



Guardian of Public Trust

January 6, 2023

BRIEFING NOTE:

Purpose: Action

TO: Chair and Members of Commission

FROM: Bonnie Riddell, Policy & Research Analyst

SUBJECT: Policy Approvals and Revisions

Recommendations:

- 1) That the Commission approves revisions to the following policies:
 - Appendix B – Meeting Procedures
 - EPC Policy 5.6 – Honoraria
 - EPC Policy 2.3.3 - Reporting Requirements
 - EPC Policy 2.5.1 – Rewards
 - EPC Policy 3.1.2 – Security Clearances
- 2) That the Commission has reviewed EPC policy 2.3.4 and does not recommend further revisions.
- 3) That the Commission approves the new EPC policy 1.2.9 – Non-Disciplinary Terminations of Police Officers.

NOTE: Excerpt from Appendix B – Meeting Procedures (page 171 EPC Policy Manual)

ESTABLISHMENT OF AN AGENDA: The Executive Director is responsible for establishing the monthly agenda, including prioritizing items, and determining whether items should be placed on the open or closed portion of the meeting agenda. The draft agenda shall be submitted to the Chair of the Commission or Committee for approval prior to its distribution to the Chief of Police and members of the Commission.

DISTRIBUTION OF AGENDA & SUPPORTING MATERIALS: The agenda and its supporting materials (reports, presentations, financials, etc.) for the monthly meeting of the Commission shall be distributed five (5) business days prior to the meeting date to members of the Commission, including appropriate EPC and EPS staff. A copy of the public agenda and its supporting materials will also be provided to members of City Council and the media four (4) days prior to the public meeting. The agenda and its supporting materials shall also be posted to the Commission's website four (4) days prior to the public meeting. Submissions to be included on the agenda must be received at the Commission a minimum of six (6) days in advance of the meeting. Additions to the agenda, after this deadline, shall be submitted to the Commission at the commencement of the Commission meeting, and the Commission shall vote on whether the item shall be approved for inclusion on the agenda. Notwithstanding this regulation, in exceptional circumstances, items may be sent out under "separate cover" if received after the deadline and are already on the agenda.

The Commission's public meeting agenda shall also be advertised on all the Commission's social media sites and a media advisory will be developed and sent out to the Commission's media distribution list which includes links to the publicly available materials.

ADOPTION OF AGENDA: The Commission must vote to adopt the agenda prior to transacting other business and may:

- a. add new items as urgent business to the agenda; and/or
- b. delete any matter from the agenda by two-thirds majority vote.

URGENT BUSINESS: A Member may move to discuss a matter of urgent importance without prior notice as long as the matter proposed for discussion relates to a genuine emergency which requires immediate and urgent consideration.

PREPARATION OF MINUTES: The Meeting Coordinator will prepare all Commission minutes which include:

- a. all motions;
- b. the names of the members present and absent from the meeting;

Effective: Nov. 30, 2007	Revised: December 17, 2009
Repealed:	October 27, 2016
	October 18, 2018
	May 21, 2020

5.6 COMMISSION HONORARIA

In recognition of the contribution made to the Edmonton Police Commission (Commission) by its volunteer members, the Commission offers an honorarium for attendance at meetings of the commission, standing committees, and other Commission related duties.

Definitions:

DULY CONSTITUTED MEETING: Means a commission meeting, committee meeting or special meeting at which there is quorum and for which minutes are recorded.

Guidelines:

1. Commissioners will receive an honorarium and will be reimbursed for out-of-pocket expenses as per Policy 5.7 – Expenses.
2. Commissioner honoraria will be reported ~~quarterly~~ bi-annually as part of the Commission’s financial reporting.
3. Commission members are eligible to receive an honorarium for the following Commission related duties:
 - a) Duly constituted Commission meetings
 - b) Appointed committee members attending duly constituted Commission committee meetings.
 - c) Appointed Chair of the Professional Standards Committee attending disciplinary hearings of the Professional Standards Branch to a maximum of 4 per year. **NOTE:** Only one honoraria payment will be made per hearing regardless of how many days may be required to conclude the hearing.
 - d) Attendance at related events that are approved by the Commission where either the Commissioner is attending on behalf of the Commission and/or which the Commission is sponsoring.
 - e) Attendance at Commission planning sessions or retreats, approved by the Edmonton Police Commission.
 - f) Attendance at conferences, seminars and training events which the Commissioner is attending pursuant to Commission policies, approved by the Edmonton Police Commission. **NOTE:** This does not include travel to and from conferences, seminars and training events.

- g) Attendance at Board meetings, either in person or by electronic means, of the Canadian Association of Police Governance (CAPG), the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE), the National Association for Civilian Oversight of Law Enforcement (NACOLE), the Alberta Association for Police Governance (AAPG), or any similar association where the Commissioner holds office as a Board member, or is representing the Commission as approved by the Edmonton Police Commission.
- h) Attendance at ALERT Civilian Advisory Committee meetings.
- i) Attendance at meetings of external working groups established by the Commission, City of Edmonton Council or other orders of government.
- j) Participation in ride-alongs with members of the Edmonton Police Service to a maximum of 1 per year.

4. Commissioners will receive the following honoraria:

DAILY TIME COMMITMENT:	COMMISSIONER:	COMMISSION CHAIR:	COMMITTEE CHAIR:
Less than three hours	\$150	\$200	\$200
Three hours or more	\$300	\$400	\$400

NOTE: The Commission Chair rates also apply to the Vice Chair or other Commissioners acting in the absence of the Chair.

If the Chair of the Commission is in attendance at any Committee meeting as an ex-officio member of the Committee, they will be paid the same honoraria as a Commissioner.

The Chair of the Commission will also receive a regular Commissioner rate if not acting in the capacity of Chair such as, but not limited to, attendance at conferences, seminars, webinars, or other training events.

- 5. Commissioners are not eligible to receive an honorarium for attendance at the following:
 - a) Social events;
 - b) Attendance at committee meetings of the CAPG and AAPG;
 - c) Travel to and from conference, seminars and/or training events;
 - d) Informal meetings.

- 6. Where Commission approval is required or where the work of the Chair, Vice Chair or other Commissioners is not otherwise captured by this policy then payment of honoraria for a specific activity will be at the discretion of the Chair or Executive Director.

Procedures:

1. Commissioners are responsible for ensuring their attendance is noted on the attendance sheet for all meetings and/or inform administration of attendance for events/meetings/conferences if off-site.
2. As per the EPSC Expenditure Approval and Signing Authorities policy, honoraria submissions for payment under \$5000 must be signed by the Executive Director or their designate.
3. As per the EPC Expenditure Approval and Signing Authorities policy, honoraria submissions for payment in excess of \$5000 requires signed approval by the Executive Director or their designate along with either the Chair of the Commission or the Chair of the Finance Committee.

References:

1. *EPC policy 5.7 – Expenses*
2. *EPC policy 5.5.2 – Expenditure Approval and Signing Authorities*

Effective: Nov. 30, 2007	Revised: April 19, 2012 September 17, 2015 November 22, 2018
Reviewed:	

2.3.3 REPORTING REQUIREMENTS

Reporting processes are essential to the effective management of the Edmonton Police Service (Service) and assists in obtaining the oversight objectives of the Edmonton Police Commission (Commission) in operating in an open and transparent fashion.

Timely and accurate information must be shared with all stakeholders, including the public, regarding the business and service objectives of the **Edmonton Police** Service.

Definitions:

Reports for Information: When the purpose of the report is to inform the Commission about an issue or upcoming event but no input or decision is required, the report is for information. Information may be given in written form prior to or verbally during a meeting, or by circulation.

Reports for Discussion: When the report is intended to generate feedback from the Commission on a particular strategic issue, initiative, idea or plan but no decision is required, the report is for discussion. Written background material must be included to ensure meaningful consideration and effective use of time.

Reports for Decision: When the Chief requires an action from the Commission on a report it is placed before the Commission for a decision. The report must also include background information and clearly stated recommendations.

Guidelines:

1. Reports may be placed on a meeting agenda, referred to a Commission committee and/or circulated to Commissioners for information.
2. The Chief of Police (or designate) will indicate if the report(s) is/are for information purposes and/or for discussion indicating that the report is intended to generate feedback and/or the report requires a formal decision by the Commission.
3. On reports that require a decision by the Commission the Commission may:

- a) Postpone a decision to a specific time to allow for further study;
 - b) Receive the report for information without committing to specific action(s);
 - c) Approve the proposed recommendations;
 - d) Return the report to the Service with specific instructions on further work required;
or,
 - e) Refer the report to a Commission committee or Commission staff member for further study, clarification or further recommendations.
4. All Service reports must clearly specify the level of confidentiality of the information contained in accordance with the requirements of the *Alberta Freedom of Information and Protection of Privacy Act*.
5. The Chief of Police will provide reports to the Commission on all instances of the following:
- A. Control tactics, such as:
 - a) Firearm deployment or discharge;
 - b) Conducted energy weapon (CEW) deployments;
 - c) canine deployments;
 - d) baton deployments;
 - e) oleoresin capsicum deployments; or
 - f) any other exceptional use of force.
 - B. Criminal flight;
 - C. Proposed additions or significant modifications to existing lethal and non-lethal weapons used by the service;
 - D. Edmonton Police Service officers that are being investigated for misconduct and/or facing criminal and/or disciplinary charges, including the outcome(s) of these proceedings;
 - E. Complaints about the policies and/or service provided by the Edmonton Police Service as well as the outcome(s) of any such complaints;~~and~~
 - F. Major policing events as outlined in policy 2.2.3 – Major Policing Events;
 - ~~G. Other information as requested by the Commission.~~
6. The Service will also provide regular reporting on the following:
- a) Financial reporting on operating and capital budgets;
 - b) Internal audit reports;
 - c) Continuity of operations;
 - d) Strategic plan, business plan, and corporate performance reports;
 - e) HR reports such as, but limited to, attrition reporting, EDI framework, OH&S updates, and succession planning; and,
 - f) Other information as requested by the Commission.
7. The Commission will have a process in place for reporting both the Commission's and Service's achievements to its stakeholders.

Procedures:

1. Commission administration will track all reports requested by the Commission and will update the list as necessary.

References:

1. *Freedom of Information and Protection of Privacy Act*
2. *EPC policy 2.2.3 – Major Policing Events*

Effective: Nov.30, 2007 Reviewed:	Revised: September 17, 2015 January 17, 2019
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2.5.1 REWARDS

On occasion, when normal investigative techniques fail to solve a particularly serious or high profile case, the offering of a monetary reward may provide the necessary incentive to revitalize case activity.

The Edmonton Police Commission (Commission) recognizes and endorses the use of rewards in cases where the Chief of Police is of the opinion that the reward will assist in the investigation of crimes.

Guidelines:

1. A monetary reward may be considered for any case under investigation when the case is particularly serious, offensive, or of very high profile and all other reasonable investigative techniques and leads have been exhausted.
2. Rewards will not be given to persons whose knowledge arose through their own participation in the criminal activity.
3. No Commissioner, Commission staff, sworn and non-sworn member of the Edmonton Police Service, or immediate family member will receive an award for the apprehension of a suspect, or wanted persons, or for supplying information.
4. All claims against outstanding rewards will be made in writing and directed to the chairperson, of the EPC, for evaluation. Such claims may be made by the actual claimant or an agent acting on the claimant's behalf. On receipt of a claim, the Commission shall provide written acknowledgment to the claimant.
5. On evaluation of a claim, the Commission, in consultation with the Chief of Police, may instruct payment of the entire amount or any portion thereof, as befits the case, to a claimant or claimants, and its decision shall be final.
6. In consultation with the Chief of Police, the Commission may cancel a reward offer prior to the expiry date or cause the expiry date to be amended without advance notice

7. The Chief of Police shall be responsible for the administration of awards.

Procedures:

1. The Chief will submit for approval to the Commission a proposal for the establishment of a reward. The proposal will include recommendations regarding the posting and the amount of the reward.
2. All rewards will be posted and advertised under the authority of the Commission.
3. Rewards remain current for three years and can be renewed for additional terms of up to three years each.
4. The Chief will submit any recommendations regarding disbursement of reward funds to claimants to the Commission for approval.

Effective: Nov. 30, 2007	Revised: September 17, 2015 January 17, 2019 December 12, 2019
Reviewed:	

3.1.2 SECURITY CLEARANCES

The Edmonton Police Commission (Commission) requires enhanced security clearances (ESC) to manage and mitigate potential risk to the Commission and Edmonton Police Service (Service) by assessing the background of staff, appointed Commissioners and other individuals who are provided access to sensitive information.

Guidelines:

1. The Commission requires that ~~enhanced security clearances~~ ESC's will be conducted for all Commission staff members who are provided with access to sensitive police information.
2. Prior to appointment, ~~public~~ any proposed Commission member, including appointed City councillors, will be subject to an ~~enhanced security clearance~~ ESC which includes an interview to assess overall suitability for appointment.
- ~~3. Prior to consideration for appointment, Council members will require an enhanced security clearance-ESC.~~
 - ~~a) Commission staff will work with the City of Edmonton staff to facilitate an Enhanced Security Clearance-ESC prior to appointment by the City.~~ (Note: moved to "Procedures").
4. Should any commission applicant, which includes both public members and councillor appointees, ESC come back as classified "unable to clear" by the Service, then the applicant may wish to proceed with the reconsideration process as outlined in EPC policy 3.1.8 – *Enhanced Security Clearance Reconsideration for Commissioners*.
5. The Commission requires an ~~enhanced security clearance~~ ESC for external contractors who will have access to sensitive police information. This includes, but is not limited to, trade persons, consultants and external auditors.

Procedures:

1. The Executive Director will be responsible for ensuring all staff members, commission members and contractors are subject to an ~~enhanced security clearance~~ ESC.
 - a) ~~Enhanced Security Clearances~~ ESC for staff to be completed every five years.
 - b) ~~Enhanced Security Clearances~~ ESC for Commission members to be completed every six years.
2. ~~Commission staff will work with the appointing body to facilitate an ESC prior to appointment.~~
3. External contractors engaged by the Commission are subject to an ~~Enhanced Security Clearance~~ ESC for each contract entered into with the Commission.
 - a) In the event an external contactor engages in multiple contracts with the Commission that overlap in time, only one ~~enhanced security clearance~~ ESC will be required.
 - b) Contractors engaged by the Commission for terms longer than five years will require completion of an ~~Enhanced Security Clearance~~ ESC every five years.
4. This requirement will be outlined in all materials relevant to the hiring process including, but not limited to, job postings and requests for proposals.
5. The Executive Director will ensure all ~~Enhanced Security Clearance~~ ESC forms remain with the Enhanced Security Clearance Unit.
6. The Service may, at any time and without prior notice, conduct a criminal record and/or police check of any Commissioner during their term of appointment.

References:

1. *Edmonton Police Service – Enhanced Security Clearance Policy – HR36PO*
2. *Edmonton Police Service – Enhanced Security Clearance Procedure – HR36-1PR*
3. *Edmonton Police Service – Enhanced Security Information Checklist form*
4. *EPC policy 3.1.8 – Enhanced Security Clearance Reconsideration for Commissioners.*

Effective: Nov. 30, 2007	Revised: September 17, 2015 November 22, 2018
Reviewed:	

2.3.4 REPORTING OF SERIOUS INCIDENTS

In accordance with the *Police Act, Section 46.1(1)*, the Chief of Police shall as soon as practicable notify the Edmonton Police Commission (Commission) and the Minister of Alberta Justice and Solicitor General where

- a) An incident occurs involving serious injury or the death of any person that may have resulted from the actions of an Edmonton City police officer, or
- b) A complaint is made alleging that
 - i. Serious injury to or death of any person may have resulted from the actions of an Edmonton City police officer, or
 - ii. There is any matter of a serious or sensitive nature related to the actions of a police officer.

Definitions:

SERIOUS INJURY - When the victim is admitted to hospital, suffers a fracture to a limb, rib or vertebrae or to the skull, suffers burns to a major portion of the body or loses any portion of the body or suffers loss of vision or hearing, or alleges sexual assault.

SERIOUS OR SENSITIVE MATTER - May be defined as any matter alleged to be connected with the actions of a police officer which may result in criminal charges against a police officer or that has the potential to bring the Edmonton Police Service into disrepute or undermines public confidence in the police.

Guidelines:

1. Serious injury shall initially be presumed when the injuries are likely to interfere with the health or comfort of the victim and includes all of the scenarios listed in the definition of serious injury.
2. Identifying complaints of a serious or sensitive nature will require the exercise of judgment by the Chief of Police taking into account the following contextual factors:

- a) Nature of alleged incident;
- b) Allegation of sexual assault by officer;
- c) Extent of alleged loss or damage;
- d) Impact on alleged victim;
- e) Number of alleged victims;
- f) Number or frequency of similar allegations;
- g) Potential for perception of significant conflict of interest;
- h) Impact on community and/or on police and/or on justice system;
- i) Impact on public confidence in police; and,
- j) Potential for bringing police or justice system into serious disrepute.

Procedures:

3. Pursuant to section 46.1 of the *Police Act*, within 24 hours of any incident or complaint or as soon as is practicable under the circumstances, the Chief of Police shall notify the Commission Chair, or designate, and the Commission's Executive Director, or designate.
4. The Executive Director, or designate, shall then notify the Commission's Public Complaint Director as soon as practicable thereafter.
5. Either the Executive Director or the Public Complaint Director will then notify all other Commissioners of the incident or complaint as soon as practicable thereafter.
6. The Commission administration shall retain a record of all notifications and related communications as required by the Commission's record retention schedule.

References:

1. *Police Act, RSA 2000, c P-17.*

Effective: February 18,2021	Revised:
Repealed:	

1.2.9 NON-DISCIPLINARY TERMINATIONS OF POLICE OFFICERS

Under the *Police Act*, the Edmonton Police Commission (Commission) may terminate the services of a police officer for reasons other than disciplinary reasons.

Guidelines:

1. Section 37(2) of the *Police Act* grants the Commission broad statutory authority to terminate the services of a police officer for reasons other than disciplinary reasons, notwithstanding the provisions of a collective agreement.
2. No process for non-disciplinary terminations of police officers who have completed their probationary period has been agreed to in the relevant collective agreements.
3. The Commission shall abide by the requirements of natural justice and procedural fairness in effecting a non-disciplinary termination.

Procedures:

1. Where the Edmonton Police Service (Service) believes that the non-disciplinary termination of a police officer is warranted, the Chief of the Service or designate shall provide its recommendation as such to the Chair of the Commission, including written submissions outlining the rationale for the recommendation and attaching supporting evidence.
2. The Chair shall notify the Commission Legal Counsel (LC) of the recommendation. The LC shall send correspondence to the affected officer, including the recommendation and written submissions, and shall invite the affected officer to provide any written submissions in response and inquire as to whether the affected officer requests an in-person hearing.

- a. The timeline for any written submissions or request for an in-person hearing from the affected officer shall generally be within 30 days of receipt of the correspondence.
3. If the affected officer provides written submissions, the LC shall provide same to the Service with the opportunity to provide reply submissions.
 - a. The timeline for any reply submissions from the Service shall generally be within two weeks of receipt of the affected officer's submissions.
4. If the affected officer requests an in-person hearing, the LC shall coordinate with the Service, the affected officer and the Commission to arrange a suitable date and time.
5. After review of the written submissions from the Service and affected officers, and following the in-person hearing should such a hearing occur, the Commission shall decide whether to terminate the services of the affected officer for non-disciplinary reasons and shall advise the Service and affected officer of its decision in writing.

References:

1. *Police Act, RSA 2000, c P - 17, s 37*