



# EDMONTON POLICE SERVICE

## REPORT TO THE EDMONTON POLICE COMMISSION

DATE: 2018-11-14

SUBJECT: EPS Response to the Review of Arkininstall Inquiry Recommendations

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### RECOMMENDATION(S):

That this report be received for information.

### INTRODUCTION:

This report will provide information to the EPC on the results of the review of PSB policy and procedure in view of the LERB's Arkininstall Inquiry Report and the recommendations contained therein in relation to the Calgary Police Service.

### BACKGROUND:

On August 16, 2017, the Minister of Justice and Solicitor General directed the LERB to "inquire into whether any person or entity with responsibilities in connection with policing did, or omitted to do, anything to interfere with, impede avoid or frustrate disciplinary action under the Police Act relating to, or public oversight of, the conduct of Calgary Police Service officers in connection with the arrest of Jason Arkininstall at Calgary, Alberta on or about August 31, 2008."

The LERB was also directed to "make any findings and recommendations relating to any specific or general matters that arise from the inquiry", including "legislative, policy and practice recommendations relating to police discipline and recommendations for improvement of civilian oversight of policing in Alberta."

The report was released on October 1, 2018 and contains a total of twenty recommendations, nine of which directly related to CPS and their practices around professional standards investigations. EPS conducted a review of its PSB policies and procedures against those recommendations in order to determine if any changes were warranted.

## **COMMENTS/DISCUSSION:**

Noted below are each of the recommendations relating to Calgary Police Service's Professional Standards Section.

Recommendation 1: CPS should ensure fulsome training for all professional standards investigators and personnel in order to ensure high-quality, through investigation of complaints. This recommendation also applies to all police services that are subject to Part 5 of the Police Act.

Recommendation 2: CPS should develop, or improve, its policies for deciding when it is appropriate to initiate a service investigation, and to ensure that these decisions are properly documented, are made by appropriate personnel, and are subject to robust internal checks and balances to guard against poor decision-making.

Recommendation 3: CPS should ensure that the full nature and scope of a complaint is understood, clearly defined and investigated without missing the essence of a complainant's allegations through early and meaningful consultation with the complainant.

Recommendation 4: CPS should review its policies and practices to ensure that all matters that qualify as complaints under the Police Act are treated as such, with formal complaint files being opened by PSS for every complaint, before any investigative steps or attempts at informal resolution are made.

Recommendation 5: CPS should undertake a thorough, expert review of its processes and practices for documenting all stages of complaints for managing the resulting records (including clearly and thoroughly documenting all decisions along the way). PSS's commanding officer should be responsible for ensuring that complete records are kept for all complaints.

Recommendation 6: CPS should cease its practice of conducting so-called "administrative reviews" of complaints and instead ensure that PSS conducts efficient and effective investigations of each complaint.

Recommendation 7: CPS policy should require any officer who becomes aware of adverse judicial findings about, or criticism of, the credibility of any officer's sworn evidence, or about possible disciplinary misconduct or criminal actions by an officer, to report the matter immediately to PSS's commanding officer. The commanding officer should be required to consider initiating a complaint. IF PSS's commanding officer decides not to initiate a complaint, she or he must be required to record written reasons for that decision in the file, with a copy of the court decision and PSS reasons being given to the chief as soon as the decision is made.

Recommendation 8: CPS policy on responding to adverse judicial findings or criticism about possible disciplinary misconduct or criminal actions by an officer should require that the chief be immediately advised of such findings or criticism, and that the chief be required to consider without delay whether a notification of serious or sensitive matters under section 46.1 of the Police Act should be made to the Minister. The chief should also be required to document the reasons for that decision.

Recommendation 9: CPS policy should be revised to eliminate gang membership as a ground for deciding that alleged misconduct is or is not of a serious nature.

EPS PSB has developed and maintains a policy and procedures manual that deals directly with Recommendations 1 through 7. For example, the manual makes it clear that its employees and investigators must be developed to ensure they possess the knowledge, skills and abilities to meet the high standards required in this area. One of its guiding principles is to ensure that the integrity of the PSB processes is vigilantly upheld in order to maintain public trust and confidence in the police complaints system. In addition, PSB procedures are strictly followed to ensure that decisions are properly documented, thorough and complete investigations conducted, and complete and accurate records maintained at each stage of each complaint.

It is important to note that the LERB requested and received a copy of our PSB Manual during the course of the Arkininstall Inquiry and many of the recommendations made by the LERB reflect what is contained therein.

Only Recommendations 7 through 9 require additional comments. In relation to Recommendations 7 and 8, in conjunction with the Alberta Crown Prosecution Service, PSB has developed a "Crown Feedback Form" that is to be completed by any Crown Prosecutor who has a concern arising out of a trial with respect to "attendance concerns, personal observations and/or judicial commentary on the performance or credibility of the member involved". In addition, any senior member of the Service, upon becoming aware of such a concern would complete an "Information for the Chief" outlining the events. That document would be forwarded to the Inspector in charge of PSB who is compelled to consider the initiation of a complaint by the Chief of Police pursuant to section 43(6) of the Police Act.

In relation to Recommendation 9, nowhere in EPS policy is gang membership considered as a ground for deciding that alleged misconduct is or is not of a serious nature. All public complaints are dealt with pursuant to the requirements of the Police Act and Police Service Regulation regardless of the source of the complaint. In addition, contrary to the prevailing practice within the Calgary Police Service, all public complaints received by PSB are investigated prior to determining whether those matters are of a serious nature or not.

**CONCLUSION:**

Although PSB is continuously adapting and evolving to reflect current best practices, the recommendations made by the LERB in the Arkininstall Inquiry Report do not warrant any changes from our current policies and procedures.

**ADDITIONAL INFORMATION ATTACHED:**

- Attachment 1 – Arkininstall Inquiry Report

Written by:



Gerald Annetts, Executive Director – Legal and Regulatory Services Division

Approved by:

Chief of Police:



Kevin Brezinski  
Chief of Police



Date:

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