

Lethbridge Police Service Inquiry under section 17(1)(a) of the *Police Act*

Conducted by the Law Enforcement Review Board

RULES OF INQUIRY PROCEDURE

PART 1 – INTERPRETATION	1
PART 2 – GENERAL.....	3
Application of Rules of Procedure and Exercise of Board’s Powers	3
Representation.....	3
PART 3 – ROLE OF INQUIRY COUNSEL	4
PART 4 – COMMUNICATIONS.....	4
PART 5 – APPLICATIONS.....	6
PART 6 – STANDING & PARTICIPATION.....	7
Participant or Intervener Standing	7
PART 7 – INQUIRY DOCUMENTS.....	8
Redactions.....	9
Access to Inquiry Documents.....	10
PART 8 – INQUIRY PROCEEDINGS GENERAL	10
Witnesses	10
Notices to Produce or Attend	11
PART 9 – INQUIRY HEARING	12
Preparation of Witness Testimony.....	12
Participants, Affected Persons, and the Public.....	12
Presentation of Evidence	12
PART 10 – REPORT AND INQUIRY FILE	13
Submissions and the Preliminary Inquiry Report	13
Final Inquiry Report.....	13
Inquiry File	14
APPENDICES.....	15

PART 1 – INTERPRETATION

1. In these rules, the following definitions apply:
 - a. “Act” means the *Police Act*, RSA 2000, c P-17;
 - b. “address for delivery” means a party’s contact information designated as their address for delivery under Rule 17;
 - c. “application” includes an application for:
 - i. adding documents to the inquiry documents;
 - ii. removing documents from the inquiry documents;
 - iii. standing;
 - iv. adding witnesses to the witness list;
 - v. removing witnesses from the witness list;
 - vi. variation of or relief from any rule or practice direction;
 - vii. an adjournment of a date that is scheduled as part of the inquiry;
 - viii. any other relief requested.
 - d. “Board” means the Law Enforcement Review Board established under the Act;
 - e. “business day” means Monday through Friday, but does not include a holiday under the *interpretation Act*, RSA 2000, c I-8;
 - f. “business hours” means between 8:15 a.m. and 4:30 p.m. Mountain Time on business days;
 - g. “communication” includes a notice, application or submission provided for in these rules;
 - h. “document” includes notes, reports, statements, correspondence (including e-mails, text messages and other electronic communications), policies, procedures, video recordings and audio recordings;
 - i. “hearing” or “heard” and similar terms refer to an oral hearing or a hearing in-writing as the Board determines in accordance with the Act and the law;
 - j. “inquiry” means the inquiry established by the Terms of Reference and the related Addendum;
 - k. “inquiry documents” means the documents identified and assembled under Part 7, in either preliminary or final form;
 - l. “inquiry file” means the file maintained by the Board for the purpose of conducting the inquiry, including the following:
 - i. correspondence and documentation relating to the Board’s administration of the inquiry;

- ii. documents provided by participants, interveners and others to the Board for the inquiry, both redacted and unredacted;
- iii. copy of written submissions of the participants;
- iv. copy of written submissions of the interveners;
- v. original digital recording of hearings conducted by the Board;
- vi. original of the Board's decisions relating to the inquiry other than the report; and
- vii. the report

but does not include any communications with Inquiry Counsel, notes, draft decisions or communications of a Board member;

- m. "intervener" means a person granted intervener standing by the Board;
 - n. "notice", "notify" and similar terms refer to the delivery of a notice in writing as provided for in these rules;
 - o. "participant" means a person granted participant standing by the Board;
 - p. "party" means a participant or an intervener, or both;
 - q. "person" includes a police service, police commission, individual or entity;
 - r. "promptly" means as close to immediately as is practicable in the circumstances;
 - s. "report" means a preliminary report or final report prepared by the Board under Part 10;
 - t. "rules" means these rules of procedure for the inquiry;
 - u. "Terms of Reference" means the Terms of Reference and the related Addendum, attached as Appendices "A" and "B" to these rules;
 - v. "witness" means a person named on a witness list and a person who gives evidence by way of sworn written statement or sworn oral testimony; and
 - w. "witness list" means the list of witnesses under Rules 58 and 60, in either preliminary or final form.
2. For the purposes of these rules:
- a. a term that is not defined in the rules but is defined in the *Interpretation Act* is defined as set out in that statute;
 - b. a term that is not defined in the rules or the *Interpretation Act* has the meaning given in the Act or the *Police Service Regulation*, as the case may be;
 - c. the rules for computation of time in section 22 of the *Interpretation Act* apply;
 - d. the rules for presumption of the service of a document in section 23 of the *Interpretation Act* apply;
 - e. the word "including" means including but not limited to that stated matter or thing; and

- f. if a specified rule is said to apply for the purposes of another rule, the specified rule applies with any changes in expression necessary for it to apply.

PART 2 – GENERAL

3. The Board may publish information to assist the parties in understanding and using these rules. These rules prevail over any such resources to the extent of any conflict or inconsistency between them. Resources will be available on request. The Board may issue practice directions to provide further information or to guide practice and procedure in the inquiry. Practice directions prevail over these rules to the extent of any conflict or inconsistency between them. Practice directions will be provided to the parties and be available on request.
4. The Board may issue forms to be used in relation to the inquiry. These forms, including those found in Appendix “C” to these rules, must be used for the purposes of these rules.
5. These rules govern the parties in the course of the inquiry. The Board may, in its discretion, vary these rules as it considers necessary to comply with the requirements of natural justice, procedural fairness, and other applicable laws.

Application of Rules of Procedure and Exercise of Board’s Powers

6. All parties must comply with these rules and any practice directions unless the Board orders otherwise.
7. The Board may exercise any power under these rules on its own initiative or on the application of a party. Without limiting the foregoing, the Board may on its own motion fix or adjourn the dates and times for an application or hearing or change its location. The Board will consult the parties where practicable before doing so.
8. The Board may waive or vary these rules on its own initiative or on the application of a party, including to reduce or to increase time limits retrospectively or prospectively, whether or not the time limit has expired, as the Board considers appropriate in the circumstances. The Board may provide written reasons for doing so if it considers it necessary to do so.
9. A mere technical irregularity or defect in form does not invalidate the inquiry and does not constitute non-compliance with these rules.

Representation

10. A party may be represented by another person, including a lawyer, or may be self-represented. All acts done or omitted by the representative of a party are the acts or omissions of that party.

PART 3 – ROLE OF INQUIRY COUNSEL

11. Inquiry Counsel is impartial and acts in the public interest. Inquiry Counsel is subject to the direction of the Board.
12. Tasks of Inquiry Counsel include:
 - a. advising the Board on procedural issues;
 - b. assisting the Board in fulfilling the mandate set out in the Terms of Reference and the related Addendum;
 - c. assisting in managing the integrity and efficiency of the inquiry;
 - d. assisting or providing advice to the Board in relation to conduct of the inquiry, and preparation of the report;
 - e. communicating on behalf of the Board to the parties;
 - f. receiving communications and documents from parties on behalf of the Board;
 - g. presenting evidence and calling witnesses;
 - h. tasks set out in these rules; and
 - i. any other tasks assigned by the Board.

PART 4 – COMMUNICATIONS

13. A party may deliver a communication to the Board by email, mail, courier, process server, or personally at

Law Enforcement Review Board
Attention: Barbara Newton, Board Secretary
1502-10025 102A Avenue
Edmonton, AB T5J 2Z2

Fax: (780) 422-4782
Email: lerb@gov.ab.ca

14. If the methods of delivery described in these rules have proved ineffective, or in the Board's opinion they are not likely to be effective, the Board may permit or require an alternative method of delivery.
15. A communication delivered to the Board after business hours on a business day is deemed to have been delivered to the Board on the next business day.

16. A party who delivers a communication to the Board must promptly deliver a copy of it to the other parties by a method of delivery set out below, and the following rules apply for the purpose of determining when the delivery is considered to have taken place.
17. The Board or a party may deliver a communication to another party or parties by delivering the communication to the party's address for delivery by regular mail, registered mail, courier, process server, in person or by email. If the party has a representative, delivery of a communication to the party's representative is deemed to be delivery to the party, unless the party establishes otherwise to the Board's satisfaction.
18. If the Board requires proof of delivery of a communication, the party who delivered it may prove delivery by providing proof of delivery satisfactory to the Board, such as:
 - a. an affidavit or other proof satisfactory to the Board from the courier or other person who delivered the communication, setting out the time, date and method of delivery;
 - b. a copy of a Canada Post certificate of confirmation of delivery of registered mail; or
 - c. proof that the communication was successfully sent by email (with the Board having discretion to require an email 'read receipt' or other proof of receipt satisfactory to the Board).
19. A party who does not have a representative must promptly notify the Board and each other party of his or her contact information, as follows:
 - a. a postal address or a street address sufficient for courier or personal delivery; and
 - b. any email addresses.
20. If a party has a representative, the party or representative must, promptly after the representative is appointed, notify the Board and all other parties of the representative's contact information, as follows:
 - a. a postal address or a street address sufficient for courier or personal delivery; and
 - b. any email address.
21. A party or their representative who provides contact information under Rule 19 or 20 must designate an address for delivery.
22. Parties must advise the Board of any change to the contact information provided under Rule 19 or 20.
23. Subject to these rules, if a communication is:
 - a. mailed by regular mail, it is considered to have been delivered to the intended recipient on the date that is seven days after the date on which it was posted with Canada Post, with the party who mailed the communication being responsible for establishing to the Board's satisfaction the date on which it was posted with Canada Post; or
 - b. mailed by registered mail, it is considered to have been delivered to the intended recipient on the date shown on the Canada Post documentation for proof of delivery.

24. The Board may provide relief from compliance with any rule relating to delivery of communications if a party establishes to the Board's satisfaction that a communication was either actually delivered to that party after the date on which it is considered to have been delivered under this rule or was not delivered at all.

PART 5 – APPLICATIONS

25. To make an application, the applicant must give written notice of the application to the Board and to the other parties. The notice must describe the nature of the remedy that is sought and the grounds on which it is sought. This includes a description of any evidence on which the party will rely for the application.
26. The Board will hear each application in writing unless the Board considers it appropriate to hear it in person.
27. If the Board will hear an application in writing:
- a. the Board will notify the parties of the date by which the applicant's evidence and written submissions must be delivered;
 - b. the Board will identify whether participants or interveners, or both, may respond to the application;
 - c. the Board will give the other parties who may respond under Rule 27(b) notice of the date by which any written submissions in response must be delivered; and
 - d. the Board will state whether the applicant may reply to the responding written submissions, and if so, on what date that reply must be delivered.
28. If the Board will hear an application in person:
- a. the Board will notify the parties of the date on which the application will be held and the location of the application;
 - b. the Board may hear an application over teleconference, videoconference or some other form of electronic meeting;
 - c. the Board will identify whether participants or interveners, or both, may respond to the application;
 - d. the Board may, by notice, require the applicant to deliver to the Board any written submissions by a date specified in the notice; and
 - e. the Board may, by notice to the other parties who may respond under Rule 28(c) require them to deliver to the Board a written submissions by a date specified in the notice.
29. The Board will issue its decision on an application after the hearing of the application is complete. The decision may be issued in writing or may be delivered orally.

30. If the Board receives an application for an adjournment of a hearing date that is scheduled as part of the inquiry, the Board may grant an adjournment where it is fair and reasonable to do so, including in light of the following:
- a. whether the other parties have consented;
 - b. the number of previous adjournments requested by the applicant;
 - c. any prejudice or cost the adjournment may cause to another party;
 - d. the impact of any delay to the inquiry to which the adjournment may contribute;
 - e. medical circumstances affecting an applicant, in which case the Board may require a medical certificate before it considers the application;
 - f. other extenuating circumstances, including a scheduling conflict involving legal counsel that cannot reasonably be resolved; and
 - g. whether the applicant made reasonable efforts to avoid the need for an adjournment.

PART 6 – STANDING & PARTICIPATION

31. A person may apply for standing at the inquiry by applying to the Board. An applicant for participant standing must demonstrate a substantial and direct interest in the subject of the inquiry.
32. An applicant for intervener standing must demonstrate expertise, or a particular interest, in the subject of the inquiry, including any recommendations that the Board may make in its report.
33. An intervener may at any time apply to change its standing to that of participant.
34. A participant may at any time apply to change its standing to that of intervener.
35. The Board will consider applications for standing as they are received and will notify each applicant of the Board's decision.
36. The Board will advise all participants and all interveners of the identity and contact information of each participant and intervener.
37. The Board may require a person to be a participant or intervener on the Board's own initiative. The Board will notify the person by written communication in a method the Board deems appropriate.

Participant or Intervener Standing

38. A participant has the right to:
- a. be represented by counsel;

- b. access the inquiry documents, but only on an undertaking not to disclose or use any inquiry document produced by another party for any purpose other than the inquiry;
 - c. apply to add a document to, or remove a document from, the inquiry documents;
 - d. make applications;
 - e. apply to add or remove a name from the witness list;
 - f. provide evidence upon request by the Board;
 - g. make submissions about the evidence relating to the Board's findings; and
 - h. make submissions about recommendations the Board may make.
39. An intervener has the right to:
- a. be represented by counsel;
 - b. access the inquiry documents, but only on a signed undertaking not to disclose or use any inquiry document produced by another party for any purpose other than the inquiry;
 - c. make limited applications for standing or to change its standing to that of a participant;
 - d. provide evidence if the Board requests it; and
 - e. make submissions about the recommendations the Board may make.
40. All parties are obliged to:
- a. cooperate with the Board and the Terms of Reference and the related Addendum;
 - b. comply with these rules; and
 - c. comply with directions and deadlines as set by the Board in the course of the inquiry.

PART 7 – INQUIRY DOCUMENTS

41. All documents provided to the Board under this Part shall be provided to Inquiry Counsel by email, mail, courier, process server or personally at:

DDC Lawyers LLP
c/o Lara Levesque and Marianne Dunn 1300-10104 103 Avenue NW
Edmonton, AB T5J 0H8

Phone: 780-401-2379 and 780-401-2386

Email: llevesque@ddc-lawyers.com and mdunn@ddc-lawyers.com

42. Inquiry Counsel will review documents provided to the Board and compile a preliminary set of inquiry documents, consisting of documents that, in the opinion of Inquiry Counsel, are relevant to inquiry in light of the Terms of Reference and the related Addendum.

43. After preparing the preliminary inquiry documents, Inquiry Counsel will provide an index for the preliminary inquiry documents to the parties electronically.
44. If a party wishes to view a copy of any document identified in the index for the preliminary inquiry documents, the party may request it from Inquiry Counsel, upon agreeing in writing that they are bound by an undertaking not to disclose or use any document for any purpose other than the inquiry.
45. Within 14 days of the date on which Inquiry Counsel provides the index for the preliminary inquiry documents, a participant may apply to remove a document from the inquiry documents or to add a document to the inquiry documents, or both.
46. To apply to remove a document from the inquiry documents, a participant must explain why that document should be removed from the inquiry documents.
47. To apply to add a document to the inquiry documents, a participant must include in the application:
 - a. a copy of the document proposed to be added, or a description of it that is sufficiently detailed to enable the other participants to respond to the application and to enable the Board to consider it; and
 - b. an explanation of why the document should be included in the inquiry documents.
48. The Board will consider any application to add a document to, or remove a document from, the inquiry documents and will advise the parties of its decision.
49. The Board will provide the parties with a final index for the inquiry documents.
50. Following the Board's actions in Rules 48 and 49, Inquiry Counsel will prepare the final set of inquiry documents, under the direction of the Board, and will distribute electronic copies of final inquiry documents to all parties who have provided the required form of undertaking.

Redactions

51. In directing Inquiry Counsel to prepare the final inquiry documents, the Board may in its discretion not include a document, or may redact a document, if:
 - a. the document contains third-party personal information such as email addresses, personal phone numbers, or home addresses;
 - b. disclosure of the document, in the opinion of the Board, would unfairly compromise the integrity of criminal prosecutions;
 - c. the information to be redacted may be withheld by a public body under section 20 of the *Freedom of Information and Protection of Privacy Act*; or
 - d. in the opinion of the Board the document should be redacted for any other reason the Board determines is in the interests of the inquiry.

52. If the Board chooses not to include documents, or redacts documents in the final set of inquiry documents, the Board will indicate the reason for doing so, but the Board will not provide reasons where it has excluded documents that the Board considers vexatious, unimportant or unnecessary to the Terms of Reference and the related Addendum.

Access to Inquiry Documents

53. Upon receiving an executed undertaking from a party, the Board will distribute the final inquiry documents electronically to that party.
54. The Board may at any time during the inquiry order that the inquiry documents be sealed in whole or in part, such that the documents must be held by the Board and all parties in confidence and not be accessible to any other person or the public.
55. A person who is not a party may apply to the Board to examine a copy of a document contained in the final inquiry documents. The Board may grant such an application if it is satisfied that to do so would be consistent with the purposes of the inquiry and that there is no significant private or public interest or reason why the person should not examine the document.

PART 8 – INQUIRY PROCEEDINGS GENERAL

56. As part of any inquiry proceedings, the Board may direct the parties to provide submissions to the Board:
- a. in writing;
 - b. in person; or
 - c. over teleconference, videoconference or other form of electronic meeting.
57. At any time during the inquiry, the Board may require any person to answer questions from the Board. If a person fails to answer those questions, the Board may:
- a. exercise its power of contempt as provided under the *Public Inquiries Act*, RSA 2000, c P-39; or
 - b. where it is unable to exercise the power of contempt under the *Public Inquiries Act*, apply to the Court of Queen’s Bench for an order committing that person for contempt in the same manner as if that person were in breach of an order or judgment of that Court.

Witnesses

58. Inquiry Counsel will identify individuals who, in the opinion of Inquiry Counsel, may assist the inquiry in fulfilling its Terms of Reference and the related Addendum. Inquiry Counsel will provide a preliminary witness list to the parties.

59. A participant may apply to the Board to add a witness to, or remove a witness from the witness list, by submitting an application between the date on which the preliminary witness list is provided and the date identified by the Board as the deadline for application.
60. After considering all applications under Rule 59, the Board will direct Inquiry Counsel to prepare a final witness list and Inquiry Counsel will provide the final witness list to parties.
61. A witness has the right not to have any incriminating evidence given in the course of the inquiry used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence. For clarity, this rule is not intended to limit section 51 of the *Police Act*.
62. Every person has the same privileges in the inquiry in relation to the disclosure of information and the production of documents, papers and things as witnesses have in any court.
63. Notwithstanding Rule 62:
 - a. no provision in a statute, regulation or order requiring a person to maintain secrecy or not to disclose any matter applies in this inquiry; and
 - b. no person required to furnish information or produce any document, paper or thing, or who is required to give evidence at the inquiry will refuse to disclose the information or produce the document, paper or thing on the ground that a statute, regulation or order requires the person to maintain secrecy or not to disclose any matter.

Notices to Produce or Attend

64. The Board may by notice ("Notice to Produce") require a participant, intervener or any other person to provide documents to the Board. The person to whom notice is given must provide the documents to the Board as required in the notice.
65. The Board may by notice ("Notice to Attend") require a person to attend who, in the opinion of Inquiry Counsel or of the Board, may assist the inquiry in fulfilling its Terms of Reference and the related Addendum.
66. If a person who is served with a Notice to Attend fails to attend or fails to comply with a Notice to Produce, the Board may:
 - a. exercise its power of contempt as provided under the *Public Inquiries Act*;or
 - b. where it is unable to exercise the power of contempt under the *Public Inquiries Act*, apply to the Court of Queen's Bench for an order committing that person for contempt in the same manner as if that person were in breach of an order or judgment of that Court.
67. A witness, other than one employed for a police service, attending a proceeding before the Board is entitled to the same fees and allowances as a witness summoned to attend at the Provincial Court of Alberta.

PART 9 – INQUIRY HEARING

68. The Board may direct that a proceeding before the Board be held:
- a. in person; or
 - b. by way of a teleconference, videoconference or other form of electronic meeting.
69. The Board will provide a notice in writing of the date, time and location of an inquiry hearing to all parties at least 10 days before the commencement of the proceedings.

Preparation of Witness Testimony

70. Prior to the hearing, for each witness identified in the final witness list under Rule 60, Inquiry Counsel will endeavour to interview each witness prior to an inquiry hearing, in the presence of legal counsel if the witness wishes to have legal counsel present.
71. Inquiry Counsel will to the extent practicable identify the anticipated order of witnesses at the hearing of their testimony.

Participants, Affected Persons, and the Public

72. A participant may:
- a. make an opening statement;
 - b. make a closing statement;
 - c. cross-examine witnesses.
73. Unless the Board or a court orders otherwise, members of the public may attend any inquiry hearings.

Presentation of Evidence

74. The final inquiry documents will be entered as an exhibit at the start of the inquiry hearing.
75. Nothing in these rules prevents the Board from entering additional exhibits at any inquiry hearing.
76. Unless a witness is a participant or intervener, each witness will be excluded from the proceeding room until their testimony.
77. Witnesses will testify under oath or affirmation.
78. For each witness:
- a. Inquiry Counsel will examine the witness in chief;

- b. each participant who wishes to cross-examine may do so, subject to any time limits and other directions of the Board;
 - c. if the witness has his or her own legal counsel, that counsel may question in re-direct;
 - d. Inquiry Counsel may re-examine the witness after the other examinations are complete.
79. Inquiry Counsel may cross-examine a witness if necessary, such as when there is no participant adverse in interest to that witness.
80. Only the Board may record inquiry hearings. If any person requests a transcript of the recording, that person must pay the cost of producing the transcript.

PART 10 – REPORT AND INQUIRY FILE

Submissions and the Preliminary Inquiry Report

81. In the inquiry report, the Board may make findings and recommendations relating to any specific or general matters that arise from the inquiry.
82. The participants may make submissions to the Board relating to the Board's findings of fact. Participants will comply with deadlines specified by the Board.
83. Following submissions relating to findings of facts, parties may make submissions to the Board relating to the Board's recommendations. Parties will comply with deadlines specified by the Board.
84. The Board may receive submissions from the parties:
- a. in person;
 - b. in writing; or
 - c. over teleconference, videoconference or some other form of electronic meeting.
85. The Board will make available a preliminary report to parties, on a confidential and embargoed basis, so that:
- a. participants may suggest corrections to findings of fact;
 - b. participants and interveners may suggest changes to the recommendations.
86. The Board is not bound to accept any suggested corrections or changes.

Final Inquiry Report

87. The Board shall inform the Minister of Justice and Solicitor General of Alberta in writing of the findings of the Board in a final inquiry report.
88. The final inquiry report will identify the participants, interveners, witnesses and other individuals who were involved unless identity or other information is redacted, in accordance with Rule 51, upon an application by a party or witness, or on the Board's motion.

Inquiry File

89. The inquiry file will be retained by the Board for the later of the period of 270 days from the date on which the report is submitted to the Minister of Justice and Solicitor General and the date on which any related legal proceedings have ended.
90. Within a reasonable time after expiry of the period in Rule 89, the Board will destroy documents provided by participants, interveners and others to the Board, including any unredacted documents received.

Lethbridge Police Service Inquiry under section 17(1)(a) of the *Police Act*

Conducted by the Law Enforcement Review Board

RULES OF INQUIRY PROCEDURE APPENDICES

- A. Terms of Reference
- B. Addendum to Terms of Reference
- C. Forms:
 - 1. Application for Standing
 - 2. Notice to Produce
 - 3. Notice to Attend
 - 4. Undertaking Re Inquiry Documents (Preliminary or Final)
 - 5. Application to Add or Remove a Witness from the Witness List
 - 6. Application to Add or Remove a Document from the Inquiry Documents
 - 7. Application by Media for Copies of Particular Documents

TERMS OF REFERENCE



ALBERTA
JUSTICE AND SOLICITOR GENERAL

*Office of the Minister
Deputy Government House Leader
MLA, Edmonton - South West*

AR45977

May 13, 2021

Ms. Ellen-Anne O'Donnell
Chairperson
Law Enforcement Review Board
c/o Board Secretary
1502, 10025 - 102A Avenue
Edmonton AB T5J 2Z2

Dear Ms. O'Donnell:

I have recently reviewed an action plan drafted by the Lethbridge Police Service (LPS), which was designed to address my concerns and expectations for the service and the Lethbridge Police Commission (LPC) that arose following a number of recent events that questioned their ability to provide effective and adequate policing to the citizens of the City of Lethbridge.

One of the key concerns respects unauthorized access to and use of the LPS databases (Canadian Police Information Centre and their own internal record management systems). To better assist the LPS in determining their ability and capacity to safeguard these databases and to mitigate issues of unauthorized access and use, I am directing an inquiry by the Law Enforcement Review Board (the Board) pursuant to section 17(1)(c) of the *Police Act* for the purpose of assessing the practices, policies and processes of the LPS respecting access and use of LPS databases and record management systems. More specifically:

- The Board will conduct a public inquiry in accordance with the procedures and powers set out in section 20(1) of the *Police Act* and the Board's Appeal Policies and Procedures.
- The Board will permit participation by, and receive any relevant evidence from, all persons or legal entities that it deems appropriate, including the Lethbridge Police Commission, the Lethbridge Police Service, the Alberta Serious Incident Response Team, and the Director of Law Enforcement.
- The Board is authorized to hear and decide all questions necessary or related to the inquiry, including all questions regarding access and use of information held in the LPS databases; the maintenance, policies, and procedures respecting LPS records management systems; and access and use of CPIC.

.../2

424 Legislature Building, Edmonton, Alberta T5K 2B6 Canada Telephone 780-427-2339 Fax 780-422-6621
5160 Windermere Boulevard, Edmonton, Alberta T6W 0L9 Canada Telephone 780-415-8692

TERMS OF REFERENCE (continued)

- 2 -

- The Board will submit a report to me by November 30, 2021, setting out its inquiry findings and recommendations. In the event that the inquiry has not concluded by that date, the Board will provide me with an estimate of the time required to conclude the inquiry and will submit its report to me within three months after the inquiry concludes.
- The Board will inquire into whether any person or entity with responsibilities in connection with policing did, or omitted to do, anything to enable, support, facilitate, condone, promote, or encourage the misuse or unauthorized access, use or disclosure of LPS databases and information or other LPS records management systems, including any failure to take action in relation to knowledge of such misuse and improper or unauthorized access or use.
- The Board is authorized to consider matters within the past ten-year timeframe, unless such evidence arises that the Board determines a longer time period is required to appropriately conduct and complete the inquiry.
- The Board may make findings and recommendations relating to any specific or general matters that arise from the inquiry. The recommendations may include legislative, policy, and practice recommendations relating to police conduct and discipline, LPS operations and administration, as well as recommendations for improvement of civilian oversight by the LPC.

If you require assistance in this matter, I ask that you direct your inquiries to Mr. Marlin Degrand, Acting Assistant Deputy Minister, Public Security Division. Mr. Degrand can be reached at 780-427-6887 or marlin.degrand@gov.ab.ca.

By implementing change from within the LPS, it is my hope to reform and develop the LPS into a model service for all police agencies in Alberta to follow.

I wish to thank you for the board's continued commitment to ensuring the citizens of Alberta have trust and confidence in Alberta's police services and I look forward to hearing the results of your review.

Yours very truly,

[signature redacted]

Kaycee Madu, QC
Minister

Enclosure

cc: His Worship Chris Spearman, Mayor, City of Lethbridge
Chief Shahin Mehdizadeh, Lethbridge Police Service
Rob van Spronsen, Chairperson, Lethbridge Police Commission

ADDENDUM TO TERMS OF REFERENCE

I, the Honourable Kaycee Madu, Minister of Justice and Solicitor General of Alberta, make the following direction pursuant to s.17(1)(c) of the *Police Act*, R.S.A. 2000, c. P-17 as amended (the “Act”):

1. For further clarity, the Board’s focus in this Inquiry shall be:
 - a. The status of LPS policies, procedures, and practices pertaining to the use, access, and disclosure of their databases and record management systems, and the information contained therein, in the last 10 years; and
 - b. The proposed and/or implemented changes made by the LPS and whether they are reflective of best practices and, in particular, whether they are sufficient to safeguard against unauthorized access, use and disclosure of the LPS databases and record management systems.
2. The Board shall submit a report to me no later than July 31, 2022 setting out its Inquiry findings and recommendations. In the event that the Inquiry has not concluded by that date, the Board will provide me with an estimate of the time required to conclude the Inquiry and will submit its report to me within three months after the Inquiry concludes.

December 16, 2021

Date

(original signed)

Kaycee Madu, QC
Minister
Justice and Solicitor General

Lethbridge Police Service Inquiry under section 17(1)(a) of the *Police Act*

Conducted by the Law Enforcement Review Board

APPLICATION FOR STANDING

Name: _____

Mailing address: _____

Phone number: _____

E-mail address: _____

Individual

OR

Representative of: _____

I am applying to be a: *(choose one; see next page for details)*

Participant. This is why I have a direct and substantial interest in the Inquiry.
(may attach up to 2 pages maximum)

OR

Intervener. This is the expertise or particular interest I can offer to the Inquiry.
(may attach up to 2 pages maximum)

Signature

Date

Lethbridge Police Service Inquiry under section 17(1)(a) of the *Police Act*

Conducted by the Law Enforcement Review Board

Information for Application for Standing

To apply for Standing, you must file a completed Application for Standing no later than noon on **Monday January 10, 2022** with the Law Enforcement Review Board at:

Law Enforcement Review Board
Attention: Barbara Newton, Board Secretary
1502-10025 102 A Avenue
Edmonton, AB T5J 2Z2
lerb@gov.ab.ca

** These rights are subject to final determination by the Board:*

Right	Participant status	Intervener status
Notice of hearing dates	√	√
Represented by counsel	√	√
Access to inquiry documents set on undertaking	√	√
Apply to add or remove a document from the inquiry documents	√	
Apply to add or remove a witness from the witness list	√	
Make other applications	√	√ (Limited)
Provide evidence upon request by Inquiry	√	√
Opening statement	√	
Cross-examine witnesses	√	
Make submissions on the Board's findings of fact	√	
Make submissions on the Board's recommendations	√	√
Closing statement	√	

Lethbridge Police Service Inquiry under section 17(1)(a) of the *Police Act*

Conducted by the Law Enforcement Review Board

NOTICE TO PRODUCE

TO: _____

Whereas the Minister has directed the Law Enforcement Review Board to conduct a public inquiry into the policies and procedures regarding the access, use and maintenance of the Lethbridge Police Service databases, as more specifically set out in the Terms of Reference and Addendum to the Terms of Reference attached;

Under authority of section 20(1) of the *Police Act*, the *Public Inquiries Act* and the Inquiry Terms of Reference and Addendum to the Terms of Reference;

YOU ARE REQUIRED TO PRODUCE

All documents, records and things of any kind that are in the possession or control of the [REDACTED] that in any way relate to or touch on:

- the policies and practices regarding the access, use and maintenance of the Lethbridge Police Service's databases; and/or
- the policies and practices regarding the access, use and maintenance of your respective police agency's databases.

WHERE "Documents, records and things" includes notes, reports, statements, correspondence (including e-mails, text messages and other electronic communications), policies, procedures, video recordings and audio recordings.

DATED at the City of _____, in the Province of Alberta, this _____ day of _____, 2022.

CHRISTINE S. ENNS, Chair,
Alberta Law Enforcement Review Board

Lethbridge Police Service Inquiry under section 17(1)(a) of the *Police Act*

Conducted by the Law Enforcement Review Board

NOTICE TO ATTEND

TO: _____

Whereas the Minister has directed the Law Enforcement Review Board to conduct a public inquiry into the policies and procedures regarding the access, use and maintenance of the Lethbridge Police Service databases, as more specifically set out in the Terms of Reference and Addendum to the Terms of Reference attached;

Under authority of section 20(1) of the *Police Act*, the *Public Inquiries Act* and the Inquiry Terms of Reference and Addendum to the Terms of Reference;

YOU ARE REQUIRED TO ATTEND BEFORE THE LAW ENFORCEMENT REVIEW BOARD

on _____ (date),

commencing at _____ (time),

at _____ (address),

- to give evidence concerning the subject matter of the inquiry and
- to bring with you any records, documents, substance or thing related to the subject matter of this inquiry.

AND TAKE NOTE THAT:

If you fail to attend, or to answer a question that the Board directs you to answer, or if you fail to bring records, documents, substances or things related to the subject matter of the inquiry, the Board may:

- a. exercise its power of contempt as provided under the *Public Inquiries Act*, or
- b. where it is unable to exercise the power of contempt under the *Public Inquiries Act*, apply to the Court of Queen's Bench for an order committing you for contempt in the same manner as if you were in breach of an order or judgment of that Court.

DATED at the City of _____, in the Province of Alberta, this ____ day of _____, 2022

CHRISTINE S. ENNS, Chair,
Alberta Law Enforcement Review Board

Lethbridge Police Service Inquiry under section 17(1)(a) of the *Police Act*

Conducted by the Law Enforcement Review Board

**UNDERTAKING RELATING TO INQUIRY DOCUMENTS
(PRELIMINARY OR FINAL)**

BY: _____

Whereas the Minister has directed the Law Enforcement Review Board to conduct a public inquiry into the policies and procedures regarding the access, use and maintenance of the Lethbridge Police Service databases, as more specifically set out in the Terms of Reference and Addendum to the Terms of Reference attached;

Whereas I am a:

- Participant
- Intervener
- Other: _____

and I wish to have access to copies of the following Inquiry documents:

OR

- all Inquiry documents.

By signing below, I undertake not to disclose or use any Inquiry document for any purpose other than the Inquiry. I understand that, if I obtain access to an Inquiry document, I am strictly prohibited from using the document in any way that does not relate to my participation in the Inquiry. Further, I shall not give access to any Inquiry document to anyone else unless they also sign an Undertaking in this Form.

DATED at the City of _____, in the Province of Alberta, this ____ day of _____, 2022.

SIGNATURE: _____

NAME: _____

REPRESENTING (IF APPLICABLE): _____

CONTACT INFORMATION: _____

Lethbridge Police Service Inquiry under section 17(1)(a) of the *Police Act*

Conducted by the Law Enforcement Review Board

**APPLICATION TO ADD OR REMOVE A WITNESS FROM THE
WITNESS LIST**

BY: _____

Whereas the Minister has directed the Law Enforcement Review Board to conduct a public inquiry into the policies and procedures regarding the access, use and maintenance of the Lethbridge Police Service databases, as more specifically set out in the Terms of Reference and Addendum to the Terms of Reference attached;

Whereas I have participant standing in the Inquiry, and I have reviewed the witness list dated _____;

And I am applying to:

- Add the following witness to the witness list:

- Remove the following witness from the witness list:

The reasons for this application are:

DATE: _____

SIGNATURE: _____

NAME: _____

REPRESENTING (IFAPPLICABLE): _____

Lethbridge Police Service Inquiry under section 17(1)(a) of the *Police Act*

Conducted by the Law Enforcement Review Board

**APPLICATION TO ADD OR REMOVE A DOCUMENT FROM
THE INQUIRY DOCUMENTS**

BY: _____

Whereas the Minister has directed the Law Enforcement Review Board to conduct a public inquiry into the policies and procedures regarding the access, use and maintenance of the Lethbridge Police Service databases, as more specifically set out in the Terms of Reference and Addendum to the Terms of Reference attached;

Whereas I have participant standing in the inquiry, and I have reviewed the list of inquiry documents dated _____;

And I am applying to:

- Add the following document to the inquiry documents:

- Remove the following document from the inquiry documents:

The reasons for this application are:

DATE: _____

SIGNATURE: _____

NAME: _____

REPRESENTING (IF APPLICABLE): _____

Lethbridge Police Service Inquiry under section 17(1)(a) of the *Police Act*

Conducted by the Law Enforcement Review Board

**APPLICATION BY MEDIA TO VIEW PARTICULAR
DOCUMENTS**

BY: _____

Whereas the Minister has directed the Law Enforcement Review Board to conduct a public inquiry into the policies and procedures regarding the access, use and maintenance of the Lethbridge Police Service databases, as more specifically set out in the Terms of Reference and Addendum to the Terms of Reference attached;

Witness testimony has commenced;

I am:

A bona fide member of media; or

A representative of the following bona fide media organization:

I am applying to examine a copy of the following inquiry document(s):

I understand that the Board may not grant this application if it is satisfied that to do so would be inconsistent with the purposes of the inquiry, or that there is a significant private or public interest reason why I should not examine the document.

DATE: _____

SIGNATURE: _____

NAME: _____

REPRESENTING (IF APPLICABLE): _____