How to Initiate a Complaint Against the Edmonton Police Service and/or Security Guards
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GENERAL

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IMAGES


How to initiate a complaint against:

- The Edmonton Police Service
  - Draft a written complaint, address it to the chief of police
  - Submit the complaint to the Professional Services Branch of EPS
    - Not satisfied with the decision?
      - Appeal the decision to the Law Enforcement Review Board (LERB)
  - You're finished

- A Security Guard
  - Draft a written complaint
  - Submit the complaint to the security guard's employer
    - Not satisfied with the decision?
      - Appeal the decision to Registrar
      - Not satisfied with the decision?
        - Appeal the decision to the director of Law enforcement
  - You're finished
The Attorney General (the Crown), will review the information, and decide whether the crown will proceed with the prosecution and take over a private prosecution. The crown can decide to take over the private prosecution and can either proceed with or stay the charges. Laying private information can be done without launching a formal or informal complaint through the Edmonton Police Service.

Security Guards

Civil Suits

WHO CAN I CALL FOR MORE HELP OR INFORMATION?

Legal Resources

Other Resources
This information only applies to complaints against the Edmonton Police Service. A complaint against the RCMP has a different procedure and is not outlined in this pamphlet.

**Before You Start**

If you are 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 time to come to a resolution, and detailed notes can help your memory when your testimony is necessary long after the incident. Be sure to provide all the circumstances of the incident, including who was involved, what happened, where the incident occurred and when (date and time) it took place. Any witnesses to the incident should also be contacted to provide detailed statements in writing. Witness statements should be taken individually, while the other witnesses are not present.

It is essential that all the information in the statement is true and as accurate as possible.

**Note: Making a false report to the police is illegal.**

If there were any injuries as a result of the incident, you or the person who was injured should visit a doctor immediately after the incident. Take clear pictures of any injuries as soon as possible for evidence. If the incident occurred outside of a nightclub, bar, or inside an establishment with closed-circuit video recording, make the complaint immediately, point out that video evidence exists and save it. It is usually easier to obtain evidence as soon as possible to avoid for example camera footage being deleted, or someone’s memory fades.

According to s. 43(11) of the *Police Act*, a complaint must be made within one year. This limitation period does not apply to any incident involving conduct that breached a law or regulation other than the *Police Act*, such as the *Criminal Code of Canada*. So, if the complaint has claimed criminal misconduct, the 1-year limitation does not apply.

**Starting a Complaint**

**Informal Complaint**

The alternative dispute resolution process, or “informal complaint”, may be able to resolve some concerns about the Edmonton Police Service (EPS). To find out if your concern can be resolved this way contact the Sessional Standards Branch of EPS at (780) 421-2676. The Professional Standards Branch may request further information from a complainant in order to begin the resolution process for the informal complaint.
Formal Complaint

A formal complaint against the police must be outlined in writing, signed and addressed to the Chief of Police and delivered to any police station in the city of Edmonton or the Police Commission Office.

The person making the complaint must provide their address, phone number, and email address (if available). The complainant must clearly outline their concerns and issues in their written complaint. Only concerns and issues provided in the written complaint are investigated. The complainant should include the date, time location and a detailed description of the incident that led to the complaint. The police have discretion in laying charges and the Professional Standards Branch will not intervene in this process.

Legal assistance may be helpful in drafting a written complaint. Consider speaking with a lawyer when creating your written complaint.

Where to send a complaint:

- **By Mail:**
  
  Chief of Police  
  Police Headquarters  
  9620 – 103A Ave  
  Edmonton, AB T5H 0H7

- **By Phone:**
  
  780-421-2676

- **Online (complainant must fill out a form):**
  
  [https://www.edmontonpolice.ca/AboutEPS/EPSOrganizationGovernance/ProfessionalStandards/PSBComplaintForm.aspx](https://www.edmontonpolice.ca/AboutEPS/EPSOrganizationGovernance/ProfessionalStandards/PSBComplaintForm.aspx)

**Note:** When complaining about a police officer, it is not appropriate to voice a disagreement to a charge. Complaining about a charge should be done in court.

The Investigation

After submitting the complaint, an investigator with the Professional Standards Branch of the Edmonton Police Service (PSB) will contact the complainant within 30 days and may conduct an interview. The investigator will collect any important information relevant to the investigation. Relevant information can include: video or audio recordings, forensic evidence, police reports, and they may wish to conduct an interview with the complainant. Legal assistance may be helpful in the
interview process, and the complainant may have their legal advisor (lawyer or agent) present at the interview to address any issue that may come up.

The complainant is not involved in every aspect of the investigation. After collecting the necessary information, the investigator will conduct internal meetings to determine the direction of the investigation. Depending on the nature of the complaint, the officer may have to submit either a written complaint or a may be ordered to participate in an interview.

**After the Investigation**

Once the investigator has collected all of the relevant information, they provide their recommendations and materials to the Chief of Police who makes a determination. If the offence is minor, the Chief of Police may dismiss the matter altogether, issue a warning to the officer, or take other action that they choose is appropriate. If the offence is more severe, the Chief of Police may reprimand the officer, order forfeiture of overtime hours, or suspend them without pay. The decision will be made available to both the officer and complainant. The complainant will be informed if there is a right to appeal.

**Appeals**

If the complaint ends up being dismissed without the Chief of Police finding any violation, the complainant has 30 days to appeal to the Law Enforcement Review Board (LERB). The LERB is a tribunal, appointed by the Solicitor General, that is independent of any police service and aims to provide fair hearings. The Board has the power to call witnesses and hear evidence under oath.

The LERB will review the file and decide whether they will allow the appeal and decide whether there needs to be an additional hearing. If the Board determines that there will be no further hearings on the matter, the Board will ask for written submissions for each party and make their determination that way. If the Board feels that an appeal request is frivolous, it may deny the appeal altogether. As well, at any point, the complainant can abandon or withdraw the complaint. A legal advisor may be of assistance when deciding whether it is worthwhile to pursue the appeal, or if it will likely fail. A complainant may have Legal representation at any Board hearing for a complainant.

At the hearing, it is possible for the complaint to bring additional evidence as long as they apply to the board and get approval. This happens only in only in appropriate circumstances. Complainant is able to bring additional evidence; it is their responsibility to present this evidence to the Board.

The decisions of the Board are issued in writing and posted on the Board website. All appeals are public unless the Board decides otherwise.
Laying a Private Information

Another course of action that a complainant may take is laying private information. To lay private information, the complainant must have reasonable suspicion that a criminal offence has occurred and present it before a judge or justice of the peace. After hearing the evidence presented by the complainant, the judge or justice of the peace may issue a summons to appear for the accused.

The Attorney General (the Crown), will review the information, and decide whether the Crown will proceed with the prosecution and take over a private prosecution. The Crown can decide to take over the private prosecution and can either proceed with or stay the charges. Laying private information can be done without launching a formal or informal complaint through the Edmonton Police Service.

Security Guards

The process for making a complaint against a security guard is set out in the Security Services and Investigators Act Part 4. A complainant should direct any accusations of criminal activity by security guards to the police.

To complain, a person must write a formal complaint to the security guard’s employer within 90 days of the incident occurring. The complaint needs to be written and should include the details of the incident and the complainant’s contact information. The employer can determine whether the complaint merits investigation and must provide the complainant with a written reason if they decide not to investigate within 30 days. If the employer does investigate, they must within 90 days provide the complainant with a written record of the outcome of the investigation.

If the complainant is not satisfied with the employer’s decision or the employer did not provide a decision, they can request in writing that the registrar review the decision or complaint. Upon receiving a notification of the employer’s decision, the complainant has 30 days to make a request for review. The request should be sent to:

Registrar, Security Services, and Investigators Act
Solicitor General and Ministry of Public Security
PO Box 1023 Station Main
Edmonton, Alberta T5J 2M1
Requests should indicate which points of the employer’s decision the complainant disagrees with and reasons why they believe the employer was incorrect. The registrar will then decide whether they will investigate. They must provide the complainant a written reason for their decision within 30 days. If the registrar does investigate, they must provide the complainant with the result of the investigation in writing within 90 days.

If the complainant is not satisfied with the decision of the registrar they can appeal again to the Director of Law enforcement. The complainant has 30 days to submit a written request for appeal after receiving notice of the decision of the registrar. Requests should be directed to:

Director of Law Enforcement
Alberta Justice and Solicitor General
PO Box 1023 Station Main
Edmonton, Alberta T5J 2M1

**Civil Suits**

If a person has suffered damage as a result of the actions of a police officer or security guard they may have a civil claim. When suing a police officer for injury that occurred while the police officer was performing their duties, the individual will sue the Chief of Police. The Chief of Police is ultimately responsible for any wrong-doing on the part of a police officer (in legal terms, they are ‘vicariously liable’ for the actions of the police officer) while on duty, so the suit is brought against the Chief of Police. For a civil suit it is important to keep in mind that there is a two-year limitation period to launch any civil action.

A person can initiate a civil suit with the help of a lawyer or by themselves. To initiate a civil claim a person must get the appropriate forms either from the courthouse (visit the civil counter on either the Queen's Bench or Provincial Court side of the courthouse), or from the Alberta Courts website [https://albertacourts.ca](https://albertacourts.ca). Depending on how much a person wants to sue for or how much they are being sued for a person can file in either Provincial Court or Court of Queen’s Bench.

To initiate a civil claim a person would need to fill out the civil claim form and have the filing fee ready when the form is submitted. The filing fee will depend on the claim amount. The clerk can waive filing fees for people who are unable to pay, the form for waiving a filing fee is available at [https://albertacourts.ca/docs/default-source/resolution-and-court-administration/fee-waiver-application.pdf?sfvrsn=4](https://albertacourts.ca/docs/default-source/resolution-and-court-administration/fee-waiver-application.pdf?sfvrsn=4). This form is also available through the court clerk.

**Note:** Complaints against the police can take some time to complete, so a civil suit should be brought quickly even while a person is still preparing their complaint.
WHO CAN I CALL FOR MORE HELP OR INFORMATION?

Legal Resources

**Edmonton Resolution Support Centre**  
8th Floor – John E Brownlee Building  
10365 97 Street NW  
Edmonton, AB T5J 3W7  
Ph: 780-415-0404

Edmonton Resolution Support Services provides various services to assist individuals dealing with a family or civil matter. They have numerous free services, such as Family Court Counsellors, Family Mediation, Child Protection and Intervention Mediation, Civil Mediation, and assistance on Court Forms and Orders.

**Lawyer Referral Service**  
Ph: 1-800-661-1095

This service can help you find the contact information for practicing lawyers, as well as an appropriate lawyer for your legal matter. When you call, you will first speak to an operator and describe the nature of your problem to them. The operator can then provide you the contact information for up to three lawyers. When contacting these lawyers, make sure you tell them that you received their contact from Lawyer Referral Service. The first 30-minutes is free and intended to be a consultation where you can discuss your situation and receive brief advice. It is not intended to be a time where the lawyer provides you with free work.

**Civil Claims Duty Counsel**  
Room 262A, Provincial Court, 1A Sir Winston Churchill Square  
Tuesday: 10:00-2:00pm  
Wednesday: 12:00-4:00pm  
Thursday: 9:00-4:00pm

This service is for legal matters in Provincial Court. Volunteer lawyers can provide you with summary legal advice, procedural information, help completing forms, as well as assistance with preparing for trials, motions, and other appearances. Appointments are approximately 30-minutes long and filled on a first-come-first-serve basis. Assistance is subject to meeting program requirements and is not guaranteed.

**Student Legal Services – Civil Law Project**  
11036 88 Avenue NW  
Edmonton, AB T6G 0Z2  
Ph: 780-492-8244  
Web: www.slsedmonton.com

The Civil Law Project consists of student caseworkers who can provide basic legal information on various topics and referrals if you need more in-depth assistance.
**Other Resources**

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<tr>
<th><strong>Edmonton Police Commission</strong></th>
<th><strong>Edmonton Police Service Headquarters</strong></th>
<th><strong>Edmonton Police Service</strong></th>
<th><strong>Law Enforcement Review Board</strong></th>
<th><strong>Native Counselling Services of Alberta</strong></th>
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<tr>
<td>Suite 1803 Scotia Place, Tower 2 10060 Jasper Avenue Edmonton, AB T5J 3R8</td>
<td>Chief of Police Police Headquarters 9620 103A Ave Edmonton, AB T5H 0H7</td>
<td>Professional Standards Branch Police Headquarters 9620 103A Ave Edmonton, AB T5J 2Z2</td>
<td>1502 City Centre Place 10025 102A Avenue Edmonton, AB T5J 0N3</td>
<td>10975 124 Street NW Edmonton, AB T5M 0H9</td>
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<tr>
<td><strong>Ph:</strong> 780-474-7510 <strong>Web:</strong> <a href="http://www.edmontonpolicecommission.com">www.edmontonpolicecommission.com</a> <strong>E-Mail:</strong> <a href="mailto:info@edmontonpolicecommission.com">info@edmontonpolicecommission.com</a> <strong>Fax:</strong> 780-414-7511</td>
<td><strong>Ph:</strong> 780-474-7510 <strong>Web:</strong> <a href="http://www.edmontonpolice.ca">www.edmontonpolice.ca</a></td>
<td><strong>Ph:</strong> 780-421-2676</td>
<td><strong>Ph:</strong> 780-422-9376</td>
<td><strong>Ph:</strong> 780-451-4002</td>
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Provides numerous programs working to support and strengthen Aboriginal individuals and families. These programs include court support for certain types of matters, assistance with Child and Family Services matters, housing and support for at-risk youth, and Aboriginal healing lodges for offenders.