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A GUIDE TO THE LAW IN ALBERTA REGARDING

HOW TO INITIATE A PUBLIC COMPLAINT AGAINST THE EDMONTON POLICE SERVICE

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GENERAL

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**HOW TO INITIATE A PUBLIC COMPLAINT
AGAINST THE EDMONTON POLICE SERVICE**

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**This information only applies to complaints against the
Edmonton Police Service. If the complaint is against the
RCMP there is a different procedure that must be followed.**

BEFORE YOU START

When thinking about launching a public complaint against the police, it is important to write down detailed notes of the incident as soon as possible after it happens. The complaint process often takes a long period of time to come to a resolution and detailed notes help a person's memory when their testimony is needed some time after the incident. Any witnesses to the incident should also be contacted to provide detailed statements in writing. The witness statements should be taken independent of each other.

If any injuries were sustained as a result of the incident, the person should visit a doctor immediately after the incident. As well, good quality pictures of any injuries should be taken as soon as possible. If the incident occurred outside of a night club or inside an establishment with closed circuit video recording, make the complaint immediately, point out that video evidence exists and request that it be saved.

According to s. 43(11) of the Police Act, a complaint must be made within one year of the incident being complained of. This limitation period does not apply to any incident involving conduct which breached some law or regulation other than the Police Act, such as the Criminal Code.

STARTING A COMPLAINT

To begin the process of launching a public complaint against the police, the nature of the complaint must be outlined in writing, addressed to the Chief of Police and delivered to any police

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station in the city of Edmonton or to the Police Commission Office. The complaint can also be faxed or e-mailed to either office.

The issues being complained about must be clearly outlined in the written complaint because anything not stated will not be investigated or looked into. Legal assistance may be helpful in drafting the written complaint.

THE INVESTIGATION

Following the written submission of a complaint, a detective will contact the complainant (the person who complained) to conduct an in-person interview. It is important that the entire interview be audiotape recorded to maintain an independent record of what was said. If the detective refuses to allow the interview to be recorded, the complainant should not agree to the interview.

Again, legal assistance may be helpful in the interview process and the complainant may have their legal advisor present at the interview to address any issue that may come up.

After the interview with the complainant, the detective will ask the police officers involved in the incident to respond to the complaint. During the investigation process the Chief of Police has to report to the complainant every 45 days through a written letter.

AFTER THE INVESTIGATION

Once the investigation is complete, the complainant will receive two letters outlining the outcome of the complaint.

If any part of the investigation results in criminal charges being laid against a police officer, a letter will be sent outlining the criminal complaint. If criminal charges are laid, the investigation will come to an end and the criminal process will take over. If no

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criminal charges are laid or once the criminal process is over, the investigation continues to determine whether any violations of the Police Act have occurred. Once this service investigation is completed, a letter closing the complaint in relation to violations of the Police Act will be sent to the complainant.

If violations are found, the Chief of Police may do one of two things. He can either end the matter without a hearing and give an official warning to the officer or he can order that a disciplinary hearing be held.

APPEALS

If the complaint ends up being dismissed without any course of action being taken by the Chief of Police, the complainant has 30 days to appeal to the Law Enforcement Review Board (LERB).

The LERB is a tribunal which is independent of any police service and aims to provide fair hearings. The members of the LERB are appointed by the solicitor general and have the power to call witnesses and hear evidence under oath. The proceedings of the LERB are similar to a courtroom trial. Although legal representation is not required, the complainant may have a lawyer present if they wish; the police service and the officer will always be represented by a lawyer at the LERB hearing.

If the complaint results in a decision that is not satisfactory to the complainant, it can be appealed to the LERB. If a disciplinary hearing has been ordered, no appeal to the LERB can be initiated until the hearing is over.

If the matter is appealed to the LERB, the complainant will receive a copy of the entire Internal Affairs file on his/her complaint before an LERB hearing is held. If upon reviewing the file, the complainant changes his/her mind, the appeal can be abandoned.

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A legal advisor may be of assistance when deciding to pursue or abandon an appeal to the LERB

If the complaint was with regard to some aspect of EPS services or policies, the complaint would be made directly to the Chief of Police and the appeal would be to the Police Commission (as opposed to the LERB).

It is also possible to challenge an LERB or a Police Commission decision to the court but there are strict time limitations and it is best to seek legal assistance for this type of action.

LAYING A PRIVATE INFORMATION

Another course of action that a complainant may take, if unhappy with the resolution of the complaint by the LERB, is laying of a private information. Laying a private information includes swearing out a charge before a Justice of the Peace. A judge will subsequently hold a hearing and decide if a summons should be issued. After reviewing the decision made in the investigation stage, the Crown can either proceed with or stay the charges. Laying a private information can also be done without launching a compliant.

CIVIL SUITS

If a civil suit is being considered as a potential course of action, it is important to keep in mind that there is a two year limitation period to launch any civil action. It is also important to note that complaints against the police can take some time to complete.

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REFERRAL NUMBERS

Edmonton Police Commission

Suite 171, 10235 101 Street
Edmonton, AB T5J 3E9

Phone: 780-414-7510

Fax: 780-414-7511

E-Mail: info@edmontonpolicecommission.com

Website: www.edmontonpolicecommission.com

Edmonton Police Service - Chief of Police

Police Headquarters
9620 103A Ave
Edmonton, AB T5H 0H7

Edmonton Police Service - Internal Affairs Intake

Investigations Section 780-421-2676

Lawyer Referral Services 1-800-661-1095

Student Legal Services

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Edmonton, AB

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Main Office: 780-492-2226

Civil Office: 780-492-8244

Criminal Office (Downtown): 780-425-3356

Email: info@sledmonton.com

Website: www.sledmonton.com

Edmonton Community Legal Centre

900 10025 106 St.
Edmonton, AB T5J 1G4

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