



February 28, 2018

Miranda P. Hlady
Hlady Rouleau Law Office
#209, 542 – 7 Street South
Lethbridge, AB T1J 2H1
Via Email: Miranda@hladylawoffice.ca

Miranda Hlady:

On June 26, 2017 you provided a letter of complaint with respect to field interviews (street checks) which you refer to as “carding.” As Chief of Police I reviewed your complaint and then forwarded the matter to the Chair of the Lethbridge Police Commission for review pursuant to Section 44(1)(b) of the Police Act. The complaint was accepted as a complaint about the policy of the Lethbridge Police Service (LPS). The Police Service also received a similar complaint made by another individual and as the two complaints had the same concerns they were merged into one complaint about the policy of the LPS.

Subsequently I directed an Administrative Review of the existing LPS policies that govern field interviews (street checks). The Administrative Review was assigned to Inspector W. Anderson of the LPS. Inspector Anderson is a long-time assessor of policy and policy compliance with the Commission for the Accreditation of Law Enforcement Agencies (CALEA). As such he has been trained in scrutinizing policy, determining compliance and providing recommendations for improvement. He has travelled extensively in this capacity throughout the US and Canada and has had tremendous exposure to policies and best practices. I am confident in his ability to be objective and thorough and hence he was selected to lead the Administrative Review.

In your letter of complaint you asked a number of questions that revolved around your concerns and conclusions you reached, presumably formulated after your FOIP request and your analysis of the data. The complaint was accepted as a complaint about our existing policy therefore the scope of the Administrative Review was on our existing policy. It would be inappropriate for me to engage in a debate about your *desired state* of field interviews (street checks) when I will ultimately be obligated to follow the Alberta Provincial Guidelines when they are completed and implemented. Therefore the following will speak to the Administrative Review of our existing policy.

In the summer/fall of 2017 the LPS conducted a review of its policies and procedures related to field interviews (street checks) to ensure the Service continues to recognize the importance of respecting citizens’ rights. The scope of the review focused on examining LPS policies and procedures and

Address all correspondence to “Chief of Police”
135 – 1 Avenue South • Lethbridge, Alberta • T1J 0A1
(403) 327-2210 • Fax (403) 328-6999

AN ACCREDITED
POLICE SERVICE



comparing LPS policies and procedures to those of police agencies throughout Canada to identify contemporary best practices related to field interviews.

It should be noted the LPS is accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA). The purpose of CALEA's accreditation program "is to improve the delivery of public safety services, primarily by: maintaining a body of standards, developed by public safety practitioners, covering a wide range of up-to-date public safety initiatives; establishing and administering an accreditation process; and recognizing professional excellence." In addition, LPS is accredited by the Ministry of Justice and Solicitor General with specific requirements to adhere to constitutional rights and not engage in bias-based profiling. Further, each body conducts audits of LPS policies, procedures and practices, every three and four years respectively. As such we are continually reviewing our policies and seeking best practices.

The most significant findings of the review determined that in order to ensure the most robust and contemporary policy and procedure, the LPS should have further conversation around adding or revising the following with respect to its field interview (street check) policy and procedure:

- the circumstances when police may ask an individual for information
- the rights of those being asked for information
- data collection and retention
- how to enhance accountability mechanisms and training requirements

On August 24, 2017 Alberta Justice announced that it was "...launching province wide consultations on police street checks to create rules around carding." Justice Minister Kathleen Ganley stated "...the provincial guideline will hopefully provide clear and consistent rules that everyone can follow and be aligned with." I, like the other Chiefs of Police in Alberta, expected these guidelines would be in place by November of 2017.

On February 13, 2018, I attended a meeting of the Alberta Association of Chiefs of Police that was also attended by the Assistant Deputy Minister of the Ministry of Justice and Solicitor General and the work to establish provincial guidelines remains ongoing.

Once the provincial guidelines have been established LPS will amend its policies, procedures and practices if required in order to ensure alignment with any direction from the Alberta Ministry of Justice and Solicitor General.

In the meantime, LPS is committed to continuous improvement and has revised policy and procedure related to field interviews (street checks) to ensure the Service continues to recognize the importance of respecting citizen's rights during field interviews (street checks).

The following are the most significant changes: the addition of quality assurance sampling to ensure alignment with policy and procedure, annual reporting to the Chief of Police and Lethbridge Police Commission, restricted access to information by sworn and non-sworn members and training of sworn members.

- Quality assurance sampling (within a margin of error) of an appropriately sized random sample of field interviews will ensure alignment with field interview (street check) policy and procedure. Quality assurance sampling will be implemented in 2018.
- The establishment of an annual report as it relates to field interviews (street checks) inclusive of the date, time, location and reason, etc. The report will be prepared annually and forwarded through the chain of command to Chief of Police and ultimately presented to the Lethbridge Police Commission, the Service's civilian oversight body. The first report is scheduled for 2019.
- Access to information related to field interviews (street checks) will be restricted to members for law enforcement purposes, to administer the Police Act/Police Service Regulation or any other reason as approved by the Chief of Police. Policy has been amended.
- Additional training with respect to the rights of an individual not to provide information to a police officer, the right of an individual to discontinue an interaction with a police officer, bias awareness, etc. With respect to the aforementioned amendment to policy, the Divisional Inspector – Insp. Anderson – will work with our policy and training personnel to develop this training for implementation in 2018. It should be noted, LPS already conducts bias-free training at regular intervals and will continue to do so. The above training will serve to enhance that foundation.

Further, in 2017 we recognized a general need for a more robust quality assurance component in the Police Service and created a position held by a Staff Sergeant to ensure the quality of our data, information and processes. It is this position that will be responsible for the above noted quality assurance sampling and annual reporting.

As previously stated, I expect that at some point all police services in Alberta will be given guidelines to follow from the Ministry of the Justice and Solicitor General. When that occurs, the LPS will implement any required changes to our policy.

This concludes my disposition of this complaint about the policy of the LPS. It was dealt with by way of Section 44(1)(b) and the Administrative Review of existing LPS policy. Pursuant to Section 44(3) of the Police Act you have 30 days from the date you receive this disposition to file an appeal with the Lethbridge Police Commission.

Sincerely,



Robert A. Davis
Chief of Police
Lethbridge Police Service