Total</i></b>	<b>237</b>	<b>425</b>