



# Edmonton Police Service



## Professional Standards Branch 2020 Annual Report

April 2021

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## Abbreviations

ASIRT	Alberta Serious Incident Response Team
EPC	Edmonton Police Commission
EPS	Edmonton Police Service
CPB	Community Policing Bureau
CSB	Corporate Services Bureau
LERB	Law Enforcement Review Board
PSB	Professional Standards Branch
PSR	<i>Police Service Regulation</i>
IIB	Intel & Investigations Bureau



## Professional Standards Branch Values

*Truth, Integrity, Courage, Honour*

### ***Professional Standards Branch - 2020 Year in Review***

Despite the many challenges of 2020, this was a year of growth and transformation for Professional Standards Branch (PSB). PSB welcomed Inspector Mike Morgan and Intake Manager Kevin Kobi in early 2020 and implemented a new team for investigating serious incidents and complaints (pursuant to section 46.1 of the *Police Act*) in the summer of 2020.

2020 was an unprecedented year in terms of workload and the number of complaints received by PSB. The Edmonton Police Service (EPS) was under increased scrutiny through movements such as “Defund the Police”, and the City of Edmonton public hearings which took place in June. It appears these events contributed to increased public complaints as PSB fielded more complaints about police conduct in 2020, and especially during the summer months.

As with all businesses, Covid-19 presented challenges in terms of providing work-from-home options and ensuring PSB members were able to work safely in the office when required. In addition to these challenges, PSB saw an increase in complaints around Covid-19 issues such as police response to public protests and the challenges of conducting police work during the pandemic (e.g. social distancing and mask wearing).

In response to these challenges, PSB has focused on creating efficiencies to manage the increased workload. PSB’s Intake Section has focused on becoming more service-oriented, including making dispute resolution more readily available to all complainants. Part of this improvement included revising PSB’s forms for citizen concerns and supervisory reviews and providing EPS supervisors with clear instructions and expectations on how concerns can be resolved.

The complaint process was made easier for complainants by reviewing and updating the message on the PSB intake line and extending hours to accept phone complaints 24/7. Additionally, the EPS webform for submitting complaints was reviewed and revised to provide clear information and to streamline the complaint submission process.

PSB also undertook a project to review all of our forms and templates, including templates for correspondence to complainants such as our 45-day update letters, to ensure that the forms were accurate and clear. Over 700 forms were reviewed as part of this process. The 45-day update letters, in particular, were updated to use plain language to better describe the status of the investigation and ensure transparency for the complainant.

With the implementation of PSB's 46.1 Investigative Team, PSB welcomed Manager Carlos Cardoso in July to build the program, develop best practices, and manage the new team. Previously, 46.1 investigations that were not investigated by Alberta Serious Incident Response Team (ASIRT) were assigned to various investigative areas within the EPS for the criminal investigations; upon the conclusion of the criminal investigation, the file was forwarded to PSB to review for any potential misconduct under the *Police Service Regulation (PSR)*. With the new team, the 46.1 investigation will be triaged initially as per the normal practice; however, it will then come directly to the PSB team for investigation. The 46.1 Team will manage both the criminal investigation (as per the 46.1 notification) and any subsequent *PSR* concerns.

The development of this team was timely, as the EPS saw a significant increase in the number of notifications under section 46.1 in 2020, as compared to previous years. As ASIRT is exceeding capacity for investigations, the 46.1 Investigative team can help to relieve pressure and improve the efficiency of the investigations that remain within EPS. It is anticipated that despite the increased volume of 46.1 investigations, the 46.1 team will prove efficiencies in the process and provide shorter turnaround time with respect to conclusion of files.

As we look forward to 2021, PSB is striving to improve our service delivery, both with internal and external stakeholders. We are continuing to focus on dispute resolution as the primary means of complaint resolution where appropriate, which may include supervisory reviews, facilitated discussions, mediations, peace-making circles, or discussion with PSB investigators. Internally, we are improving training and communication with recruits, divisions and supervisors, in order to effectively relay complaint trends and prevent future complaints from occurring. We are looking to improve collaboration within the organization, with areas such as Early Intervention, to educate members when gaps are identified which can be corrected by training. This will also include the development of an internal PSB website to provide timely and accurate information to the membership and chain of command with matters relating to the PSB process, discipline, mediation tips and techniques, as well as timely concerns and trends.

## ***Executive Summary – 2020 Complaints***

The Professional Standards Branch (PSB) of the Edmonton Police Service is responsible for investigating all complaints regarding the conduct of sworn members of the EPS and complaints regarding the policies and services provided by the EPS.

In 2020, there were 1,309 complaints managed by PSB, 135 of which were internally generated. This is a 12.5% increase over 2019 which had a total of 1164 complaints, 142 of which were internally generated. It is also important to note that of the 1309 complaints in 2020, 12 of the complaints related to public events that included over 190 separate public contacts to PSB, of which all people were contacted.

PSB strives to focus on timely and meaningful resolution through various forms of dispute resolution when at all possible. In 2020, 533 complaints were resolved through dispute resolution which is up 45% from the 367 complaints concluded through dispute resolution in 2019.

167 complaints were resolved by the Chief of Police or resolved at a disciplinary hearing. Of those, 37 resulted in discipline being administered, including 7 complaints found proven at a disciplinary hearing and 30 files concluded by the Chief as minor contraventions.

Although there were significantly more public contacts to PSB in 2020 than in 2019, the overall proportion of complaint types was similar. The majority of complaints relate to issues of professionalism (such as rudeness, tone of voice, or lack of empathy) and the duties of the police officer or services provided (such as inappropriate police response, dissatisfaction with a ticket or investigation, or lack of communication).

## 1. The EPS and the Community<sup>1</sup>

	The EPS	The City of Edmonton
Employees:	2,756	City Population: 972,223
Sworn:	1,850	Officers per 1,000 Population: 1.90
Civilian:	906	

## 2. Professional Standards Branch Files vs EPS Dispatched Calls

During 2020, the EPS dispatched officers to 167,543 calls for service. This does not include subject stops and member-generated events such as traffic stops. As a result of these calls, along with a multitude of other interactions with the community, 1,309 complaints were made to PSB regarding the service or conduct of the organization or its members. Of the 1,309 PSB files opened by PSB in 2020, 1,174 were public complaints (including 172 which were designated as *Police Act* complaints) and the remaining 135 concerns were internally generated (including 47 *Police Act* complaints).

**Table 1: Five-Year Comparison of File Rates as a Function of Dispatched Calls for Service**

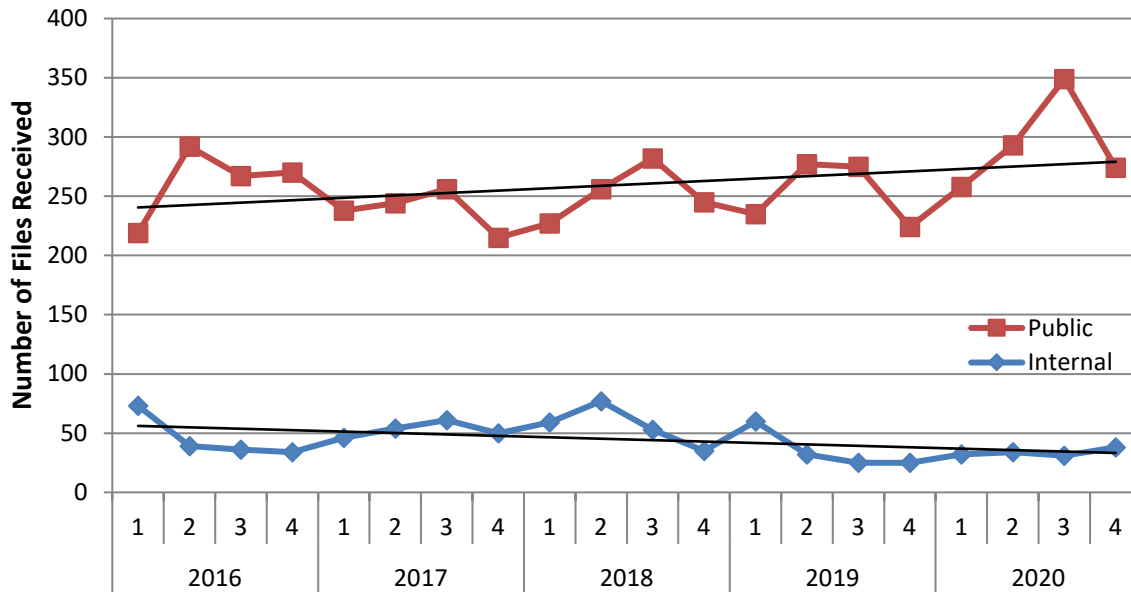
	2016	2017	2018	2019	2020
Dispatched calls	163,167	166,848	169,887	173,587	167,543
Total PSB files opened	1,230	1,164	1,234	1,153	1,309
Rate per 10,000 dispatched calls	75	70	73	66	78

As was the case over the past five years, less than 1% of all calls for service dispatched for police response in 2020 resulted in a complaint being made. It is important to remember that many more contacts occur between police members and the community than are captured as calls for service. Examples such as contact with a beat officer in a community, traffic stops, or an investigative follow-up will often not be captured as dispatched calls. Given there is no mechanism to capture all interactions, the ratio of interaction to complaint is likely much lower than 1%.

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. The rate of complaints per 10,000 dispatched calls has fluctuated slightly over the past five years, with the highest ratio in 2020.

Figure 1, below, shows the number of public contacts to PSB in comparison with internally generated PSB files. Publicly generated concerns have shown an increasing trend over the past five years, reaching a record high in 2020. Although public contacts to PSB have been higher all year (as compared to 2019), the largest volume of concerns was received in the third quarter of 2020, which corresponds with when City Council held public hearings relating to “defunding the police”.

<sup>1</sup> EPS ‘Employees’ represents the number of authorized Full Time Employees in 2020. City of Edmonton population based on the 2019 Municipal Census.

**Figure 1: Five Year Trend of Public and Internal PSB Complaints**

### 3. Professional Standards Branch Complaint Process

The majority of complaints are initially reviewed and assessed by PSB Intake Investigators. When appropriate, the Intake Investigator will attempt to resolve matters through various available dispute resolution processes, which may take the form of supervisor reviews, facilitated discussions, mediation, peacemaking circles, or training. In 2020, there was a substantial increase in the number of files resolved through dispute resolution. Overall, 533 files were concluded through dispute resolution, up from 367 files concluded through dispute resolution in 2019.

We continue to evaluate our Dispute Resolution program to ensure it remains relevant and responsive to both internal and external stakeholders. The innovative nature of dispute resolution aligns with the Edmonton Police Services' continual development of collaborative partnerships with the citizens of Edmonton.

If the Intake Investigator is unable to resolve the complaint, it will often proceed to an investigation under the *Police Service Regulation (PSR)*. When this occurs, the complaint will transfer from an Intake Investigator to a Major Case Investigator.

PSB implemented a new 46.1 Investigative Team in July 2020. Previously, 46.1 investigations that are not investigated by Alberta Serious Incident Response Team (ASIRT) were assigned to various EPS investigative areas to conduct the criminal investigation and upon the conclusion of the criminal investigation, the file was forwarded to PSB to review for any potential misconduct under the *Police Service Regulation*. The new 46.1 Investigative Team will manage both the criminal investigation (as per the 46.1 notification) and any subsequent PSR concerns. This creates efficiencies and smooth file transfer with no information being lost in the file transfer.

When a notification is made to the Director of Law Enforcement (DLE) under section 46.1 of the *Police Act*, the investigation may be assigned to: ASIRT, EPS, or an outside agency. The DLE may also determine that the notification is not within the scope of section 46.1, in which case the matter

remains with the EPS to determine any appropriate follow-up or investigation. Table 2, below, shows to breakdown of file assignments over the past three years.

**Table 2: Assignment of 46.1 Investigations from 2018-2020**

	2018	2019	2020
ASIRT	8	16	16
EPS	26	22	24
EPS – 46.1 Team	-	-	15
Outside Agency	0	0	1
<b>Total</b>	<b>34</b>	<b>38</b>	<b>56</b>
<i>Not in Scope*</i>	4	2	4

\*46.1 Notifications that are deemed to be “out of scope” of section 46.1 of the *Police Act* are still reviewed by PSB to determine if an investigation into any misconduct needs to be undertaken.

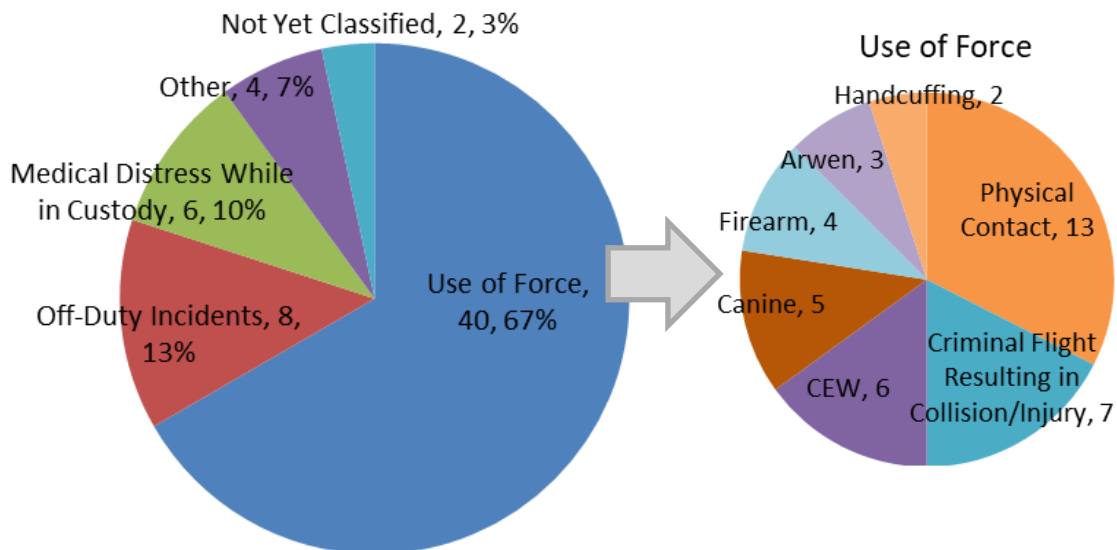
#### 4. Analysis of 46.1 Notifications and Criminal Investigations

As noted above, there were 56 files initiated related to notifications of serious incidents, pursuant to section 46.1 of the *Police Act*. These files are investigated to determine if the involved officers were lawfully placed and/or if the officers’ conduct constituted an offence under an Act of Parliament or the Legislature of Alberta.

In addition to those 56 files, PSB initiated four criminal investigations, including three related to occurrences in 2020 and one related to an occurrence in 2019.

The majority of the 46.1 investigations and criminal investigations relate to use of force, as shown in Figure 2 below. The chart on the left shows the overall breakdown of complaint types and the chart on the right further classifies the complaints related to use of force. The “Other” category (left) includes complaints relating to theft, driving, unlawful search and inappropriate police response. The subclassification “Criminal Flight Resulting in Collision/Injury” (right) is not a direct use of force but is included with this category as it relates to tactical decisions in pursuing a fleeing vehicle.

**Figure 2: Principal Causes of 46.1 Investigations and Statutory Complaints in 2020**



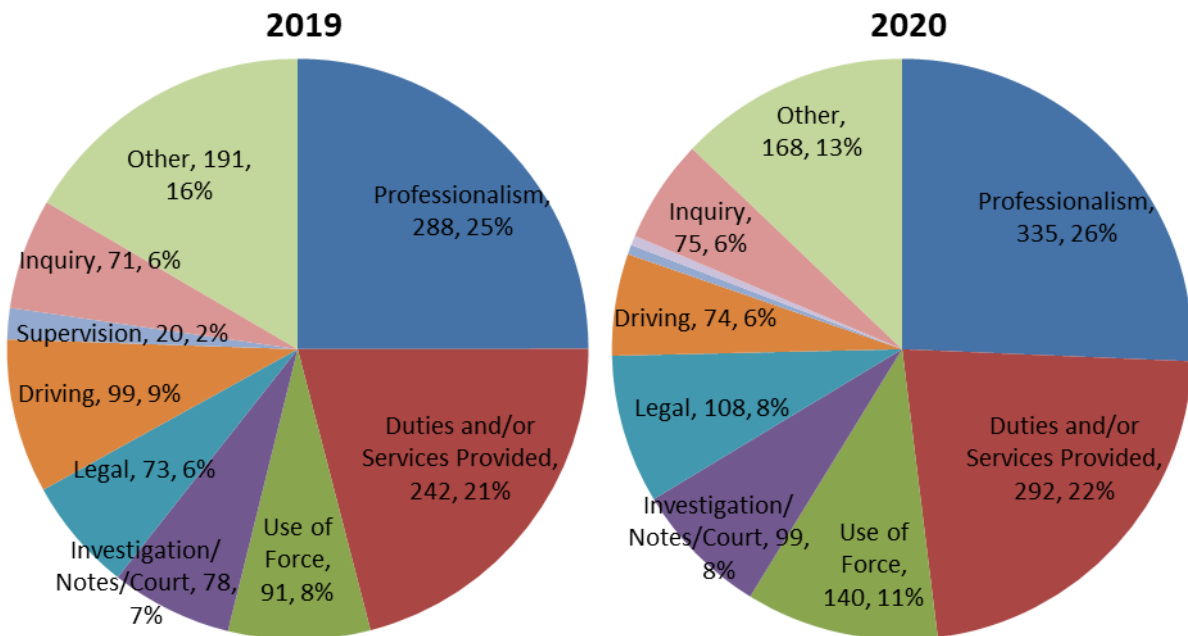


### 5. Complaint Causes and Trend Analysis

For each complaint received, PSB classifies it in order to capture data about the specific causes of concern. This process is intended to assist the organization in better identifying the trends of behavior or conduct that contribute to complaints.

Figure 3, below, shows the principal causes of complaints in 2019 and 2020. (Note: on the 2020 chart, slices for Supervision / Workplace, Theft / Fraud, and Unknown are not labeled as each slice accounted for less than 1% of the total)

**Figure 3: Principal Causes of Complaints and Concerns in 2019 and 2020**



Although there were significantly more public contacts to PSB in 2020 than in 2019, the overall proportion of complaint types was similar. The majority of complaints relate to issues of professionalism (such as rudeness, tone of voice, or lack of empathy) and the duties of the police officer or services provided (such as inappropriate police response, dissatisfaction with a ticket or charge, or lack of communication).

Each category of complaints is further subdivided into more specific descriptors. Table 3, below, shows the top ten sub-classifications of complaints in 2020 (with the overriding category shown in parentheses), and how those complaint type compared to the previous two years. Significant increases and decreases are highlighted in green (increase) and red (decrease).

**Table 3: Most frequent types of complaints in 2020**

	2018		2019		2020	
Inappropriate Police Response ( <i>Duties/Services</i> )	85	(8%)	70	(7%)	127	(11%)
Rudeness ( <i>Professionalism</i> )	67	(7%)	78	(8%)	94	(8%)
Incomplete or Negligent Investigation ( <i>Investigation/Notes</i> )	32	(3%)	62	(6%)	77	(7%)
Physical Contact ( <i>Use of Force</i> )	62	(6%)	43	(4%)	68	(6%)
Tone of Voice or General Manner ( <i>Professionalism</i> )	70	(7%)	70	(7%)	56	(5%)
Lack of Police Response ( <i>Duties/Services</i> )	60	(6%)	66	(7%)	44	(4%)
Lack of Empathy ( <i>Professionalism</i> )	28	(3%)	35	(3%)	40	(3%)
Dangerous/Rules of Road ( <i>Driving</i> )	41	(4%)	36	(4%)	40	(3%)
Harassment ( <i>Professionalism</i> )	40	(4%)	19	(2%)	34	(3%)
Gender or Racial Bias ( <i>Professionalism</i> )	17	(2%)	12	(1%)	33	(3%)

## 6. Complaint Distribution throughout EPS

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.

Officers in the Community Policing Bureau 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.

The “Other/Unspecified” row in Table 4, below, refers to files generated by areas such as Legal and Regulatory Services (including PSB) and Supernumerary Positions. Additionally, many files 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 files that are inquiry based, or sub-categorized as “Comments/Opinion” or “Unresponsive Complainant/Unknown”.

**Table 4: Distribution of PSB Files across Bureaus and Divisions**

	<b>Public Complaints</b>	<b>Internal Complaints</b>	<b>Dispatched Calls</b>
<b>Community Policing Bureau</b>			
Downtown Patrol	87	9	30,802
Northeast Patrol	88	21	29,649
Northwest Patrol	84	16	25,984
Southeast Patrol	102	12	26,663
Southwest Patrol	108	16	29,112
West Patrol	55	12	25,333
Crime Suppression & Invest	23	4	
<b>Total</b>	<b>547</b>	<b>90</b>	
<b>Community Safety &amp; Well-being Bureau</b>			
Integrated Community Safety	17	4	
Social Policing	5	3	
<b>Total</b>	<b>22</b>	<b>7</b>	
<b>Operational Support Services Bureau</b>			
Operational Support	91	18	
Operational Command	24	1	
<b>Total</b>	<b>115</b>	<b>19</b>	
<b>Intel &amp; Investigations Bureau</b>			
Crim Investigations	30	2	
Intelligence	0	0	
Invest. Support	3	5	
Specialized Investigation	7	3	
<b>Total</b>	<b>40</b>	<b>10</b>	
<b>Corporate Services Bureau</b>			
HR Div	3	0	
Informatics Div	1	0	
Supply Services	0	0	
<b>Total</b>	<b>4</b>	<b>0</b>	
<b>Other/Unspecified</b>	<b>446</b>	<b>9</b>	
<b>Grand Total</b>	<b>1174</b>	<b>135</b>	

## 7. Professional Standards Files Concluded in 2020

During 2020, PSB concluded 1,323 files. This included the resolution of 1,022 of the 1,309 opened in 2020, with the remaining 301 files being from previous years.

The *Police Act* requires that complaints are investigated promptly and thoroughly. Fairness to all parties requires 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. A timely investigative process also assists in providing quality customer service and confidence in the Edmonton Police Service from the public.

Timelines for concluding files varies based on a number of factors, including whether the file proceeds to a *Police Service Regulation* investigation or if the file can be processed outside of the

*Police Act*, the complexity of the investigation (including the number of involved officers, witnesses, and allegations), and how the file is resolved.

The type of file and overall resolution tend to be the biggest factors in determining the length of time required for an investigation. For example, a complaint processed outside of the *Police Act* can be resolved in less than a month, whereas a *Police Service Regulation* investigation can take approximately 14 months. Further, a complaint concluded through dispute resolution will take less time than a file that proceeds through a disciplinary hearing.

Table 5, below, shows the median time (in months) to conclude each type of complaint.

**Table 5: Median Time to Conclude PSB files in 2020**

	<b>Total Concluded</b>	<b>Median<sup>2</sup> Months to Conclude</b>
<b>Statutory Complaint</b>	<b>31</b>	<b>9.9</b>
Charged	0	-
Not Charged	31	9.9
<b>Resolved by Chief of Police</b>	<b>167</b>	<b>14.0</b>
Concluded at Disciplinary Hearing	10	28.6
Minor Contravention	30	13.3
No Reasonable Prospect	87	14.2
Dismissed <sup>3</sup>	26	7.1
Withdrawn by Service	14	17.6
<b>Dispute Resolution</b>	<b>533</b>	<b>1.0</b>
Mediation	16	4.4
Facilitated Discussion	9	10.7
Supervisory Review	255	1.6
Peace Maker/Restorative Conf.	1	2.69
Resolved with PSB Investigators	252	0.3
<b>Withdrawn by Complainant</b>	<b>49</b>	<b>0.6</b>
<b>Referred<sup>4</sup></b>	<b>256</b>	<b>0.7</b>
<b>Resolved</b>	<b>126</b>	<b>0.2</b>
<b>Abandoned</b>	<b>121</b>	<b>1.1</b>
<b>Other</b>	<b>40</b>	<b>0.5</b>
<b>TOTAL</b>	<b>1323</b>	<b>1.1</b>

<sup>2</sup> Median values are used since measures of time tend to produce skewed distributions (i.e. the minimum time is fixed at zero, but some investigations may carry on through extended periods of time). The median time is a better representation of the “typical” amount of time an investigation will take (as compared to using average times), with 50% of the investigations being concluded in less than median time and 50% being concluded over the median time.

<sup>3</sup> Dismissed includes files that were dismissed by the EPC under section 43(8) of the *Police Act* as frivolous, vexatious or made in bad faith, files that dismissed as time-barred under section 43(11) of the *Police Act*, and files where jurisdiction was lost due to the EPC not granting a time limit extension or the subject officer leaving the EPS.

<sup>4</sup> Referred includes files that were referred to other areas (without any follow up to PSB required) and files where the complainants were provided with information on how to submit a complaint meeting the requirements the *Police Act*.

Of the 167 complaints resolved by the Chief of Police or resolved at a Disciplinary Hearing, 37 resulted in discipline being administered. This is a slight decrease in sustained complaints relative to 2019. As seen in Table 6 below, in the majority of sustained complaints, the Chief of Police was of the opinion that the alleged misconduct was not of a serious nature (see section 45(4) of the *Police Act* and section 19 of the *Police Service Regulation*). These are often referred to as minor contraventions.

The large decrease in files concluded as minor contraventions between 2018 and 2019 is, in part, due to in EPS policy (implemented in 2017) that required more potential traffic violations to be processed through PSB for review. In 2018, 19 of the minor contraventions were related to photo radar or red-light violations. The policy was amended in 2019 to give Divisions more responsibility in managing potential traffic violations. As a result, in 2019, only five of the Minor Contraventions related to photo radar or red-light violations.

**Table 6: Dispositions issued by the Chief or at Hearing During 2018-2020**

	2018	2019	2020
Reasonable Prospect (at hearing) – Proven	11	7	7
Reasonable Prospect (at hearing) – Not Proven	1	3	3
Minor Contravention <sup>5</sup>	63	35	30
No Reasonable Prospect	91	66	87
Dismissed or Withdrawn by Service	56	59	40

## 8. Discipline Directed During 2020

Ten disciplinary hearings (including one directed in 2018, seven directed in 2019 and two directed in 2020) were concluded during 2020. The hearings addressed a total of 27 allegations. Eleven of the allegations were found proven, twelve were not proven and four were withdrawn at the disciplinary hearing.

<sup>5</sup> This category also includes complaints regarding Deficient Policy or Services (pursuant to section 44 of the *Police Act*) where the allegation was sustained, and as a result, policy or services were amended. They are included as 'Minor Contraventions' since they are sustained outside of a Disciplinary Hearing. In 2018, all 66 of the complaints were concluded as PSR s.19 Minor Contraventions (no complaints were concluded as PA s.44 Complaint of Service in this category).

**Table 7: Discipline Resulting from Disciplinary Hearings Concluded During 2020**

<b>Allegation</b>	<b>Total # of Allegations</b>	<b>Not Sust. / Withdrawn</b>	<b>Sustained</b>	<b>Penalties Applied</b>
Deceit	2	2	0	
Discreditable Conduct	6	2	4	Reduction in Rank or Seniority* Suspension Without Pay (Avg 60h) Directed Counselling or Training
Insubordination	2	0	2	Reduction in Rank*
Neglect of Duty	1	0	1	Suspension Without Pay (Avg 50h) Remedial Training**
Unlawful / Unnecessary Exercise of Authority	16	12	4	Reduction in Rank* Reprimand* Remedial Training**

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

\*\* *Penalty was applied in combination with other discipline*

Thirty (30) complaints were concluded as minor contraventions, with discipline applied as per section 19(1) of the *Police Service Regulation*. This included 45 allegations against a total of 38 officers.

**Table 8: Discipline Resulting from Minor Contraventions During 2020**

<b>Allegation</b>	<b>Total # of Allegations</b>	<b>Penalties Applied</b>
Discreditable Conduct	15	Suspension Without Pay (Avg 10h) Agreed Reprimand Official Warning Directed Counselling or Training
Insubordination	10	Suspension Without Pay (Avg 24h) Directed Counselling or Training
Neglect of Duty	7	Agreed Reprimand Official Warning Directed Counselling or Training
Unlawful / Unnecessary Exercise of Authority	13	Official Warning Directed Counselling or Training

## 9. Resolution of Statutory Complaints

Three officers were charged with criminal offences in 2020. PSB concluded 31 additional criminal investigations in which no criminal charges were laid. In three of the 31 cases, the completed investigation was forwarded to Alberta Justice to be reviewed by a Crown Prosecutor; criminal charges were not laid in any of those cases, as per the recommendation of the Crown. All of the remaining 28 investigations were related to files that were opened as the result of a notification made under s.46.1 of the Police Act. All files that were not forwarded to the Crown were reviewed by internal legal counsel.

## 10. 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 2020, EPS received 73 compliment files from citizens of the community.

These compliments referenced a total of 82 members, with several 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 9: Compliments Received by the EPS During 2020**

	Number of Compliments	Total Involved Officers
<b>Community Policing Bureau</b>	47	68
<b>Operational Support Services Bureau</b>	3	3
<b>Intel &amp; Investigations Bureau</b>	5	7
<b>Other</b>	3	4
<b>EPS (General)</b>	15	
<b>Grand Total</b>	74	82