




**2008 ANNUAL REPORT
PROFESSIONAL STANDARDS BRANCH**



Approved by:



Michael J. Boyd, C.O.M.
Chief of Police



Inspector Brad Doucette
Professional Standards Branch

Date: June 19, 2009

Professional Standards Branch 2008 Annual Report

The Professional Standards Branch Annual Report is a summary of Professional Standards Branch files during 2008. This Report is a resource that may be useful in monitoring police misconduct and is representative of our commitment to fostering public trust through transparency and accountability.

During 2008, the Edmonton Police Service (“EPS”) recorded 169,321 dispatched calls for service in addition to the hundreds of daily non-recorded contacts made with members of the public. During this period, there were 999 files of all types opened in Professional Standards Branch. Of these, 919 files were generated from the public and 80 files were generated by members of the EPS. Approximately 73% of these files were classified as “*Information Only*” because they were not complaints made pursuant to the *Criminal Code* or *Police Act*. An “*Information only*” classification is used to describe complaints or concerns that if proven, would not constitute a misconduct as described in the *Police Service Regulation*. It also includes matters that due to their substance cannot be categorized under the *Police Act* without a written complaint. In 2008 there were 164 files opened pertaining to complaints made against members of the EPS under the *Criminal Code* or the *Police Act*.

In comparison, in 2007 Professional Standards Branch opened 1120 files of all types, 980 files generated from the public and 140 internally generated files. In 2008, 24 criminal investigation files were opened compared to 23 for 2007, being a 4% increase. In 2008, there were also 140 complaints of conduct pursuant to the *Police Act* versus 121 for 2007. This was a 15.7% increase in complaint of conduct investigations pursuant to the *Police Act*.

In 2008 Professional Standards Branch concluded a total of 1090 files, 91 more files concluded for the year than were received. This is the first year in five years that Professional Standards Branch concluded more files than were received by the Branch.

Looking ahead to 2009

For 2009, Chief Boyd has set a goal of a 20% reduction in complaints. As part of this objective, Inspector Doucette is developing a process that will provide feedback and learning opportunities on every “formal” investigation undertaken by the Branch. This process will involve a debriefing with the subject officers and their respective chain of command. The goal of the process is to reinforce positive behaviors and educate the membership on the impact of behavior that could be perceived negatively. Professional Standards Branch will also do more analysis regarding the *Information Only* files and will focus on the trending patterns and training requirements arising from those files. Professional Standards Branch has also integrated complaint trends and common causes into the training materials provided to the Recruits, the Police Training Officer Program and to in-service training for response members. This is in conjunction with the training being provided to all members on the Reasonable Officer Response Training Aid.

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Professional Standards Branch is being restructured to ensure consistency and knowledge retention along with providing additional resources to address emerging trends and issues. This includes, but is not limited to, pre-trial disclosure requirements related to the *McNeil* decision from the Supreme Court of Canada.

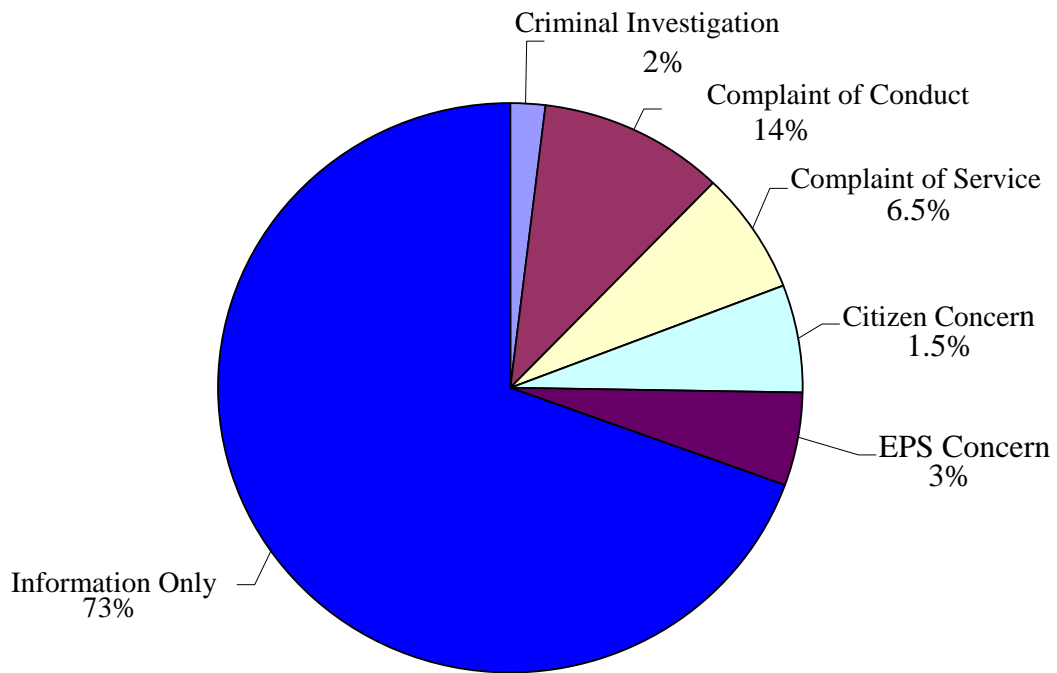
Professional Standards Branch is committed to investigating all complaints in a thorough, transparent and timely manner. Professional Standards Branch is a key element within the larger objective of promoting professionalism and accountability within the EPS along with fostering public trust and enhancing service delivery to the citizens of Edmonton.

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THE BREAKDOWN

During 2008 a total of 999 files were opened, classified as follow:

	Public	Internal	Total
Criminal Investigation Files	17	7	24
Misconduct Files	114	26	140
Complaint of Service Files	67	0	67
Citizen Concern Files	16	0	16
EPS Concern Files	0	27	27
Information Only Files	705	20	725
Total	919	80	999



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CRIMINAL ALLEGATIONS

Complaints of various types of criminal conduct by members of the EPS were received and investigated by Professional Standards Branch. The majority of the complaints of criminal conduct relate to the use of force.

In 2008, PSB opened 24 investigative files that contained allegations of criminal conduct. Within these 24 investigations there were 48 *criminal allegations*. The types and number of *allegations* received in 2008, in comparison to 2007, are listed below.

Criminal Allegation	2008	2007
Assault	32	16
Aggravated Assault	1	1
Assault Bodily Harm	0	0
Assault with a Weapon	4	0
Careless Storage of Firearm	1	1
Corrupt Practice	0	1
Deceit	2	3
Fraud	1	0
Harassment	0	1
Impaired Driving	0	4
Mischief	1	1
Misconduct of an officer Executing Process	1	0
Obstruct Justice	1	2
Perjury	0	2
Sexual Assault	0	1
Theft	2	1
Theft Under	1	4
Unlawful Confinement	0	2
Utter Threats	1	0
Total Criminal Allegations:	48	40

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MISCONDUCT ALLEGATIONS
(Police Act)

In 2008, there were 140 complaints made under the *Police Act* that contained a total of 314 *allegations* of misconduct. The data presented below provides a breakdown by the type and number of *Police Act allegations* received by the EPS in 2008 compared to 2007. In 2007 there were 19 fewer complaint of conduct investigations than in 2008. In 2008 Professional Standards Branch also revamped the process of reporting the allegations as made against the members. Both factors have contributed to the higher overall number of misconduct allegations for 2008.

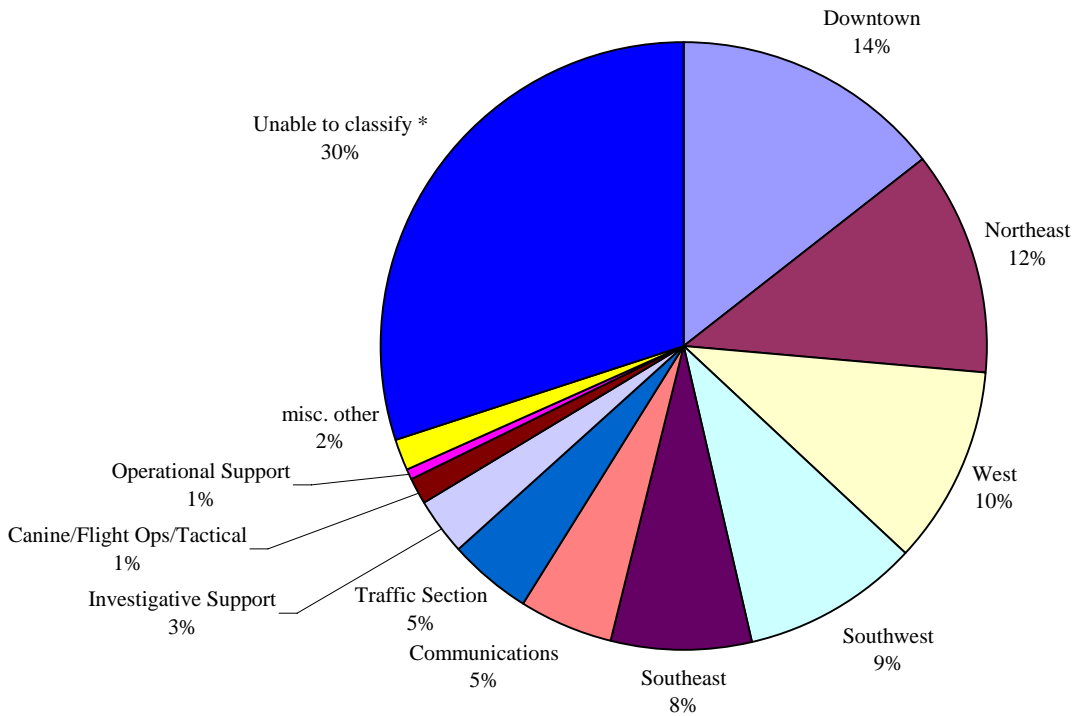
Misconduct Allegation	2008	2007
Biased Policing	4	2
Breach of Confidence	8	1
Careless Use of Firearm	0	2
Corrupt Practice	1	0
Consumption or Use of Liquor	0	1
Deceit	10	8
Discreditable Conduct	73	47
Excessive Use of Force	0	2
Improper Use of Firearm	3	1
Insubordination (includes Breach of Policy)	22	19
Neglect of Duty (includes missed court)	69	17
Unnecessary Exercise of Authority	124	71
Total	314	171

It should be noted that these totals also include *Police Act* allegations arising from criminal investigations.

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FILES BY DIVISION IN 2008

The chart and table below provide a breakdown of the concerns and complaints received by Professional Standards Branch per area.



2008	Citizen Concerns	Complaints of Service	EPS Concerns	Criminal Investigations	Complaints of Conduct	Information Only	TOTAL
Downtown	2	3	5	3	28	102	143
Southeast		4	3	5	13	50	75
Southwest	1	9	3	1	17	63	94
West		5	1	5	18	75	104
Northeast	3	7	8	3	19	82	122
Communications		9	1		4	35	49
Traffic Section	1	6	3		7	28	45
Canine/Flight Ops/Tactical		1		1	1	10	13
Investigative Support	1	6	1	1	7	15	31
Operational Support				1	3	4	8
misc. other	1	2			9	3	15
Unable to classify *	7	15	2	4	14	258	300
	16	67	27	24	140	725	999

*Member/Division not identified in complaint at the time of receipt in Professional Standards Branch.

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DISCIPLINARY ACTION TAKEN IN 2008

The chart shows the results of the disciplinary hearings that were concluded during 2008. It does not reflect the results of any disciplinary hearings that were started in 2008 and concluded in 2009. Decisions from disciplinary hearings for 2009 can be accessed via the EPS website.

IA File Number	Allegation	Disposition
IA2005-0368	Unlawful or Unnecessary Exercise of Authority Insubordination Neglect of Duty	Proven. (60) hours Suspension from Duty without Pay Proven. Reprimand Proven. (30) hours Suspension from Duty without Pay
IA2005-0073	Unlawful or Unnecessary Exercise of Authority Insubordination	Loss of Jurisdiction. All charges dismissed Loss of Jurisdiction. All charges dismissed
IA2006-0641	Unlawful or Unnecessary Exercise of Authority Discreditable Conduct	Loss of Jurisdiction. All charges dismissed Not Proven
IA2004-0355	Unlawful or Unnecessary Exercise of Authority Discreditable Conduct	Not Proven Loss of Jurisdiction. All charges dismissed Loss of Jurisdiction. All charges dismissed
IA2006-0288	Discreditable Conduct	Proven. Reprimand
IA2003-0274	Unlawful or Unnecessary Exercise of Authority	Loss of Jurisdiction. All charges dismissed
IA2004-0050`	Unlawful or Unnecessary Exercise of Authority	Loss of Jurisdiction. All charges dismissed
IA2006-0639	Insubordination Discreditable Conduct	Not Proven Not Proven
IA2006-0583	Discreditable Conduct Unlawful or Unnecessary Exercise of Authority	Loss of Jurisdiction. (member retirement) Loss of Jurisdiction. (member retirement)
IA2007-0199	Discreditable Conduct Unlawful or Unnecessary Exercise of Authority	Loss of Jurisdiction. (member retirement) Loss of Jurisdiction. (member retirement)
IA2004-0355	Discreditable Conduct	Not Proven
IA2006-0053	Deceit Neglect of Duty x2 Unlawful or Unnecessary Exercise of Authority	Loss of Jurisdiction. (member resignation) Loss of Jurisdiction. (member resignation) Proven x2. (45) hours Suspension from Duty without Pay
IA2003-0274	x6	x2 Withdrawn x4
IA2007-0769	Unlawful or Unnecessary Exercise of Authority	Not Proven

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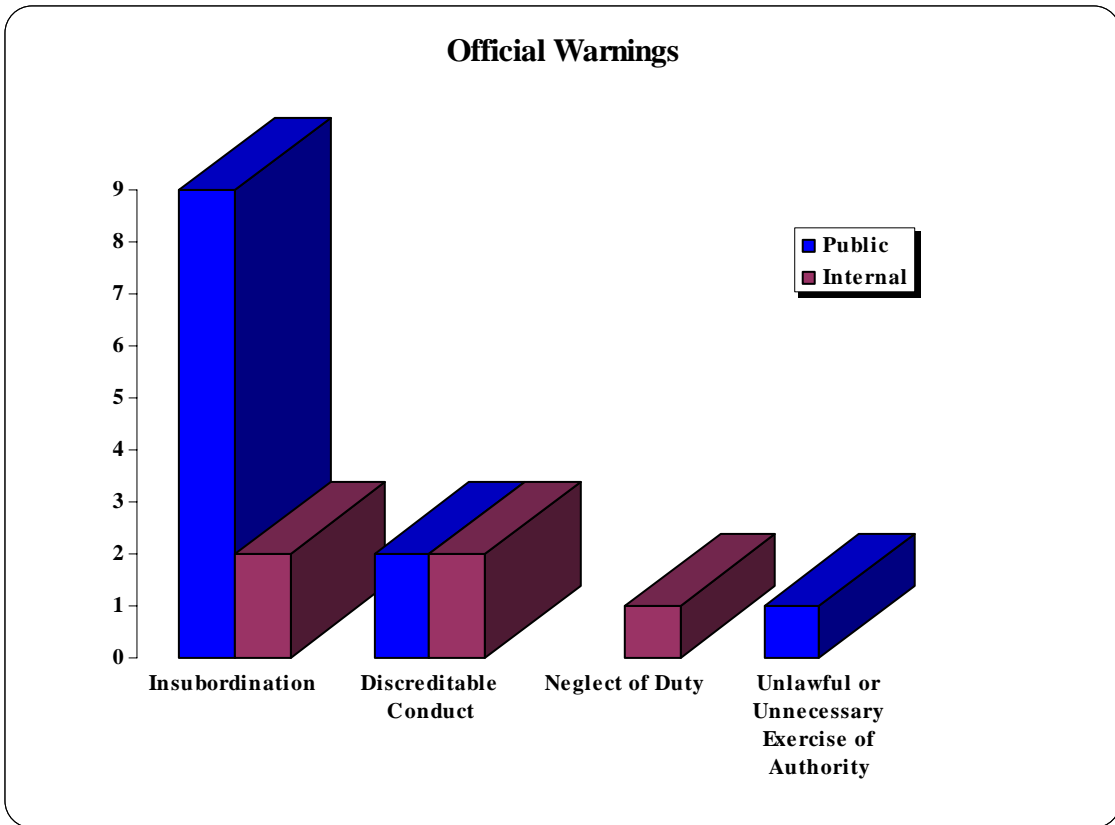
Of the 1090 files concluded in Professional Standards Branch in 2008, the following table reflects the disposition.

Complaints under <i>Criminal Code</i> and Complaints of Conduct	
Criminal Charges Laid	3
No Criminal Charges	37
Reasonable Prospect – Disciplined (includes Official Warnings and Disciplinary Hearing findings)	21
Reasonable Prospect - Not Proven at a Disciplinary Hearing	4
No Reasonable Prospect	46
	111
Abandoned/Withdrawn by Complainant	5
Frivolous/Vexatious	7
Loss of Jurisdiction	14
Resolved through Professional Standards Branch	40
Resolved through Supervisory Review	10
	76
Complaints of Service	
Abandoned by Complainant	1
Resolved through Professional Standards Branch	34
Resolved through Supervisory Review	11
Concluded by the Chief of Police	18
Vexatious	1
	65
Information Files	796
Concluded as Citizen Concern	19
Concluded as EPS Concern	23

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OFFICIAL WARNINGS

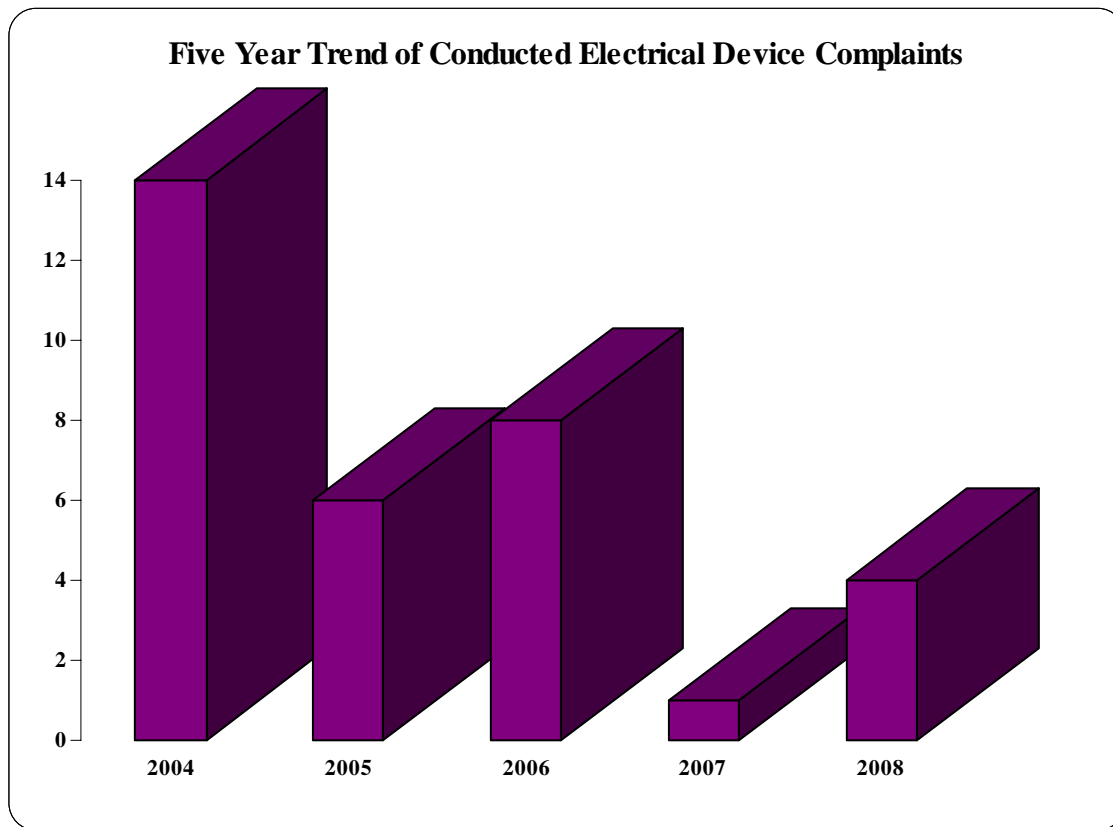
In 2008 a total of 17 Official Warnings were issued to EPS members. Of this total, 12 were a result of public complaints, while 5 were issued as a result of internally generated files. There were no Official Warnings issued that were related to public complaints of Neglect of Duty or for internally generated complaints of conduct for Unlawful or Unnecessary Exercise of Authority.



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CONDUCTED ELECTRICAL DEVICES (CEDs)

In 2008 there were four files opened by Professional Standards Branch that involved the use of a CED by a member of the EPS. One file was a complaint of conduct submitted through external counsel alleging excessive force on behalf of the involved officers. The matter occurred in June of 2007 but the complaint was not received until June 2008. One file was an internally generated matter which is under investigation by the Alberta Serious Incident Response Team as it is related to an in custody fatality. The remaining two matters were classified as *Information Only* as no letters of complaint were received. One of these occurrences related to the use of the CED on an aggressive canine.



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CRIMINAL INVESTIGATIONS AND CHARGES 2008

The following criminal investigation files were concluded in 2008.

IA File Number	Date Held	Allegation	Disposition
IA2007-0206(a)	05-Aug-08	Assault	Charge Laid
IA2008-0374	07-Jul-08	Careless Storage of a Firearm	Charge Laid
	07-Jul-08	Improper Use of Firearms	Charge Laid
IA2004-0355	02-Jan-08	Assault	No Charge
IA2006-0339	30-Jan-08	Assault x3	No Charge
	30-Jan-08	Assault w/weapon x3	No Charge
	30-Jan-08	Unlawful Confinement x3	No Charge
	30-Jan-08	Obstruct Justice x3	No Charge
IA2007-0187	12-Feb-08	In Custody Death	No Charge
IA2006-0650	26-Feb-08	Utter Threats	No Charge
IA2007-0769	18-Mar-08	Aggravated Assault	No Charge
IA2006-0097	02-Apr-08	Assault x4	No Charge
IA2006-1118	15-Apr-08	Assault	No Charge
IA2006-0835	15-Apr-08	Assault x2	No Charge
IA2006-0264	23-Jun-08	Assault x2	No Charge
	23-Jun-08	Assault w/weapon	No Charge
IA2006-0213	15-Jul-08	Assault	No Charge
IA2006-0318	19-Aug-08	Assault	No Charge
	19-Aug-08	Assault w/weapon	No Charge
IA2008-0455	25-Sep-08	Assault x2	No Charge
IA2008-0457	30-Sep-08	Assault BH	No Charge
IA2006-0849	08-Oct-08	Assault	No Charge
IA2007-0291	08-Oct-08	Perjury	No Charge
IA2007-1007	09-Oct-08	Impaired Driving x2	No Charge
IA2006-0623	17-Oct-08	Assault x4	No Charge
	17-Oct-08	Assault w/weapon x2	No Charge
IA2005-0376	21-Oct-08	Assault x4	No Charge
IA2008-0410	23-Oct-08	Assault x2	No Charge
IA2004-0087	24-Oct-08	Breach of Trust	Not Guilty
IA2007-0616	02-Dec-08	Assault	No Charge
IA2008-0250	31-Dec-08	Misconduct of an Officer Executing Process	No Charge

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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.

In 2008, the EPS received four complaints alleging bias-based policing. The four complaints are summarized as follows:

1. IA2008-0228. The two complainants provided statements through their counsel detailing a traffic stop that resulted in their vehicle being seized and towed for equipment violations. One of the complainants alleged that the reason for the vehicle stop was his ethnicity. Neither complainant chose to participate in an interview with the investigator.

This matter was presented to the Chief of Police for disposition. The Chief of Police directed that there was no reasonable prospect of establishing the facts necessary for a conviction at a disciplinary hearing. The file is now concluded.

2. IA2008-0277. The complainant alleged that about six police officers attended her residence on April 7, 2008 and banged on her door so hard that the door frame broke. She states that they were looking for someone who was not there. She claims the officers entered her home without permission to look around. She also claims that police upset her 10 yr old daughter who was at home recovering from surgery. The complainant stated that she is "Aboriginal living in a Metis house" and feels that is why the police acted in the manner they did.

The complainant has signed a Resolution Form and the matter was closed as Resolved Through Professional Standards Branch.

3. IA2008-0322 The complainant in this matter came into contact with an EPS member at the complainant's place of business. During this contact, the complainant felt he was treated like a "criminal" by the involved officer. His letter of complaint asks if the officer had racially profiled him due to his oriental ethnicity.

A Supervisory Review was completed by the member's supervisor. The complainant indicated that he was satisfied with the process and the action taken to address his concerns.

4. IA2008-0407. The complainants alleged that two EPS members did not take the time to hear their parents' version of events, which was hampered by their parents' poor command of the English language. The complainants further alleged that their parents were removed from the address unlawfully. When the complainants arrived to inquire what was going on, they allege they were barred entry to the premise by the police members. The complainants stated: "Your Officers did not conduct themselves in a professional or legal manner. Your

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Officers picked sides in a matter that was already being litigated in the civil arena. Your Officers used bullying tactics and sadly, this situation smacks of prejudicial and racist attitudes towards immigrants and minorities."

This matter was presented to the Chief of Police for disposition. The Chief of Police directed that there was no reasonable prospect of establishing the facts necessary for a conviction at a disciplinary hearing. The file is now concluded.

During 2007, there were four allegations of bias-based policing, two allegations resulted from general contact with the public and two allegations resulted from dispatched calls.

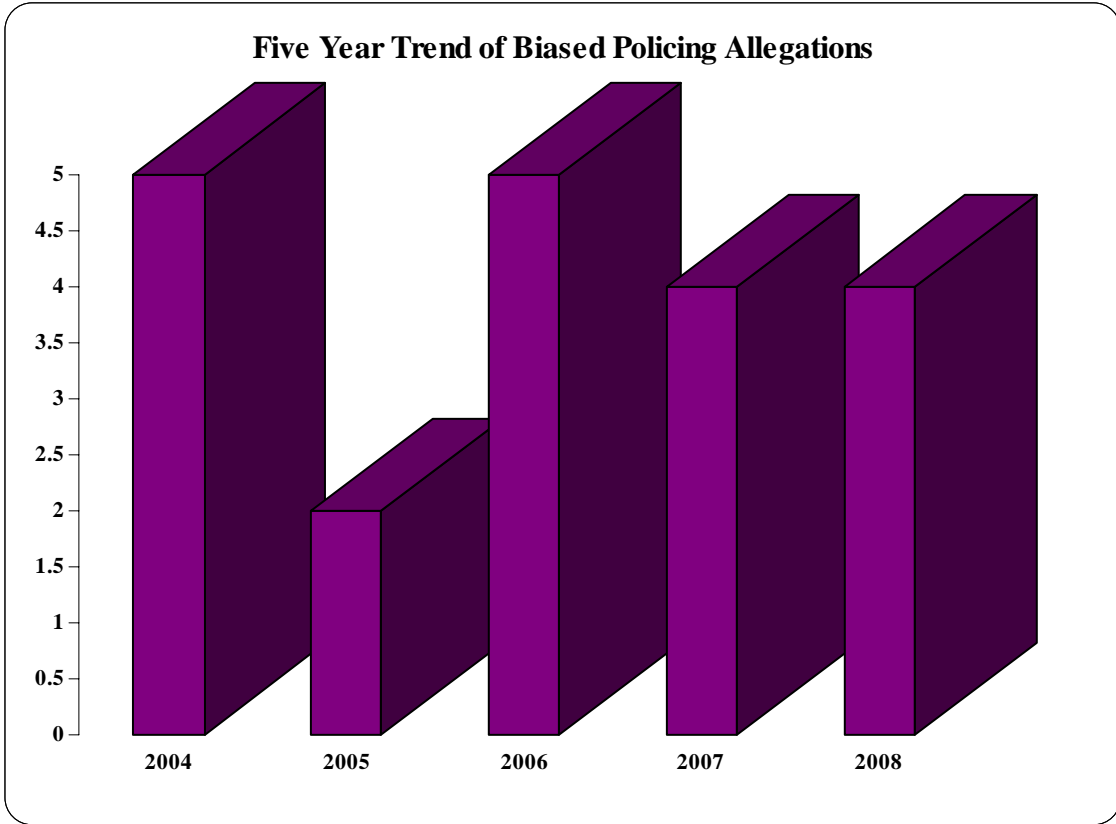
During 2006, there were five allegations of bias-based policing, two allegations resulted from dispatched calls, two allegations resulted from traffic stops, and the fifth allegation resulted from general contact.

During 2005, there were three allegations of bias-based policing, one allegation resulted from a dispatched call for service and the second allegation resulted from general contact.

During 2004, there were five allegations of bias-based policing, 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.

A review of these complaints does not indicate any trends.

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