



Guardian of Public Trust

Oct. 11, 2022

BRIEFING NOTE:

Purpose: Decision

TO: Chair and Members of Commission

FROM: Bonnie Riddell, Policy & Research Analyst

SUBJECT: Policy Revisions: Code of Conduct & Conflict of Interest

Recommendations:

That the Commission approve the following:

- Approve revised policy # 4.2.1 – Code of Conduct (attachment #1)
- Rescind the current policy # 4.2.2 – Reporting a Breach of the Oath of Office and/or Code of Conduct
- Approve the new policy # 4.2.2 – Conflict of Interest (attachment #2)
- Approve the revised Appendix C – Reporting A Code of Conduct Breach (attachment #3)
- Approve the new Appendix I – Declaring A Conflict of Interest Procedure (attachment #4)
- Approve revisions to policy # 5.3.1 – Commissioner Onboarding and Orientation (attachment #5)

(Attachments)

Effective: Nov. 30, 2007	Revised: September 17, 2015 February 21, 2019
Reviewed:	

4.2 CODE OF CONDUCT AND CONFLICT OF INTEREST GUIDELINES

4.2.1 CODE OF CONDUCT

It is the purpose of this Code of Conduct to outline certain basic rules for persons appointed as members of the Edmonton Police Commission (Commission) so that they may carry out their entrusted duties with impartiality and dignity, recognizing that the function of the Edmonton Police Commission is, at all times, service to its community and the public.

The members of the Commission will achieve effective governance and oversight by fulfilling their roles and responsibilities under the *Police Act* and will exercise their official duties and functions in such a manner that public confidence and trust in the integrity and objectivity of the Commission are conserved and enhanced.

While this policy covers a wide range of practices and procedures, the guidelines presented here are not exhaustive, and it is acknowledged that no articulation of policies and procedures to govern conduct can anticipate all situations. The Code of Conduct applies to all Commission members.

Definitions:

Elected office: applies to statutory elections set out in municipal, provincial, and federal legislation.

Political activity: political related activities include canvassing, campaigning, and fundraising, that aim to advance an individual's or a group's interests. This includes, but is not limited to, post, solicit, distribute, wear, or otherwise display political material or messages during board meetings and board- related activities (This includes vehicles and equipment).

Guidelines:

1. Commissioners are expected to comply with the spirit and letter of all laws, regulations, policies, and procedures applicable to the Commission, including, but not limited to, the *Police Act*.

2. Govern their conduct in accordance with the requirements and obligations set out in the Province of Alberta Police Act and Regulations, and the bylaws and policies of the City of Edmonton and the Edmonton Police Commission Policy Manual.
3. Commission members are expected to conduct themselves in such a way as to protect the Commission's reputation and to conduct all business on behalf of the Commission fairly and honestly.
4. Preserve the integrity and impartiality of the Commission and of City Council.
5. At all times conduct themselves in a manner that is respectful and courteous of other Commissioners, Commission staff, members of the Edmonton Police Service, and the public.
6. Not use their position to secure any special privileges, favours, or exemptions for themselves or any other person.
7. Not use their position to advance their interests or the interests of any person or organization with whom or with which they are associated.
8. Be politically neutral in the performance of their Commission duties.
 - a) A Commissioner may participate in political activity; however, such activity must be conducted during non-Commission time and outside of the Commission office.
 - b) A Commissioner may not make use of information obtained during their course of work with the Commission for political purposes.
 - c) Commission members must take an approved leave of absence when running for elected office.
 - d) Commissioners must resign from the Commission if successfully elected.
9. Not use their position as Commissioner to obtain employment with the Edmonton Police Commission or Edmonton Police Service for themselves, family members, close associates, or their firms.
 - a) If a Commissioner is considered for employment with the Commission, then they must temporarily withdraw from the Commission. If the Commissioner is successful in gaining employment, they shall immediately resign from the Commission.
 - b) A Commissioner shall immediately resign if a family member (parent, spouse, and child) gains employment with the Commission.
10. Not attempt to exercise individual authority over the Commission or the Edmonton Police Service. Commission members have no individual authority over the Chief of Police and other Edmonton Police Service members.
11. Commissioners will be governed by the guidelines set out in the Commission's policy on Communications and Media Relations and will not speak to the media on behalf of the Commission unless delegated to do so by the Commission Chairperson. The Chair will be the spokesperson for the Commission. Delegation of this authority may be made from time to time to designated members of the Commission.

- a) If speaking to the media in their individual capacity, individual Commissioners must notify the media that they are not speaking as a spokesperson for the Commission.
 - b) A Commissioner who expresses disagreement with a decision of the Commission shall make it clear that the member is expressing a personal opinion and not the opinion of the Commission.
12. If Commissioners use social media platforms then their comments and activities will be governed by the EPC's policy on Social Media and a Commissioner may not avoid this, or other applicable policy, by changing the name or identifier on their social media account(s).
 13. Keep confidential any information discussed at an in-camera or closed meeting.
 14. Abide by their Oath of Office.
 15. Attend and actively participate in Commission meetings and notify the Chair or Executive Director of any anticipated absences.
 16. Not interfere with the management or day to day operations of the Service.
 17. Avail themselves of training or educational opportunities that may be provided for them to assist in carrying out their duties.
 18. Commissioners should not assume that any unethical activities not covered by or specifically prohibited by these guidelines of conduct, or by any legislation, are therefore condoned. Any Commission member uncertain of their duties in any particular circumstance should raise this concern with the Commission Chair, Executive Director or the Commission's legal counsel in order to obtain appropriate guidance and advice.
 19. Any Commission member who becomes aware that another Commission member may have breached the Code of Conduct shall bring the matter forward to the Commission.
 20. All suspected breaches will follow the procedures outlined in EPC policy *Appendix C – Reporting a Code of Conduct Breach*.
 21. For a period of twelve months after leaving the Commission, abide by the ethical standards of conduct listed above, except those related to confidential information which shall apply in perpetuity.

References:

1. *Appendix C – Reporting a Code of Conduct Breach*
2. *City of Edmonton – Ethical Guidelines For Citizens Who Serve On City Boards, Agencies and Committees*
3. *EPC Policy #4.2.4 – Social Media*
4. *5.3.3. Communications and Media Relations*

(NEW)

Effective:	Revised:
Reviewed:	

4.2.2 CONFLICT OF INTEREST

Commissioners are expected to perform duties conscientiously and in a manner that will not put their personal interests in conflict with the best interests of the Edmonton Police Commission (Commission) and/or Edmonton Police Service (Service). A conflict of interest arises when a Commissioner’s private interests supersede or compete with the Commissioner’s dedication to the interests of the organization. This could arise from real, potential, or perceived conflict of interests.

Definitions:

Conflict of Interest: is any situation in which a Commissioner’s personal interests (e.g. financial, occupational) may affect, or appear to affect, their objectivity, judgment or ability to act in the best interests of the Commission. The interests of immediate relatives of a Commissioner are also considered to be the interests of a Commissioner.

Potential Conflict of Interest: occurs when there exists some private interest that could influence the performance of a Commissioner’s duty or function or in the exercise of power, provide that they have not yet exercised that duty or function.

Real Conflict of Interest: occurs when a Commissioner exercises an official power or performs an official duty or function and, at the same time, knows that in the performance of that duty or function or in the exercise of power, there is the opportunity to further a private interest.

Perceived Conflict of Interest: occurs when it appears that a Commissioner’s private interests could improperly influence the performance of their duties – whether or not this is the fact.

Private Interest: means anything that can influence an employee. Private interests include, but are not limited to, direct interests, such as an employee’s own personal, family, professional or business interests. Private interests may be pecuniary (i.e. financial), which includes any actual, potential or perceived financial gain or loss. They may also be non-pecuniary, which includes any tendency toward favour or prejudice resulting from personal or family relationships.

Consensual Personal Relationships: include sexual, intimate and/or romantic relationships between adults of any sex or gender identity. These relationships may be casual, periodic or

regular and may or may not constitute a primary relationship. A familial relationship of spouse or partner also constitutes a consensual personal relationship.

Guidelines:

1. Commissioners must declare any potential, real or perceived conflict of interest and make a full disclosure prior to discussion of an issue or an item on the agenda.
2. Certain disclosures may constitute confidential information and Commissioners may want to consult with either internal or external legal counsel prior to making a declaration. If a disclosure is deemed private then a determination can be made for exclusive internal, in camera, disclosure or limited-access disclosure to the general public as long as appropriate management and/or controls are put in place to address the conflict.
3. If a Commissioner is not certain whether there is a potential, real or perceived conflict of interest, they must bring it forward to the Commission.
4. It is the responsibility of every Commissioner who is aware of a real, potential, or perceived conflict of interest on the part of a fellow Commissioner to raise the issue for clarification, first with the Commissioner in question, and, if still unresolved, with the Chair. Commissioners can also seek the advice of the Commission's Executive Director and/or legal counsel.
5. In all cases, conflicts brought to the attention of the Commission, the Commission Chair, the Vice Chair, the Executive Director, or Commission's legal counsel must be resolved in a manner that preserves and enhances public confidence and trust in the objectivity and impartiality of the Commission.
6. Avoid any situation that could, or could appear to, interfere with a Commissioner's judgment in making decisions in the best interests of Commission. Examples of situations that present a conflict of interest include, but are not limited to, the following:
 - a) Influencing the purchase of goods or services for the Commission or the Service from a company or firm in which a Commissioner has financial interest;
 - b) Using confidential or non-public information obtained as a Commissioner to further their private interest;
 - c) Serving on the board of another organization and being in possession of information confidential to the Commission that is of importance to a matter being considered by the board of the other organization;

- d) Using their office to influence, or attempting to influence the hiring or appointment of a family member or related person by the Commission or Service;
 - e) Using the Commission's or Service's resources or facilities for a Commissioner's personal benefit.
7. Commissioners should not accept entertainment, gifts or benefits that grant or may appear to grant preferential treatment to an individual or entity that conducts activities with the Commission or Service. Similarly, no Commissioner may offer entertainment, gifts, or benefits in order to secure preferential treatment for either the Commission or Service.
8. Commissioners should fully and promptly disclose to the Commission any situation where friends, family members or associates of the member (either as an employee or consultant) provide services to the Commission or Service.
9. Commissioners must be sensitive to the nature and frequency of contact with Service personnel and must respect the position of the Chief of Police and the organizational structure of Service. The purpose of this protocol is to protect both Commissioners and Service members from perceived conflicts of interest:
- a) The Commission and individual members do not have any direct authority over Service personnel, save and except as outlined in the *Police Act* and the Commission policy manual. All direction must come through the Chief of Police and approved resolutions of the Commission;
 - b) Commissioners must not interfere with the Services' operational decisions and responsibilities or with the day-to-day operation of the Service and must refrain from directing any Service personnel in their performance of their duties;
 - c) Commissioners must not use their positions to attempt to influence the decisions or actions of Service personnel;
 - d) Commission members should avoid business contact with the Service and its personnel;
 - e) Commissioners may engage with Service personnel during sanctioned social events (grads, awards, etc.) or during site visits and other related events (ride-alongs, established committee meetings, informal meetings, etc.);
 - f) Consensual personal relationships should be confidentially disclosed to the Commission's legal counsel when an actual, potential or perceived conflict of interest cannot be appropriately avoided. Note that any consensual personal relationships involving a direct hierarchical relationship (where one person has a supervisory or decision-making authority over the other) represents a potential conflict of interest and must be disclosed and managed as per *Appendix I – Declaring A Conflict of Interest Procedure*;
 - g) Relationships, even close friendships, with Service officers in senior leadership positions heightens the risk of potential conflict of interests.

10. All conflict of interest declarations will follow the procedures outlined in *Appendix I – Declaring A Conflict of Interest Procedure*.
11. Notwithstanding any of the internal controls put in place by the Commission to manage conflicts of interest, the Commission may, at their discretion, engage either an internal or external auditor to do a review to determine if there have been any breaches of policy by the Commission as a whole.

References:

1. *Appendix I – Declaring A Conflict of Interest Procedure*

(NEW)

**APPENDIX C – REPORTING A CODE OF CONDUCT
BREACH**

Effective: March 2015	Revised: May 17, 2018 October 18, 2018
Reviewed:	April 22, 2021 Nov. 18, 2021

REPORTING A CODE OF CONDUCT BREACH

Any unbecoming conduct, personal, professional, electronic or otherwise, from a member of the Edmonton Police Commission (Commission) may be grounds for rescinding a Commissioner's appointment, after assessment, by the City of Edmonton Council (Council).

Membership on the Commission can only be revoked by Council for just cause as per Section 28(12) of the Police Act.

Where it appears that a Commission member may have breached the Oath of Office and/or Code of Conduct, the following procedures will apply:

Procedures:

1. Commission members or the Executive Director of the Commission who becomes aware that a Commission member may have breached the Oath of Office and/or Code of Conduct shall advise the Chair.
2. Any Commission member who suspects the Chair of a breach of the Oath of Office and/or Code of Conduct shall advise the Vice-Chair, who will perform the duties required of the Chair as set out in the following paragraphs.
3. When the Chair is advised of a suspected breach, they will review the allegation or concern with the Commission member who is the subject to the allegation. The Chair may, if they determine it to be appropriate in the circumstances, initiate such investigations or inquiries as they may deem necessary in an effort to identify all of the facts which may be relevant to the issue. In order to conduct such investigations or inquiries, the Chair shall seek the advice of the Commission's Executive Director and appropriate City Administration and will be at liberty to engage the assistance of outside agencies or experts to the extent they deem necessary and/or appropriate having regard to all of the circumstances.

4. If the suspected breach is substantiated, the Chair shall advise all Commission members, in a Closed or Special Meeting that a suspected breach has been brought to their attention. Commission members will be given the opportunity to seek or lend clarity, to the matter. The Commission member who is suspected of the breach will be entitled to attend this meeting and will be entitled to respond to the issue of the alleged breach or to any questions which may be put forward by any of the Commission members.
5. When the Commission meeting is concluded, the Chair will prepare a report to the Commission outlining the inquiries made and/or steps taken as part of the investigative process and the results obtained.
6. If, following the investigation and the conclusion of the Commission meeting referred to in section 4 above, the Chair is satisfied that the Commission member has in fact breached the Oath of Office and/or Code of Conduct, the Chair will:
 - a) Call a Special Meeting of the Commission where the Commission members, in the absence of the Commission member suspected of the breach, can review the Chair's report and determine their recommendation to Council on whether the revocation of the Commission member's appointment is warranted.
 - b) After consulting with City of Edmonton Administration, arrange to meet directly with Council in private, in order to provide them with the report and the Commission's recommendation, and to answer questions from Council members.
7. The decision as to whether or not to revoke the appointment of the Commission member who is the subject of the investigation, rests with Council.
8. Following the meeting with Council, the Commission will receive the Chair's report for information at the next scheduled meeting.
9. The following additional procedures will apply if a Commission member has been charged or convicted of an offense under the Criminal Code of Canada and/or the Controlled Drugs and Substances Act:
 - a) Commissioners are to immediately declare if they have been charged or convicted of a charge under the Criminal Code of Canada and/or the Controlled Drugs and Substances Act by notifying the Chair. If individual needing to declare is Chair, they will make this declaration to the Vice Chair.
 - b) Any member that has been charged with an offense under either of these Federal Statutes will be suspended from the Commission until the matters are resolved before the courts.

c) Any member of the Commission will be disqualified from their position if the member is convicted of an offense under the Criminal code of Canada and/or the Controlled Drugs and Substances Act.

10. Commissioners should not assume that any other illegal activities not covered by the Criminal Code of Canada or the Controlled Drugs and Substances Act are condoned and excluded from this policy. If in doubt about charges under other federal or provincial statutes that may be cause for dismissal Commissioners should seek advice from the Chair, Executive Director, or legal counsel of the Commission.

References:

1. *Police Act, RSA 2000, c P-17, Schedule 1.*
2. *Criminal Code of Canada (RSC 1985, c. C-46)*
3. *Controlled Drugs and Substances Act (SC 1996, C. 19)*
4. *Appendix A – The City of Edmonton Bylaw, No 14040, Edmonton Police Commission Bylaw, (15 December 2015).*

(NEW)

**APPENDIX I – DECLARING A CONFLICT OF INTEREST
PROCEDURE**

Effective:	Revised:
Reviewed:	

DECLARING A CONFLICT OF INTEREST PROCEDURE

Procedures:

1. It is the responsibility of every Commissioner who is aware of a real, potential, or perceived conflict of interest on the part of a fellow Commissioner to raise the issue for clarification.
2. Upon declaration of a conflict of interest at a Commission meeting, the Commission Secretary should note the declaration in the minutes of the meeting.
3. Commissioners must absent themselves from the proceedings during discussion, or voting on the particular matter, contract or arrangement to which they have declared a conflict.
4. Any Commission member concerned that either the Chair or another Member may have a conflict of interest, must immediately bring the perceived conflict to the attention of that Chair or Member. The Chair or Member shall then consult with the Commission's legal counsel and they shall provide advice on how to address the conflict in an appropriate manner.
5. The Commission's legal counsel or an external agency hired to assess the risk associated with a potential conflict of interest shall evaluate and identify if any controls can or should be put in place to mitigate the risk to the Commission.

6. The Commission will determine by majority vote if a conflict exists. The Commissioner potentially in conflict shall be absent from the discussion and shall not vote on the issue of whether a conflict exists.
7. Where a Commissioner has declared a conflict in a matter, or a majority of the Commission has voted that a conflict of interest exists for a specific Commissioner in a matter, the affected Commissioner shall leave the meeting room for the duration of any discussion on the matter, abstain from participating in any discussion on the matter, shall not attempt to personally influence the outcome, and shall not vote on the matter.
8. Commissioners will withdraw as a member of the Commission for the duration of an investigation or inquiry if their conduct or performance is under investigation by City Council.

Effective: Nov. 30, 2007	Revised: October 21, 2010 September 15, 2015 April 16, 2020
Reviewed:	

5.3.1 COMMISSIONER ONBOARDING AND ORIENTATION

The Edmonton Police Commission (“Commission”) recognizes that there is a significant public responsibility in providing governance and oversight over the Edmonton Police Service (“Service”) and acknowledge that member contribution can be greatly enhanced by the delivery of an orientation and training program.

Guidelines:

1. All newly appointed Commission members will take an Oath of Office and sign the Code of Conduct and Conflict of Interest guidelines.
2. All new Commission members will participate in orientation sessions regarding their roles and responsibilities as soon as practicable upon appointment.
3. Orientation sessions will be delivered by Commission staff, members of the Service, members of Alberta Justice and Solicitor General and/or any other agency that can assist Commission members in fulfilling their responsibilities to the Commission.
4. The Service will provide an operational orientation to new Commissioners, including a review of key aspects of its priorities, operational areas, structure, authority and human resources.
5. It is the responsibility of each Commission member to familiarize themselves with the contents of the Commission’s Policy and Procedure Manual and to abide by the guidelines contained therein.
6. New Commissioners may ask the Chair to assign an existing Commissioner as a mentor to provide ongoing support with orientation regarding the operation of the Commission and background information on the Commission and Service.
7. Commission orientation and training is an ongoing process and will continue throughout the term of membership.

Procedures:

1. New Commission members will be given an orientation binder containing the following:
 - a. Alberta Police Act,
 - b. Alberta Police Service Regulation,
 - c. Edmonton Police Commission Bylaw,
 - d. Commission's Policy and Procedure Manual,
 - e. Meeting procedures and schedules,
 - f. Commission office procedures,
 - g. List of Mayor, Councillors and Chief's Committee,
 - h. Other resources as appropriate.

2. New Commission members will also be given an overview of the following:
 - a. Police governance and oversight in Alberta, including Commissioner roles and responsibilities,
 - b. Commission's current strategic plan,
 - c. Alberta's Freedom of Information and Protection of Privacy Act (FOIP) and how it applies to the Commission, as well as other pertinent legislation,
 - d. An overview of the public complaint process,
 - e. Commission's Code of Conduct and Conflict of Interest policies and guidelines,
 - f. Other topics as appropriate.