



Edmonton Police Service

Committed to Policing Excellence



Professional Standards Branch 2011 Annual Report

March 2012

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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
PSB	Professional Standards Branch
PSR	Police Service Regulation
SCSB	Specialized Community Support Bureau



Joint EPS / EPC Vision:

A safe, vibrant city, achieved in partnership through innovative, responsive community policing

We strive to provide the citizens of Edmonton with a citizen-centered Police Service that is a model of efficiency and effectiveness in reducing crime and victimization.

We value:

- Integrity
- Accountability
- Respect
- Innovation
- Community
- Courage

"Dedicated to Protect, Proud to Serve"



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.

We value:

- Truth
- Integrity
- Courage
- Honour

Introduction from Professional Standards Branch

In 2011, Professional Standards Branch (PSB) marked the first year of implementation of its strategic plan. The strategic plan, developed in 2010, updated PSB's mission statement and values and identified five strategic priorities for the Branch for 2011–2013:

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.

PSB Values:

Truth, Integrity, Courage, Honor

Strategic Priorities:

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

For each strategic priority, the Branch identified a number of objectives and goals, a large majority of which were achieved. Several of these achievements are highlighted below.

Implementation of Review Panel

The Review Panel (RP) began as a six-month pilot project whose purpose was to provide the Chief with recommendations regarding complaints, human resource-related issues and matters regarding Edmonton Police Service (EPS) policies and services. According to the terms of reference, the RP's mandate includes providing recommendations regarding dispositions of complaints as defined by

Part 5 of the *Police Act*, as well as issues deemed as “non–Part 5 related matters.”

The RP’s terms of reference also identify two main goals: (1) to provide the Chief with recommendations that are timely, measured, consistent, inclusive and appropriate; and (2) “to engage and inform EPS senior managers” in the discipline process related to Part 5 complaints and in resolving non–Part 5 related matters.

Development of quality assurance checklist for intake of all files

A Correspondence Evaluation Checklist was created in March 2011 for use within the Intake Section. The checklist is used to evaluate all correspondence received by Intake Section, including written complaints, e-mailed complaints, internal EPS matters and any other correspondence. This correspondence is received through three basic avenues: the EPS mailroom (written or e-mail), EPS internal mail (written or e-mail) and the Edmonton Police Commission (written or e-mail). The checklist ensures that all legal requirements are addressed during the evaluation of all incoming correspondence.

Increased civilianization of investigator roles

In 2010, a hybrid staffing model was proposed in which two civilian investigators would be employed to provide staffing stability and create independence in the investigative process. In May 2011, two civilian investigators were hired and are currently integrated into PSB’s investigative team structure.

Development of a prioritization system for investigations

A prioritization matrix was developed to help quickly and efficiently identify the specific needs and urgency of each formal investigation. The model considers the seriousness of the allegations, the effort required (time and energy), the category priority / complexity, and the file status. The prioritization system allows

PSB to more efficiently allocate its resources and monitor the timeliness of investigations.

Successful recruitment of an Alternative Dispute Resolution Coordinator

The updated *Police Act* highlights the importance of informal resolutions to complaints and directs that the Chief of Police shall, where appropriate, offer an alternative dispute resolution (ADR) process to the complainant and the police officer who is the subject of the complaint. To improve PSB's ADR process, an ADR coordinator was successfully recruited and hired to commence January 3, 2012. The very qualified candidate was hired from a list of 30-plus applicants and will be a tremendous asset to the Branch and the Service.

Updated PSB Guideline Manual

PSB's Guideline Manual was rewritten and launched to the staff. Perhaps the most important feature of the updated manual is that it includes a formal process for implementing change. This process will ensure all changes are consistent with the Branch's mission, are well coordinated and are aligned to the overall strategic direction of the organization.

Modernization of process for electronic storage

PSB created the Investigation Modernization Committee (IMC) with the goal of improving process and increasing electronic reporting and storage. The IMC has worked to create standardized business rules for file organization/management, report writing, etc. Two historical scanning projects were funded in 2011, resulting in the conversion of several thousand hard-copy PSB files into electronic records stored on IAPro. As of 2011, PSB no longer discloses records in hard copy. LERB disclosures, Stinchcombe disclosures and Crown opinion disclosures are now produced electronically.

Organizational Changes

The latter half of 2011 was a time of change as the EPS welcomed its new Chief, Rod Knecht. With the arrival of Chief Knecht, the EPS also saw the creation of a new division, Legal and Regulatory Services Division, which is run by Acting Superintendent Greg Preston and is responsible for overseeing PSB, Legal Services Branch and the Corps Sergeant Major. A/Supt. Preston also acts as general counsel to the Chief of Police.

Finally, 2011 marked the end of Inspector Mark Neufeld's tenure in PSB. The Branch wishes to thank Inspector Neufeld for his tireless effort and service toward achieving the mission and values espoused by the Edmonton Police Service Professional Standards Branch.

1. The EPS and the Community

The EPS		The City of Edmonton	
Employees:	2,165.5	City Population:	812,201
Sworn:	1588	Officers per 1,000 Population:	1.96
Non-sworn:	539		
Temporary / Other	38.5		

2. Civilian Oversight of the Disciplinary Process

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).¹ 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.

2.1 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:²

1. Promoting a complaints process that is fair, equitable and transparent for all parties to the complaint;
2. Monitoring the complaints process; and

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

² Edmonton Police Commission, *Public Complaints Director*, <http://www.edmontonpolicecommission.com/content.php?typeID=2&pageID=17&tertID=9> (accessed 02 March 2012).

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. The *Police Act* outlines who is responsible for addressing public complaints at different steps in the process. Depending on the type of complaint made, the Chief of Police may have the initial responsibility for reviewing or investigating the matter.

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.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.

³ Edmonton Police Commission, *Service and Policy Appeals and Public Complaints*, <http://www.edmontonpolicecommission.com/content.php?typeID=2&pageID=17&tertID=11> (accessed 02 March 2012).

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.

2.2 Law Enforcement Review Board

The Law Enforcement Review Board (LERB) is an independent quasi-judicial body established under Section 9 of the *Police Act* (R.S.A. 2000, Chapter P-17). 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.⁴

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 the Court of Appeal, and an appeal is permitted only if the Board made a legal error in its decision.

In late 2010, two significant Court of Appeal rulings were issued (*Newton v. Criminal Trial Lawyer's Association*, 2010 ABCA 399; and *Pelech v. Law Enforcement Review Board*, 2010 ABCA 400) that provided the LERB with clear direction as to the exercise of its authority under the *Police Act*. The rulings specified that the LERB is not obliged to conduct *de novo* hearings in every appeal it hears, but rather that it should focus its review on the information that

⁴ Solicitor General and Public Security, *Law Enforcement Review Board*, https://www.solgps.alberta.ca/boards_commissions/law_enforcement_review_board/Pages/default.aspx (accessed 02 March 2012).

was before the Chief when he made his initial decision or, for appeals from a disciplinary hearing, on a copy of the record of the proceedings.

The elimination of the “trial *de novo*” appears to have significantly expedited the LERB process. During 2011, the LERB reached decisions on 23 appeals relating to the EPS (10 more decisions than were issued in 2010). Eighteen of the appeals were dismissed, one was allowed in full, three were allowed in part and one was denied. These 23 appeals related to files opened over a number of years; they did not all relate to complaints made or investigated during 2011.⁵ During 2011, the LERB heard a further three preliminary applications on matters relating to the EPS and its members, four appeals relating to decisions reached by a presiding officer for the EPS and four appeals relating to decisions of the EPC. Preliminary applications are not appeals in their own right; rather, they are steps in the appeal hearing process.

3. The Public Complaint Process

The EPS strives to achieve three strategic objectives through its partnership with the local community: reducing crime and victimization, providing a citizen-centred service and being a model of efficiency and effectiveness.

The following activities and approaches help the EPS achieve these strategic objectives:

- Community consultations and the receipt of information from the community via a variety of means;

⁵ Solicitor General and Public Security, *Index of 2011 LERB Decisions*, https://www.solgps.alberta.ca/boards_commissions/law_enforcement_review_board/LERB%20Decision%20Documents/2011/INDEX%20OF%202011%20LERB%20DECISIONS.pdf (accessed 08 March 2012).

- Continuous assessment and analysis of information and intelligence for the purpose of problem identification;
- Partnership development and engagement in problem solving;
- A focus on prevention;
- Response, investigation and enforcement; and
- Inclusive involvement of all members

Reflecting the expectations of the community it serves, the EPS requires high standards of performance and conduct from its members (both sworn and non-sworn). Being responsive to community concerns means more than just addressing local crime and disorder issues. It also means the EPS has an obligation to address those situations where a member of the community is not satisfied with their interaction with the EPS.

As part of this commitment, the EPS also places a high value on the integrity of individual members. If a member is observed by another member to be acting in a way that is potentially criminal or may constitute misconduct, there is an expectation that the observing member will act to stop that conduct and then report it.

Alongside the individual responsibility of members, the EPS also has a responsibility to support its employees in making ethical decisions and demonstrating the highest level of conduct. This responsibility includes ensuring employees are adequately trained and prepared to make effective and lawful decisions and are able to articulate the decisions they make to others.

3.1 Proactive Strategies for Preventing Complaints

The most effective way to address complaints is to prevent them from occurring. This can be achieved through training, supervision, coaching and mentoring. One of the specific strategies utilized by the EPS to support positive behaviour and conduct is the Early Intervention Program.

This program's mandate is:

“The early identification and notification of potentially damaging patterns of behavior; providing members and supervisors assistance throughout to ensure individual and organizational success.”

The Early Intervention Program collects and monitors information from various sources within the EPS to identify emerging patterns of behaviour that may indicate the potential for future problems. This proactive strategy allows the organization to use non-disciplinary means to correct behaviour before there is a need to implement a more formal process. This approach allows the EPS to identify and implement training and coaching strategies specific to the needs of the individual.

3.2 The Role of Professional Standards Branch

If a complaint is received about a sworn member of the EPS, the *Police Act* requires that a prompt and thorough investigation be conducted. Complaints may be received from members of the public or from other EPS employees. Internally generated complaints have historically accounted for about 15% to 20% of all complaints investigated.

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 ADR is agreeable to both the complainant and the subject officer, the complaint may be concluded through a number of methods, including informal discussion with the PSB, a supervisory review or mediation. As stated previously, PSB recently hired an ADR coordinator to help facilitate this process.

If an informal resolution is not appropriate or is not agreed upon by both the complainant and 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 will refer the file to the Senior Crown Prosecutor for evaluation and direction. Typically, a Crown prosecutor from outside Edmonton (and occasionally outside the province) will be tasked to review the file. The assigned prosecutor will provide 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.

3.3 The Role of the Hearing Officer

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 the 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.

4. Professional Standards Files Generated in 2011

During 2011, the EPS dispatched officers to 135,698 calls for service. As a result of these calls, along with a multitude of other interactions with the community, 1,008 enquires were made to PSB regarding the service or conduct of the organization or its members during 2011.

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.

Of the 1,008 files opened by PSB in 2011, 857 related to concerns raised by members of the public. The remaining 151 concerns (15%) came from EPS members. While a file is opened for each concern, each file may contain a number of components or allegations within it. Equally, not all concerns will result in a formal complaint being generated. Of the 1,008 files opened in 2011, 211 (21%) were classified as complaints under the criteria provided in the *Police Act*.

The following table provides some context for these numbers. Calls for service are described as a function of the population of the city of Edmonton in 2011 (population: 812,201).⁶ Arrests and complaints are described as a function of the number of calls for service.

Table 1: 2011 Calls for Service, Arrests, Files and Complaints

Category	Total Number	Rate
Calls for Service	135,698	1,722 per 10,000 population
PSB Files Opened	1,008	74.3 per 10,000 calls for service
Complaint Files	211	15.5 per 10,000 calls for service
Criminal Complaint Files	21	1.5 per 10,000 calls for service

As was the case in 2009 and 2010, less than 0.2% of all calls for service dispatched to first responders in 2011 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%.

If the total number of files generated over the last five years is compared, a relatively steady relationship between the number of calls for service and the number of files opened is observed. Following a slight decrease in the rate in 2008, the 2009, 2010 and 2011 rates are generally comparable with the 2007 results. The rate in 2011 again shows a slight decrease.

⁶ This is the official figure from the 2011 Census. <http://www12.statcan.gc.ca/census-recensement/2011/dp-pd/hltfst/pd-pl/Table-Tableau.cfm?LANG=Eng&T=302&SR=1&S=51&O=A&RPP=9999&PR=48&CMA=0> (accessed 14 March 2012).

Table 2: Five-year Comparison of File Rates as a Function of Calls for Service

Category	2007	2008	2009	2010	2011
Dispatched Calls for Service	146,968	141,514	136,791	134,749	135,698
Total PSB Files Opened	1,120	999	1,054	1,058	1,008
Rate per 10,000 calls for service	76	71	77	79	75

4.1 Types of Files Opened

In 2011, PSB updated its terminology for file classification to be consistent with the Solicitor General's *Police Complaint and Use of Force Reporting Initiative* and *Police Complaint Terms Standardization and Categorization* guidelines. Files are divided into four categories using the following definitions:

- 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 member of the public or a member of the EPS.
- 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 a 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.

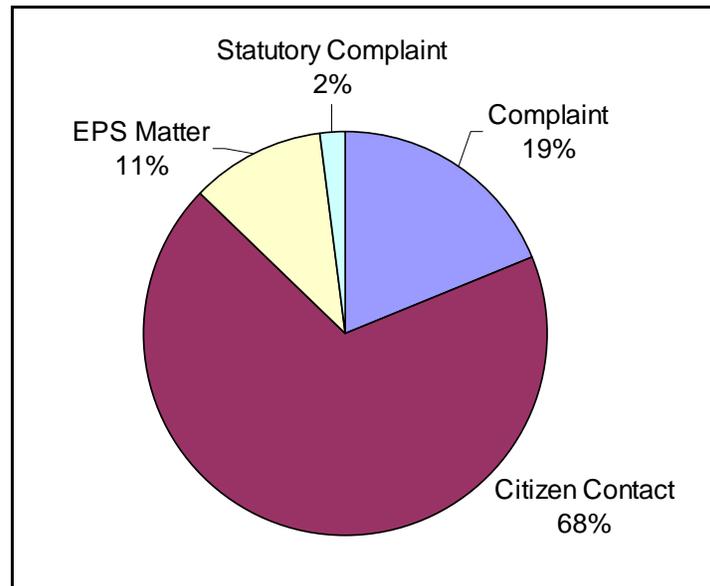
Criminal investigations, labeled as “Statutory Complaints,” are dealt with separately from *Police Act* complaints; that is, a single incident could result in the creation of both a “Complaint” (dealing with misconduct as defined by the *Police Service Regulation*) and a “Statutory Complaint” (dealing 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.”

The last two categories, “Citizen Contacts” and “EPS Matters,” are considered informal files since 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*; however, they still provide the EPS with useful information about its performance.

As a file progresses, the initial classification may be amended as additional information becomes available or if the circumstances of the file change. If additional information tends to indicate that a file should be considered a complaint under the *Police Act*, PSB reclassifies it accordingly.

During 2011, informal files constituted 79% of the 1,008 files opened. The distribution of files by type is presented below:

Figure 1: Distribution of PSB Files by Type during 2011



In terms of the total number of files opened by PSB in 2011, 211 (21%) related to either criminal or conduct allegations against specific members. This represents a similar number of such complaints compared to 2009 and 2010, with slightly less than 0.2% of all calls for service resulting in a criminal or conduct complaint.

Comparing the distribution of PSB files over the previous three years (Table 3), the number of formal complaints has shown a steady decrease both in the overall number of complaints and as a percentage of total files.

Table 3: Categorization of Files, 2009–2011

Type of File ⁷	Number of Files Opened During 2009		Number of Files Opened During 2010 ⁸		Number of Files Opened During 2011	
	Count	Percentage	Count	Percentage	Count	Percentage
Complaint	266	26%	239	23%	211	21%
Statutory Complaint ⁹	16	2%	17	2%	21	2%
Citizen Contact	672	64%	710	67%	688	68%
EPS Matter	108	10%	107	10%	109	11%
Total	1,054		1,056		1,008	

The decrease in formal “Complaint” files is the most obvious trend. This differs from previous reports wherein PSB reported an increase in “Complaints of Conduct” (old terminology). The new term “Complaint” encompasses both complaints dealing with the conduct of officers (Section 45 of the *Police Act*) and complaints regarding the policies or services provided by the EPS (Section 44 of the *Police Act*). These two types of complaints can now be distinguished by the types of allegations associated with each file. Detailed analysis of complaint allegations is provided in section 4.4.

Additionally, there has been a slight increase in the number of “Citizen Contact” files. This may be due to a more robust intake process, whereby citizens are contacted early in the complaint process to determine if they intend or prefer to engage the formal complaint process or would like to have their concerns dealt with on an informal basis. This is discussed in more detail in section 5.2.

⁷ The file classifications from previous years have been updated to the current terminology.

⁸ The numbers reported here are slightly different from those reported in the same table in the 2009 and 2010 PSB Annual Reports. This difference is caused by changes in classification as the files continued to be investigated.

⁹ “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.

Finally, the number of “Statutory Complaints” and “EPS Matters” remained relatively constant, representing 2% and approximately 10% of all files, respectively.

4.2 Categories of Files Opened during 2011

During 2009, PSB began to change the way in which it captured data about the specific causes of concerns. This process was seen as a way of assisting the organization to better identify specific trends of behaviour or conduct that contributed to concerns or complaints.

The following table shows the category and sub-category level classification of the 1,008 files opened in 2011. This table does not distinguish between the type of file (Complaint, Citizen Contact, EPS Matter), as its purpose is simply to provide insight into the contributing causes. By understanding what is driving these concerns and complaints, the EPS can more effectively respond and address the causes—and in doing so, reduce their risk of recurrence.

Table 4: Classification of Files during 2011

Classification	Sub-classification	Total Files (All Types)
Customer Service	Communication	19
	Delayed Response Time	7
	Dissatisfied with Ticket/Charge	20
	Failed to Explain Charge	1
	Inappropriate Police Response	34
	Lack of Police Response	32
	Policy Complaint	5
	Refusal to Lay Charges	12
	(Not Further Classified)	19
Driving	Cell Phone or Texting	7
	Dangerous/Rules of Road	15
	Emergency Equipment	7
	Speed	4
	Vehicle Collision	4
	(Not Further Classified)	7

Classification	Sub-classification	Total Files (All Types)
Inquiry	Complaint Process	12
	Contact Police	8
	File Status/Number	10
	Policy or Process	47
	Reason for Ticket/Charge	22
	(Not Further Classified)	12
Investigation / Notes / Court	Deficient Court Testimony/Perjury	4
	Fail to Submit Report	1
	Failed to Attend Court	11
	Incomplete Investigation	39
	Incomplete Notes	2
	Neglect of Duty	7
	(Not Further Classified)	10
Legal	Charter of Rights	4
	Divulge Confidential Information	7
	FOIP	4
	Lawful Presence	6
	Obstruction of Justice	4
	Police Information System	3
	Seizure of Property/Vehicle	23
	Unlawful Arrest	7
	(Not Further Classified)	9
Other	Comments/Opinion	128
	Mental Health / PACT	25
	Risk Management	43
	Unresponsive Complainant	52
	(Not Further Classified)	16
Professionalism	Deceit	4
	Dress & Deportment	2
	Fail to Give Badge/Number	2
	Gender or Racial Bias	2
	Harassment	25
	Insubordination	3
	Lack of Empathy	24
	Parting Comments	7
	Rudeness	75
	Sexual Inference/Comments	4
	Swearing	18
	(Not Further Classified)	18

Classification	Sub-classification	Total Files (All Types)
Supervision	Tyrannical/Bullying	2
	Workplace Harassment	3
	(Not Further Classified)	1
Theft/Fraud	Evidence	1
	Money	8
	Payroll/Time Related	1
Use of Force	Canine	2
	CED	5
	Deficient Tactical Considerations	4
	Firearm	3
	Handcuffing	14
	OC Spray	2
	Physical Contact	75
	(Not Further Classified)	7
Grand Total		1,008

This classification, like the categorization of the file, is subject to review and may change as additional information comes to hand. The table shows only the principal cause of the file being opened; however, it is recognized that some files may include a number of elements or allegations that are not necessarily shown here.

4.3 Criminal Allegations

Complaints alleging criminal conduct are the most significant that a police officer can face. Historically, the majority of criminal complaints related to the use of force. The *Criminal Code of Canada* allows police officers to use force if it is necessary to carry out their lawful duties. However, the *Criminal Code* also makes it a criminal offence if the level of force used is not reasonable and necessary under the circumstances in which it is used.

In 2011, PSB was directed by the Chief of Police to investigate 21 criminal investigation complaints. These complaints included 21 specific allegations of criminal offending. As in previous years, assault allegations dominated the complaints. During 2011, 13 of the 21 criminal complaints were generated

internally, while members of the public made 8 criminal complaints. The following table provides a comparison of the criminal allegations investigated in 2009 and 2010.¹⁰

Table 5: Comparison of Criminal Allegations

Type of Criminal Allegation	2009	2010	2011
Assault	12	14	10
Assault Causing Bodily Harm	2	5	0
Assault with a Weapon	1	1	0
Break & Enter	1	0	0
Bribery	0	0	1
Conspiracy to Commit Breach of Trust	2	0	0
Criminal Negligence Causing Bodily Harm	0	1	0
Forcible Confinement (Kidnapping)	3	0	0
Impaired Driving	0	0	1
Indecent Act	0	0	1
Mischief	0	9	0
Obstruction of Justice	8	0	2
Perjury	6	2	3
Personation	1	0	0
Point Firearm	0	1	0
Theft	3	1	3
Utter Threats	2	4	0
Total Criminal Allegations	41	38	21
Total Criminal Complaints	16	17	21

4.4 Allegations under the *Police Act* and *Police Service Regulation*

Allegations under the *Police Act* and *Police Service Regulation* can relate to either the conduct of an officer or the policies and services provided by the EPS. The total number of allegations reported here are drawn from the 211 files opened pertaining to complaints made against members of the EPS or against the policies and services provided by the EPS in general. In total, these 211 complaints contained 403 allegations. The data presented in Table 6 provides a

¹⁰ As per previous comments, the total number of criminal allegations and complaints recorded here is different from those provided in the 2009 and 2010 PSB Annual Reports. These changes reflect decisions on file classification made since the production of those reports.

breakdown of the type and number of *Police Act* allegations received by the EPS in 2011 compared to 2009 and 2010.¹¹

Table 6: Complaint Allegations over 2009–2011

Complaint of Conduct Allegations	2009	2010	2011
Breach of Confidence	22	4	3
Consumption	0	1	2
Corrupt Practice	7	3	8
Deceit	34	35	13
Discreditable Conduct	231	201	118
<i>Biased Policing</i> ¹²	2	4	4
Improper Use of Firearms	17	24	2
Insubordination	108	81	27
Neglect of Duty	109	90	65
Unlawful or Unnecessary Exercise of Authority	307	251	130
Failure to Provide Adequate Service or Deficient Policy (<i>Police Act</i> Section 44)	43	43	31
Total Conduct Allegations	880	737	403
Total Complaints of Conduct and Criminal Investigation Files	266	239	211

Section 5 of this report provides a more detailed analysis of the trends identified in relation to criminal investigations and complaints of conduct. It also identifies the steps that the EPS has taken to address these concerns.

5. Trend Analysis and Response Strategies

The previous section identified a number of key pieces of data and trends relating to the files opened by PSB during 2011. This section of the report will expand on that data and provide a deeper understanding of what it means in terms of improving the performance of the EPS.

¹¹ As per previous comments, the total number of allegations and complaints recorded here is different from those provided in the 2009 and 2010 PSB Annual Reports. These changes reflect decisions on file classification made since the production of those reports.

¹² “Biased Policing” is a sub-classification of discreditable conduct but is reported separately here in line with the reporting requirements of CALEA accreditation standard 1.2.9(d).

5.1 Distribution of Professional Standards Branch 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.

5.1.1 Files received in 2011 by Bureau

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. Eleven files were generated by the Corporate Services Bureau; this total is included in the “Other” column in Table 7, along with 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 (68%) are classified in either the “Other” category, which includes sub-categories such as “Unresponsive Complainant” and “Comments/Opinion,” or the “Inquiry” category (see section 4.2 for more information about classifications).

The following table shows the number of files generated by each bureau and division in 2011.

Table 7: Distribution of PSB Files across Each Bureau and Division

	Complaint	Citizen Contact	EPS Matter
Community Policing Bureau			
Downtown	44	82	11
Northeast	26	48	4
Southeast	20	53	6
Southwest	16	41	4
West	39	63	10
CPB Total Files	145	287	35
Spec Community Support Bureau			
Crim Investigations	8	6	3
Operational Support	21	65	10
Spec Investigation	10	18	8
SCSB Total Files	39	89	21
Corporate Services Bureau			
Human Resources Div	3	2	1
Supply Services	3	2	0
CSB Total Files	6	4	1
Other/Unspecified	21	308	52
Grand Total	211	688	109

5.2 Trends in File Types

The 2011 Edmonton Police Service Annual Policing Plan committed to reducing the number of public complaints by 5% over the numbers seen in 2010. This goal was exceeded: the EPS achieved an over 10% decrease in public complaints (down from 190 in 2010 to 169 in 2011). Overall, the number of public complaints and concerns (including both formal complaints and informal citizen contact files) decreased by 5% in 2011. Therefore, although both formal and informal contacts have decreased, formal complaints have decreased more rapidly than informal concerns. This is likely 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).

5.2.1 Why are “Complaints” decreasing?

Although previous reports (2009 and 2010 PSB Annual Reports) have reported an increase in complaints about the conduct of officers, in 2011 PSB saw a decrease in its formal “Complaint” files. The term “Complaint,” introduced in 2011, encompasses both complaints dealing with the conduct of officers (Section 45 of the *Police Act*) and complaints regarding the policies or services provided by the EPS (Section 44 of the *Police Act*). This more accurately represents the total number of formal complaints, since a complaint may include aspects of both officer conduct and the policies or services provided by the EPS.

Several factors may have contributed to the decrease in complaints in 2011:

- **Enhanced intake evaluation system:** The Intake Section strives to make early contact with complainants to determine their intentions and the extent of their complaint. This allows the Intake Section to properly classify the complaint as either a formal “Complaint” or an informal “Citizen Contact,” depending on the complainant’s wishes. Additionally, a new Correspondence Evaluation Checklist covers off all legal requirements to ensure that they are considered and/or addressed during the evaluation of all incoming correspondence and to further ensure the correct classification of files.
- **Changes to the *Police Act* and *Police Service Regulation*:** Changes to the *Police Act*, implemented in May 2011, specify specific criteria about who may make a complaint and what information must be included to constitute a formal complaint. These criteria have made it easier for PSB to appropriately classify complaints.
- **Increased focus on complaint classifications:** In Table 4, the classifications and sub-classifications used to describe all 1,008 PSB files opened in 2011 was presented. The following table uses those same

classifications and sub-classifications to identify the top classifications of complaints during 2010 and 2011.¹³

Table 8: Top Causes of Complaints of Conduct in 2011

Rank	2010	2011
1	Professionalism	Professionalism
2	Use of Force	Customer Service
3	Investigation/Notes/Court	Legal
4	Customer Service	Use of Force
5	Legal	Investigation/Notes/Court
6	Supervision	Other
7	Other	Supervision
8	Driving	Driving
9	Theft/Fraud	Theft/Fraud

“Use of Force” was the second most common cause for a complaint in 2010; however, it was only the fourth most common cause for a complaint in 2011. Although “Professionalism” remains the highest cause for complaint, the total number of complaints about the professionalism of officers decreased from 71 complaints in 2010 to 51 complaints in 2011.

5.3 What Is the EPS Doing to Decrease Complaints?

The EPS has a duty to provide the citizens of Edmonton with the best possible quality of service, irrespective of the experience of the responding officer. To ensure that the best possible outcome is delivered to the public, the EPS has undertaken the following activities to improve the quality of its service delivery:

- **Enhanced recruit training:** Recruits continue to receive instruction by members of PSB. This training reinforces other learning related to ethical decision-making, organizational values and customer service. It serves to inform the recruits of the types of behaviours commonly seen in PSB files and provides them with the opportunity to learn from the experience of

¹³ This list utilized both complaints of conduct and criminal investigation allegations for the reasons outlined in section 4.4.

others. This training is also provided to the police training officers, who mentor and evaluate the recruits during the second block of their training, ensuring that consistent messaging and behavioural modeling occur.

- **Reasonable Officer Response program:** The EPS has developed a Reasonable Officer Response (ROR) model that provides a framework for the use of force by all officers. This framework includes both practical and administrative guidelines to officers and includes responsibilities for review and oversight by supervisory staff.

ROR training ensures that officers are able to make good decisions about the use of force and are able to clearly articulate those reasons in writing. This articulation process also provides officers with the opportunity to clearly explain what is happening to the members of the public they are interacting with.

Enhanced note-taking also provides better evidence for any subsequent judicial process and reduces the likelihood that key information is missed or overlooked. To ensure that the best notes and police reports are maintained, the EPS has instituted mandatory supervisory reviews of all use of force incidents. These reviews occur every time specified levels of force are applied, including the deployment of certain tactical equipment such as conducted energy weapons (CEW). This ensures the timely review of incidents and provides the opportunity for immediate feedback to members.

- **Investigative Skills Education Program:** The Investigative Skills Education Program (ISEP) delivers specific learning outcomes against the technical competencies required of members. It is a five-level program that ensures that base skills taught during recruit training are further developed throughout an officer's career. The ISEP model builds individual

investigative skills over time, providing officers with the confidence and knowledge to take on more challenging roles. A Leadership Skills Education Program (LSEP) is also under development as a means of ensuring that supervisors are able to effectively supervise and lead their staff.

- **Professionalism Committee:** In order to provide coordinated oversight of issues relating to professionalism, a Professionalism Committee was established under the direction of a Divisional Superintendent. This Committee is tasked with providing input and direction to the organization on issues that promote professional conduct and ethical decision-making. This Committee helps to focus and retain the attention of the organization on the need to act in a professional and ethical manner at all times.

5.4 Trends in File Resolution

During 2011, PSB concluded 1,012 files. This included the resolution of 802 files opened during 2011, with the remainder of the files (210) 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.

5.4.1 *How long does it take to investigate a file?*

Because every PSB file contains different information and different allegations, it is almost impossible 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. The following table shows the time taken in days by PSB to conclude each file type during 2011.

Table 9: Time Taken to Conclude PSB Files

	Number of Files Concluded	Median¹⁴ Time (months) to Complete
Complaint	197	5
Statutory Complaint	19	18
Citizen Contact	673	<1
EPS Matter	123	1

5.4.2 How are files being concluded?

Of the 1,012 files concluded in 2011, 197 were complaints as defined under the *Police Act*, 19 were Statutory Complaints and the remaining 796 were informal Citizen Contact or EPS Matter files. For 11 files that related to minor contraventions of the *Act*, disciplinary action was completed either through the issuance of formal warnings or through agreed-upon resolutions that resulted in reprimands or suspension without pay. Seven files were heard at a disciplinary hearing, with three files found to be proven in part or in whole. A full breakdown of the dispositions of formal complaints is shown in Table 10. A breakdown of disciplinary outcomes is presented in Appendices B and C of this report.

¹⁴ The average time to conclude a file can be heavily skewed by files that may take months (or in some cases years) to investigate. As removal of outlier data points is not appropriate in this case, the use of a skewed average would provide information that, while mathematically accurate, is not reflective of the majority of situations. Therefore, the median time has been used to best reflect how long it takes to conclude the majority of files.

Table 10: Disposition of Files Concluded in PSB during 2010 and 2011

	2010	2011
Formal Resolutions		
Reasonable Prospect - Proven	14	3
Reasonable Prospect - Not Proven	3	4
No Reasonable Prospect	69	58
Minor Contravention	13	11
Dismissed/Withdrawn	30	34
Informal Resolutions		
Supervisory Review	25	58
Resolved through PSB	64	29
Mediation	1	0

6. 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 2011, PSB received 376 compliments from members of the community. This is 165 more compliments than the 211 formal complaints investigated over the same period.

These compliments were received by 333 members, with 50 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: Citizen Compliments

Division / Branch	Number of Compliments
Downtown Division	49
Northeast Division	33
Southeast Division	21
Southwest Division	32
West Division	29
Specialized Investigation Division	29
Criminal Investigations Division	15
Operational Support Division	50
Other Areas	42
EPS – All or Unable to Classify	76
Total	376

7. Additional Information

The following appendices provide supplementary statistics relating to investigation and disciplinary activities during 2011.

Appendix A provides a summary of criminal investigation files that were resolved during 2011.

Appendix B provides a summary of the disciplinary hearings conducted by the EPS during 2011, including the penalties administered where the allegations were proven.

Appendix C provides a summary of other disciplinary measures applied during 2011.

Appendix D satisfies a Commission on Accreditation for Law Enforcement Agencies (CALEA) compliance standard (Standard 1.2.9[d]) relating to reporting of bias-based policing complaints.

Appendix E provides a summary of the number of notifications made to the Solicitor General and Public Security under Section 46.1(1) of the *Police Act*.

Appendix A – Resolution of Criminal Allegations

Criminal Allegations Resolved in 2011									
Year Files Opened	Total Number of Files	Total Number of Allegations	No Charges Laid	Charged - Guilty	Charged - Not Guilty	Charged - Still To Be Heard	Charged - Withdrawn	Charged – Other Outcome	Charged - Proceedings Stayed
2003	1	4	4	0	0	0	0	0	0
2004	0	0	0	0	0	0	0	0	0
2005	0	0	0	0	0	0	0	0	0
2006	1	7	7	0	0	0	0	0	0
2007	0	0	0	0	0	0	0	0	0
2008	4	5	0	1	2	0	0	1	1
2009	7	28	28	0	0	0	0	0	0
2010	5	23	19	0	0	1	0	1	2
2011	1	6	6	0	0	0	0	0	0
Total	19	73	64	1	2	1	0	2	3

Appendix B – Disposition of Disciplinary Hearings

Disciplinary Hearings Concluded in 2011							
Year Of Alleged Offence	Total Number of Members Charged	Total Number of Allegations	Charged - Proven	Charged - Not Proven	Charged - Withdrawn	Loss of Jurisdiction	Suspension without Pay (Total Hours)
2003	1	3	0	3	0	0	0
2004	2	7	0	7	0	0	0
2005	0	0	0	0	0	0	0
2006	1	1	0	1	0	0	0
2007	0	0	0	0	0	0	0
2008	1	1	1	0	0	0	40
2009	3	6	2	3	1	0	30
2010	1	8	1	0	7	0	40

Note: Hearings commenced in 2011 that were not concluded within that year are not included in this table.

Appendix C – Other Disciplinary Measures

Two additional disciplinary measures were applied during 2011.

Official Warnings:

In 2011, two Official Warnings were issued to EPS members under the terms of Section 19(1)(a) of the *PSR*. Both of the Official Warnings were issued in relation to files generated from public complaints. One of the Official Warnings was for neglect of duty, and the other was related to unnecessary exercise of authority.

Agreed Resolution:

In 2008, the *Police Service Regulation* was amended to allow the use of an Agreed Resolution process for minor misconducts under Section 19(1)(b). When an Agreed Resolution is contemplated as a means of resolving a complaint, both the Chief of Police and the subject officer must reach a mutually acceptable resolution. During 2011, eight files were concluded by way of an Agreed Resolution with the subject officers. Within these files, 12 allegations were dealt with by way of agreement.

Agreed Resolution Agreements Concluded in 2011					
Year Files Opened	Total Number of Files	Total Number of Allegations	Reprimand	Suspension without Pay / Forfeiture of Pay (Total Hours)	Other Measures
2009	4	6	2	40	0
2010	3	4	0	82	0
2011	1	2	0	20	0
Total	8	12	2	142	0

Note: "Other Measures" includes directed training and assessment requirements.

Appendix D – Report on Bias-based Policing Complaints

Bias-based policing complaints involve allegations that the interaction between police and individuals was based solely on the common traits of an identified group. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

In 2011, PSB opened 10 files where allegations or concerns were expressed about bias-based policing. Five complaint files were opened, along with one citizen contact file. The disposition of these files is shown below.

File Type	Total Number of Files	Disposition of Files
Complaint	3	- 2 x ongoing investigation - 1 x resolved informally through PSB
Citizen Concern	1	- 1 x informally resolved

Appendix E – Section 46.1(1) Notifications

The *Police Act* requires that the EPS notify the Minister when certain incidents occur or when certain types of serious complaints are made. Section 46.1(1) of the *Act* states:

The chief of police shall as soon as practicable notify the commission and the Minister where

(a) an incident occurs involving serious injury to or the death of any person that may have resulted from the actions of a police officer, or

(b) a complaint is made alleging that

(i) serious injury to or the death of any person may have resulted from the actions of a police officer, or

(ii) there is any matter of a serious or sensitive nature related to the actions of a police officer.

The final determination on whether an incident or complaint requires reporting under Section 46.1(1) has been delegated by the Minister to the Director of Law Enforcement under Section 46.1(10) of the *Act*. Where an incident or complaint is deemed to be reportable by the Director of Law Enforcement, the Director can issue a direction to the EPS on the management of the investigation. This can include the direction that the investigation be turned over to another police agency or to ASIRT.

During 2011, the EPS made 36 notifications to the Minister under Section 46.1(1). The Director determined that 30 notifications met the criteria laid out in the section.