

Q3 2017 REPORT TO THE EDMONTON POLICE COMMISSION



The following report is submitted for:

✓ Approval☐ Ratification☐ Information

PROFESSIONAL STANDARDS BRANCH October 19, 2017 EPC MEETING

Approved by:

Rod R. Knecht Chief of Police

Dwayne Lakusta Inspector



October 10, 2017

TO:

Rod R. Knecht

Chief of Police

FROM:

Inspector Dwayne Lakusta

Professional Standards Branch

RE:

QUARTERLY REPORT - Q3 of 2017

This report has been prepared for the October 19, 2017, Edmonton Police Commission meeting.

During the third quarter of 2017 (Q3), Professional Standards Branch received 332 new files:

- 43 Public complaints as defined by Part 5 of the Police Act;
- 17 Internal complaints as defined by Part 5 of the Police Act;
- 54 EPS Matters; and
- 218 Citizen Contacts.

There were 6 files directed for Criminal Investigation (Statutory Complaints) during Q3 of 2017.

Concluded 299 files:

- 2 Statutory complaints;
- 38 Public complaints as defined by Part 5 of the *Police Act*, including seven (7) complaints regarding policies or services provided by the EPS;
- 9 Internal complaints as defined by Part 5 of the Police Act;
- 37 EPS Matter; and
- 213 Citizen Contacts.

The Edmonton Police Service received 144,674 calls in Communications Section (including calls answered by the dispatch line and 911 calls extended to police), dispatched 51,717 of those calls and recorded opening thirty-seven (37) compliments.

Inspector Dwayne Lakusta
Professional Standards Branch

cc: Cathy Palmer/Chair

Edmonton Police Commission



Professional Standards Branch July – September 2017 Q3 Report Edmonton Police Service

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STATISTICAL SUMMARY

Third Quarter of 2017 Update

1. RECEIVED FILES

The following figure shows the number and type of files received during the third quarter (Q3) of 2017. Blue colours represent informal files and red colours represent formal investigations. Lighter shades indicate internally generated files and darker shades indicate externally generated files. As can be seen below, during Q3 of 2017, PSB received 272 informal files and 60 formal complaints.

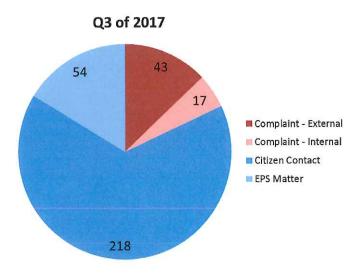


Figure 1-1. Type of Files Received During Q3 of 2017

The following figure shows the yearly percentage increase or decrease in formal complaints and total files received compared to 2016 values. Year-to-date change in Formal Complaints received represents an increase of 9 complaints (+5%) as compared to 2016. The Year-to-date Total Files Received represents an increase of 2 files (+0.2%) as compared to 2016.

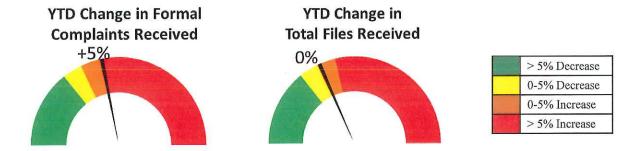


Figure 1-2. Yearly Changes in Files Received

2. CURRENT WORKLOAD

As of September 30, 2017, PSB had 430 open investigations broken down as follows:

- 148 Complaints External
- 64 Complaints Internal
- 149 Citizen Contacts
- 69 EPS Matters

10 Statutory Complaints (all 10 statutory complaints are associated with open PSB files and therefore are considered duplicate files).

The following table shows the age and status of all open PSB investigations, including all Statutory Complaints. The table shows files that are listed as Active, Suspended, and Forwarded. An investigation is listed as "Suspended" when it is not currently being advanced. Reasons for suspending a file may include executive review of the investigation, disciplinary hearings, criminal investigation, or court proceedings. An investigation is listed as "Forwarded" when it is ongoing but not under the control of PSB. Reasons for forwarding a file may include supervisory reviews, obtaining legal opinions, or investigation by outside investigators.

This table will break down these files by year, to show the total number of files in each status for the corresponding year (not including Statutory Complaint files, which as mentioned above, are considered duplicate files).

	Age	and Status of al	l Open Investigatio	ns
Year	Active	Forwarded	Suspended	Total
2012	0	0		2
2013	0	0	0	0
2014	0	3	4	7
2015	4	4	11	19
2016	21	10	30	61
2017	161	66	114	341
Total	186	83	161	430

Figure 2-1. Age and Status of All Open Investigations

The following figure shows the stages of investigation for formal complaints by month. This is a snapshot of the files that were in a particular stage as of the last day of the month.

The stages of investigation include:

- Clarification (interviewing the complainant to determine the specific details of the complaint);
- Collection (collection of evidence and witness interviews);
- Subject Officer Interviews (explanatory reports and/or interview of the subject officer);
- Report (compiling the final report);
- Investigative Review (review by the Investigative Manager);
- Executive Review (review by the Inspector, Chief, and final concluding processes).

Investigations may also be pending other processes (e.g., dispute resolution, legal review, hearing, etc.) or may be undetermined (e.g., for complaints that are not proceeding to formal investigation).

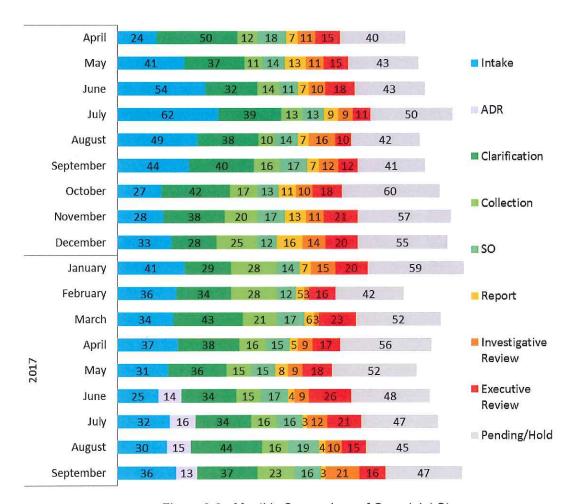


Figure 2-2. Monthly Comparison of Complaint Stages

3. CONCLUDED FILES

The following figure shows the disposition of all Formal Complaints and Statutory Complaints concluded during Q3 of 2017 (47 Formal Complaints, 2 Statutory Complaints).

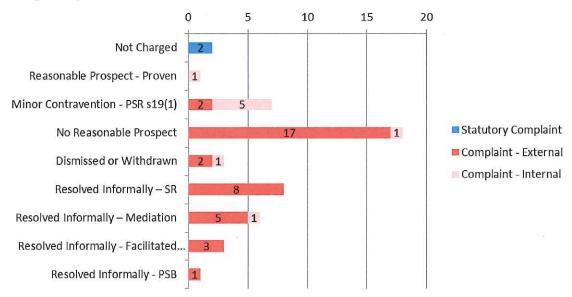


Figure 3-1. Dispositions of Concluded Formal Complaints

	201	15	201	6	201	7
	Q3	YTD	Q3	YTD	Q3	YTD
		Receiv	ed			
Formal Complaints	27	203	48	177	60	186
External	19	103	38	135	43	140
Internal	8	100	10	42	17	46
Informal Complaints	249	647	251	749	272	742
Citizen Contacts	221	552	226	643	218	608
EPS Matters	28	95	25	106	54	134
Total	276	850	299	926	332	928
		Conclu	ded			
Formal Complaints	80	247	55	204	47	189
External	57	150	40	149	38	147
Internal	23	97	15	55	9	42
Informal Complaints	211	797	245	675	250	704
Citizen Contacts	177	698	222	559	213	614
EPS Matters	34	99	23	116	37	90
Total	291	1044	300	879	297	893

Figure 3-2. Three-Year File Comparison for Q3 of 2017
Total numbers do not include Statutory Complaints

The following figure shows the percentage increase or decrease in formal complaints and total files concluded compared to 2016 Q3. The year-to-date change in Formal Complaints concluded represents a decrease of 15 files (-7%) and the year-to-date Total Files Concluded represents an increase of 14 files (+2%).

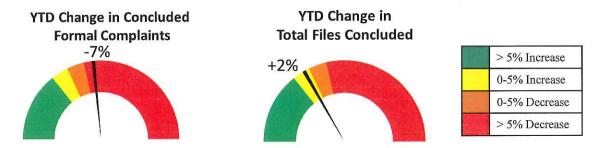


Figure 3-3. Yearly Changes in Files Concluded

4. LEGAL DISCIPLINARY HEARINGS Total File Number PSB2015-0562 PSB2015-0978 Directed 4 PSB2015-0978 PSB2016-0258

		PSB2017-0075
Concluded	1	PSB2015-0027
LERB	Total	File Number
		PSB2015-1028
	6	PSB2015-1164
Associate Descripted		PSB2016-0058
Appeals Received		PSB2016-0729
		PSB2016-1173
		PSB2017-0117
A CONTRACTOR OF THE CONTRACTOR	4	IA2010-0115a
Desisions Developed		PSB2015-0544
Decisions Rendered		PSB2015-0569
		PSB2016-0833
Appeals Withdrawn	1	PSB2015-0509
EPC APPEALS	Total	File Number
Appeals Received	0	

Figure 4-1. Disciplinary Hearings and LERB during Q3 of 2017

0

Decisions Rendered

CONCLUDED DISCIPLINARY HEARINGS

1. File Number:

PSB2015-0027

Complainant:

EPS

Date of Complaint:

January 09, 2015

Subject Officer:

Reg. No. 3556 Cst. M. Flavell

Unlawful or Unnecessary Exercise of Authority x 1

Presenting Officer

T. Magee, Edmonton Police Service

Presiding Officer

F. Kamins, Chief Supt (Rtd.)

On July 17, 2017 Cst. Flavell was found guilty of one count of Unlawful or Unnecessary Exercise of Authority and was issued a 35 hour suspension without pay and was directed to report to Sgt. Parrotta, the Sgt in tactical training, and complete remedial training. Sgt. Parrotta deems necessary based on the disciplinary hearing findings of Chief Supt (Rtd) Kamins.

PENDING DISCIPLINARY HEARINGS

1. File Number: PSB2015-0347

Date of Complaint:

April 28, 2015 Constable A.B.

Subject Officer:

Insubordination x 2

Deceit x 1

Presenting Officer:

K. Haymond, Field Law LLP

Presiding Officer:

Supt. (Rtd.) T. Grue, Edmonton Police Service

Open Disciplinary Hearing is scheduled for November 14 – 16, 2017.

2.

File Number:

PSB2014-0235

Date of Complaint:

March 24, 2014

Subject Officer:

Constable A.B.

Deceit x 1

Discreditable Conduct x 1 T. Magee, Edmonton Police Service

Presenting Officer: Presiding Officer:

Justice Binder

Open Disciplinary Hearing is scheduled for December 04, 2017.

3.

File Number:

PSB2016-0820

Date of Complaint:

August 30, 2016

Subject Officer:

Constable A.B. Insubordination x 1

Discreditable Conduct x 1

Presenting Officer:

G. Crowe, Edmonton Police Service

Presiding Officer:

Justice Binder

Open Disciplinary Hearing is scheduled for December 12 & 13, 2017.

4.

File Number:

PSB2014-0183

Date of Complaint:

March 11, 2014

Subject Officer:

Constable A.B.

Unlawful or Unnecessary Exercise of Authority x 1

Deceit x 1

Discreditable Conduct x 1

Presenting Officer:

M. Howery, Edmonton Police Service

Presiding Officer:

Justice Binder

Open Disciplinary Hearing is scheduled for January 30 & 31, 2017.

5. File Number:

PSB2015-0029 / PSB2016-1050

Date of Complaint:

December 28, 2015 / November 04, 2016

Subject Officer:

Constable A.B.

Presenting Officer:

G. Crowe, Edmonton Police Service

Presiding Officer:

F. Kamins, Chief Supt (Rtd.)

Insubordination x 2

Open Disciplinary Hearing is scheduled for February 12, 2017.

6. File Number:

PSB2013-0314

Date of Complaint:

March 26, 2014

Subject Officer:

Constable A.B.Neglect of Duty x 2

Unlawful or Unnecessary Exercise of Authority x 1

Discreditable Conduct x 1

Presenting Officer: Presiding Officer:

G. Crowe, Edmonton Police Service

Supt. (Rtd.) T. Grue, Edmonton Police Service

New matter not yet scheduled.

Being held in abeyance pending LERB appeal.

7. File Number:

PSB2016-1145

Date of Complaint:

December 05, 2016

Subject Officer:

Constable A.B.

•

Discreditable Conduct x 2

Presenting Officer:

J. Benkendorf, Edmonton Police Service

Presiding Officer:

F. Kamins, Chief Supt (Rtd.)

New matter not yet scheduled.

8.

File Number:

PSB2015-0562

Date of Complaint:

June 26, 2015

Subject Officer:

Constable A.B.

Gubject Gilleon.

Unlawful or Unnecessary Exercise of Authority x 1

Presenting Officer:

T. Magee, Edmonton Police Service

Presiding Officer:

Justice Binder

New matter not yet scheduled.

9.

File Number:

PSB2015-0978

Date of Complaint:

November 04, 2015

Subject Officer:

Constable A.B.

Presenting Officer:

• Discreditable Conduct x 1

Fresenting Officer.

T. Magee, Edmonton Police Service

Presiding Officer:

Supt. (Rtd.) T. Grue, Edmonton Police Service

New matter not yet scheduled.

10. File Number:

PSB2012-0241

Date of Complaint:

December 27, 2012

Subject Officers:

Constable A.B.Unlawful or Unnecessary Exercise of Authority x 2

Deceit x 2

Neglect of Duty x 1

Discreditable Conduct x 2

Constable C.D.

Unlawful or Unnecessary Exercise of Authority x 1

Deceit x 1

Neglect of Duty x 1

Discreditable Conduct x 1

Presenting Officer: Presiding Officer:

D. Cranna, Field Law LLP

F. Kamins, Chief Supt (Rtd.)

New matter not yet scheduled.

11. File Number:

PSB2016-0258

Date of Complaint:

March 23, 2016

Subject Officer:

Constable A.B.

Discreditable Conduct x 2

Insubordination x 1

Presenting Officer:

M. Sallaberry, Edmonton Police Service

Presiding Officer:

F. Kamins, Chief Supt (Rtd.)

New matter not yet scheduled.

12. File Number:

PSB2017-0075

Date of Complaint:

January 24, 2017

Subject Officer:

Constable A.B.

• Insubordination x 1

New matter not yet scheduled.

COMPLETED COMPLAINTS OF SERVICE

(Section 44 Police Act)

There were four (4) Complaints of Service under Section 44 of the *Police Act* that were resolved or concluded during the second quarter of 2017.

1. Concluded by the Chief

File Number: PSB2016-1011

Date of Complaint: October 10, 2016 Investigator: Sgt. Jennifer Eichmann

Summary

On October 24, 2016, EPS received a letter of complaint regarding several issues related to Bill C-36 and the lack of enforcement by the EPS in relation to the city's body rub parlors. The letter of complaint was made in reference to the EPS Website not being updated with respect to Bill C-36, despite legislation being passed in December of 2014. The letter also questioned the EPS's commitment to the inspection and enforcement of issues related to city body rub centers and specific EPS member's neutral position on these issues and the City of Edmonton continuing to license the body rub industry. Further expressed were concerns regarding the EPS advertising for recruits in Vue Weekly; a magazine that regularly includes numerous advertisements for massage parlors that are clearly in the business of offering sex for purchase. The complainant agreed to have their complaint of service dealt with by way of a Divisional Supervisory Review with Specialized Investigations Division. This resulted in the EPS website being updated to reflect the changes and other steps have been taken to improve enforcement. As such, the Chief concluded that no changes to the EPS Policy and Procedures are required. The matter was concluded by the Chief August 1, 2017.

2. Concluded by PSB

File Number: PSB2017-0170

Date of Complaint: February 27, 2017 Investigator: Sgt. Jennifer Eichmann

Summary

EPS received a letter of complaint on February 27, 2017, with respect to the lack of safety protocol and concern for the safety and well-being of both motorists and officers. On February 17, 2017, while conducting speed enforcement on Whitemud Drive an officer was seen running dangerously across multiple lanes of traffic on an 80 km/h freeway. The complainant would like to see an EPS procedural change by banning this type of enforcement on all highways. The complainant agreed to have their concern handled informally and on May 19, 2017, a Divisional Review was sent to Operational Support Division. It was determined that currently Traffic Services Branch is working with OH&S on a Site Safety Check form which includes such things as the location, time of day, sightlines, Avenue of escape, safety equipment and dedicated speed limits in the area. Safety is the number one factor when training operators and when conducting laser sites. After follow up with the complainant this matter was concluded on July 11, 2017.

3.

Concluded by PSB

File Number: PSB2017-0457
Date of Complaint: May 18, 2017
Investigator: Sgt. Jennifer Eichmann

Summary

PSB received a letter of complaint May 18, 2017, with respect to an accident that occurred in Edmonton on May 23, 2014, where the complainant was blamed. In May 2017, the complainant become aware of this occurrence when they were served papers from a Legal Office suing him for an injury collision on May 23, 2014 and alleging the complainant's vehicle was involved. The complainant wanted an explanation as to how this error occurred and was recorded incorrectly on the accident report. The complainant agreed to have their concern handled informally and on July 12, 2017, a Supervisory Review Package was sent to Southwest Division. The Division followed up with the complainant on July 26, 2017. It was determined that upon entry into the E-Reporting System the incorrect license plate number was entered, causing the incorrect information to be auto-populated into the E-Collision Report resulting in the complainant being named. The matter was concluded August 14, 2017.

4.

Concluded by the Chief File Number: PSB2016-1139 Date of Complaint: 2014 to 2016 Investigator: S/Sgt. Brian Sinclair

Summary

PSB received a letter of complaint on November 27, 2016, regarding an EPS Member who had been demoted for a period of 2 years ending March 30, 2017. The complainant witnessed the officer on November 25, 2016,

in a TA position wearing Sgt. stripes. The complainant further adds that putting this member in a Superior or Leadership role is an embarrassment to the Organization. A report was run in CARM and it was determined that the Member had in fact been working TA assignments on a few occasions and this was consistent with the complainants observation. This resulted in the decision to implement policy to the effect that any officer subject to discipline, and who receives a demotion in rank, will not be eligible for acting supervisory assignments until the expiry of the demotion period. As such on August 18, 2017, the Chief concluded this matter and that changes to EPS Policy and Procedures are required.

5.

Concluded by PSB

File Number: PSB2017-0183
Date of Complaint: March 1, 2017

Investigator: ADR Coordinator Donna Cross

Summary

On March 1, 2017, PSB received an e-mailed Letter of Complaint via the EPS' External Complaint web site from regarding an incident that took place at 3:33 AM that morning. There was an unknown person at her front door knocking, yelling; "let me in, that he'd been shot." The complainant called 911 and was put through to dispatch. The complaint is in respect to the time it took the EPS to respond to her call and the fact that the dispatcher did not stay on the line until the EPS units arrived, but terminated the call. The complainant's front step and door frame were covered in blood and she was told by the EPS member to call the City of Edmonton's '311' to have it removed. When the complainant called 311, she was told that she was misinformed by EPS and that it was on private property and thus her responsibility. When the complainant called the EPS' Complaint line back, she was told that the blood could be cleaned up The complainant agreed to participate in a Facilitated for a fee. Discussion speaking to a Sergeant regarding her concerns. The file was concluded as Informally Resolved through ADR on September 29, 2017.

6.

Concluded by the PSB

File Number: PSB2017-0441 Date of Complaint: May 17, 2017 Investigator: Sgt. Jennifer Eichmann

<u>Summary</u>

On May 17, 2017, PSB received a letter of complaint for an incident that took place on March 31, 2017, where the complainant called 911 twice to report being assaulted by her partner. Police did not respond. She

eventually called a third time, and police attended 5 hours after her initial call. She wanted to know why it took so long for police to respond, and why no one called her back to ensure that she was okay. This was classified as a Complaint of Service and sent for a divisional review. They determined that based on the priority and volume of calls, it should not have taken 5 hours, and someone should have contacted her. Both the dispatcher and OSM were spoken to discussing strategies for improving call management. The complainant received an apology and was assured that it would not happen again. The file was concluded informally on September 18, 2017, and no changes to EPS Policy and Procedures are required.

7.

Concluded by the PSB

File Number: PSB2017-0566
Date of Complaint: June 16, 2017
Investigator: Sgt. Jennifer Eichmann

Summary

On June 16, 2017, PSB received a letter of complaint regarding an incident that took place on June 15, 2017. The complainant alleged that police have not done enough to address incidents that she has reported regarding a neighbouring rental property. She stated that she has placed several calls to dispatch and has been treated rudely. A supervisory Review package was sent to the Communications Branch and contact was made with the complainant. West Division was contacted and the CCMT Sgt. was advised of the situation and has contacted the complainant to discuss neighbourhood concerns. On August 23, 2017 the file was concluded.

COMPLIMENTS

During Q3 of 2017, Thirty-One (31) letters of appreciation were entered by the Edmonton Police Service. Professional Standards Branch would like to present sixteen (16) of these letters.

1 Subject: THANK YOU

Constable (Redacted)

First off I must THANK YOU for your time and listening to me as frustrated and upset as I was you constantly listened, but at times I was not the easiest person that you had to speak to and for my behaviour I owe you an apology which I hope that you will except. You are deserving of my apology and I must let you know I truly appreciate you for listing to me.

You never turned your back on me when at times you should have you listened to me I am extremely grateful to you for having had Sergeant (Redacted) call me and for that I cannot express my thanks enough.

In speaking to Sergeant (Redacted) for a long period of time I must send you this email and express to you my gratitude it is the least I can do and I wish for you to know that I shall NEVER forget you, I shall hold you in my prayers along with Sergeant (Redacted) and hope that someday one day I may meet you in person and say THANK YOU.

Please except my apology for my aggression on the phone and in closing I wish you all the best and have prayed that my father (Redacted) a WWII Veteran who passed away in 2015 shall look down upon you and Sgt. (Redacted) and keep you from harms way.

My Sincere Appreciation

- 2 Compliment and thank you from (Redacted) for the outstanding job these EPS members have done in helping her set up a plan going forward for the care and protection of her father.
- 3 Compliment: On July 25th, just after midnight, a native man entered into Mr. (Redacted)'s backyard located in Rosedale. Mr. (Redacted) called the police because he was worried the man would do something harmful. The police arrived quickly and treated the native man very well. Mr. (Redacted) was pleased to see this, and was greatly appreciated. He would like to thank the police who were involved.

- 4 Compliment and thank you from (Redacted) to all the officers in the Whyte Ave area who ride bikes they are courteous with their signalling, safe, clearly visible, and model cyclists; see attached document for further detail.
- Compliment and thank you from (Redacted) to the young EPS officer who came to her aid when he noticed a homeless person approach her and prevent her from moving on. She walks with the aid of two canes and was a little frightened by his approach, but within a moment a police cruiser drove up and a young officer got out and called the man over. This allowed her to get into her building safely. See attached document for further detail.
- 6 Compliment and thank you from Maureen, on behalf of AMA School Safety Patrol for the support provided for their picnic appreciation event; see attached document for further detail.
- 7 Compliment and thank you from (Redacted) to officer for his willingness to communicate and educate, and his concern and support that helped to bring back a sense of safety; please see attached document for further detail.
- 8 Compliment and thank you from (Redacted), for the kindness and compassion shown in calmly handling a difficult family situation in the presence of young children.
- 9 Compliment and thank you from the (Redacted) family for the safe return of their father (85 years old) and the comfort and assurance given during the long wait.
- 10 Compliment Life-Saving Award presented to Constable (Redacted) who, on August 20, 2016, in Edmonton, Alberta, used his first aid skills to save a life. Edmonton Police Constable (Redacted) responded to a call that a man was in need of medical assistance. Locating the man in a ravine near a local youth shelter, Cst. (Redacted) quickly assessed his condition and determined that the casualty was unconscious, not breathing and without a detectable pulse. Cst. (Redacted) immediately began CPR. He continued this life-saving intervention until the casualty regained a pulse. Emergency Services arrived and the casualty was transported to hospital for further treatment. Constable (Redacted) is to be commended for his quick response and for his knowledge and use of first aid in saving a life.
- 11 Compliment and thank you from (Redacted) to officers regarding their good work, and attentive and courteous manner, in resolving two serious high speed stunting incidents in his neighbourhood. Most importantly they have established preventative measures with both of the stunt drivers.
- 12 Compliment and thank you from (Redacted), Deputy Chief Operations, Strathcona County Emergency Services, for their thoroughness and professionalism, as well as the care and compassion that they demonstrated towards everyone involved in the vehicle collision.
- 13 Compliment Life Saving Award presented to (Redacted) who, on March 11, 2015, in Edmonton, Alberta, teamed with others and used his first aid skills.

attempting to save a life. West Edmonton Mall security team members, (Redacted), (Redacted), (Redacted) and (Redacted) were on patrol when they were dispatched to a public washroom in response to a call for assistance. Entering the washroom, they found a man in one of the bathroom stalls, unconscious and not breathing. Working together, the team readied the AED for use and took turns administering CPR and oxygen. The team continued CPR until Emergency Services arrived and took over care. The casualty was transported to hospital. Despite everyone's best efforts, the casualty did not survive. (Redacted) is to be commended for his rapid response, teamwork and for his knowledge and use of first aid in attempting to save a life.

- 14 Compliment and thank you from (Redacted) for the compassionate and sincere way two EPS officers handled an individual at the hospital.
- 15 Compliment from (Redacted) regarding the professionalism and compassion shown by officer to homeless man accused of petty theft from clothing donation boxes; see below for more detail.
- 16 Compliment from Ms. (Redacted) a homeless man camping in the greenbelt behind her house. She was impressed at the speed in which this was handled and the personal follow-up received; see below for further detail.

Edmonton Police Service Professional Standards Branch

Location

6th floor, CN Tower 10004 – 104 Ave Edmonton, AB T5J 0K1 421-2676 Fax: 421-2287