



Edmonton Police Service

Committed to Policing Excellence



Professional Standards Branch 2019 Annual Report

March 2020

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Abbreviations

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



Professional Standards Branch Values:

Truth, Integrity, Courage, Honour

Introduction from Professional Standards Branch

In 2019, the Edmonton Police Service and the Professional Standards Branch welcomed Chief Dale McFee, who was officially sworn in as Edmonton's 23rd Chief of Police on February 1, 2019. Following that, the former Executive Director of the Edmonton Police Commission, Mr. Justin Krikler, joined the EPS as the Executive Director of the Legal and Regulatory Services Division. 2019 also marked the final year of Inspector Shawna Grimes' tenure with the Professional Standards Branch, and we welcomed Inspector Mike Morgan who joined PSB in early 2020.

Policy and Procedure Changes

As could be expected with new leadership, 2019 was also marked by several policy and procedural changes that had an effect on PSB. First, a review was conducted related to an EPS policy change in 2017 that required more traffic photo violations be reported to PSB for review. The policy was amended in 2019 to create a more efficient system for managing photo violations. Traffic violations are still reviewed by PSB if the violation does not meet the objective reasonable test for "reasonable" and "safe", or if the driver has received multiple violations within a limited time period; however, divisions now have more responsibility in managing less serious traffic violations.

Second, PSB reviewed and reversed a process implemented in 2018 related to the management of serious incidents, pursuant to section 46.1 of the Police Act. As per s.46.1 of the Police Act, all incidents involving (or complaints alleging) serious injury or death and allegations of a serious or sensitive nature require notification to the Director of Law Enforcement. Prior to 2018, PSB would open "EPS Matter" files to track these investigations (which are typically done external to PSB, by ASIRT or the Major Crimes Branch). The files would be reclassified as formal complaints if there was evidence of potential misconduct or if there was a risk of losing jurisdiction based on time limits (i.e. one year from the incident date).

In 2018, PSB amended our process so the files were initially opened as formal complaints. Additionally, all open investigations related to 46.1 notifications were reclassified as formal complaints. When a file is reclassified, the received date is amended to reflect the date the Chief initiated a formal complaint; this process is in-line with how external complaints are managed (for example, if a citizen contact file is reclassified to a formal complaint, the received date is amended to the date that the requirements of the Police Act were met). As a result of this procedural change, there was a significant increase in internally generated complaints in 2018.

However, this procedure was reviewed at the end of 2018 and it was determined that it created additional and unnecessary work within PSB. In 2019, we returned to the practice of managing the

incidents as EPS Matter files until reclassification is necessary to maintain jurisdiction (resulting in a decrease in internally generated complaints).

As of 2018, PSB also began opening a Statutory Complaint file to track investigations related to s.46.1 notifications. The 46.1 investigation (often conducted by either ASIRT or Major Crimes Branch) primarily focuses on the lawful placement of the officers and whether their actions constituted an offence under an Act of the Parliament of Canada or the Legislature of Alberta. Matters of discipline or conduct regulated by the PSR are referred back to the Chief of Police (and to PSB). As such, the 46.1 investigation is best managed as a Statutory Complaint, and any potential misconduct under the PSR can be tracked within an associated EPS Matter or internal complaint file. This practice has continued in 2019.

Dispute Resolution

PSB continues to work to resolve matters through dispute resolution processes where possible, which may take the form of supervisor reviews, facilitated discussions, formal mediations, peacemaking circles and discussions or reviews with Professional Standards Branch members. In 2019, dispute resolutions were attempted in 32% of all complaints, an increase from 17% in 2018. Dispute resolution was successful in resolving 47 complaints in 2019, which is over 20% of the complaints concluded in 2019.

Moving forward in 2020, an internal steering committee was formed with a specific focus on how PSB can facilitate opportunities for dispute resolution from the onset of a file. PSB recognizes that dispute resolution empowers citizens to be active participants in the process and work towards a mutually beneficial solution.

This working group will be meeting with several internal and external stakeholders to ensure everyone's voice is heard and the program can be fair, transparent, equitable, and geared towards problem solving based resolutions

Workplace Harassment

Workplace harassment is an issue that has come to the forefront over the past several years. The EPS is committed to providing a respectful, inclusive and positive work environment that is free from workplace harassment. Increased attention on this issue can result in employees feeling more confident and supported to bring issues forward; therefore, an increase in complaints may not reflect an increase in overall harassment. In cases where allegations of workplace harassment are made, PSB works with Human Resources and EPS's Equity and Workplace Harassment Team to ensure that complaints and misconduct under the PSR are handled appropriately and consistently. All complaints of workplace harassment are taken seriously.

Complaints of workplace harassment about workplace harassment increased only slightly from 9 formal complaints in 2018 to 10 complaints in 2019. It is important to note that PSB only investigates issues that may involve misconduct under the PSR (i.e. sworn members only).

Looking Forward

2020 promises to be an exciting year of change for the Professional Standards Branch and for the EPS. With the onset of VISION2020 many recommendations were made that will have significant

impact on the Edmonton Police Service. A major change will be the implementation of a new 46.1 investigative team within PSB. Currently, 46.1 investigations that are not investigated by ASIRT are assigned to various investigative areas for the criminal investigations; upon the conclusion of the criminal investigation, the file is forwarded to PSB to review for any potential misconduct under the *PSR*. This process is challenging as certain investigative areas do not have expertise in dealing with complaints about members' conduct and typically the file is not prioritized ahead of their regular duties. With the new model, the 46.1 investigation will be triaged initially as per the normal practice; however, it will then come directly to the PSB team. This should create efficiencies and allow the files to move forward in a timelier matter. It is anticipated that the 46.1 investigative team within PSB will be implemented by June 2020.

With the welcoming of Inspector Morgan and a new PSB Intake Manager, Mr. Kevin Kobi, PSB is reviewing our processes and developing efficiencies, such as increased communication and teamwork within the Branch, elimination of paperwork, and increased usage of digital systems. A project initiated in 2019 to review and update the PSB Manual is continuing to ensure that PSB procedures are up-to-date and clearly articulated. PSB is working to review and amend our online complaint submission form, to make the process more user-friendly and clearer.

PSB is also reviewing the EPS website for complaint submissions, and is working to improve the ease of access and quality control aspects of on-line citizen concerns and complaints. A PSB working group has been established and has presented a preliminary framework to the PSB Management Team. As the project progresses, it is anticipated that it will be presented to the Edmonton Police Commission in Spring 2020. The updated website and complaint submission form will allow for a better flow of information, including allowing citizens to express clearly what their concern is while providing them with information about potential outcomes for their concerns.

The PSB team has already met with the EPA and had very positive feedback in terms of providing the direction and vision going forward. PSB currently attends recruit class lectures and will be attending parades, directed activity days in the divisions, and possibly incorporating a lunch and learn or similar on a training day or through the EPA office.

Executive Summary

The Professional Standards Branch of the Edmonton Police Service is responsible for investigating all complaints regarding the conduct of sworn members of the EPS, with the exception of the Chief of Police, and for complaints regarding the policies and services provided by the EPS.

In 2019, Professional Standards Branch opened 1,164 files. These 1,164 files were comprised of 225 formal complaints and 939 concerns brought forward for resolution outside the formal complaint process. Of the 225 formal complaints, 184 were made by citizens outside the EPS and 41 internal investigations initiated by the Chief of Police (as compared to 198 public complaints and 101 internal complaints received in 2018).

The decrease in internally generated complaints is predominantly due to changes in EPS policy relating to potential traffic violations and PSB process regarding classification of investigations related to serious incidents, pursuant to section 46.1 of the Police Act. These changes in policy and process are discussed further in sections 2 and 2.1.

Overall, the 225 formal complaints represent a 25% decrease in formal complaints as compared to 2018. This is largely driven by the decrease in internal complaints (which decreased by 59%); however, public complaints also showed a decrease of 7.1% as compared to 2018. Overall, public contacts to PSB (including both formal public complaints and informal public concern files) showed a slight increase (0.7%) compared to 2018 (from 1010 public contacts in 2018 to 1017 public contacts in 2019). The number of internally generated files (including both formal internal complaints and informal EPS concern files) decreased by 32% in 2019.

During 2019, PSB concluded 1,170 files, a 7.6% decrease from 1,266 in 2018. This included the completion of 232 formal complaints, 915 informal concerns and 23 statutory complaints (criminal investigations).

PSB continues to work to resolve matters through dispute resolution processes where possible, which may take the form of supervisor reviews, facilitated discussions, formal mediations, peacemaking circles and discussions or reviews with Professional Standards Branch members. In 2019, the Alternative Dispute Resolution initiative was responsible for completing 19 mediations and 8 facilitated discussions. In addition, 19 formal complaints were successfully concluded by supervisory review, and 1 complaint was concluded through discussion with PSB members. Overall, 20% of formal complaints were concluded through ADR in 2019.

1. The EPS and the Community¹

| The EPS | | The City of Edmonton | |
|------------|-------|--------------------------------|---------|
| Employees: | 2,684 | City Population: | 972,223 |
| Sworn: | 1,846 | Officers per 1,000 Population: | 1.90 |
| Civilian: | 838 | | |

2. Professional Standards Files Generated in 2019

PSB uses a number of different classifications for their files. All contacts to PSB generate a “file”. Contacts will either be classified as a “complaint” if they meet the requirements of the Police Act or a “concern” if they do not meet the requirements of the Act. In this Report, “concerns” are referred to interchangeably as “concerns”, “citizen contacts” or “informal files”. Criminal investigations conducted by PSB are referred to as “Statutory Complaints”. For further explanation please see the Addendum to this Report.

During 2019, the EPS dispatched officers to 173,587 calls for service. As a result of these calls, along with a multitude of other interactions with the community, 1,164 inquiries were made to PSB regarding the service or conduct of the organization or its members during 2019. Additionally, of the files opened in 2019, 225 (19%) were classified as complaints under the criteria provided in the *Police Act*. The remaining 939 (81%) files were classified as informal Citizen Contacts or EPS Matter files. The following table provides some context for these numbers.

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

| | 2015 | 2016 | 2017 | 2018 | 2019 |
|----------------------------------|---------|---------|---------|---------|---------|
| Dispatched calls | 164,880 | 163,167 | 166,848 | 169,887 | 173,587 |
| Total PSB files opened | 1,158 | 1,230 | 1,164 | 1,234 | 1,164 |
| Rate per 10,000 dispatched calls | 70 | 75 | 70 | 73 | 67 |
| PSB Complaints opened | 271 | 232 | 255 | 298 | 225 |
| Rate per 10,000 dispatched calls | 16 | 14 | 15 | 18 | 13 |

As was the case over the past five years, less than 0.2% of all calls for service dispatched for police response in 2019 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. Similarly, the rate of complaints per 10,000 dispatched calls has remained steady over the past five years. In 2019,

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

dispatched calls increased by 2.2% as compared to 2018; however, this increase is in line with what is expected from population growth.

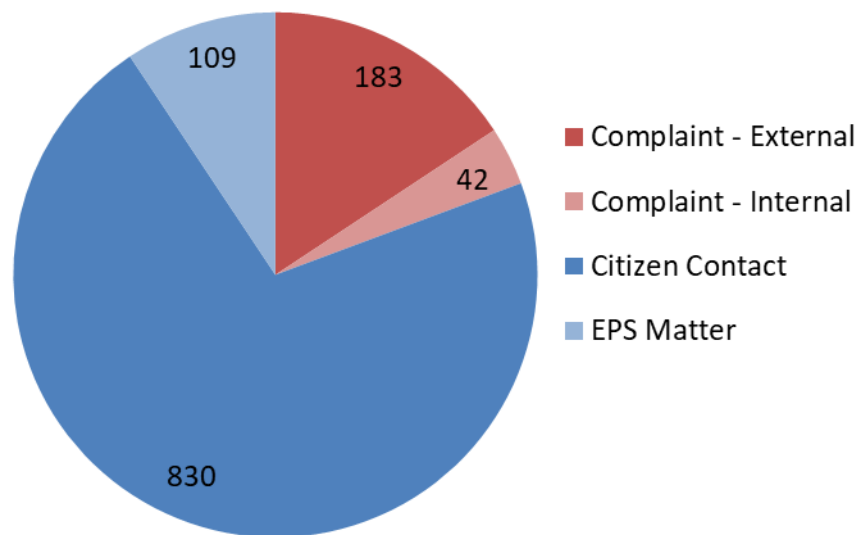
Of the 1,164 files opened by PSB in 2019, 1,013 (87%) related to concerns raised by members of the public. The remaining 151 concerns (13%) were internally generated concerns. Figure 1, below, shows the number and type of files received during 2019. Blue colours represent informal files and red colours represent formal investigations. Lighter shades indicate internally generated files and darker shades indicate externally generated files.

Typically, informal files are managed by PSB's Intake Investigators, which consists of three full-time and two part-time investigators. Formal complaints are initially opened by the Intake Team; if the file is appropriate for informal resolution (Alternative Dispute Resolution, or ADR), it is managed either by PSB's ADR coordinator or PSB's Intake Sergeant (who coordinates Supervisory Reviews). ADR was attempted in approximately 32% of complaints in 2019, as compared to 17% of complaints in 2018.

Complaints that proceed to an investigation for *Police Service Regulation* (PSR) misconduct are managed by PSB's Major Case Teams, which consists of two teams of five investigators, each managed by an Investigative Manager (one sworn and one civilian).

In addition to the Intake and Major Case Teams, there are several support staff to assist with the PSB process, included administrative support, a transcriptionist, legal counsel, a correspondence writer, and an analyst.

Figure 1: Distribution of PSB File Types During 2019



Comparing the distribution of PSB files over the previous three years (Table 2: Categorization of Files, 2017-201, below), the number of public complaints (i.e., Complaint – External) decreased in 2019, as compared to 2017 and 2018. Overall public contacts to PSB (including both Complaint – External and Citizen Contact files) increased by 6% compared to 2017, but remained relatively steady as compared to 2018 (increase of 0.3%).

The number of internally generated files (including both Complaint – Internal and EPS Matter files) decreased substantially in 2019, as compared to both 2017 and 2018. In 2017, an EPS policy change required that more potential traffic violations be reported to PSB for review; this resulted in an increase in internally generated files (as compared to 2016); this policy was changed in 2019. Additionally, in 2018, PSB changed our process regarding investigation into serious incidents (46.1 notifications); as a result of this process change, investigations that had previously been classified as ‘EPS Matter’ files were reclassified to ‘Complaint – Internal’ files. When an EPS Matter file is reclassified to a Complaint - Internal, the received date is updated to reflect the initiation of an investigation under the *Police Act*. As such, internal concerns that were brought forward in 2017 (including files related to notifications pursuant to s.46.1 of the Police Act) were counted as complaints in 2018². This process was also changed in 2019; together, the change in EPS policy regarding traffic violations and PSB process regarding serious incidents resulted in the decrease in internally generated complaints in 2019.

The increase in Statutory Complaints reflects a change in the way files related to notifications pursuant to s.46.1 of the Police Act are tracked (beginning in 2018). Investigations into serious incidents (46.1 Notifications) are typically done outside of PSB (e.g., ASIRT, Major Crimes Branch). Prior to 2018, PSB would generate an EPS Matter file (or Complaint file if required to maintain jurisdiction) and the result of the 46.1 investigation would be included in that file. However, in 2018, PSB process was changed so that a Statutory Complaint is created for each file related to a 46.1 notification. This process allows us to separately track the results of the 46.1 investigation, including whether any charges are laid, and the PSB review (following the 46.1 Investigation) which determines if there are any potential misconducts under the PSR.

Table 2: Categorization of Files, 2017-2019

| Type of File | Number of Files Received During 2017 | | Number of Files Received During 2018 | | Number of Files Received During 2019 | |
|-----------------------------------------|--------------------------------------|-----|--------------------------------------|-----|--------------------------------------|-----|
| Complaint – External | 184 | 16% | 198 | 16% | 183 | 16% |
| Complaint – Internal | 71 | 6% | 100 | 8% | 42 | 4% |
| <i>Statutory Complaint</i> ³ | 11 | 1% | 37 | 3% | 40 | 3% |
| Citizen Contact | 769 | 66% | 812 | 66% | 830 | 71% |
| EPS Matter | 140 | 12% | 124 | 10% | 109 | 9% |
| Total | 1,164 | | 1,234 | | 1,164 | |

2.1 Formal Complaints Received by PSB in 2019

As seen in Figure 2: Five-Year Trend of Public and Internal PSB Investigations, below, publicly generated complaints (blue line), although variable, have maintained a fairly consistent average over

² This process mirrors changes in classification for external files; for example, if a Citizen Contact file is changed to a Complaint – External, the received date would reflect the date that the requirement of the Police Act were met (e.g. the date that a letter of complaint was received).

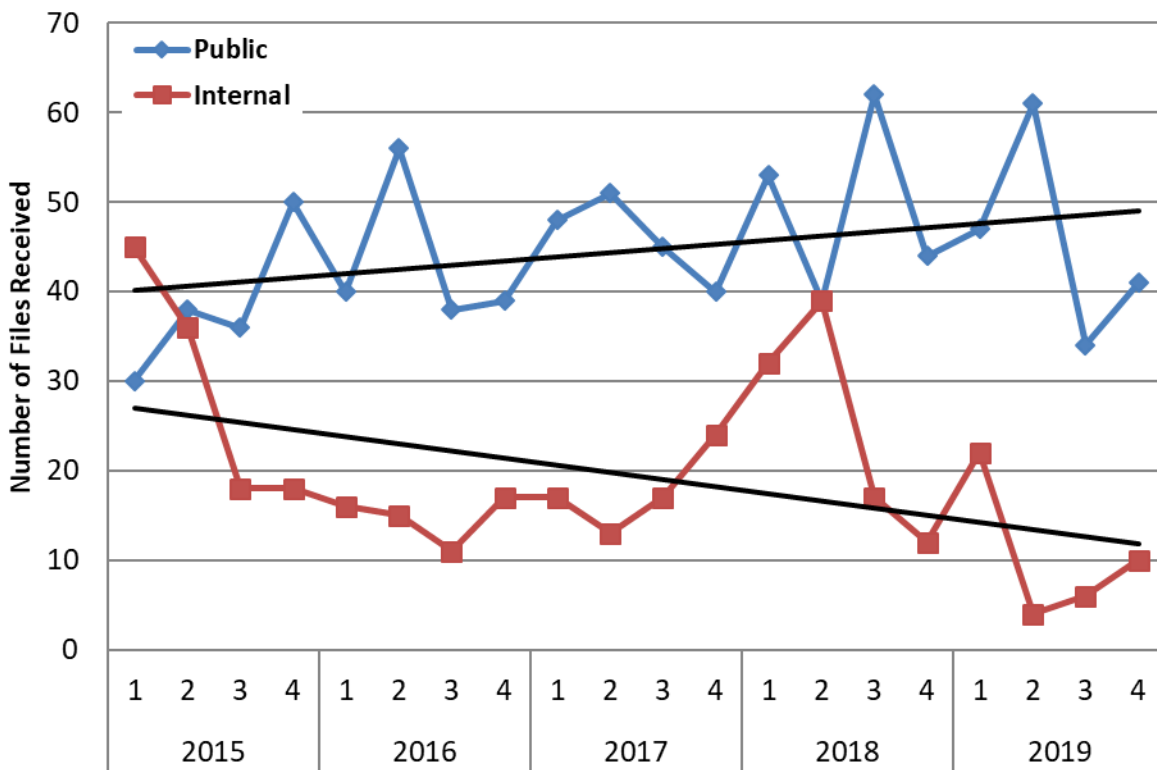
³ “Statutory Complaints” represent a duplication of other PSB files (i.e., all files classified as a “Statutory Complaint” have a corresponding “Complaint – External”, “Complaint – Internal” or “EPS Matter” file for potential allegations of misconduct under the *Police Service Regulation*). For this reason, the number of active “Statutory Complaints” is not represented in the sum total.

the past five years, with a slight increase between 2015 and 2018, and a decrease in 2019; on average, there were 39 public complaints per quarter in 2015, which rose to 50 public complaints per quarter in 2018 and has decreased to 46 public complaints per quarter in 2019.

Internal complaints have shown more variability over the past five years:

- The high number of internal complaints in the first two quarters of 2015 was due to a high volume of complaints generated in response to an ASIRT investigation regarding EPS officers using and/or trafficking steroids; a total of 51 internal complaints were opened to investigate and track the allegations against any officer that may have purchased or used a controlled substance.
- There was an increase in internal complaints during the last two quarters of 2017. This was primarily due to a change in EPS policy that required more potential traffic violations to be processed through PSB for review. Potential traffic violations are initially entered as EPS Matter files (informal concerns), and may be reclassified to formal complaints depending on the circumstances.
- As has been noted above, the high volume of internal complaints in early 2018 was due to a change in how PSB processed serious incidents (pursuant to s.46.1 of the Police Act). In 2018, PSB began classifying serious incidents as complaints at the onset of the investigation, as opposed to classifying the files as ‘EPS Matter’ files until there was a risk of losing jurisdiction based on time limits. However, this procedure was reviewed at the end of 2018 and did not continue in 2019 because it created additional and unnecessary work within PSB. In 2019, we returned to the practice of managing the incidents as EPS Matter files until reclassification is necessary to maintain jurisdiction, resulting in a decrease in complaints.

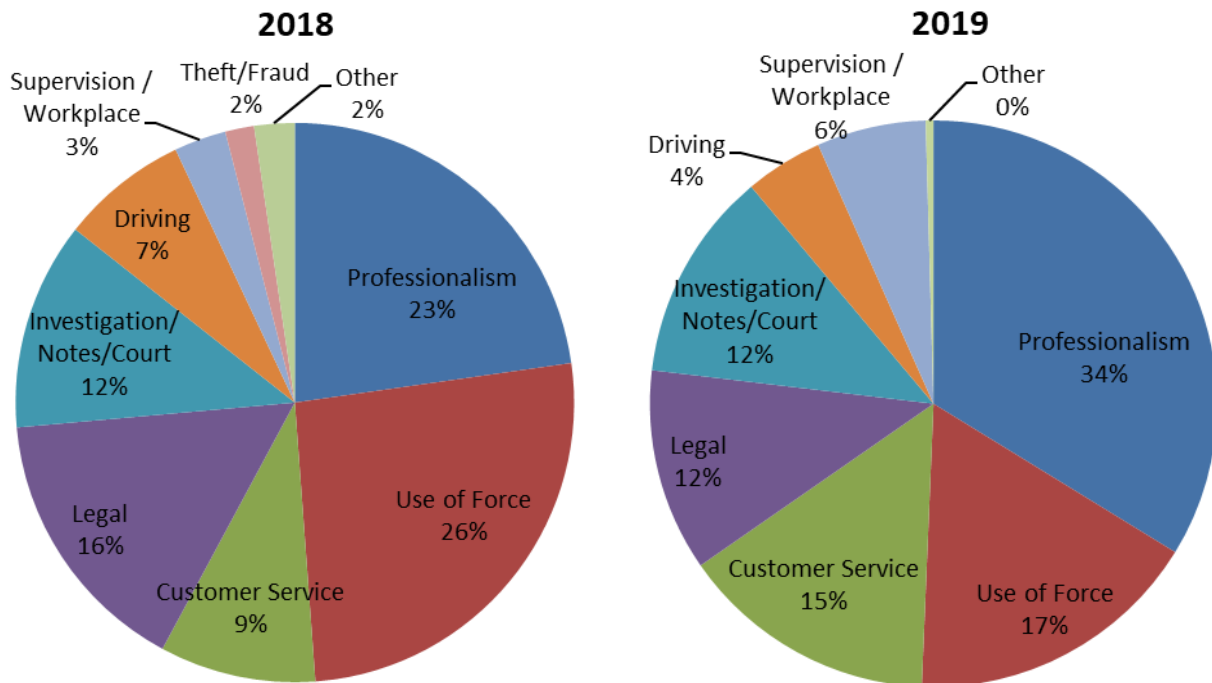
Figure 2: Five-Year Trend of Public and Internal PSB Investigations



2.1.1 Causes of Complaints Received in 2019

For each file received, PSB classifies the file 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 concerns and complaints. Figure 3, below, shows the principal causes of complaints in 2018 and 2019.

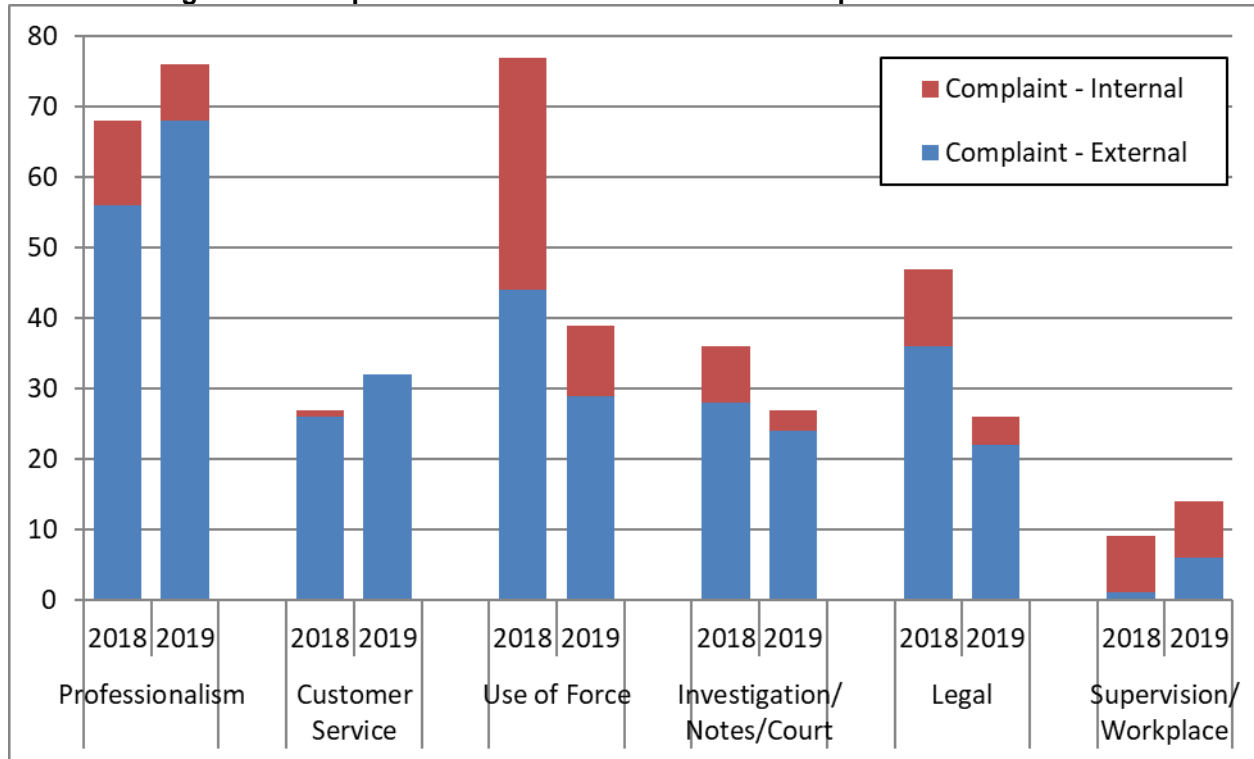
Figure 3: Principal Causes of *Police Act* Complaints in 2018 and 2019



The main cause of complaints in 2018 was use of force; however, this is largely due to the PSB process of classifying files pursuant to s.46.1 notifications as formal complaints in 2018. In 2018, there were 36 internal complaints, resulting from 46.1 notifications, which were classified as relating to use of force; fifteen of those files were from 46.1 notifications that occurred in 2017. In contrast, complaints regarding use of force accounted for 17% of complaints in 2019, including 7 that resulted from 46.1 notifications (two that occurred in 2018 and five that occurred in 2019).

In order to more effectively compare trends in file classifications, the six most common complaint classifications are separated by the source of the complaint (public or internal) in Figure 4 below.

Public complaints related to use of force decreased from 44 in 2018 to 29 in 2019. There were increases in public complaints related to customer service (including inappropriate police response, refusal to lay charges and dissatisfaction with tickets/charges) and professionalism (including rudeness, tone of voice or general manner, and alleged deceit). However, there were decreases in both public and internal complaints related to legal issues (such as divulging confidential information, accessing police information systems for personal reasons, or unlawful arrests or seizures).

Figure 4: Principal Causes of Internal and Public Complaints in 2018 and 2019

2.2 Statutory Complaints Initiated During 2019

Statutory Complaints (also referred to as criminal investigations) are investigations into whether an officer has committed an offence under an Act of the Parliament of Canada or the Legislature of Alberta. As of 2018, investigations pursuant to notifications made under s.46.1 of the *Police Act* are included as Statutory Complaints. Statutory Complaints are dealt with separately from *Police Act* complaints; that is, a single incident could result in the creation of both a complaint or 'EPS Matter' file (dealing with potential 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 and concerns, but rather as a duplication of a subset of the complaints and concerns. A Statutory Complaint may be initiated when a complaint or concern is received, or after some preliminary investigative work has been conducted on an associated PSR Complaint.

In 2019, 40 criminal investigations were initiated regarding the conduct of officers. Of those, 37 were initiated related to a 46.1 notification. All of the remaining three were related to complaints made in 2019.

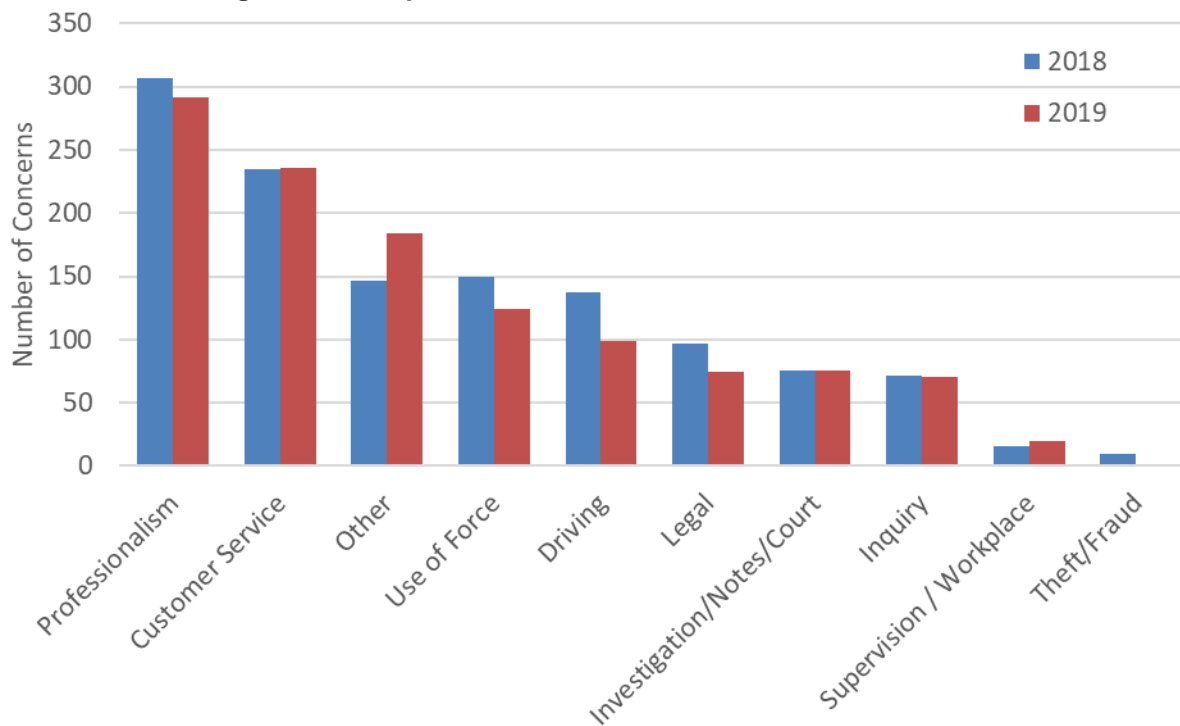
2.3 Informal Files Received by PSB in 2019

As shown in Table 2, above, the number of informal files increased from 936 files in 2018 (including 812 Citizen Contact files and 124 internal EPS Matter files) to 939 files in 2019 (including 830 Citizen Contact files and 109 internal EPS Matter files). There was an increase in the proportion of informal files in 2019, relative to 2018; that is, informal files accounted for 75.9% of PSB's total files in 2018 and 80.7% of PSB's total files in 2019.

2.3.1 Types of Informal Files Received in 2019

Informal concerns and inquiries are often more difficult to classify than *Police Act* complaints in terms of the primary cause of contact. As seen in Figure 5, below, the majority of informal files receive a primary classification of “Officer Professionalism” or “Customer Service”. Concerns about professionalism may include, but is not limited to; tone of voice or general manner, rudeness, harassment, and lack of empathy. Concerns regarding customer service may include, but is not limited to; lack of police response, inappropriate police response, dissatisfaction with a ticket or charge, and issues with communication.

Figure 5: Principal Causes of Informal Files in 2018 and 2019



2.4 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.

Officers in the Community Policing Bureaus 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 3, below, refers to files generated by areas such as Legal and Regulatory Services (including PSB) and Supernumerary Positions. Additionally, many files (especially Citizen Contact 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 3: Distribution of PSB Files across Bureaus and Divisions

| | PA Complaints | Concerns | Dispatched Calls |
|------------------------------------------|----------------------|-----------------|-------------------------|
| Community Policing Bureau North | | | |
| Downtown | 41 | 80 | 33,127 |
| Northeast | 31 | 58 | 29,542 |
| Northwest | 30 | 66 | 26,115 |
| Co-ordinated Policing | 14 | 18 | |
| Total | 116 | 222 | |
| Community Policing Bureau South | | | |
| Southeast | 29 | 80 | 28,046 |
| Southwest | 19 | 65 | 30,495 |
| West | 11 | 53 | 26,262 |
| Operational Support | 19 | 104 | |
| Total | 78 | 302 | |
| Intel & Investigations Bureau | | | |
| Criminal Investigations | 9 | 8 | |
| Intelligence Production | 0 | 0 | |
| Specialized Investigation | 4 | 12 | |
| Total | 13 | 20 | |
| Corporate Services Bureau | | | |
| Human Resources | 2 | 1 | |
| Informatics | 1 | 0 | |
| Supply Services | 0 | 4 | |
| Total | 3 | 5 | |
| Other/Unspecified | 15 | 390 | |
| Grand Total | 225 | 939 | |

3. Professional Standards Files Concluded in 2019

During 2019, PSB concluded 1,170 files. This included the resolution of 889 files opened during 2019, with the remainder of the files (281) 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.

3.1 Timelines for Concluding Files

Timelines for concluding files varies based on a number of factors, including whether the file is processed as an informal concern or *Police Act* complaint, 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, an informal citizen concern is typically concluded in less than two months, whereas a *Police Act* complaint takes an average of 9 months. The resolution of

complaints also influences the amount of time required; a complaint concluded through dispute resolution will take less time than a file that proceeds through a disciplinary hearing.

Table 4, below, shows the median time (in months) to conclude each type of complaint. For *Police Act* complaints, this is broken down further by disposition.

Table 4: Median Time to Conclude PSB files in 2019

| | | Total Concluded | Median⁴ Months to Conclude |
|-----------------------------------|--|------------------------|----------------------------------------------|
| Statutory Complaint | | 23 | 9.1 |
| Charged | | 7 | 9.1 |
| Not Charged | | 16 | 9.0 |
| Complaint – External | | 162 | 7.0 |
| Concluded at Disciplinary Hearing | | 2 | 43.0 |
| Minor Contravention | | 11 | 8.5 |
| No Reasonable Prospect | | 56 | 12.4 |
| Dispute Resolution | | 46 | 3.1 |
| Dismissed/Withdrawn | | 47 | 6.0 |
| Complaint – Internal | | 70 | 11.0 |
| Concluded at Disciplinary Hearing | | 8 | 22.6 |
| Minor Contravention | | 25 | 9.3 |
| No Reasonable Prospect | | 11 | 8.8 |
| Dispute Resolution | | 1 | 8.7 |
| Dismissed/Withdrawn | | 25 | 11.1 |
| Citizen Contact | | 819 | 1.0 |
| EPS Matter | | 96 | 0.8 |
| TOTAL | | 1170 | 1.3 |

3.2 Resolution of *Police Act* Complaints

In 2019, there was a decrease in sustained complaints relative to 2018. As seen in Table 5, 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 decrease in files concluded as Minor Contraventions 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

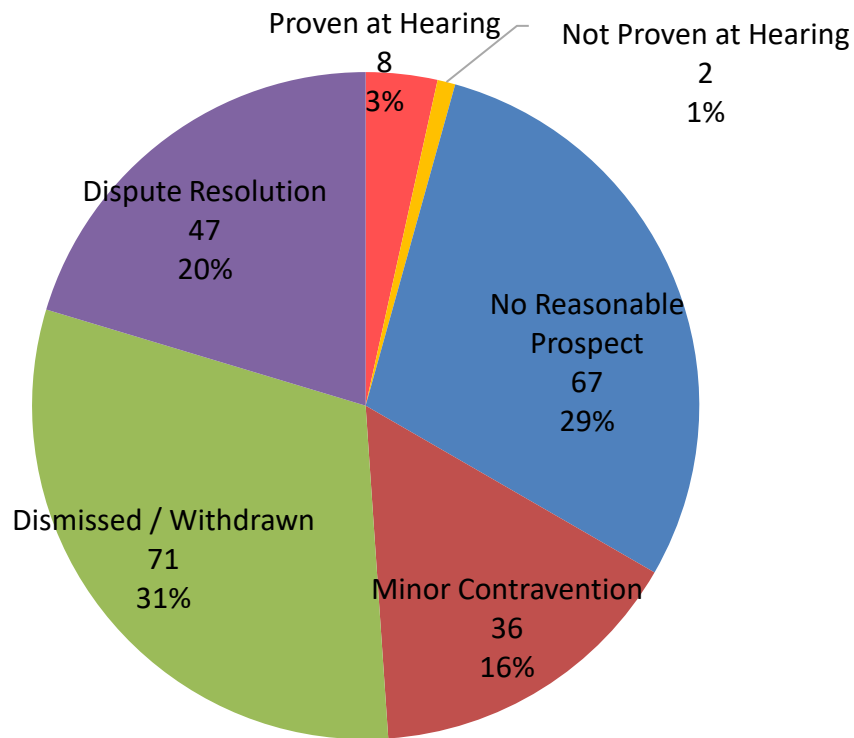
⁴ Median values are used since measures of time tend to produce skewed distributions (i.e. the minimum time is fixed at zero, but some investigations may carry on through extended periods of time). The median time is a better representation of the “typical” amount of time an investigation will take (as 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.

violations. As a result, in 2019, only five of the Minor Contraventions related to photo radar or red light violations.

Table 5: Disposition of Complaint Files Concluded by PSB During 2017-2019

| | 2017 | 2018 | 2019 |
|-----------------------------------------------|------|------|------|
| Chief’s Dispositions & Hearings | | | |
| Reasonable Prospect (at hearing) – Proven | 7 | 11 | 8 |
| Reasonable Prospect (at hearing) – Not Proven | 1 | 1 | 2 |
| No Reasonable Prospect | 95 | 91 | 67 |
| Minor Contravention ⁵ | 41 | 64 | 36 |
| Dismissed/Withdrawn | 43 | 71 | 72 |
| Dispute Resolution | | | |
| Supervisory Review | 31 | 18 | 19 |
| Resolved through PSB | 4 | 2 | 1 |
| Mediation or Facilitated Discussion | 21 | 18 | 27 |

Figure 6: Resolution of Police Act Complaints During 2019⁶



⁵ 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).

⁶ A total of 9 files (4%) were concluded as Dismissed as frivolous, vexatious or made in bad faith, pursuant to s.43(7) of the Police Act. These are included within the Dismissed/Withdrawn category.

A total of 232 formal complaints (not including Statutory Complaints, which are addressed in section 3.2) were concluded during 2019. Those files contained a total of 735 allegations of misconduct by police officers and 6 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 2019

| Disciplinary Hearings | | | |
|------------------------------------------------------|------------------------|-------------------------------|------------|
| | Sustained | Not Sustained or Withdrawn | Total |
| Deceit | 3 | 0 | 3 |
| Discreditable Conduct | 7 | 5 | 12 |
| Insubordination | 2 | 4 | 6 |
| Neglect of Duty | 0 | 2 | 2 |
| Unlawful/Unnecessary Exercise of Authority | 2 | 1 | 3 |
| Disciplinary Hearing Total | 14 | 12 | 26 |
| Minor Contraventions and Informal Resolutions | | | |
| | Minor Contravention | Informal Resolution | Total |
| Discreditable Conduct | 9 | 31 | 40 |
| Insubordination | 28 | 10 | 38 |
| Neglect of Duty | 6 | 14 | 20 |
| Unlawful/Unnecessary Exercise of Authority | 1 | 11 | 12 |
| Use of Firearm | 2 | 0 | 2 |
| Deficient Policy or Services (s. 44 PA) ⁷ | 0 | 3 | 3 |
| Minor Contravention / Informal Total | 46 | 69 | 115 |
| Not Sustained, Dismissed, or Withdrawn | | | |
| | Not Sustained | Dismissed / Withdrawn | Total |
| Breach of Confidence | 3 | 1 | 4 |
| Corrupt Practice | 0 | 2 | 2 |
| Deceit | 18 | 4 | 25 |
| Discreditable Conduct | 133 | 59 | 192 |
| Insubordination | 16 | 11 | 27 |
| Neglect of Duty | 99 | 21 | 120 |
| Unlawful/Unnecessary Exercise of Authority | 165 | 65 | 230 |
| Deficient Policy or Services (s. 44 PA) | 3 | 0 | 3 |
| Not Sustained, Dismissed, Withdrawn Total | 437 | 163 | 600 |

⁷ As stated above, allegations regarding Deficient Policy or Services (pursuant to section 44 of the Police Act) that are sustained are included as 'Minor Contraventions' since they are sustained outside of a Disciplinary Hearing.

3.3 Resolution of Statutory Complaints

During 2019, PSB concluded 23 criminal investigations:

- In nine of the 23 cases, the completed investigation was forwarded to Alberta Justice to be reviewed by a Crown Prosecutor (including two investigations conducted by ASIRT); criminal charges were laid in five of those cases, as per the recommendation of the Crown.
- In two additional cases (i.e. separate from the nine forwarded to Alberta Justice), criminal charges were laid after an internal legal review.
- Of the remaining 12 investigations, 11 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.

The 23 criminal investigations included a total of 37 criminal allegations; ten of the allegations resulted in charges being laid. Table 7, below, details the criminal allegations and their outcomes.

Table 7: Outcome of Criminal Allegations Concluded During 2019

| Allegation | Total # of Allegations | Not Substantiated | Conviction / Outcome |
|--------------------------------------------------------------------------------|------------------------|-------------------|---------------------------------------------|
| Assault Causing Bodily Harm, Assault, Assault - Aggravated (CCC 266, 267, 268) | 28 | 26 | 1 – Conviction 1 – Conditional Discharge |
| Being Unlawfully in Dwelling House (CCC 349(1)) | 1 | 1 | |
| Careless Use of Firearm (CCC 86) | 1 | 0 | 1 – Withdrawn |
| Distribution of Intimate Image (CCC 162.1) | 1 | 0 | 1 – Withdrawn |
| Forgery (CCC 367) | 1 | 0 | 1 – Pending |
| Misconduct of Officer Executing Process (CCC 128) | 1 | 0 | 1 - Pending |
| Obstruction of Justice (CCC 139) | 1 | 0 | 1 – Pending |
| Sexual Assault (CCC 271) | 2 | 0 | 1 – Pending 1 – Stayed |
| Unlawful Confinement (CCC 279) | 1 | 0 | 1 - Stayed |

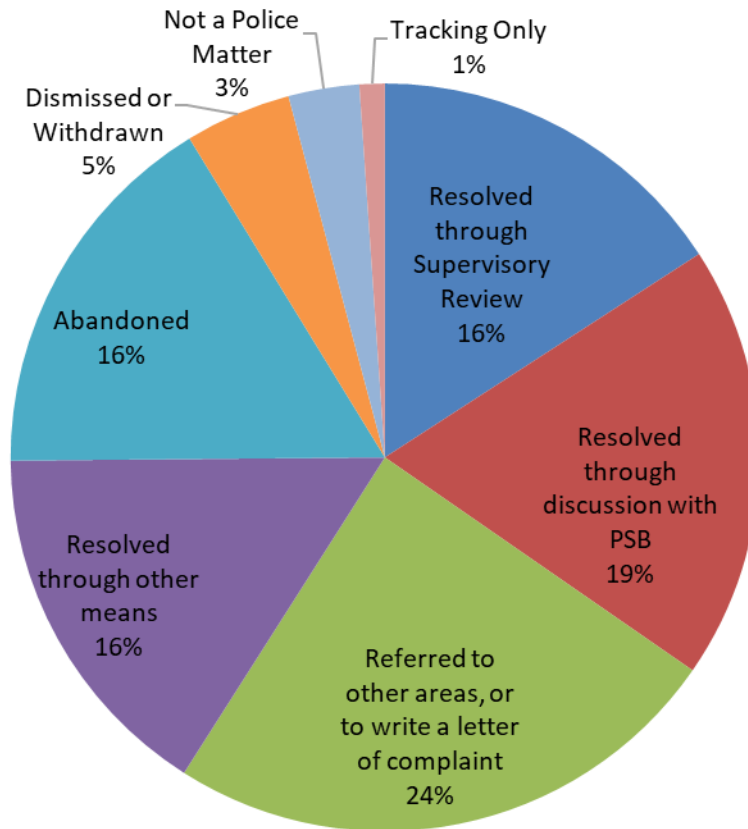
3.4 Resolution of Informal Files

In 2019, PSB resolved 915 informal concerns or inquiries. The median completion time was less than one month. The breakdown of the resolutions is shown in Figure 6 below.

Many files (35%) were resolved either by having the officer's supervisor speak with involved parties or through discussion with PSB Intake Investigators. In other cases (24% of files), a resolution may be reached by providing the concern to the officer's supervisor or to the division for information and learning opportunities, or by providing the complainant with further information on how to submit a formal complaint. In 16% of files, the concerns were resolved through other means, such as ensuring that the complainant's concerns or opinions are recorded and saved. 21% of informal concerns were

either abandoned or withdrawn; PSB Intake Investigators will make several attempts to contact complainants before considering a concern as 'abandoned'.

Figure 7: Resolutions of Informal Concerns and Inquiries During 2019



3.5 Complaints Directed to Disciplinary Hearings in 2019

In 2019, a total of twelve complaints were directed to disciplinary hearings; seven of the complaints were directed to hearings by the Chief of Police, and five complaints were directed to disciplinary hearings following an LERB appeal. In one case, leave has been granted by the Court of Appeal to appeal the LERB decision. Of the 12 complaints directed to hearing in 2019:

- one has been concluded through disciplinary hearing;
- one was completed through agreed discipline (pursuant to section 19(1)(b) of the *Police Service Regulation*) accepted prior to the disciplinary hearing;
- one is before the Court of Appeal, and;
- nine are pending.

3.6 Disciplinary Hearings Concluded During 2019

Ten disciplinary hearings (including two directed in 2017, seven directed in 2018 and one directed in 2019) were concluded during 2019. The hearings addressed a total of 26 allegations. Fourteen of the allegations were found proven, seven were not proven and five were withdrawn at the disciplinary hearing.

Table 8: Discipline Resulting from Disciplinary Hearings Concluded During 2019

| Allegation | Total # of Allegations | Not Sust. / Withdrawn | Sustained | Penalties Applied |
|----------------------------------------------|------------------------|-----------------------|-----------|------------------------------------------------------------------------------------------------------------------|
| Deceit | 3 | 0 | 3 | Dismissal* Reduction in Rank* |
| Discreditable Conduct | 12 | 5 | 7 | Dismissal* Reprimand Counselling** Suspension Without Pay (Avg 17h) Forfeiture of OT hours (Avg 20h) |
| Insubordination | 6 | 4 | 2 | Reduction in Rank* Reprimand ⁸ |
| Neglect of Duty | 2 | 2 | 0 | |
| Unlawful / Unnecessary Exercise of Authority | 3 | 1 | 2 | Suspension Without Pay (Avg 20h) |

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

** Penalty was applied in combination with other discipline

Thirty-six (36) 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 40 officers.

Table 9: Discipline Resulting from Minor Contraventions During 2019

| Allegation | Total # of Allegations | Penalties Applied |
|----------------------------------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Discreditable Conduct | 9 | Suspension Without Pay (avg. 15h) Official Warning Directed Counselling or Training Matter dismissed (19(1)(a)(i) <i>PSR</i>) |
| Improper Use of Firearm | 2 | Suspension Without Pay (avg. 15h) Reprimand |
| Insubordination | 27 | Suspension Without Pay (Avg 15h) Agreed Reprimand Official Warning Directed Counselling or Training |
| Neglect of Duty | 6 | Suspension without Pay (Avg 10h) Agreed Reprimand Official Warning Directed Counselling or Training |
| Unlawful / Unnecessary Exercise of Authority | 1 | Directed Counselling or Training |

⁸ Outcome has been appealed to the LERB

4. 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 2019, EPS received 74 compliment files from citizens of the community.

These compliments referenced a total of 92 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 10: Compliments Received by the EPS During 2019

| | Number of Compliments | Total Involved Officers |
|------------------------------------------|------------------------------|--------------------------------|
| Community Policing Bureau North | 25 | 34 |
| Community Policing Bureau South | 26 | 41 |
| Intel & Investigations Bureau | 12 | 13 |
| Corporate Services Bureau | 0 | 0 |
| Other | 4 | 4 |
| EPS (General) | 7 | |
| <i>Grand Total</i> | 74 | 92 |