



# Edmonton Police Service

*Committed to Policing Excellence*



## Professional Standards Branch 2013 Annual Report

February 2014

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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 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

While 2012 was a year of change for PSB, 2013 was a year of stability and continued improvements to the investigative process. Through collaboration with the managers and Legal Counsel in PSB, structure was put in place to ensure systematic progression of each investigation. In 2013, PSB investigators were tasked with working within the structure. Continual oversight and review (managerial and statistical) was put into place to ensure members were working within the structure. The improved process reduced the active file load from an average of 17 files per investigator to an average of 10 files each. PSB has been steadily improving investigative efficiency with the target of achieving a 6 month investigation conclusion rate 75% of the time. In 2012, approx. 30% of PSB investigations were concluded within 6 months. At the end of 2013, a 14% improvement was accomplished with a 44% average conclusion rate.

In addition to the above achievement, in 2013, PSB was able to conclude significantly more files than received in the same time period. In 2013 PSB received 215 formal complaints. During that same time period, PSB concluded 272 complaint investigations (57 additional files equaling over 26% more files concluded than received). As a comparison, in 2011 and 2012, PSB concluded 199 and 163 files respectively. This increase in concluded files was achieved through a restructuring of the investigative and executive review processes. PSB also was assisted in these efforts by Retired Inspector Al Bohachyk.

Through the setting of goals and expectations, and through the recognition of good work, PSB has a strong achievement culture that has proven its effectiveness not only in volume of work but in effectiveness of investigation in major files. The goal for 2014 is to maintain this culture with consistent guidance being provided by management.

### **Consistency and professionalism improvement in PSB Intake Section**

In 2013, Intake Section was reviewed to ensure quality and consistency of work produced. Through a review of intake calls of concern and intake initial return calls to complainants, it was found that limited training or direction had been provided to the Intake Evaluators. Through collaboration with the Intake Team, an Intake Check Sheet was developed and implemented. In addition, a three part education session was developed and presented to assist the Intake Evaluators better determine caller intention.

As a result of this work, Intake Section now has a method to conduct quality assurance audits on intake calls. Based on the preceding, Intake Section investigators are now better educated in the explanation of Alternative Dispute Resolution (ADR). This is part of the plan to increase informal resolutions of complaints in 2014.

### **Expansion of the Alternative Dispute Resolution (ADR) program**

Significant work was done in 2012 to develop an effective ADR program in PSB. In 2013, work on formalizing the policy continued and is now in the final approval stages within the ADR working group that includes the Edmonton Police Association, the Edmonton Police Commission, and EPS Legal Advisors' Section. In 2013, the ADR program successfully resolved 16 complaints through mediation or facilitated discussion. Based on recent research, it is believed that the EPS ADR program is the most successful program in Canada. As such, PSB is now receiving requests from other agencies such as the RCMP and Calgary to assist in the development of their programs.

Finally, December 2013 marked the end of Inspector Denis Jubinville's tenure in PSB. We wish to thank Inspector Jubinville for his tireless effort and service towards streamlining the processes related to Professional Standards Investigations which has had a significant positive impact on the Edmonton Police Service.

## Executive Summary

The Professional Standards Branch of the Edmonton Police Service is responsible for all complaints regarding the policies and services provide by the EPS, and for complaints regarding the conduct of sworn members of the EPS with the exception of the Chief of Police. The following report describes the role of PSB within the community, as well as the number and types of complaints that were investigated and concluded in 2013. Sections 1 and 2 of this report detail the role and duties of the PSB, its relationship to the community, and civilian oversight of the complaint process.

The number and types of investigations, including both formal complaints and informal concerns, conducted during 2013 are discussed in section 3. As detailed below, the 2013 Edmonton Police Service Annual Policing Plan committed to reducing the number of public complaints by 5% over the numbers seen in 2012. However, the number of public complaints received in 2012 was exceptionally low, and so this goal was not met in 2013: the number of public complaints increased by 16%. Although publicly generated formal complaints increased in 2013, the total number of publicly generated PSB files (including both formal complaints and informal Citizen Contact files) showed only a slight increase (2%). Although the total number of publicly generated files increased, the EPS also saw an increase in the number of calls for service. As such, the rate of publicly generated files per 10,000 dispatched calls has actually shown a slight decrease since 2012.

In section 4, the number of investigations concluded by PSB during 2013 is discussed. During 2013, PSB concluded 1155 files, marking a five year high for the number of concluded files. This included the resolution of 725 files opened during 2013, with the remainder of the files (430) being from previous years. Since the number of completed files was much higher than in 2012, there was also an increase in the total number of sustained complaints. Considered proportionally, however, there was actually a slight decrease in the proportion of files that resulted in disciplinary action. That is, in 2012, 25 files (15%) resulted in discipline either at a Disciplinary Hearing or as a Minor Contravention, whereas in 2013, 39 files (14%) resulted in discipline either at a Disciplinary Hearing or as a Minor Contravention. The discipline applied as a result of sustained complaints is discussed in section 4.5

Finally, the number of compliments received by the EPS is discussed in section 5. In 2013, PSB opened 281 compliment files from members of the community. This is 70 more compliments than the 215 formal complaints investigated over the same period.

## 1. The EPS and the Community

The EPS		The City of Edmonton	
<b>Employees:</b>	<b>2,303.5</b>	<b>City Population:</b>	812,201
Sworn:	1,632	<b>Officers per 1,000 Population:</b>	2.01
Non-sworn:	671.5		

## 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 investigator
- 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, mediation or facilitated discussion. 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 there is no reasonable prospect of establishing the facts necessary to obtain a conviction at a disciplinary hearing;
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 to other areas of EPS or other agencies</li> <li>- Resolved</li> <li>- Abandoned</li> <li>- Tracking for information 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> <li>- Facilitated Discussion</li> </ul>
	<p><b><u>Formal Resolutions</u></b></p> <ul style="list-style-type: none"> <li>- Dismissal of Complaint (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*.

In order to give effect to these objectives, the Commission has delegated its authority under the *Police Act* (section 28.1) to its Executive Director. The Executive Director has designated a person to operate in the capacity of Public Complaint Director, who acts on behalf of, and under the supervision of the Executive Director.

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/about/policies-procedures/policy-handbook/public-complaint-director/> (accessed 20 February 2014).

Upon receiving an appeal, the Public Complaints Director provides the Commission with a statement of the position of the parties, the issues, and the relevant policy or 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.<sup>4</sup>

If the complaint relates to the Chief of Police, the EPC will assume responsibility for the investigative process. If, after reviewing the complaint, the EPC is of the opinion that the actions of the Chief of Police may constitute an offence under an *Act of Parliament of Canada* or the *Legislature of Alberta* or a contravention of the regulations governing the discipline or the performance of duty of the police officers, the Chair of the EPC shall request the Minister of Justice and Solicitor General to request or direct another police service to investigate the complaint.<sup>5</sup>

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

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

<sup>4</sup> Edmonton Police Commission, *Complaints*, <http://www.edmontonpolicecommission.com/about/policies-procedures/policy-handbook/service-and-policy-appeals-and-public-complaints/> (accessed 20 February 2014).

<sup>5</sup> Edmonton Police Commission, *Complaints Against the Chief*, <http://www.edmontonpolicecommission.com/about/policies-procedures/policy-handbook/complaints-against-the-chief/> (accessed 20 February 2014).

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.<sup>6</sup>

### 3. Professional Standards Files Generated in 2013

During 2013, the EPS dispatched officers to 147,612 calls for service. As a result of these calls, along with a multitude of other interactions with the community, 1,056 inquiries were made to PSB regarding the service or conduct of the organization or its members during 2013. Additionally, of files opened in 2013, 215 (20%) were classified as complaints under the criteria provided in the *Police Act*. The remaining 841 (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**

	2009	2010	2011	2012	2013
Dispatched calls	136,791	134,749	135,698	140,875	147,612
Total PSB files opened	1,055	1,057	1,007	1,075	1,056
Rate per 10,000 dispatched calls	77	78	74	76	72
PSB Complaints opened	275	240	215	218	215
Rate per 10,000 dispatched calls	20	18	16	15	15

As was the case over the past three years, less than 0.2% of all calls for service dispatched to first responders in 2013 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%.

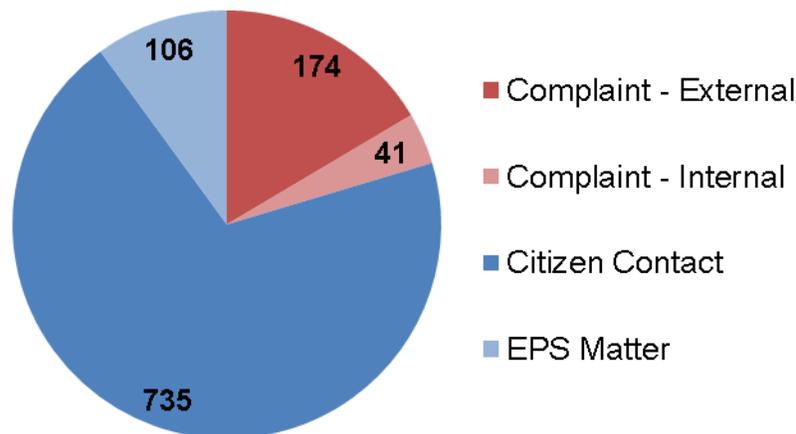
Comparing the number of files generated over the last five years, a relatively steady relationship between the number of calls for service and the number of files opened is observed. In contrast, the rate of complaints per 10,000 dispatched calls has shown a slight decreasing trend since 2009.

Of the 1,056 files opened by PSB in 2013, 909 related to concerns raised by members of the public. The remaining 147 concerns (14%) were internally generated concerns. The following

<sup>6</sup> Alberta Justice and Solicitor General, *Law Enforcement Review Board*, [https://www.solgps.alberta.ca/boards\\_commissions/law\\_enforcement\\_review\\_board/Pages/default.aspx](https://www.solgps.alberta.ca/boards_commissions/law_enforcement_review_board/Pages/default.aspx) (retrieved 20 February 2014)

figure shows the number and type of files received during the 2013. 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 2013**



Comparing the distribution of PSB files over the previous three years (Table 3, below), the number of public complaints (i.e., Complaint – External) was exceptionally low in 2012, both in the overall number of complaints and as a percentage of total files. In 2013, the number of public complaints returned to a rate similar to that of 2011.

**Table 3: Categorization of Files, 2011–2013<sup>7</sup>**

Type of File	Number of Files Opened During 2011		Number of Files Opened During 2012		Number of Files Opened During 2013	
Complaint – External	176	17%	150	14%	174	16%
Complaint – Internal	39	4%	68	6%	41	4%
<i>Statutory Complaint<sup>8</sup></i>	27	3%	28	3%	12	1%
Citizen Contact	678	67%	744	69%	735	70%
EPS Matter	114	11%	113	11%	106	10%
<b>Total</b>	<b>1,007</b>		<b>1,075</b>		<b>1,056</b>	

<sup>7</sup> The numbers reported in this table may be slightly different from those reported in the 2010 and 2011 PSB annual reports. Differences are caused by changes in classification as the files continued to be investigated.

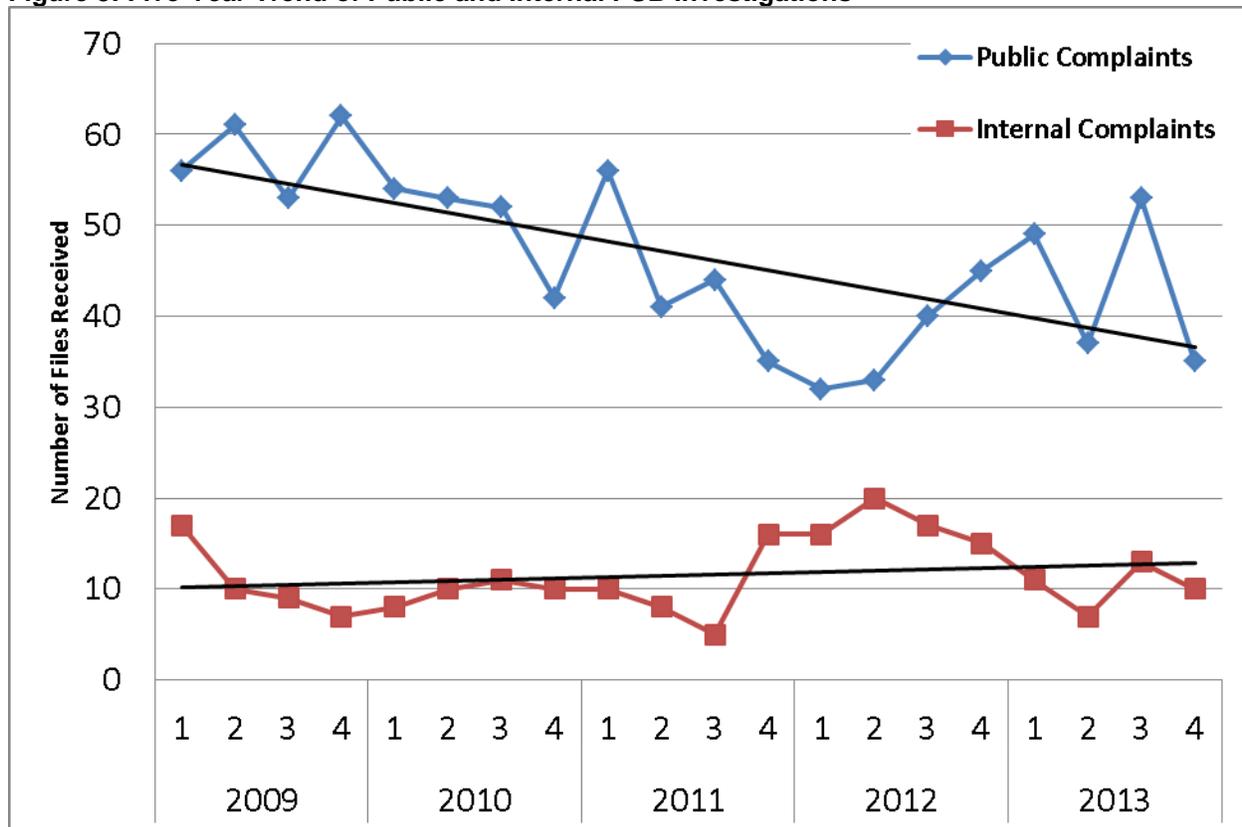
<sup>8</sup> “Statutory Complaints” represent a duplication of “Complaint” files (i.e., all files classified as a “Statutory Complaint” have a corresponding “Complaint – External” or “Complaint – Internal” for allegations of misconduct under the *Police Service Regulation*). For this reason, the number of active “Statutory Complaints” is not represented in the sum total.

The 2013 Edmonton Police Service Annual Policing Plan committed to reducing the number of public complaints by 5% over the numbers seen in 2012. Since the number of public complaints received in 2012 was exceptionally low, this goal was not met in 2013. In 2013, public complaints increased by 16% (rising from 150 in 2012 to 174 in 2013). Overall, although formal public complaints increased, the total number of publicly generated PSB files (including both formal complaints and informal Citizen Contact files) showed only a slight increase (2%) from 894 in 2012 to 909 in 2013. Although the total number of publicly generated files increased, the EPS also saw an increase in the number of calls for service. As such, the rate of publicly generated files per 10,000 dispatched calls has actually shown a slight decrease since 2012.

### 3.1 Formal Complaints Received by PSB in 2013

As seen in Figure 3, below, publicly generated complaints (blue line) have shown a decreasing trend over the past five years. In 2009, PSB received, on average, 19 public complaints per month; in 2013, this decreased to 15 complaints per month, on average. In contrast to the decrease in public complaints, the number of internally generated complaints (red line) has remained fairly steady.

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

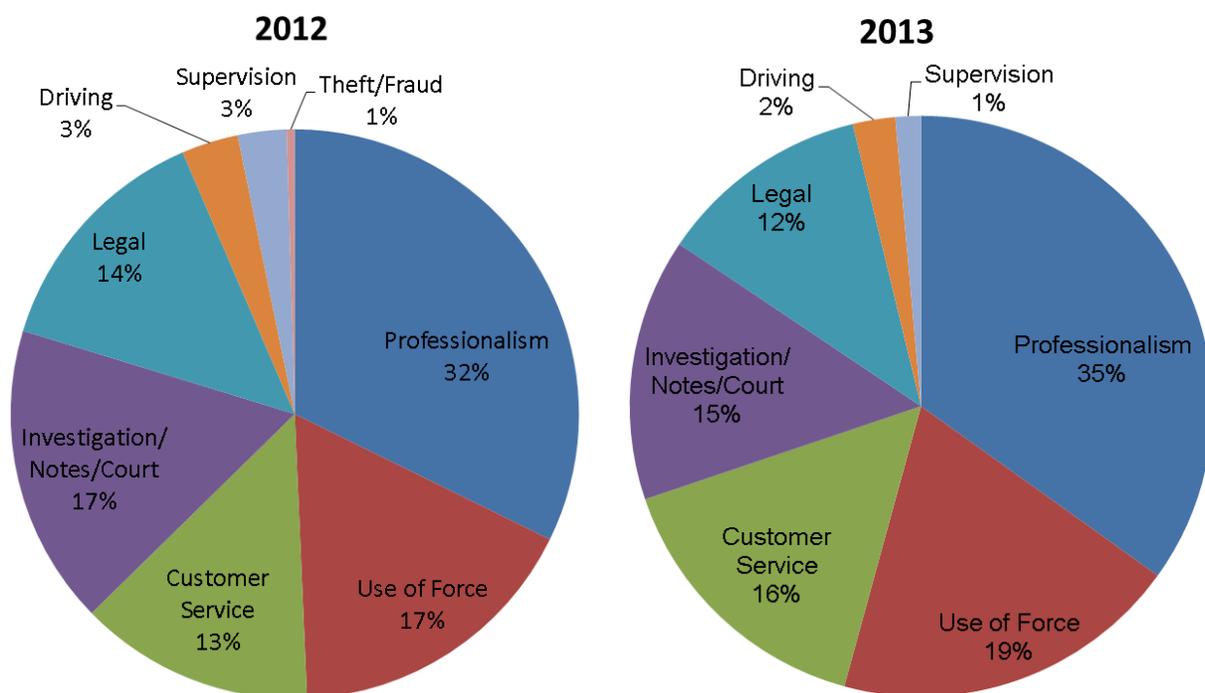


Internally generated complaints showed an initial rise beginning in the fourth quarter of 2011 and remained fairly steady at that increased rate for the next 4 quarters. That increase corresponded with an increased focus on internal accountability. Over the past year, internally generated complaints have decreased back to a steady rate of approximately 3-4 complaints per month.

### 3.1.1 Causes of Complaints Received in 2013

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 2012 and 2013.

**Figure 4: Principal Causes of Formal Complaints in 2012 and 2013**



The professionalism of officers remained the highest cause for complaints in 2013. 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 increased in 2013.

### 3.2 Statutory Complaints Initiated During 2013

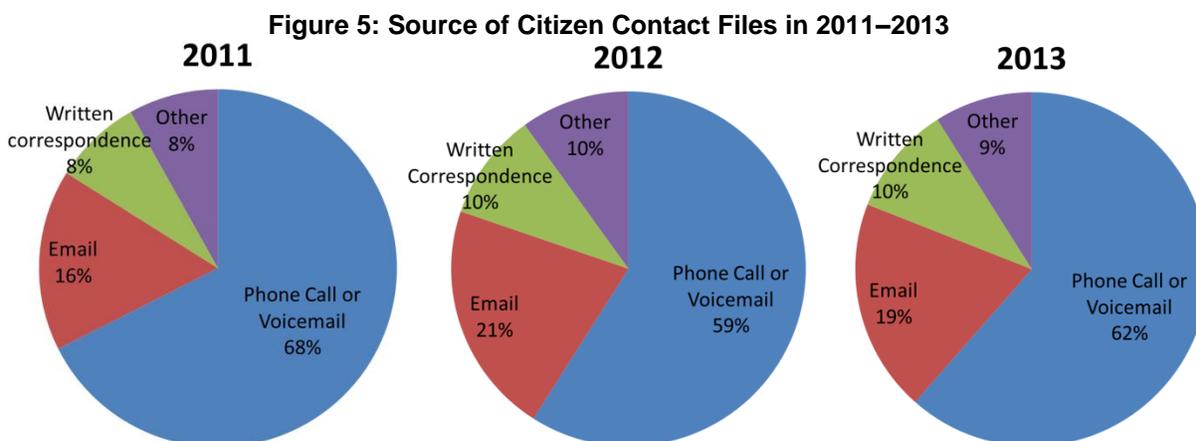
Criminal investigations, labeled as “Statutory Complaints,” are dealt with separately from *Police Act* complaints; that is, a single incident could result in the creation of both a Complaint (dealing with misconduct as defined by the *Police Service Regulation*) and a Statutory Complaint (dealing with 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 2013, 15 criminal investigations were directed regarding the conduct of officers. Of those, 1 investigation was related to a complaint received during 2011, 4 were related to complaints received in 2012 and the remaining 10 were related to complaints received during 2013.

### 3.3 Informal Files Received by PSB in 2013

As shown in Table 3, above, the number of informal files decreased from 857 files in 2012 to 841 files in 2013. However, there was virtually no change in the proportion of informal files; that is, informal files accounted for 79.7% of PSB’s total files in 2012 and 79.6% of PSB’s total files in 2013.

#### 3.3.1 How Are Informal Files Received?

The figure below shows the media through which informal files were received from the public from 2011-2013.

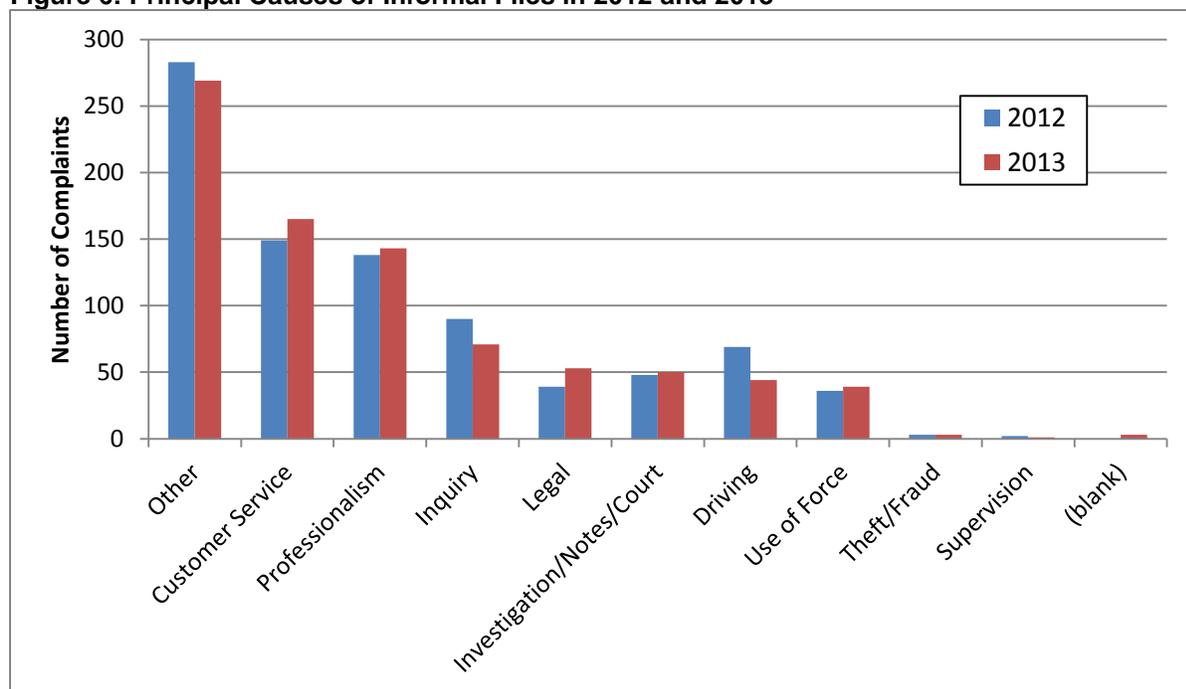


The number of concerns and inquiries received verbally (i.e., through phone calls) has decreased since 2011, whereas the number of files received in written formats (i.e., email, mailed correspondence, and faxes) has increased since 2011. However, the media through which concerns and inquiries were received remained fairly constant in 2012 and 2013. The most likely explanation for the increase in written formats since 2011 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 2013

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 2012 and 2013**



The majority of informal concerns and inquiries (excluding those classified as “Other”) are primarily about customer service (including refusal 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).

### **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 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 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 (56%) 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	36	102	13	36,543
Northeast	29	76	12	32,756
Southeast	19	57	5	21,967
Southwest	23	60	8	26,761
West	38	67	12	29,585
<b>CPB Total Files</b>	<b>145</b>	<b>362</b>	<b>50</b>	
<b>Investigative Support Bureau</b>				
Criminal Investigations	12	17	1	
Operational Support	16	69	13	
Spec Investigation	10	21	8	
<b>ISB Total Files</b>	<b>38</b>	<b>107</b>	<b>22</b>	
<b>Corporate Services Bureau</b>				
Human Resources Div	6	3	0	
Informatics Div	0	0	2	
Supply Services	1	2	0	
<b>CBS Total Files</b>	<b>7</b>	<b>5</b>	<b>2</b>	
<b>Other/Unspecified</b>	<b>25</b>	<b>261</b>	<b>32</b>	
<b>Grand Total</b>	<b>215</b>	<b>735</b>	<b>106</b>	

#### 4. Professional Standards Files Concluded in 2013

During 2013, PSB concluded 1155 files, marking a five year high for the number of concluded files. This included the resolution of 725 files opened during 2013, with the remainder of the files (430) being from previous years.<sup>9</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.

<sup>9</sup> As of February 21, 2014, PSB has concluded 804 of the 1,056 files received during 2013.

## 4.1 Resolution of Formal Complaints

In 2013, there were several sustained complaints. As seen in Table 5, below, the majority of sustained complaints were considered to be Minor Contraventions (as per section 19(1) of the *Police Service Regulations*). Since the number of files concluded in 2013 is greater than in past year, the proportional number of files that resulted in discipline has decreased slightly since 2012. That is, in 2012, 25 files (15%) resulted in discipline either at a Disciplinary Hearing or as a Minor Contravention, whereas in 2013, 39 files (14%) resulted in discipline either at a Disciplinary Hearing or as a Minor Contravention

**Table 5: Disposition of Complaints Concluded by PSB During 2011-2013**

	2011	2012	2013
<b>Formal Resolutions</b>			
Reasonable Prospect - Proven	4	9	10
Reasonable Prospect - Not Proven	4	3	1
No Reasonable Prospect	58	59	124
Minor Contravention	11	16	29
Dismissed/Withdrawn	35	34	54
<b>Informal Resolutions</b>			
Supervisory Review	58	29	33
Resolved through PSB	29	12	5
Mediation or Facilitated Discussion	0	1	16

A total of 272 formal complaints were concluded during 2013. Those files contained a total of 1027 allegations of misconduct by police officers and 25 allegations regarding the policies or services provided by the EPS. Those allegations and their outcomes are detailed in Table 6, below.

**Table 6: Outcome of Allegations Concluded During 2013**

<b>Disciplinary Hearings</b>			
	Sustained	Not Sustained	Total
Corrupt Practice	1	1	2
Deceit	2	2	4
Discreditable Conduct	11	2	13
Insubordination	3	0	3
Neglect of Duty	0	1	1
Unlawful/Unnecessary Exercise of Authority	3	2	5
<b><i>Disciplinary Hearing Total</i></b>	<b>20</b>	<b>8</b>	<b>28</b>
<b>Minor Contraventions and Informal Resolutions</b>			
	Minor Contravention	Informal Resolution	Total
Breach of Confidence	0	2	2
Deceit	0	1	1
Discreditable Conduct	14	54	68
Improper Use of Firearm	0	1	1
Insubordination	14	9	23
Neglect of Duty	5	19	24
Unlawful/Unnecessary Exercise of Authority	8	28	36
Deficient Policy or Services (s. 44 PA)	3	8	11
<b><i>Minor Contravention / Informal Total</i></b>	<b>44</b>	<b>122</b>	<b>166</b>
<b>Not Sustained, Dismissed, or Withdrawn</b>			
	Not Sustained	Dismissed / Withdrawn	Total
Breach of Confidence	6	2	8
Consumption or Use of Liquor/Drugs	1	5	6
Corrupt Practice	6	5	11
Deceit	48	25	73
Discreditable Conduct	176	46	222
Improper Use of Firearm	0	1	1
Insubordination	48	20	68
Neglect of Duty	147	34	181
Unlawful/Unnecessary Exercise of Authority	248	26	274
Deficient Policy or Services (s. 44 PA)	13	1	14
<b><i>Not Sustained, Dismissed, Withdrawn Total</i></b>	<b>693</b>	<b>165</b>	<b>858</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 several features, including the severity of the allegations, the effort required for in the investigation (e.g. number of witnesses and/or evidence), and the complexity of the file (e.g. number of officers and allegations involved). The severity of the allegations is considered the most important factor when prioritizing investigations. Severity is ranked from “A” to “C” where “A” is considered to be the most severe, and may include allegations such as deceit and/or criminal offenses. Complaints classified at the “B” level may contain allegations such as use of force upon arrest, neglect of duty or insubordination, and complaints classified at the “C” level may contain allegations such as rudeness, swearing or customer service issues. The following table shows the time taken in months by PSB to conclude files at each level of severity during 2013.

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

<b>Severity of Allegations</b>	<b>Number of Files Concluded</b>	<b>Median Time (months) to Complete</b>
A	49	17
B	127	15
C	42	13
Other/Unclassified	54	8
<b>Total</b>	<b>272</b>	<b>14</b>

A large portion of files in the “Other” row (50%) were concluded informally, indicating that the allegations were not of a severe nature.

## **4.2 Resolution of Statutory Complaints**

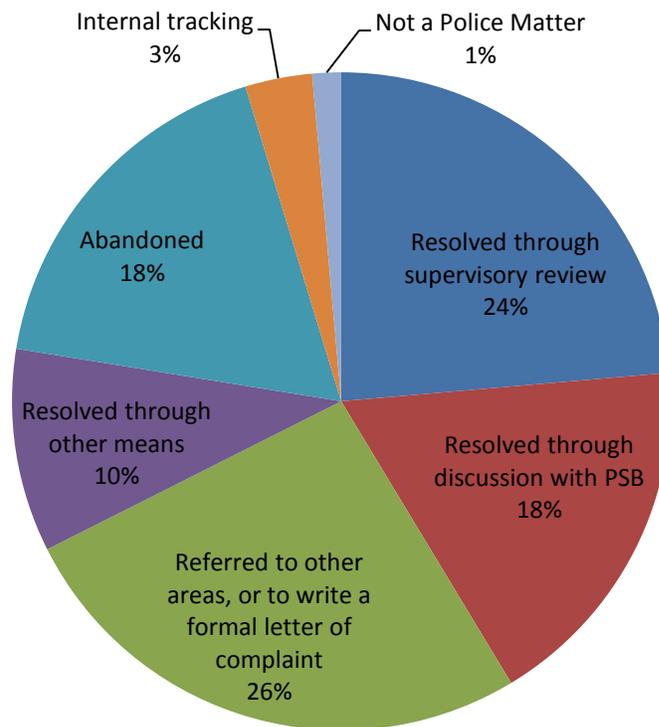
During 2013, PSB concluded 32 criminal investigations. Criminal charges were laid in 5 of the 32 investigations. The 32 criminal investigations included a total of 76 criminal allegations. Of those, one allegation was reduced to a lesser charge under the *Traffic Safety Act* (with a guilty plea to the lesser charge), three were concluded via a peace bond, one charge was stayed, 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 2013**

Allegation	Total # of Allegations	Not Charged	Conviction	Other Outcomes
Assault Causing Bodily Harm, Assault with Weapon, Assault (CCC 266, 267)	28	27	0	1 – Stay of Charges
Breach of Trust (CCC 122)	1	1	0	
Careless Use of Firearm (CCC 86)	3	3	0	
Dangerous Driving	1	0	0	1 – Guilty Plea to Careless Driving (TSA)
Forcible Confinement (CCC 279)	2	2	0	
Forgery (CCC 367(1))	2	0	0	2 – Acquittal
Improperly Storing a Firearm (Firearms Act s.109)	1	0	0	1 – pending
Mischief (CCC 430)	2	1	0	1 – Concluded via Peace Bond
Obstruction of Justice (CCC 139)	13	11	0	2 – Acquittal
Perjury (CCC 131)	9	9	0	
Pointing a Firearm (CCC 87(1))	1	1	0	
Possession of Weapon for Dangerous Purpose (CCC 88(1))	1	1	0	
Public Mischief (CCC 140)	1	1	0	
Theft (CCC 334)	2	2	0	
Unauthorized Possession of a Firearm (CCC 91(1))	1	1	0	
Utter Threats (CCC 264.1)	6	4	0	2 – Concluded via Peace Bond
Uttering a Forged Document (CCC 368(1)(a))	2	0	0	2 – Acquittal

### 4.3 Resolution of Informal Files

In 2013, PSB resolved 851 informal concerns or inquiries. On average, files were resolved in approximately two months. The breakdown of the resolutions is shown in Figure 7, below.

**Figure 7: Resolutions of Informal Concerns and Inquiries During 2013**

#### 4.4 Complaints Directed to Disciplinary Hearings in 2013

In 2013, a total of 19 complaints were directed to disciplinary hearings. Of those 19, 18 were directed to hearing by the Chief of Police, and the remaining one was directed to hearing after an appeal to the LERB. Four of the complaints involved a single officer and were set to be combined into a single disciplinary hearing; however, the officer resigned prior to the hearing. In three additional cases, there was a loss of jurisdiction due to the officer resigning or retiring before the hearing took place. In one case, the complaint was resolved through agreed discipline (pursuant to section 19(1) of the *Police Service Regulation*) prior to the hearing taking place. Four hearings have already been completed, while the remaining seven are still pending.

## 4.5 Discipline Ordered During 2013

Twelve complaints were concluded through disciplinary hearing during 2013. Two officers were dismissed from the service as a result of their misconduct.

**Table 9: Discipline Resulting from Disciplinary Hearings Concluded During 2013**

Allegation	Total # of Allegations	Not Sustained	Sustained	Penalties Applied
Corrupt Practice	2	1	1	Dismissal*
Deceit	4	2	2	Dismissal*
Discreditable Conduct	12	1	11	Directed Remedial Training** Dismissal* Reduction of Rank* Reduction of Seniority within Rank Reprimand Suspension without Pay (avg. 24 hours)
Insubordination	3	0	3	Directed Remedial Training** Reduction of Rank* Reprimand Suspension without Pay (avg. 12 hours)
Neglect of Duty	1	1	0	
Unlawful / Unnecessary Exercise of Authority	6	3	3	Dismissal* Suspension without Pay (avg. 13 hours)

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

\*\* Applied in conjunction with other penalties

Twenty-six complaints were concluded as minor contraventions, with discipline applied as per section 19(1) of the *Police Service Regulation*. One additional complaint was concluded as a minor contravention, but was dismissed without discipline as per section 19(1)(a)(i) of the *Police Service Regulation*. Additionally, three complaints regarding the policies or services provided by the EPS resulted in improvements being made to EPS policies or processes; these complaints are included in this section since they are considered to be sustained without a disciplinary hearing.

**Table 10: Discipline Resulting from Minor Contraventions During 2013**

<b>Allegation</b>	<b>Total # of Allegations</b>	<b>Penalties Applied</b>
Discreditable Conduct	14	Forfeiture of OT hours (avg. 12 hours) Official Warning Reprimand Suspension without Pay (avg. 25 hours)
Insubordination	14	Directed Remedial Training Official Warning Reprimand Suspension without Pay (avg. 16 hours)
Neglect of Duty	5	Forfeiture of OT hours (avg. 10 hours) Official Warning Suspension without Pay (avg. 30 hours)
Unlawful / Unnecessary Exercise of Authority	8	Directed Remedial Training Forfeiture of OT hours (avg. 40 hours) Reprimand Suspension without Pay (avg. 12.5 hours)
Failure to Provide Adequate Services or Policy (s. 44 PA)	3	Improvements made to policy/process

## 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 2013, EPS opened 285 compliment files from members of the community. This is 70 more compliments than the 215 formal complaints investigated over the same period.

These compliments were received by 323 members, with 68 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 2013**

	<b>Number of Compliments</b>	<b>Total Involved Officers</b>
<b>Community Policing Bureau</b>		
Downtown	37	63
Northeast	40	83
Southeast	28	45
Southwest	35	62
West	25	40
<b>CPB Total Files</b>	<b>165</b>	<b>293</b>
<b>Spec Community Support Bureau</b>		
Criminal Investigations	8	18
Operational Support	27	46
Spec Investigation	22	36
<b>ISB Total Files</b>	<b>57</b>	<b>100</b>
<b>Corporate Services Bureau</b>		
Human Resources Division	8	11
<b>CSB Total Files</b>	<b>8</b>	<b>11</b>
<b>Other/Unspecified</b>	<b>10</b>	<b>11</b>
<b>EPS (General)</b>	<b>45</b>	
<b>Grand Total</b>	<b>285</b>	<b>460</b>