



EDMONTON POLICE SERVICE

REPORT TO THE EDMONTON POLICE COMMISSION

DATE: 2022-11-22

SUBJECT: 2022 Bias Check Audit Report

RECOMMENDATION(S):

That this report be received for information.

INTRODUCTION:

This report provides information on the results of the Audit and Risk Branch's (Audit & Risk) bias check audit. As Edmonton Police Service (EPS) does not practice the current definition of street checks, Edmonton Police Commission (EPC) has approved Audit & Risk to review bias in the reports in place of the annual street check audit.

BACKGROUND:

In 2021, the Ministry of Justice and Solicitor General released a new legislation to ban "carding" and regulate "street checks". Carding, defined as an officer's attempt to collect information from a member of the public based on prohibited grounds of discrimination is not condoned by EPS. Per the legislation, street checks can be interpreted as an officer's attempt to collect information outside of their regular authority and policing activities. EPS does not practice the new definition of street checks; however, officers will interact with members of the public to obtain voluntary information for community safety and to further investigations. These interactions are reported in an Officer Contact Report (OCR).

Audit & Risk audited the OCRs for instances of bias.

COMMENTS / DISCUSSION:

The audit objective was to determine if OCRs display signs of discriminatory policing. Audit & Risk also analyzed all reports to see if they were reviewed and approved by the Emergency Communications & Operations Management Branch (ECOMB).

Audit & Risk performed the following:

- Reviewed a sample of OCRs with a diverse panel that included a mixture of sworn members and civilians.

- Using data analytics, verified that all OCRs were reviewed and approved.

CONCLUSION:

Audit & Risk did not identify any new significant findings that required a recommendation in the current audit period. The prior year outstanding audit recommendation is as follows:

- ECOMB collaborate with Police Training Branch and Equity & Inclusion Branch to enhance inclusive language and OCR writing education for OCR reviewers.

Management accepted and provided plans to address the recommendation with expected completion dates. Audit & Risk also discussed various lower risk observations for improvement with management.

Audit & Risk will continue to follow up and report on the status of this recommendations during its semi-annual recommendation update to Chief's Committee and the EPC.

ADDITIONAL INFORMATION ATTACHED:

- Attachment – 2022 Bias Check Audit Report

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Date: Nov 28 / 2022



Edmonton Police Commission & Edmonton Police Service

BIAS CHECK AUDIT

Audit and Risk Branch

Audit Period: July 1, 2021 – September 30, 2022

Executive Summary

Edmonton Police Service (EPS) officers may interact with members of the public for various reasons. This includes investigating crime or enforcing a law, receiving volunteered information from the members of the public, responding to a public-generated call for service, and speaking with a person who is a victim of a crime. These interactions should not be arbitrary or based on prohibited grounds, such as race, gender, or socio-economic status.

In 2021, the Ministry of Justice and Solicitor General released legislation to categorize and regulate certain interactions between officers and members of the public. As per EPS Legal Council's opinion, this legislation aims to:

1. Ban carding, which is when officers attempt to collect information from a member of the public based on prohibited grounds of discrimination.
2. Regulate street checks, which is interpreted in legislation as instances where officers would attempt to collect information outside of their regular authority and policing activities.

EPS does not condone carding and does not practice the new definition of street checks. However, officers still interact and perform checks with members of the public to obtain voluntary information for community safety and investigative reasons. EPS officers report these interactions in an Officer Contact Report (OCR).

The purpose of the audit is to review bias in the OCRs and provide assurance that officers are not exhibiting biased behavior. The Audit and Risk Branch (Audit & Risk) selected a diverse panel, including civilian and sworn members, with different backgrounds to review OCRs based on set criteria. Audit & Risk also verified EPS complied with its process of ensuring all OCRs were reviewed and approved.

Audit & Risk did not identify any additional significant findings.

During the audit, Audit & Risk identified the following areas of strength:

- EPS has a centralized area that reviews OCRs, which enhances consistency in the review process. All OCRs were reviewed for the audit period.
- To address prior year recommendations, EPS released training in August 2022 around street checks, providing an update on the new legislation and a refresher on when it is appropriate to do a check. Additional training will also be provided next year on OCRs.

However, Audit & Risk continues to find inconsistencies with how reports are being reviewed as some reports did not meet all the report approval criteria. Audit & Risk identified this as a risk in the prior year and there is currently an outstanding recommendation to address this through additional training. Management has plans to resolve this issue by June 2023. Refer to Appendix A.

Objective and Scope

The audit objective is to determine if OCRs display signs of discriminatory policing. Specifically, the auditors determined if EPS met the following criteria:

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- OCRs, detailing checks on members of the public, were conducted under lawful authority (not carding).
- OCRs do not include apparent explicit or implicit bias or assumptions when describing members of the public,
- OCRs were prepared using appropriate language with guidance from the EPS inclusive language guide.
- OCRs were reviewed and approved.

Audit & Risk achieved this by:

- Reviewing a sample of OCRs during the audit period with a group of panelists with diverse backgrounds within the organization.
- Using data analytics to check that all OCRs in the audit period have been reviewed and approved.

The audit period was between July 1, 2021 – September 30, 2022.

The audit did not analyze whether certain minority groups were being targeted as certain information (e.g., race, gender) is not required to be collected.

Background

In the prior year, Audit & Risk audited Street Check Reports (SCRs) against the SCR Approval Criteria to provide reasonable assurance that street checks were conducted appropriately, and that documentation was also complete and appropriate.

In June 2021, the Ministry of Justice and Solicitor General introduced a new legislation to ban “carding” and regulate “street checks”. EPS defines carding as “the practice of randomly requesting personal information when there are no reasonable grounds” and street checks as “conversations between a police officer and a member of the public. Conversations with members of the public may only be conducted if there are clear grounds that it may further an investigation or prevent crimes, disorder and victimization.” Under the Collection of Information Voluntarily Provided by the Public Regulation, specifically sections 1(3)(a)-(h), EPS is satisfied that police officers have sufficient authority to interact with members of the public without the use of the legislation’s definition of street checks.

As EPS does not practice the current definition of street checks, the Finance and Audit Committee of the Edmonton Police Commission (EPC) approved Audit & Risk’s audit of bias in the OCRs, in place of the annual street check audit.

Bias is defined as the assumption of stereotypes about an individual based on their characteristics or group identity that can influence a person’s behavior. EPS has an inclusive language guide to ensure language used by the organization is appropriate.

The Emergency Communications & Operations Management Branch (ECOMB) is responsible for reviewing and approving OCRs against set criteria which includes ensuring:

- Appropriate use of the form.

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- Report content is articulated and appropriate.
- The report does not contain apparent explicit or implicit bias.

Results

Audit & Risk invited a diverse group of panelists to review the sample OCRs for the audit period. See Appendix B for the Officer Contact Report Data Analysis, including the sample selection. The panelists consisted of a total of 11 sworn members and civilians with the following backgrounds:

- Community Relations Coordinator, Equity and Inclusion Branch
- Constable, Recruit Training Unit
- Language Service Coordinator, Partnership and Stakeholder Development Branch
- Manager, Emergency Communications and Operations Management Branch
- Program Manager, Community Relations Section
- Staff Sergeant, Office of the Chief
- Staff Sergeant, Integrated Offender Management Section
- Sergeant, Office of the Chief
- Constable, Disruptions Team
- Equity & Inclusion Implementation Coordinator, Equity and Inclusion Branch
- Constable, Downtown Patrol Division

The panelists used the following criteria to review these reports:

1. Interaction was conducted appropriately (i.e., not carding).
2. Report did not contain exclusive language or offensive terms. The inclusive language guide was used to assist with this process.

Audit & Risk did not identify any significant findings that merited a new recommendation in the current audit period. Audit & Risk noted that:

- EPS centralized all OCR reviews through ECOMB, and that all OCRs have been reviewed and approved in the period.
- EPS released training in August 2022 to clarify the legislation changes around street checks.

However, in the current year testing, Audit & Risk continued to find inconsistencies with how reports were reviewed, resulting in the exceptions noted in the following table. Audit & Risk had issued a recommendation for this in the prior year. Management is taking steps to resolve this recommendation. Refer to Appendix A. Low-risk findings were also identified and communicated to management for resolution. They are not reported below and will not be formally tracked.

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Percentage of Exceptions by Criteria Year Over Year

Category	2016	2017	2018	2019	2020	2021	2022
Compliance rate	92%	87%	96%	96%	96%	83%	89%
Criteria 1: Interaction was conducted appropriately (i.e., not carding)	4%	7%	0%	1%	0%	10%	7%
Criteria 2: Report does not contain exclusive language or offensive terms	2%	0%	1%	2%	2%	5%	5%

Note: The sum of the compliance and exception percentages will not total 100% as some samples contained more than one exception and prior year compliance percentages included additional criteria.

Category	Exceptions Found
Criteria 1: Interaction was conducted appropriately (i.e., not carding) 12 exceptions identified	<ul style="list-style-type: none"> 6 instances where the stop appeared to occur because the individual or vehicle was involved in criminal activities in the past, however the current interaction did not suggest a stop was appropriate. 4 instances where the report did not indicate the reason for the interaction or there was not enough information on why the interaction was appropriate. 1 instance where the stop was under the assumption that the individual was associated with weapons found. 1 instance where the report provided an address but did not indicate relevance of the address; therefore, the interaction did not suggest a stop was appropriate. None of the exceptions implied checks were based on prohibited grounds, such as race.
Criteria 2: Report does not contain exclusive language or offensive terms 8 exceptions identified	<ul style="list-style-type: none"> 3 instances where the term "Native" or "Aboriginal" were used opposed to the recommended term "Indigenous". 2 instances where the term "street worker" were used to describe individuals as opposed to the recommended term "person involved in prostitution". 1 instance where an individual was described as "appeared to be houseless", which was an assumption. 1 instance where an individual was described as having a "smug attitude" and being "sluggish", which was an assumption. 1 instance where reference to race was not relevant to the report.

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Acknowledgements

We thank the following individuals for their assistance during the audit:

Area	Name & Title
Emergency Communications & Operations Management Branch	Inspector Christa Pennie
Equity and Inclusion Branch	Inspector Brenda Dalziel Inspector Jason Mitzel

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Appendix A – Status of Open Recommendation From Prior Audit

Audit Year	Recommendation	Status	Management's Response and Expected Implementation Timeline
2021	ECOMB collaborate with Police Training Branch and Equity & Inclusion Branch to enhance inclusive language and OCR writing education for OCR reviewers.	Overdue > 1 year	<p>We understand the importance and the role OCR reviewers play in reinforcing sensitivity and inclusivity with frontline members during checks. We will review current training provided to OCR reviewers for opportunities to reinforce appropriate and inclusive interactions with the community.</p> <p>Expected Implementation Date: Q4 2021</p> <p>There will be an upcoming change in how OCRs will be used and reported that will be included with the CAD-RMS Integration, Modernization and Maximization (CRIMM) system implementation. Training for these changes will be provided to reviewers and report authors when CRIMM training is provided.</p> <p>Expected Implementation Date: Q2 2023</p>

Appendix B – Officer Contact Report Data Analysis

