



2007 Annual Report Professional Standards Branch Edmonton Police Service



The Annual Professional Standards Branch Report is a summary of all the internal and external complaints alleged against members of the Edmonton Police Service (EPS). It is a resource used to monitor police misconduct and is representative of our commitment to fostering public trust through transparency and accountability.

Professional Standards Branch reviews, investigates, and tracks all allegations of misconduct involving members of the EPS. This includes all allegations of misconduct under the *Police Service Regulation* and *Criminal Code*, as well as complaints involving policies or services provided by all members of the EPS. These responsibilities are shared between two sections within the Branch: Intake Investigations Section and Major Case Section. Intake Investigations Section investigates all allegations of police misconduct under the *Police Service Regulation*, operates the Intake Line telephone, and the Early Intervention System. Major Case Section investigates allegations of criminal conduct and subsequent police misconduct pursuant to the *Police Service Regulation*.

In 2007 there were 980 files generated from public complaints and 140 files internally generated resulting in a total of 1120 files investigated. Approximately 70% of these complaints were classified as "Information Only" investigations, which are complaints or concerns that if proven, would not constitute misconduct as described in the *Police Service Regulation*. They also include matters that due to their substance cannot be categorized under the *Police Act* without a written complaint. Of the complaint allegations investigated criminally or pursuant to the *Police Service Regulation*, one percent resulted in sustained allegations and two percent were found to have a reasonable prospect of establishing facts necessary to sustain a conviction at a Disciplinary Hearing. In contrast, during 2007, the EPS recorded 154,224 dispatched calls for service in addition to the hundreds of daily non-recorded contacts made with members of the public. As such, the total number of complaints received in 2007 is less than one percent of all police interactions with the public.

Compared to the 2006 complaint statistics, 2007 complaint statistics show a 33% decrease of complaints of conduct pursuant to the *Police Service Regulation*, and a 53% decrease in criminal allegations made against members of the EPS. Reasons for this reduction in complaints include, but are not limited to, there being no further riotous problems along Whyte Avenue, proactive training initiatives such as Tactical Communications for Peace Officers, Bias Free Policing; and a policy revision requiring further accountability governing the use of Conducted Energy Devices. In addition, Quality Assurance Units were incorporated into all patrol divisions to improve the quality of the police reporting system.

Looking ahead to 2008

Over the past several years, both the investigative requirements and the nature of the complaints received by Professional Standards Branch have become increasingly more complex. In order to ensure that public complaints continue to be processed in a timely, professional and responsible manner, a review of the complaints investigation process has taken place with the Edmonton Police Commission. The goal of this review was to ensure that the complaints investigation process is clear, fair and equitable for all parties involved. Recommendations from the review will be implemented in 2008.

Professional Standards Branch

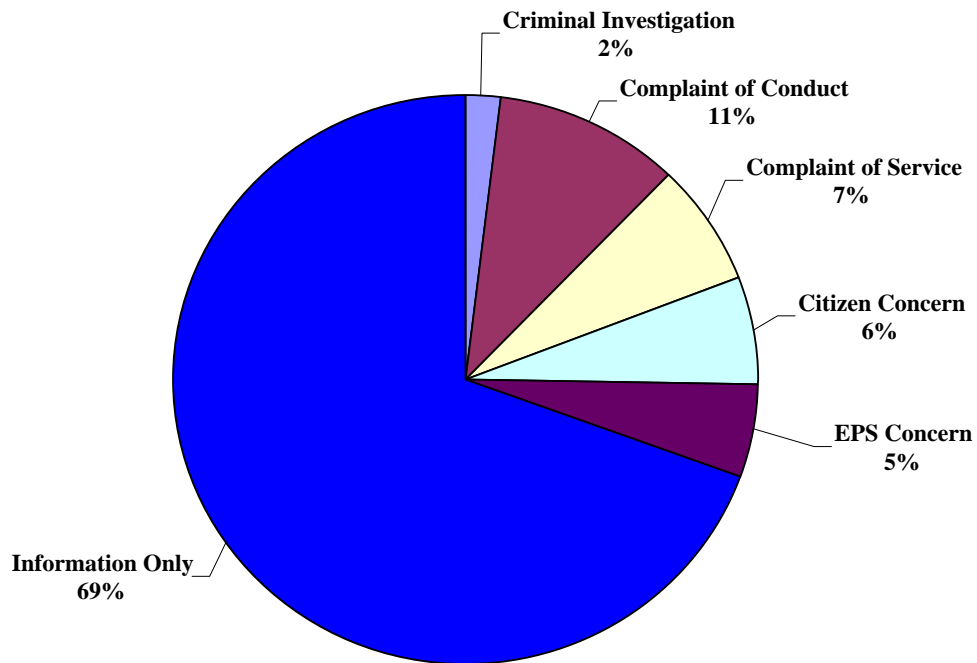
Human Resources Division will be taking over the function and responsibility of the Early Intervention System (EIS) from Professional Standards Branch. To facilitate this transition, the position of a Human Resources Division EIS Sergeant has been created. Plans are in place to purchase "Blue Team" software to compliment the IAPro database used in Professional Standards Branch. This additional software will further increase the effectiveness and transparency of the EIS program. Complaint trends will be identified earlier through the proactive process of identifying police officers who may require additional training, mentoring, or counseling prior to a possible serious complaint ever being received.

Professional Standards Branch is committed to conducting thorough and transparent investigations into all allegations and instances of misconduct. Only through a professional and accountable process will high levels of trust be fostered and maintained with internal and external stakeholders. Professional Standards Branch remains at the forefront of the Service's renewed focus towards professionalism and service delivery excellence for the citizens of Edmonton.

THE BREAKDOWN

During 2007 a total of 1120 *files* were opened. The totals include public and internal complaints.

	Public	Internal	Total
Criminal Investigation Files	13	10	23
Misconduct Files	91	30	121
Complaint of Service Files	78	0	78
Citizen Concern Files	67	0	67
Civilian Code of Conduct	0	0	0
EPS Concern Files	0	59	59
Information Only Files	731	41	772
Total	980	140	1120



PUBLIC CRIMINAL ALLEGATIONS

In addition to receiving complaints of misconduct, various complaints of criminal conduct by members of the EPS are received and investigated by Professional Standards Branch. As can be seen in the information below, the vast majority of the complaints of criminal conduct relate to the use of force.

In 2007, 23 *public* complaints of criminal conduct have been received by Professional Standards Branch. Of those, 40 *allegations* were investigated. The types and number of allegations are listed below.

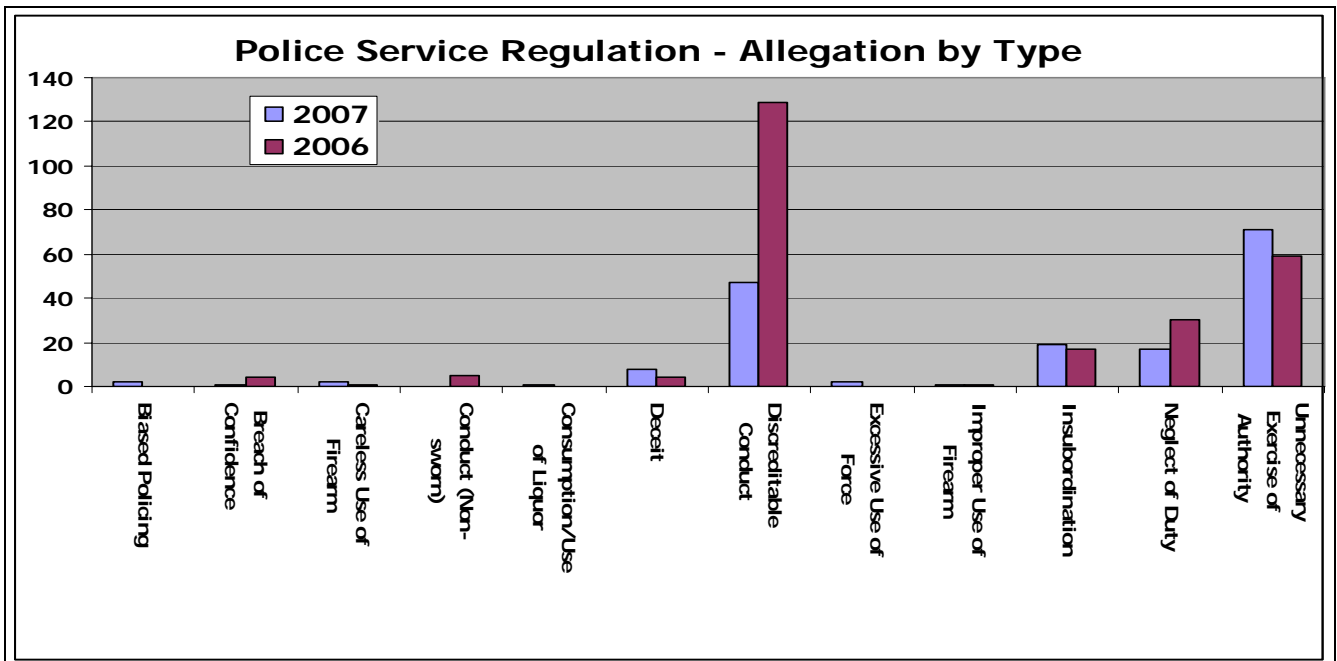
Criminal Allegation	2007	2006
Assault	16	28
Aggravated Assault	1	1
Assault Bodily Harm	0	3
Assault by Trespassing	0	1
Assault with a Weapon	0	12
Careless Storage of Firearm	1	0
Corrupt Practice	1	0
Deceit	3	0
Extortion	0	1
Harassment	1	3
Impaired Driving	4	1
Mischief	1	0
Obstruct Justice	2	3
Perjury	2	3
Sexual Assault	1	1
Theft	1	2
Theft Under	4	1
Unlawful Confinement	2	3
Utter Threats	0	2
Total Criminal Allegations:	40	65

PUBLIC MISCONDUCT ALLEGATIONS
(Police Service Regulation)

The data presented below provides a breakdown by the type and number of *Police Act public allegations* received by the EPS in 2007 compared to 2006.

Misconduct Allegation	2007	2006
Biased Policing	2	0
Breach of Confidence	1	4
Careless Use of Firearm	2	1
Conduct (Non-sworn)	0	5
Consumption or Use of Liquor	1	0
Deceit	8	4
Discreditable Conduct	47	129
Excessive Use of Force	2	0
Improper Use of Firearm	1	1
Insubordination (includes Breach of Policy)	19	17
Neglect of Duty (includes court)	17	30
Unnecessary Exercise of Authority (UEA)	71	59
Total	171	250

*includes *Police Act* allegations resulting from criminal investigations



CRIMINAL AND MISCONDUCT FINDINGS

The following table reflects the number of *public* Misconduct and Criminal complaints received in 2007, as well as their disposition as of 2008 February 6.

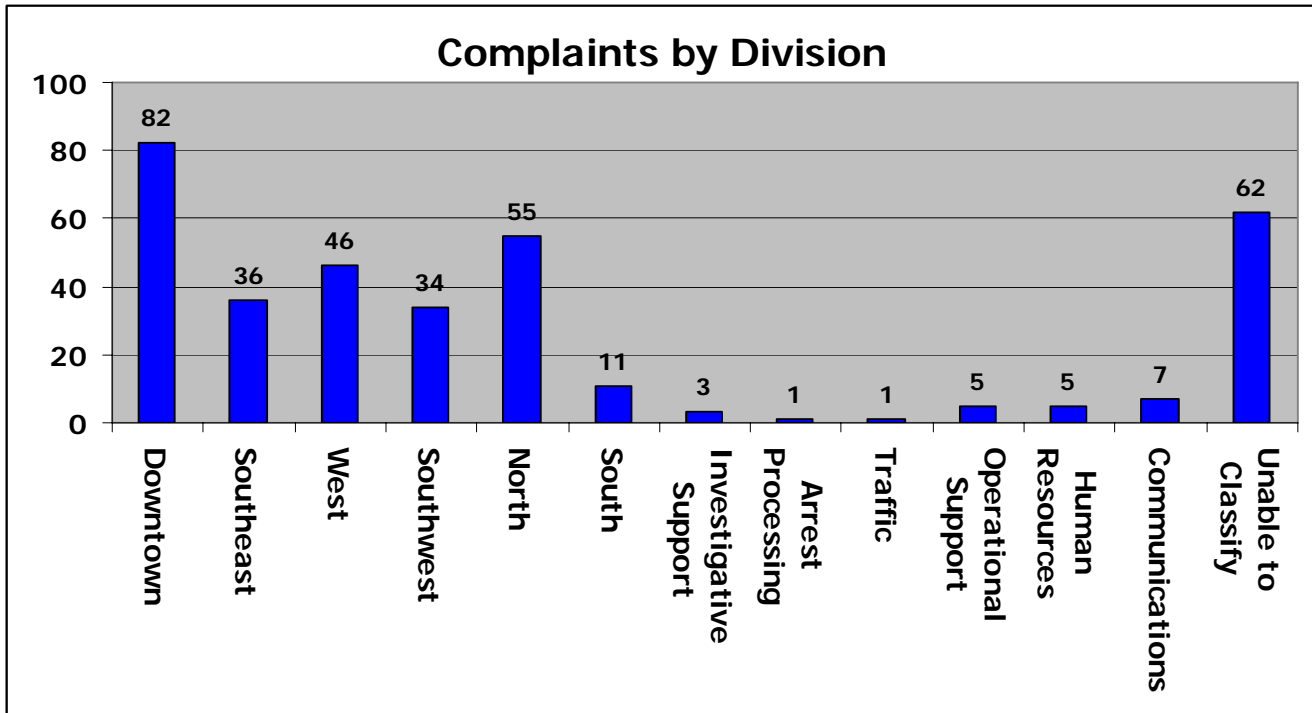
2007 File Status	Public Complaint	Public Complaint	Public Complaint	Internal Complaint	Internal Complaint
	Criminal	Conduct	Policy/ Service	Criminal	Conduct
Resolved through Professional Standards Branch	0	30	16	0	1
Resolved through Supervisory Review	0	3	4	0	6
Dismissed	0	0	0	0	1
Frivolous	1	0	0	0	0
Loss of Jurisdiction	0	4	1	0	1
Reasonable Prospect – Charge Laid	0	0	0	1	0
No Reasonable Prospect	0	2	0	0	1
Reasonable Prospect	0	1	0	0	2
Reasonable Prospect – No Charge	0	0	0	1	0
Reasonable Prospect – Not Proven	0	1	0	0	0
Concluded as No Charge Laid	1	0	0	0	0
Reviewed/Concluded by Chief of Police	0	0	3	1	0
Administratively Concluded	0	0	1	0	0
Vexatious	1	1	0	0	0
Concluded as Citizen Concern	0	65	0	0	0
Concluded as Information Only	1	651	33	1	47
Concluded as EPS Concern	0	0	0	1	52
Total Concluded:	4	758	58	5	111
Outstanding Complaints	9	128	20	6	19
Outstanding Concerns	0	2	0	0	0
Total 1120 Files Opened	13	888	78	11	130

As of 2008 February 6, 936 of the 1120 files opened in 2007 have been concluded. The remaining files include:

- 9 files where *public* criminal allegations were made
- 48 files where *public* misconduct allegations were made
- 20 complaints of service
- 25 internally generated files remain open
- 2 Citizen concern, and
- 80 Information Only

COMPLAINTS BY DIVISION IN 2007

The graph and table below provide a breakdown of the total Public and Internal concerns and complaints received by the EPS. Due to the Service wide delivery model of Managing Patrol Performance (MPP) initiated at the end of March 2007, two south divisions, Southeast and Southwest, replaced the original South Division.



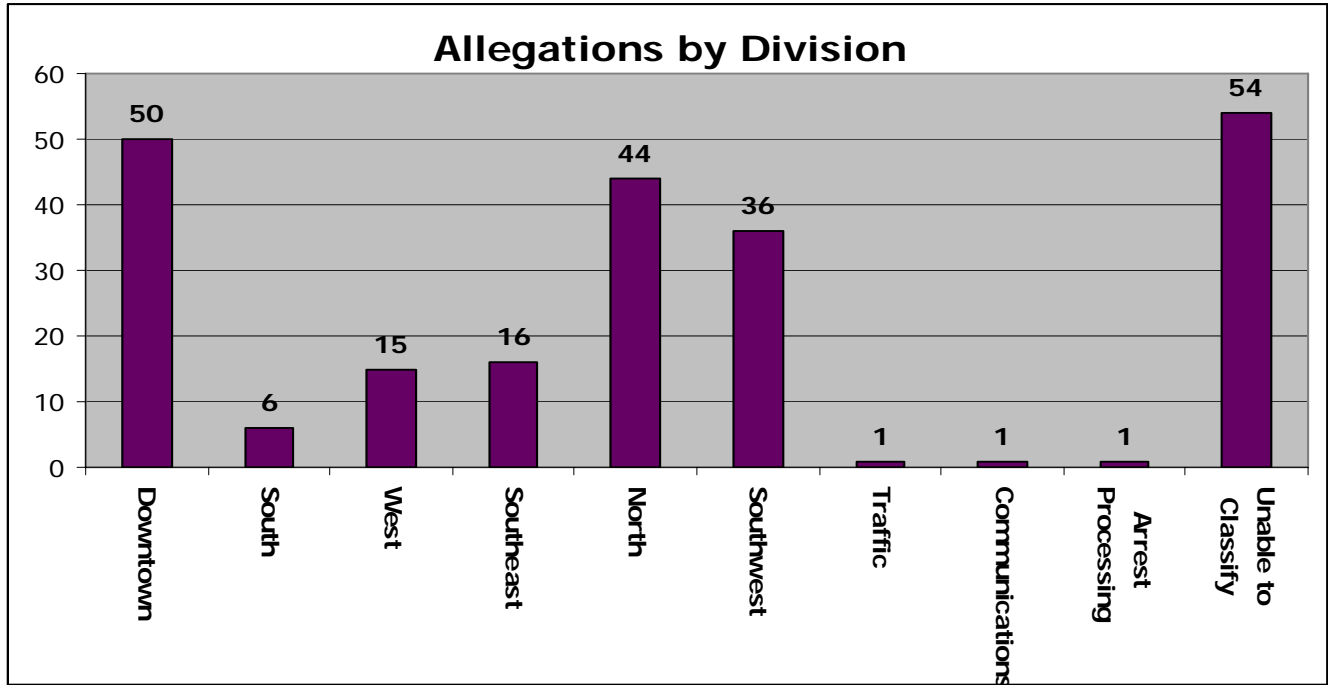
	Public				Internal			TOTAL
	Criminal	Conduct	Service	Concern	Criminal	Conduct	Concern	
Downtown	2	24	10	22	4	10	10	82
South	1	1	3	6	0	0	0	11
West	0	9	7	11	1	3	15	46
North	2	14	17	8	2	2	10	55
Southeast	3	11	10	4	0	1	7	36
Southwest	1	13	6	8	0	2	4	34
Investigative Support	0	0	0	0	0	1	2	3
Arrest Processing	0	0	0	0	0	1	0	1
Traffic	0	0	0	0	0	1	0	1
Human Resources	0	0	2	0	0	0	3	5
Operational Support	0	0	0	0	0	2	3	5
Communications	0	0	2	5	0	0	0	7
Unable to classify*	4	19	21	3	3	7	5	62
Totals	13	91	78	67	10	30	59	348

*Member/Division not identified in complaint

ALLEGATIONS BY DIVISION IN 2007

The Chief of Police must make a "finding of fact" in relation to each allegation at the conclusion of an investigation. One complaint may contain multiple allegations of misconduct against multiple members of the EPS. Each allegation against each member must be investigated as a separate incident which may result in a lengthy investigation.

The information shown below provides a breakdown of the number of *public* complaint *allegations* received by each Division of the EPS in 2007.



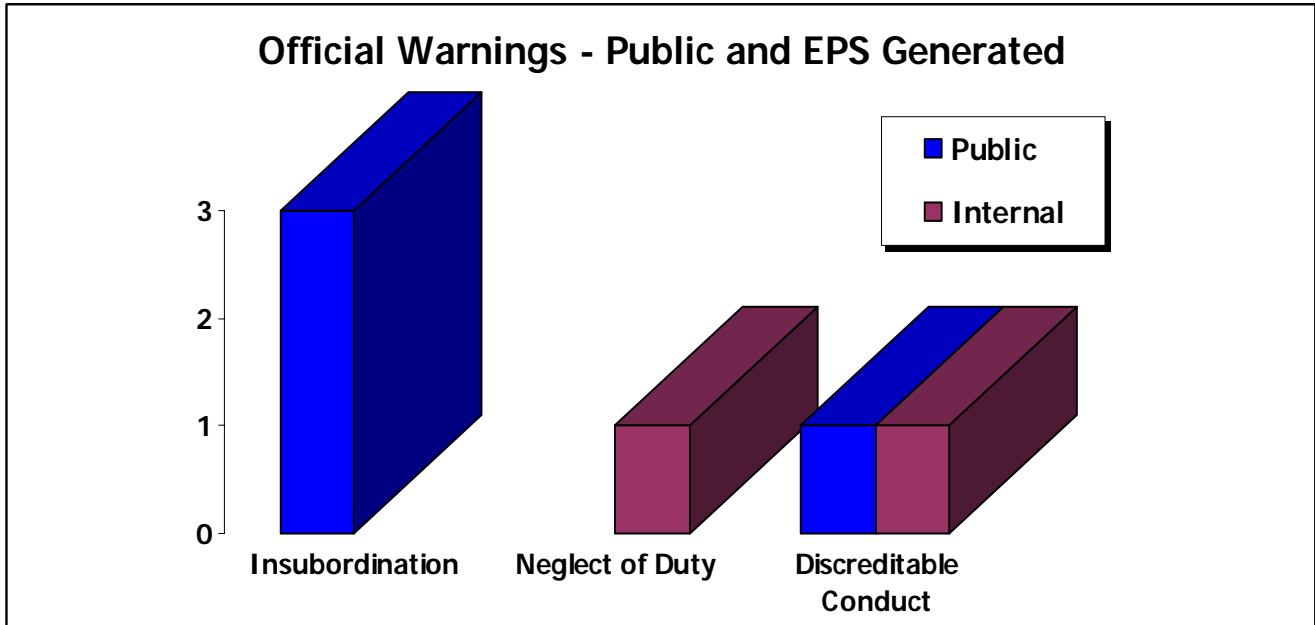
	Criminal Allegation	Conduct Allegation	Total Allegations
Downtown	8	42	50
South	1	5	6
West	4	11	15
Southeast	3	13	16
North	5	39	44
Southwest	1	35	36
Traffic	0	1	1
Communications	0	1	1
Arrest Processing	0	1	1
Unable to Classify	15	39	54
Total Allegations	37	187	224

DISCIPLINARY HEARINGS 2007

IA File Number	Allegation	Disposition
IA2005-0191	Insubordination x 2	40 hours suspension without pay
	Insubordination	Reprimand
IA2005-0163	Insubordination	Reprimand
	Insubordination	Reprimand
IA2005-0054	Unlawful or Unnecessary Exercise of Authority	Not Proven
IA2006-0362	Insubordination	5 hours forfeiture of overtime pay
	Insubordination	Reprimand
IA2005-0005	Insubordination	Not Proven
IA2006-0168	Discreditable Conduct	20 hours forfeiture of overtime pay
IA2006-0047	Discreditable Conduct	15 hours suspension without pay
IA2006-0128	Deceit	Charge Withdrawn
IA2006-0030	Insubordination	Reprimand
IA2001-0095	Unlawful or Unnecessary Exercise of Authority X 2	Not Proven
IA2007-0281	Discreditable Conduct	10 hours suspended without pay
IA2006-0128	Neglect of Duty	15 hours suspension without pay
IA2006-0127	Deceit	Not Proven
IA2006-1183	Neglect of Duty	Not Proven
IA2004-0068	Insubordination X 2	Reprimand
IA2007-0088	Insubordination	Not Proven
IA2006-0241	Unlawful or Unnecessary Exercise of Authority	Not Proven
	Discreditable Conduct	Not Proven
IA2006-0076	Neglect of Duty	20 hours suspended without pay
	Insubordination	10 hours suspended without pay
IA2005-0368	Unlawful or Unnecessary Exercise of Authority	60 hours suspension without pay
	Insubordination	Reprimand
	Neglect of Duty	30 hours suspension without pay
IA2006-0011	Neglect of Duty X 2	Not Proven
	Insubordination X 2	Not Proven

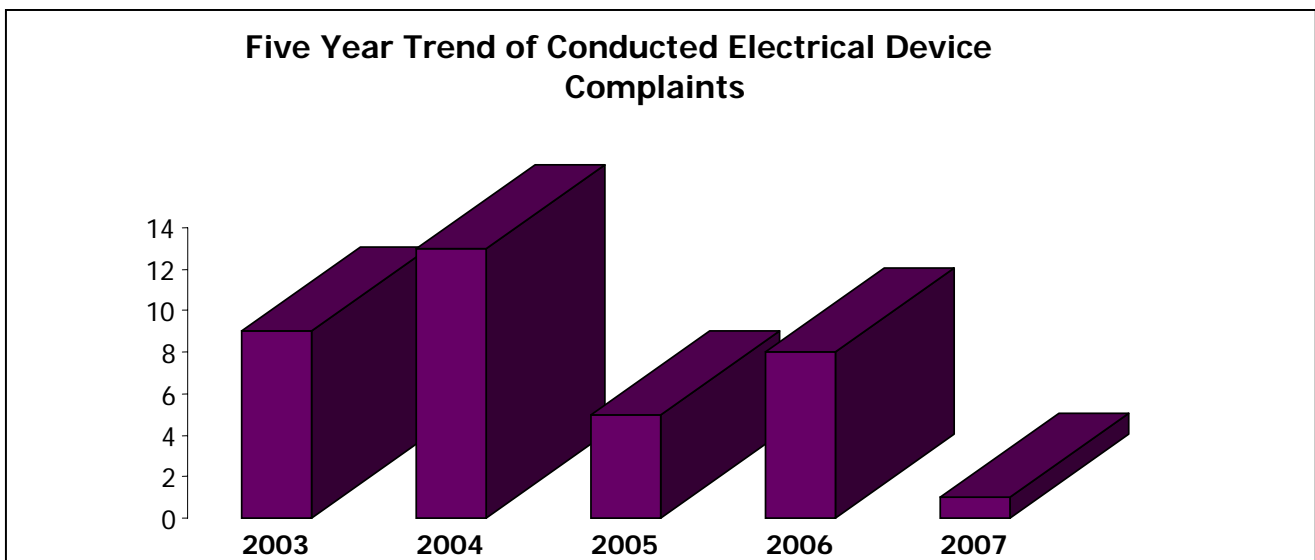
OFFICIAL WARNINGS

In 2007 a total of 6 Official Warnings were issued to EPS members. Of this total, 4 were a result of public complaints, while 2 were issued as a result of internal discipline.



CONDUCTED ELECTRICAL DEVICE

In 2007 one complaint dealing with a Conducted Electrical Device was submitted to Professional Standards Branch.



Professional Standards Branch

CRIMINAL CHARGES 2007

IA File Number	Date Held	Allegation	Disposition
IA2004-0393	May 10, 2007	Assault with Weapon Assault	Charge Laid Charge Laid
IA2005-0604	June 18, 2007	Assault Assault	Charge Laid No Charge
IA2005-0051	August 16, 2007	Obstruct Justice Obstruct Justice Breach of Trust	Charge Laid Charge Laid Charge Laid
IA2007-0087	December 18, 2007	Assault	No Charge
IA2005-0289	March 6, 2008	Assault	No Charge
IA2005-0667	March 28, 2008	Assault	No Charge
IA2003-0274	January 1, 2007	Assault x 3 Assault with Weapon x 2	No Charge Not Guilty Not Guilty
IA2006-0840	August 28, 2007	Careless Use of Firearm	No Charge
IA2006-0014	July 18, 2007	Utter Threats x 2 Assault x 3	Charge Laid Charge Laid
IA2006-0608	December 11, 2007	Aggravated Assault	No Charge
IA2006-0167	October 31, 2007	Assault x 2	No Charge
IA2006-0407	May 29, 2007	Theft x 2	No Charge
IA2006-0899	October 18, 2007	Assault with Weapon	No Charge
IA2005-0057	March 27, 2007	Assault x 6 Assault with Weapon x 6 Theft Under x 6	No Charge No Charge No Reasonable Prospect
IA2006-0525	December 11, 2007	Assault	No Charge
IA2004-0164	January 31, 2007	Assault with Weapon	Acquitted
IA2006-0649	August 7, 2007	Assault with Weapon	No Charge
IA2006-0854	May 10, 2007	Assault	No Charge
IA2006-1003	January 11, 2007	Fraud	Charge Laid

ANNUAL REVIEW OF BIAS-BASED PROFILING As required by CALEA Standard 1.2.9(d)

Bias-based profiling involves the selection of individuals based solely on a common trait of a group. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

The EPS has policy prohibiting bias-based profiling. In 2005, collaboration with the Calgary Police Service resulted in the creation of a *Bias-free Policing Training Module* which has been adapted for use by each law enforcement agency in Alberta. By the end of 2005, all of the members of the EPS completed this mandatory training module.

In 2007, the EPS received four public complaints alleging bias-based profiling. A review of these complaints does not indicate any trends. The four complaints are summarized as follows:

1. The complainants were standing behind a pub when they were approached by beat officers that made homophobic comments during their interaction. The complainants alleged they were discriminated against by the police based on their sexual orientation.

The complainants made contact with Professional Standards Branch and stated they wanted the members and their supervisor to be informed of their complaint of bias-based policing. This file is still under investigation.

2. The complainant alleged the member unprofessionally investigated a vehicle accident with bias towards an ambulance driver. The complainant believed the ambulance driver disobeyed a traffic signal (red light) and did not proceed into the intersection at a safe rate of speed. The intersection is on an arched bridge that does not allow for a reasonable line of sight in either direction. The bridge is not flat and clear as stated in the constable's report. Lastly, witnesses were not interviewed for seven weeks and the complainant questions whether they were interviewed at all.

This file is still under investigation.

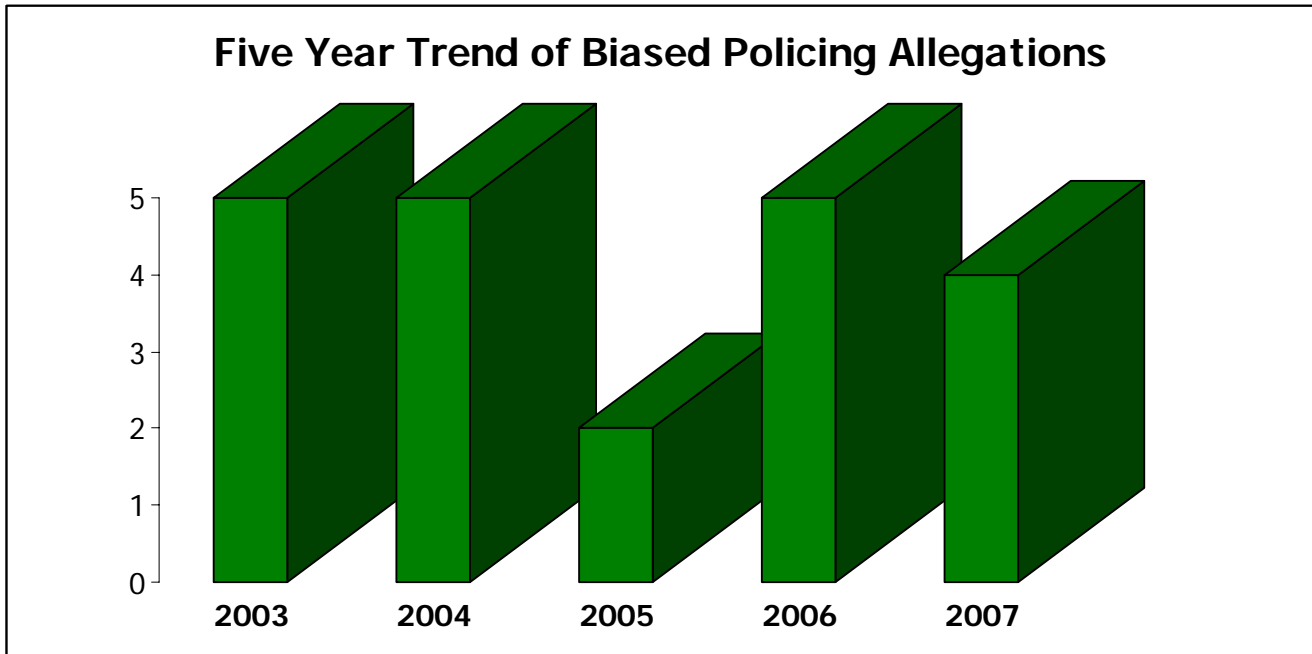
3. The complainant explained she felt the police member was flirting and giving deferential treatment to the people in the car that rear-ended the complainant's car. The complainant confronted the officer with her concern and the officer gave her a statement form to complete and later told her that he respected her culture and drove away while other officers completed the investigation

The complainant said she would like to meet with the Constable to express her feelings about this matter. File concluded as information only.

4. Police acted as intermediaries in a dispute between the complainant and Tim Horton's staff. The complainant perceived the officers as having a bias against him and felt offended. The complainant attended a division station and reported his concerns, but did not want to make a formal complaint.

This file was concluded as information only.

Bias-based Profiling Continued. . .



In 2003, two bias-based policing allegations were made after the officers arrested the complainant, one allegation resulted from general contact, another allegation resulted from a dispatched call for service, and the fifth allegation resulted from a traffic stop.

During 2004, two bias-based policing allegations resulted from traffic stops, two allegations resulted from general contact, and the fifth allegation resulted from dispatched calls for service.

Occurring in 2005, one bias-based policing allegation resulted from a dispatched call for service and the second allegation resulted from general contact.

In 2006, two bias-based policing allegations resulted from dispatched calls, two allegations resulted from traffic stops, and the fifth allegation resulted from general contact.

During 2007, two biased-based policing allegations resulted from general contact with the public and two allegations resulted from dispatched calls.

Although valid trend analysis is not yet possible due to limited incidences of allegations of biased policing, Professional Standards Branch will be making recommendations to the Training Advisory Committee regarding identified areas of risk, where members of the public are likely to perceive bias-based policing to occur, for the purposes of ongoing training to the membership. Recommendations in the area of policy or equipment in relation to bias-free policing are not possible at this time.

ANNUAL REVIEW OF THE EARLY INTERVENTION SYSTEM

As required by CALEA Standard 35.1.15

The EPS Early Intervention System is a data-based police management tool designed to identify patterns of behavior which may require agency intervention efforts.

Recently, CALEA made the provision of an Early Intervention System (EIS) mandatory for agencies the size of the EPS. Our EIS includes procedures for reviews based on current patterns of collected material, agency reporting requirements of conduct and behavior, the role of the first and second level of supervision, remedial action, employee assistance such as peer counseling, and annual evaluations of the system.

The goal of EIS is to enable the EPS to avoid scenarios such as an investigation of an employee for a serious case of misconduct only to find there was an escalating pattern of less serious misconduct which could have been avoided through intervention. We intend to develop a comprehensive EIS to raise public confidence in our ability to train and supervise police officers, while diminishing the risk of danger for the public as well as EPS employees.

The EIS is a non-disciplinary tool used to identify and assist sworn and non-sworn members who may require intervention efforts. The EIS uses a two stage process in determining whether or not proactive steps are required. The first stage relates to the use of statistical information collected from various sources within the EPS to proactively identify members requiring intervention. The second stage relates to a qualitative review conducted to determine whether or not the EPS has an interest. Based on these reviews, it is then determined whether a concern relating to a member exists.

The use of EIS does not preclude supervisors from their daily responsibility of monitoring the performance of and taking necessary corrective actions for employees under their command.

Upon receiving the EIS package, the divisional commander must determine who is best suited to conduct the intervention through consultation with the member's chain of command. At a minimum, the divisional commander shall review the entire profile and assign an individual or a group of people to complete the following:

- (1) Meet with the Sergeant i/c EIS to review all information included within the profile and to develop an intervention plan. Additional information from any source deemed relevant may be obtained at this time.
- (2) Meet with the affected member, discuss the contents of the EIS information, and attempt to determine the root cause of the identified concern.
- (3) With the help of the member, determine what proactive action is necessary, which may include, but is not limited to:
 - a. coaching or mentoring
 - b. counseling
 - c. supplemental training
 - d. direction to take a specific course
 - e. referral to the peer support group
 - f. referral to the Employee Assistance Program

Annual Review of the Early Intervention System Continued. . .

- g. recommend reassignment, or a
- h. performance contract

When developing this action plan, the supervisor or team is encouraged to make use of organizational resources such as:

- Sergeant i/c Early Intervention System
- Inspector i/c Employee Services Branch
- Inspector i/c Training Branch
- Manager i/c Employee Relations Branch
- Sergeant i/c Employee and Family Assistance Section

- (4) The divisional commander, or the individual or group assigned, shall complete the EIS Action Plan report outlining what action they are recommending to address the concern. This plan will include the method and timeline suggested to measure success. Upon completing the report, the divisional commander shall review and approve the recommended action; ensuring appropriate resources are contacted to enable the implementation of the recommendation.
- (5) Upon approving the intervention plan, the divisional commander shall return the original EIS package and the written recommendation report to the Sergeant i/c EIS.
- (6) Six months after the date of the meeting with the affected member, the divisional commander shall ensure a six month assessment report is written. This report will address whether the action agreed upon during the intervention was taken. It will also address whether further action is required, or the matter is considered concluded.
- (7) All original written reports and all related documentation will be forwarded to the Sergeant i/c EIS for filing. This information is open for viewing by the affected member or any supervisor in their chain of command. A copy of the reports may be retained in the member's divisional file.

The EIS package and Professional Standards Branch information is as follows:

- EIS Alert
- Previous Intervention History
- Concise EIS Indicator History
- Peer Group Analysis
- Timeline of all EIS Information gathered
- Analysis of EIS Information
- Comprehensive Incident History

The EIS package and Human Resources Information is as follows:

- Review of member's last performance appraisal
- Summary of hours worked in the past year including Special Duty, Court, and Overtime
- Sick Leave
- Vacation, and
- Banked Time used

In 2007, the Professional Standards Branch presented 14 Early Intervention reports.

Annual Review of the Early Intervention System Continued. . .

Looking ahead to 2008

As a result of EIS recommendations in 2006, Human Resources Division will be taking over the program. Revisions to policy have been made, training has commenced for all EPS members, and equipment in the form of "Blue Team" software is being considered for purchase.

As the EIS progresses we are looking forward to the on-street supervisors having access to alert information triggered by incidents entered into Blue Team, which is the logical evolution of the EIS contained within the IAPro database. By acquiring this software extension to IAPro, it will allow supervisors transparent access to each member's information under their command, provide supervisory alerts of each member's actions, and allow each member to personally track their status within the EIS. Blue Team and the EIS do not preclude supervisors from their daily responsibility of monitoring the performance of and taking necessary corrective actions for employees under their command.

If Blue Team is purchased, further supervisory training will be essential for proper usage and integration into their supervisory role. We have great expectations that Blue Team will significantly enhance the EPS' level of professionalism and public trust, and will result in fewer complaints.

Professional Standards Branch

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