



EDMONTON POLICE SERVICE

REPORT TO THE EDMONTON POLICE COMMISSION

DATE: 2023-10-19

SUBJECT: 2023 Officer Contact and Observed Report Audit

RECOMMENDATION(S):

That this report be received for information.

INTRODUCTION:

This report provides the results of the Audit and Risk Branch's (Audit & Risk) annual Officer Contact and Observed Report Audit, as approved by the Edmonton Police Commission in the 2021-2023 internal audit plan.

BACKGROUND:

As per the Police Act and Regulation 147 *Collection of Information Provided by the Public* (Regulation), EPS has a duty to report on their public interactions.

An Officer Contact Report (OCR) is completed when a police officer interacts with the public as a result of proactive policing and/or engagement with a person or group of people, but there are no grounds for an arrest. The purpose of an officer contact is to gather street-level intelligence that may assist members in increasing public safety through preventing, intervening, and suppressing crime, and to further investigations. An Observed Report (OR) is used when an officer did not interact with any subject and merely made an observation (i.e., that a person was driving a certain vehicle, interacting with somebody, etc.). The purpose of the reports is to link entities such as people, places and vehicles at a particular time or location. These reports are built into EPS's records management system (NicheUA) and ensure that the police officer interaction is properly documented and searchable.

The audit objective is to provide reasonable assurance that officer contacts and observed occurrences are conducted lawfully, without bias, and associated documentation is complete and appropriate. The audit period was October 1, 2022 – August 31, 2023.

COMMENTS / DISCUSSION:

Audit & Risk performed the following:

- Reviewed a sample of reports with a diverse panel that included a mixture of sworn members and civilians to determine if the interaction was under lawful authority and assess for the presence of bias and use of appropriate language.
- Conducted a keyword search for inappropriate terms/language for all OCRs and ORs in the audit period.
- For a sample of reports, assessed whether the accurate reporting templates were used and whether approvals were completed in line with policy.
- Assessed training and public awareness requirements as per the Regulation.

CONCLUSION:

In response to our findings, Audit & Risk made one recommendation:

OCR review process be conducted with defined review criteria. The criteria should include, but not limited to:

- Appropriate reporting template is used*
- The OCR is articulated and contains appropriate content*
- The OCR does not contain apparent explicit or implicit bias*
- Inclusive language is used in the report*

Management accepted and provided a plan to address the recommendation. Audit & Risk also discussed various low risk observations for improvement with management.

Audit and Risk will follow up and report on the status of the recommendation during its semi-annual recommendation update to Chief's Committee and the Edmonton Police Commission.

ADDITIONAL INFORMATION ATTACHED:

Attachment 1– 2023 Officer Contact and Observed Report Audit Report

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Caroline Chang
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Reviewed By: Justin Krikler, Chief Administrative Officer, Corporate Services Bureau

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Reviewed By: Derek McIntyre, Superintendent, Information Management & Intelligence

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Chief of Police: _____

Dale McFee

Date: Nov 3, 23



Edmonton Police Commission & Edmonton Police Service

OFFICER CONTACT AND OBSERVED REPORT AUDIT

Audit and Risk Branch

Audit Period: Oct 1, 2022 to August 31, 2023

Executive Summary

In accordance with the 2021 - 2023 internal audit plan as approved by the Edmonton Police Commission (EPC), the Audit and Risk Branch (Audit & Risk) conducted its annual audit of Officer Contact and Observed Reports (previously termed Bias Check).

As per the Police Act (Act) and Regulation 147 *Collection of Information Voluntarily Provided by the Public* (Regulation), EPS has a duty to report on their public interactions. In June 2023, EPS replaced Street Check Reports (SCR) in the records management system (NicheUA) with two new report types: Officer Contact Report (OCR) and Observed Report (OR). The purpose of these reports is to link entities such as people, places and vehicles at a particular time or location. This also ensures police officer interactions are properly documented and searchable.

Officer Contact Report (OCR)

An OCR is completed when a police officer interacts with the public as a result of proactive policing and/or engagement with a person or group of people, but there are no grounds for an arrest. The purpose of an officer contact is to gather street-level intelligence that may assist members in increasing public safety through preventing, intervening, and suppressing crime, and to further investigations.

Observed Reports (OR)

ORs are used when an officer did not interact with any subject and merely made an observation that linked entities (i.e., that a person was driving a certain vehicle, interacting with somebody, etc.).

The Police Electronic Response Team (PERT) is responsible for reviewing and approving OCRs. The submitting member's supervisor is responsible for reviewing and approving ORs.

The purpose of the audit is to determine whether officer contact and observed occurrences are conducted lawfully, without bias, and documentation of officer contact and observed occurrences are complete and appropriate.

Summary of Results

What went well	What could be improved
<ul style="list-style-type: none">✓ OCR and OR templates include several fields that guide members in the type of information required for documentation purposes. This helps ensure significant information is captured for information sharing and legal purposes.✓ Mandatory learning module and procedure provided to all employees on the proper use of OCR and OR templates.	<ul style="list-style-type: none">❖ OCR review process should be conducted with defined review criteria to ensure consistency in the process and to ensure any issues found are addressed in a timely manner with the submitting member.

Objective and Scope

The audit objective is to provide reasonable assurance that officer contacts and observed occurrences are conducted lawfully, without bias, and associated documentation is complete and appropriate. This will be determined by the criteria below:

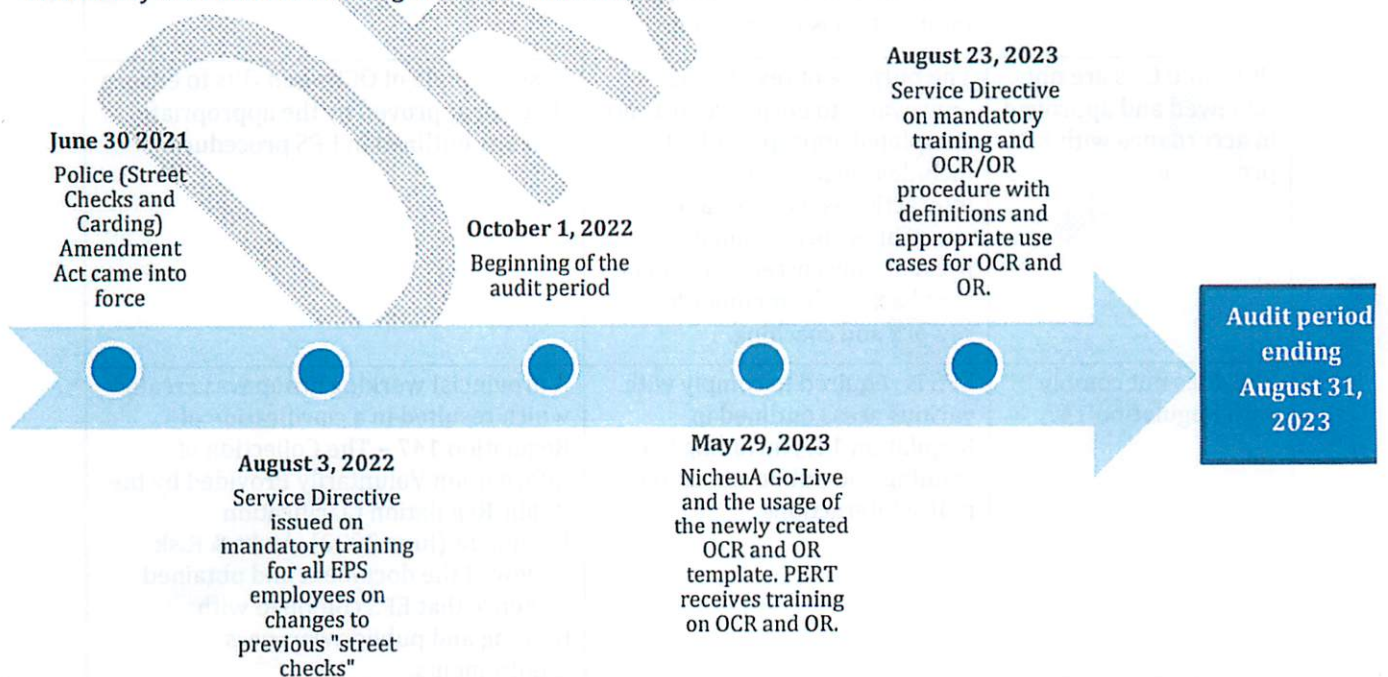
1. Officer contact and observed occurrences do not include any bias or inappropriate assumptions, and the lawful reason for an interaction is communicated to the individual(s) involved in an officer contact.
2. OCRs and ORs do not contain inappropriate language.
3. Accurate reporting templates are used depending on the occurrence to ensure adequate information is captured and aligned with legislation.
4. OCRs and ORs are appropriately reviewed and approved in accordance with policy.
5. EPS complies with Regulation 147 *Collection of Voluntarily Information Provided by the Public*, specifically in relation to training and public awareness requirements.

The audit period is October 1, 2022, to August 31, 2023.

Scope Limitation

The procedure and all training outlining the requirements associated with OCRs and ORs, including approval requirements, commenced on May 29, 2023 and concluded on August 23, 2023. The audit period ended on August 31, 2023. Therefore, there were 8 days in the audit period available to assess whether the procedure and training were effective in ensuring members used the correct template and followed the appropriate approval process. Given this is not sufficient time to make such an assessment, any exceptions were discussed with management but have not been included as a finding in this report. This will be reassessed next year to determine if a finding is warranted.

Timeline of OCR and OR Training and Procedure Rollout



Officer Contact and Observed Report Audit
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Audit Procedures

The following table lists out the significant risks identified for this engagement and the audit procedures performed to respond to them.

Area / Risk	Why it matters	What Audit & Risk did
Interaction was conducted inappropriately.	Interactions between an officer and a member of the public need to be conducted under lawful authority. Inappropriate interactions could harm the relationship between EPS and the community.	Invite a diverse panel to review a sample of reports to determine if the interaction was under lawful authority.
Reports include offensive language, inappropriate assumptions and/or bias.	Members should avoid using language that may be offensive to the community. Members should not make inappropriate assumptions about individuals they interact with and should be cognizant of bias.	Invite a diverse panel to review a sample of reports to determine if appropriate language was used, no inappropriate assumptions were made and there was no evidence of bias. Conduct a keyword search of inappropriate terms/language (leveraging guidance from the EPS Inclusive Language Guide) for all reports in the audit period.
Incorrect reporting template is used to record the occurrence.	Specific information is required to be documented in a member's report to ensure the interaction is aligned with legislation. Selecting the proper reporting template will assist in ensuring information is not missing.	Test a sample of OCRs and ORs to determine if the correct reporting template was used to document the occurrence.
OCRs and ORs are not reviewed and approved in accordance with EPS procedure.	The purpose of review and approval is to ensure reports are completed appropriately. This includes ensuring the interaction is bias free and the use of appropriate language is present. Any corrections can be sent back to the member for rework and coaching.	Test a sample of OCRs and ORs to ensure they are approved by the appropriate areas as outlined in EPS procedure.
EPS does not comply with Regulation 147.	EPS is required to comply with various areas outlined in Regulation 147, including bias training and public education on police interactions.	A provincial working group was created which resulted in a clarification of Regulation 147 – The Collection of Information Voluntarily Provided by the Public Regulation Clarification Document (June 2022). Audit & Risk reviewed the document and obtained evidence that EPS complied with training and public awareness requirements.

Officer Contact and Observed Report Audit
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Exceptions found that could pose a risk to EPS are included in the table below as an audit recommendation. The purpose of a recommendation is to guide management to mitigate the risk exposure. The risk level assigned to each recommendation is determined by Audit & Risk's assessment of the likelihood and consequence and agreed to by management.

Audit & Risk also identified low-risk findings that were communicated to management. They are not reported below and will not be tracked as they are low risk.

Panel Review Results

Audit & Risk selected a diverse panel, including civilian and sworn employees, with different backgrounds to facilitate a review of a sample of 220 officer contact/observed occurrences. The panelists used the following criteria to review the reports:

1. Interaction was conducted lawfully with the reason for the interaction communicated to the individual(s). Reason for the interaction/observation is documented.
2. Report did not contain inappropriate language. The EPS inclusive language guide was used to assist with this process.

Percentage of Exceptions by Criteria Year over Year

Category	2019	2020	2021	2022	2023
Compliance rate	96%	96%	83%	89%	92%
Criteria 1: Reason for interaction/observation	1%	0%	10%	7%	<1%
Criteria 2: Language	2%	2%	5%	5%	<8%

Note: The sum of the compliance and exception percentages will not total 100% as some samples contained more than one exception. Previous years (2019-2021) compliance percentages included additional criteria. Previous year's criteria were reassessed and only high-risk criteria such as bias and use of inclusive language were kept in scope starting in 2022.

Category	Exceptions Found
Criteria 1: Reason for interaction/observation <i>1 exception identified</i>	<ul style="list-style-type: none">• 1 exception was identified in an OR. The report mentioned that during a traffic stop unrelated to the subject, the subject's vehicle slowly rolled past the stop. The subject proceeded to "stare down" the sworn member. Following this, the sworn member further queried the license plate of the vehicle and documented the observation.
Criteria 2: Language* <i>17 exceptions identified</i>	<ul style="list-style-type: none">• 9 instances of using the term "homeless" or "homelessness" to describe an individual opposed to preferred term "individual experiencing houselessness"• 4 instances of using the term "Aboriginal" to describe an individual as opposed to other preferred terms such as "Indigenous".• 3 instances of using the term "Caucasian" to describe an individual as opposed to other preferred terms such as "White".• 1 instance of describing someone as "mentally delayed" as opposed to "person with a cognitive or developmental disability".

**Note: The EPS Inclusive Language Guide was used to assist panelists with assessing this criteria. The use of the Inclusive Language Guide is not mandated through EPS policy and procedure.*

Recommendations

1. Review Criteria

Findings	<ul style="list-style-type: none"> During Audit & Risk's walkthrough, it was determined that there were no formalized review criteria established to assist OCR approvers. This could result in inconsistencies in the review process and the potential for areas of concern to not be brought to the member's attention for resolution.
Context	In June 2023, the approval process for OCR was moved to PERT. The approval process previously belonged to the Operational and Intelligence Command Centre (OICC). When the process changed, PERT were not provided with criteria to leverage in completing their review.
Recommendation #1	<p>OCR review process should be conducted with defined review criteria. The criteria should include, but not limited to:</p> <ul style="list-style-type: none"> a) Appropriate reporting template is used b) The OCR is articulated and contains appropriate content c) The OCR does not contain apparent explicit or implicit bias d) Inclusive language is used in the report
Risk	Medium
Risk/Potential Implications	OCR review criteria are not present resulting in inconsistencies in the review process. This can further lead to various quality levels of OCR submitted with potential high-risk exceptions (e.g., bias) being missed and not brought forward to the member's attention.
Owner(s)	Information Management Branch
Management Response	<p>ACCEPTED</p> <p>Management from Information Management Branch and Crime Suppression Branch acknowledges the importance of having review criteria to assist PERT in the OCR approval process.</p> <p>The previous Street Check review criteria used by OICC was presented to management of PERT & Information Management Branch during the findings meeting. Information Management Branch will use the previous review criteria to develop new OCR review criteria for PERT's review/approval process. Once finalized, the review criteria will be rolled out to PERT and available on EPSNet for reference.</p> <p>Management will also reassess after 6 months whether the OCR review/approval should remain in PERT.</p> <p>Estimated Completion Date: Q2 2024</p>

Officer Contact and Observed Report Audit
Audit Period: October 1, 2022, to August 31, 2023

Acknowledgements

We would like to thank the following areas for participating in our review panel exercise:

Area	Sworn/Civilian
Domestic Offender Crimes Section	Sworn
HELP	Sworn
Operations and Intelligence Command Center	Sworn
Early Intervention Unit	Sworn
Professional Standards Branch	Sworn
West Watch Commanders Section	Sworn
Respectful Workplace	Civilian
Community Relations Section	Civilian

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

Area	Name & Title
Information Mgmt & Compliance Branch	Kurt Martin, Acting Inspector
Crime Suppression Branch	Angela Kemp, Inspector
Virtual Investigations Section	Michael Zaparyniuk, Staff Sergeant
Police Electronic Response Team	Paul Sinclair, Sergeant

Appendix A – Status of Open Recommendation from Prior Audit

Audit Year	Recommendation	Status	Explanation
2021	ECOMB collaborate with Police Training Branch and Equity & Inclusion Branch to enhance inclusive language and OCR writing education for OCR reviewers.	CLOSED	The following recommendation has been closed without being implemented. As EPS no longer uses street check reports, this recommendation has been closed and rolled into the above recommendation for the new officer contact and observation reports.

Appendix B – Officer Contact Report Data Analysis

Chart 1: Officer Contact/Observed Occurrences by Year

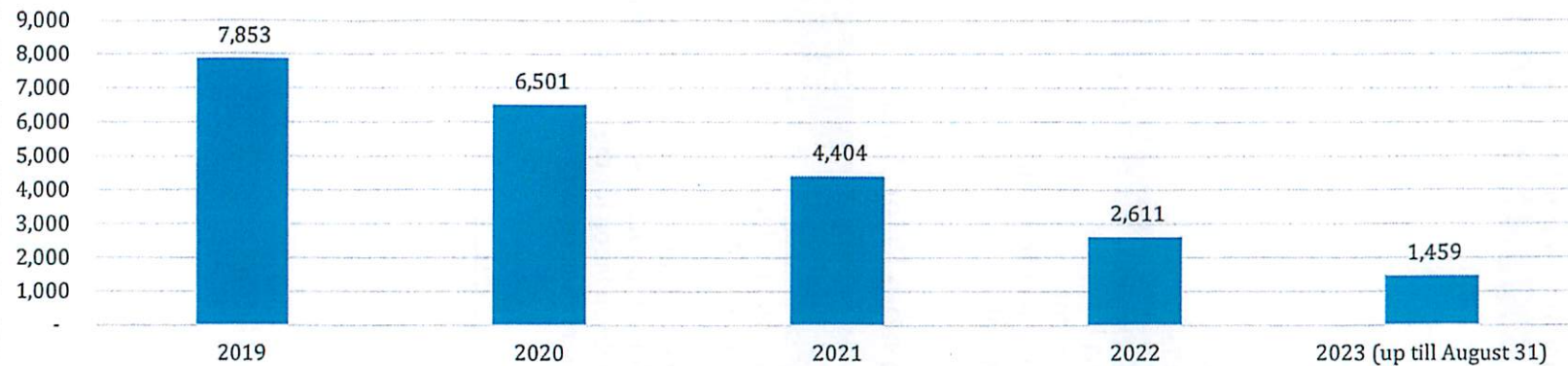


Chart 2: Officer Contact & Observed Occurrences by Division of the audit period:
October 1, 2022 to August 31, 2023

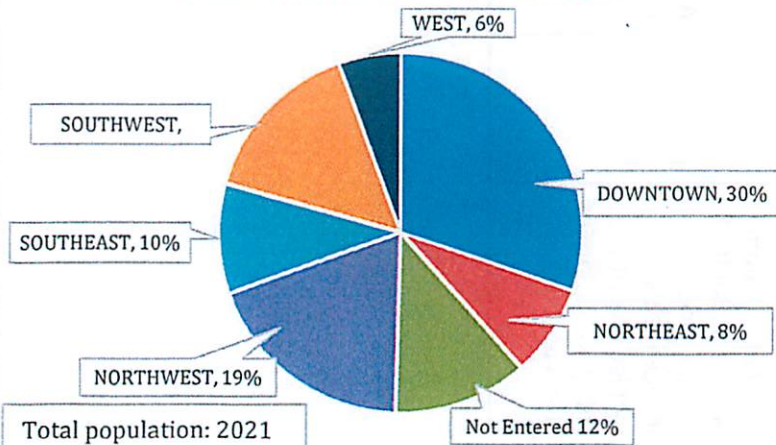
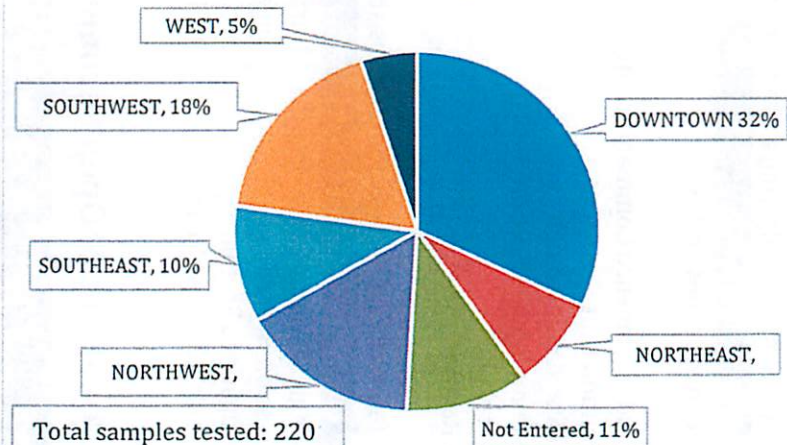


Chart 3: Officer Contact & Observed Occurrences tested by Division
October 1, 2022 to August 31, 2023



Occurrences categorized as "Not Entered" are occurrences where a division was not entered by the member during reporting.