

Law Enforcement Review Board releases inquiry report

October 1, 2018

Edmonton

The Law Enforcement Review Board released its report on the handling by Calgary Police Service (CPS) of judicial criticism of officer testimony and use of force during the 2008 arrest of Jason Arkinstall.

In 2017, Kathleen Ganley, Minister of Justice and Solicitor General, directed the board to inquire into that matter. The board reviewed hundreds of documents and heard testimony from 15 witnesses in Calgary.

These are the board's key inquiry findings:

- In early 2011, CPS learned of the court's finding that two officers' testimony was not credible, and expressed concern that they may have used excessive force.
- CPS did not diligently investigate the court's serious concerns, which were clearly stated. Instead, early on, CPS decided without any apparent evidentiary basis that the only issue was that the officers had taken poor notes about the incident and did not prepare for trial.
- CPS used an informal, ill-defined "administrative review" process that is not legislatively based. The review was not organized, with no one clearly in charge, and it was poorly documented.
- Key review steps and decisions were not documented and others were poorly documented.

CPS and all other inquiry participants were given an opportunity to comment on the board's factual findings.

Key quotes from the board's inquiry report are attached.

The board makes nine recommendations to CPS for improvements to its complaint and discipline processes. The board also makes recommendations to the minister for short-term legislative improvements and recommends that the provincial government initiate a thorough review of the *Police Act* disciplinary framework to make it more effective, efficient and fair.

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[Law Enforcement Review Board](#)

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Media inquiries

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Law Enforcement Review Board

Although its recommendations are not binding, the board has urged CPS to implement them and to regularly report on progress to the Calgary Police Commission. The board has also called on the commission to take whatever steps it reasonably can to ensure this happens, and to publicly report on CPS's progress.

The complete inquiry report is posted under "Publications" on the board's webpage:

<https://www.solgps.alberta.ca/Pages/publications.aspx>

The board is not giving interviews to media and will not be making any further statements.

The board is an independent body established under the *Police Act*. It conducts appeals to review decisions about police officer conduct. The board may also conduct inquiries.