



Edmonton Police Service



EDMONTON POLICE SERVICE (“EPS”) PUBLIC COMPLAINTS INVESTIGATION PROCESS

Over the past several years, both the investigative requirements within the Professional Standards Branch (PSB) and the nature of the complaints received by the PSB have become increasingly more complex. In order to ensure that public complaints continue to be processed in a timely, professional and responsible manner, the following overview of the process has been prepared.

This overview is intended to provide an outline of the public complaints process, identify the roles and responsibilities of the various individuals involved in the process and identify the various timelines associated with the process.

The citizen wishing to make a public complaint plays a significant role in the complaints investigation process. To the extent possible, detailed particulars of the circumstances giving rise to the public complaint should be clearly articulated in writing. Towards this end, Part 5 of the *Police Act*, ‘Complaints and Discipline,’ (the “Act”) requires that all public complaints with respect to a police service or a police officer be in writing and signed by the citizen where practicable.

The Act provides that a public complaint must be made, if at all, by a citizen within one (1) year from the date of the event upon which the complaint is based.

The citizen should provide, as part of his or her complaint, as much evidence as is reasonably possible (including names of independent witnesses) to support the concerns being raised in the public complaint.

The citizen should also be prepared to cooperate with and be an active participant in the complaints investigation process by participating in an initial interview and any follow-up interviews which may be required. The citizen should also be prepared to respond to queries from the PSB in a timely manner and to make oneself available to the PSB during the course of the investigation process.

Under the provisions of the *Police Service Regulation* (the “Regulation”), the PSB is required to obtain time extensions from the Edmonton Police Commission (the “Commission”) where the investigation of the complaint cannot be completed within six (6) months from the date the complaint is made. The failure of the citizen to cooperate with the PSB or to make him or herself available to the PSB in order to facilitate the investigation process may be a factor the Commission takes into account when considering whether or not to grant any extension which may be requested by the PSB.

The process which follows deals, firstly, with email and telephone communications which are received by the PSB and how these are dealt with by the PSB. The process then describes in detail the complaints investigation process as it relates to written communications which are received by the PSB.

The process described below has been approved by the Commission as being consistent with the Commission’s goal that the complaints investigation process be clear, fair and equitable for all parties involved.

(A) Email and Telephone Communications to PSB

Where a citizen's initial contact with the PSB is by way of telephone or e-mail, the citizen will be directed to an Intake Evaluator. The Intake Evaluator will:

1. Determine the nature of the matter in issue. Towards this end, the Intake Evaluator will, within two (2) business days of PSB receiving the telephone call or email communication, attempt to contact the citizen in order to obtain as detailed particulars as possible regarding the subject matter of the telephone call or email.
2. Determine what the citizen expects or wishes to achieve by way of an outcome.
3. Determine whether the matter is suitable for immediate resolution or if the citizen wishes the matter to be dealt with as a complaint under Part 5 of the Act or if it is in the public interest that the matter be dealt with as a complaint under the Act.
4. Where the matter can be and is resolved immediately without invoking Part 5 of the Act, the Intake Evaluator will:
 - a. Generate a file and enter all required information into the PSB database ("IA Pro");
 - b. Complete a Citizen Concern Form with all of the required information as is necessary and practicable in the circumstances. (Where the matter relates to the actions of a police officer, the Intake Evaluator will forward the Citizen Concern Form to the subject officer's immediate supervisor for his/her review and completion);
 - c. Submit the completed Citizen Concern Form to the Staff Sergeant in charge of ("i/c") Intake Investigations Section for review and filing.
5. Where the matter cannot be resolved immediately or should be investigated under Part 5 of the Act, the Intake Evaluator will advise the citizen that in order to initiate a public complaint under Part 5 of the Act, the complaint must be in writing and signed by the complainant where practicable. The Intake Evaluator will also explain to the citizen the public complaints process under Part 5 of the Act.
6. An email communication to the PSB may, in the appropriate circumstances, constitute a public complaint under the Act. In this case, where the matter cannot be resolved immediately or should be investigated under Part 5 of the Act, the email communication will be dealt with in accordance with Part B herein.

(B) Written Communications to PSB

Written communications received by the PSB will be directed to the Staff Sergeant i/c Intake Investigations Section for classification and for assignment to a PSB Investigator. The PSB Investigator will:

1. Determine the nature of the matter in issue. Towards this end, the PSB Investigator will, within seven (7) calendar days of being assigned the matter, attempt to contact the citizen who initiated the written communication in order to obtain as detailed particulars as possible regarding the subject matter of the communication.
2. Determine what the citizen expects or wishes to achieve by way of an outcome.
3. Determine if:
 - a. the matter is suitable for immediate resolution;
 - b. the matter is suitable for some form of alternative dispute resolution process without invoking Part 5 of the Act and the citizen is willing to proceed on this basis; or
 - c. the citizen wishes the matter to be dealt with as a complaint under Part 5 of the Act or if it is in the public interest that the matter be dealt with as a complaint under the Act.
4. Where the matter can be and is resolved immediately without invoking Part 5 of the Act, the PSB Investigator will:
 - a. prepare a memorandum which sets out the issues raised in connection with the matter, the scope and details of any investigation conducted, the details of the agreed upon resolution and any other additional information which may be necessary or appropriate in the circumstances;
 - b. generate a file and enter all required information into IA Pro;
 - c. submit the completed memorandum to the supervising Staff Sergeant for review and filing.
5. Where the matter cannot be resolved immediately but is suitable for some form of alternative dispute resolution process without invoking Part 5 of the Act and the citizen is willing to proceed on this basis, the PSB Investigator will initiate and oversee such process in an effort to bring about a resolve. No resolve will be finalized without the final approval of the supervising Staff Sergeant in order to ensure that the resolve is appropriate having regard to all of the circumstances. Where the supervising Staff Sergeant deems it appropriate and/or necessary, s/he will seek the input of the Inspector i/c PSB prior to approving the proposed resolve.

6. Where a resolve is achieved through some form of alternative dispute resolution process and the resolve is approved by the supervising Staff Sergeant, the PSB Investigator will:
 - a. prepare a memorandum which sets out the issues raised in connection with the matter, the scope and details of any investigation conducted, the details of the agreed upon resolution and any other additional information which may be necessary or appropriate in the circumstances;
 - b. generate a file and enter all required information into IA Pro;
 - c. submit the completed memorandum to the supervising Staff Sergeant for review and filing.
7. Where the matter cannot be resolved immediately or is not resolved by way of some form of alternative dispute resolution process or where the citizen wishes the matter to be dealt with as a complaint under Part 5 of the Act or where it is in the public interest that the matter be dealt with as a complaint under the Act, the PSB Investigator will deal with the matter (hereinafter referred to as the "complaint") in accordance with the procedures hereinafter provided. (The citizen who initiated the complaint will hereinafter be referred to as the "complainant.")
8. The Act provides that a public complaint must be dismissed if it is made more than one (1) year after the events upon which the complaint is based occurred.
9. Where a public complaint is not time barred, it will be dealt with and investigated in accordance with the process which is described in the paragraphs which follow.
10. Where the complaint relates to the actions of one or more police officers, the PSB Investigator will, within thirty (30) days of being assigned the complaint, provide the subject officer(s) with written notice of the substance of the complaint. The Inspector i/c PSB may postpone the time for notifying the subject officer(s) if, in his or her opinion, such postponement is necessary in order to ensure that any investigation that is being or may be carried out in respect of the complaint is not adversely affected or otherwise hindered. Any such postponement beyond the aforementioned thirty (30) days must be reported to the Commission on a monthly basis.
11. The PSB Investigator will initiate the collection of any evidence or information that may be required through internal systems such as police reports, video or voice recordings, forensic evidence and electronic records, for inclusion in the investigation.
12. Where the complainant is not represented by legal counsel in connection with the complaint, the PSB Investigator will, throughout the investigation process, communicate verbally, by email or in writing, directly with the complainant.
13. Where the complainant is represented by legal counsel in connection with the complaint, the PSB Investigator will direct all verbal communications to the complainant's legal counsel and all written communications or emails will be directed to the complainant's legal counsel and will be copied to the complainant.

14. The PSB Investigator will attempt to schedule an interview with the complainant (the "initial interview") within thirty (30) days of having been assigned the complaint (or such other time period as may be approved and authorized in writing by the supervising Staff Sergeant). In the absence of sufficiently compelling or unique circumstances, the initial interview will be conducted in person.
15. Attempts by the PSB Investigator to schedule the initial interview shall be made by telephone or email, and in writing, in accordance with the procedures set out below:
 - a. All written communications by the PSB Investigator for the purpose of attempting to schedule the initial interview and for the purpose of confirming the interview date, time and location, will be sent out via registered mail;
 - b. In the first instance, the PSB Investigator will attempt to contact the complainant (or his legal counsel as the case may be) by telephone or email for the purpose of scheduling the initial interview. The PSB Investigator will confirm, in writing, the arrangements agreed upon, including the interview date, time and location;
 - c. If the PSB Investigator is unable to schedule the initial interview by telephone or email, the PSB Investigator will send out a written request for an interview (the "First Written Request"). The First Written Request shall advise the complainant (or legal counsel as the case may be), that s/he is required to contact the PSB Investigator within fourteen (14) days from the date of posting of the First Written Request for the purpose of scheduling the initial interview;
 - d. In the event the PSB Investigator is not contacted by the complainant (or legal counsel as the case may be) within the time limits set out in the First Written Request, the PSB Investigator will send out a further written request for an interview (the "Second Written Request"). The Second Written Request shall repeat the request for an initial interview and shall again advise the complainant (or legal counsel as the case may be), that s/he is required to contact the PSB Investigator within fourteen (14) days from the date of posting of the Second Written Request for the purpose of scheduling the initial interview. In addition to sending out the Second Written Request, the PSB Investigator will again attempt to contact the complainant (or legal counsel as the case may be) by telephone for the purpose of scheduling the initial interview;
 - e. In the event the PSB Investigator is not contacted by the complainant (or legal counsel as the case may be) within the time limits set out in the Second Written Request, the PSB Investigator will send out a further written request for an interview (the "Third Written Request"). The Third Written Request shall repeat the request for an initial interview and shall again advise the complainant (or legal counsel as the case may be), that s/he is required to contact the PSB Investigator within fourteen days from the date of posting of the Third Written Request for the purpose of scheduling the initial interview;
 - f. The Third Written Request shall further advise the complainant (and legal counsel if applicable) that if the PSB Investigator is not contacted within the time limits set out in the Third Written Request, the investigation into the complaint will continue without the complainant's active participation in the complaint investigation process.

- b. the subject officer may choose not to provide a voluntary explanatory report in which case the request for a written response contained in the Notice of Service Investigation will be deemed to be an order directing the subject officer to provide an explanatory report setting out his or her version of the subject matter of the complaint (section 10(3) of the Regulation). An explanatory statement given on this basis will be deemed to be an involuntary statement;
- 21. An investigation will continue through to its conclusion regardless of which option the subject officer selects in connection with the PSB Investigator's request that the subject officer provide a written response to the allegations contained in the complaint.
- 22. Unless the integrity and successful completion of the investigation requires that this step be postponed, the PSB Investigator will serve the subject officer with the Notice of Service Investigation within ten (10) days following the completion of the PSB Case Conference Review.
- 23. When the initial interview or the investigation process itself discloses possible criminal conduct in addition to allegations of misconduct under the Regulation, all subsequent interviews of all witnesses, other than the subject officer(s), will be conducted in a manner which will facilitate the contemporaneous investigation of all aspects of the complaint.
- 24. In cases where the complaint includes allegations of criminal misconduct and misconduct under the Regulation, but is received by EPS more than one (1) year after the events upon which the complaint is based occurred, the complainant (and legal counsel if applicable), will be notified in writing, as soon as is reasonably practicable, of the time limits set out in the Act for the making of complaints. Upon such notification being sent out there will be no further investigation of the alleged misconduct under the Regulation. However, the investigation into the alleged criminal misconduct will continue.
- 25. Where the complaint relates to the actions of a police officer, the PSB Investigator will attempt to establish the identities of the subject officer(s), if any, witness officers (if any), and any other witnesses to the alleged events.
- 26. As part of the investigation process:
 - a. the PSB Investigator will attempt to establish and confirm all aspects of the complainant's allegations and concerns;
 - b. the PSB Investigator will, where appropriate and/or required, attempt to obtain from the complainant copies of all medical records, photographs, statements and any other evidence of any kind or nature which may be in any way relevant or relate to the matters raised in the complaint;
 - c. the PSB Investigator will attempt to identify and notify all witness officers and request/direct that the witness officer(s) deliver to the PSB Investigator, within fourteen (14) days of receiving the witness notification, a written statement relating to the matters raised in connection with the complaint together with copies of the witness officers' notebooks or generated reports to the extent that such notebooks and/or reports relate to those matters raised in connection the complaint;

- d. the PSB Investigator will, if additional information is required from any one or more of the witness officers, schedule interviews with the witness officers or request that the witness officers provide written responses to specific questions/directions prepared by the PSB Investigator. The interviews, if any, of the witness officers will be conducted within fourteen (14) days of the PSB Investigator requesting the same and the written responses, if any, of the witness officers will be provided to the PSB Investigator within fourteen (14) days of the witness officers receiving the PSB Investigator's written request for the same;
 - e. the PSB Investigator will, if the circumstances of the complaint dictate, obtain statements from any civilian witnesses who may have information relevant to the subject matter of the complaint and, to the extent possible, the PSB Investigator will conduct in-person interviews of these witnesses. Where the PSB Investigator determines that interviews of civilian witnesses are required, these interviews will be conducted in as timely a manner as possible so as to ensure that the investigation process is not unduly delayed or hindered;
 - f. the PSB Investigator will attempt to determine what further information or statements may be necessary in order to ensure that all the allegations made by the complainant in connection with the complaint have been thoroughly investigated and considered.
27. Throughout the investigation process, the PSB Investigator will continue to assess all of the relevant facts and circumstances in order to determine if the matter is appropriate for Early Case Resolution (ECR). If the PSB Investigator is of the opinion that the complaint may be appropriate for ECR, s/he will discuss the same with the supervising Staff Sergeant and, if the supervising Staff Sergeant deems it appropriate and/or advisable, with the Inspector i/c PSB.
28. In the event the Staff Sergeant and, if applicable, the Inspector i/c PSB agree that the matter is appropriate for ECR, the PSB Investigator will discuss the ECR options with the subject officers for the purpose of determining if the subject officers are prepared to acknowledge a contravention of section 5 of the Regulation and if they are prepared to agree to any one or more of the forms of training, counselling or penalties prescribed under the Regulation.
29. In the event the subject officers are prepared to acknowledge a contravention of section 5 of the Regulation or if they are prepared to agree to any one or more of the forms of training, counselling or penalties prescribed under the Regulation, the PSB Investigator will prepare an agreed statement of facts (the "Agreed Statement of Facts") for review by the supervising Staff Sergeant and the Inspector i/c PSB.
30. In the event the supervising Staff Sergeant and Inspector i/c PSB approve of the proposed agreement set out in the Agreed Statement of Facts, the Agreed Statement of Facts will be submitted to the Chief of Police (or, where required, to the presiding officer) to confirm the proposed ECR disposition as contained within the Agreed Statement of Facts.
31. In the event ECR is not appropriate having regard to all of the circumstances or in the event it is not successful or in the event the proposed ECR disposition is not confirmed by the Chief of Police (or, where required, by the presiding officer), the complaint investigation process will continue in the usual course.

32. At any time during an investigation into a complaint with respect to the actions of a police officer, if the complainant and the officer who is the subject of the complaint consent, the PSB Investigator may attempt to resolve the complaint informally. Any such informal resolve must be approved by the supervising Staff Sergeant and the Inspector i/c PSB who in turn will be required to obtain the approval of the Chief of Police.
 33. At the conclusion of the investigation, the PSB Investigator will prepare for the supervising Staff Sergeant an investigative report which summarizes and analyzes the evidence relating to each allegation contained within the complaint.
 34. The supervising Staff Sergeant will review the completed investigative report and supporting material in order to determine if the investigation discloses conduct which may be either criminal in nature or which may constitute misconduct under the provisions of the Regulation. Based on his or her review, the supervising Staff Sergeant will make recommendations for the Inspector i/c PSB.
 35. In the event the investigation discloses reasonable and probable grounds that a criminal offence may have been committed, the supervising Staff Sergeant will review the same with the Inspector i/c PSB. In the event the Inspector i/c PSB concurs with the supervising Staff Sergeant's assessment, the Inspector i/c PSB will seek the approval of the Chief of Police to forward the matter to the Calgary office of Alberta Justice for review and for an opinion as to whether Criminal charges are warranted in the circumstances.
 36. Where a matter is referred to Alberta Justice for review and an opinion as to whether Criminal charges are warranted, the decision as to whether Criminal charges will or will not be laid, will be made by the Chief of Police.
 37. In the event the investigation does not disclose reasonable and probable grounds that a criminal offence may have been committed but does disclose conduct which may constitute misconduct under the provisions of the Regulation, the supervising Staff Sergeant will review the same with the Inspector i/c PSB. The Inspector i/c PSB may accept, reject or modify any recommendation made by the supervising Staff Sergeant. The Inspector i/c PSB will in turn review the complaint, the investigation and his or her recommendations with the Chief of Police who will in turn make a final disposition of the matter in accordance with the provisions of the Act and will notify the complainant, in writing, of his decision.
 38. All complaints as to the actions of the Chief of Police are to be referred to the Chair of the Commission in accordance with the provisions of the Act.
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