



July 9, 2018

TO: Rod R. Knecht
Chief of Police

FROM: Acting Inspector Brian Sinclair
Professional Standards Branch

RE: QUARTERLY REPORT – Q2 of 2018

This report has been prepared for the July 19, 2018, Edmonton Police Commission meeting.

During the first quarter of 2018 (Q2), Professional Standards Branch received 339 new files:

- 34 Public complaints as defined by Part 5 of the *Police Act*;
- 41 Internal complaints as defined by Part 5 of the *Police Act*;
- 42 EPS Matters; and
- 222 Citizen Contacts.

There were 7 files directed for Criminal Investigation (*Statutory Complaints*) during Q2 of 2018.

Concluded 331 files:

- 1 *Statutory* complaints;
- 49 Public complaints as defined by Part 5 of the *Police Act*, including four (4) complaints regarding policies or services provided by the EPS;
- 32 Internal complaints as defined by Part 5 of the *Police Act*;
- 45 EPS Matter; and
- 204 Citizen Contacts.

The Edmonton Police Service received 149,328 calls in Communications Section (including calls answered by the dispatch line and 911 calls extended to police), dispatched 49,169 of those calls and recorded opening forty-three (43) compliments.

Acting Inspector Brian Sinclair
Professional Standards Branch

cc: Tim O'Brien/Chair
Edmonton Police Commission



Q2 2018 REPORT TO THE EDMONTON POLICE COMMISSION



The following report is submitted for:

- ☒ Approval
☐ Ratification
☐ Information

PROFESSIONAL STANDARDS BRANCH
July 19, 2018 EPC MEETING

Approved by:


Rod R. Knecht
Chief of Police
JUL 0 5 2018


Randy Topp
Acting Director



**Professional Standards Branch
April – June 2018
Q2 Report
Edmonton Police Service**

| | |
|---------------------------------|----|
| Statistical Summary | 2 |
| Concluded Disciplinary Hearings | 7 |
| Pending Disciplinary Hearings | 8 |
| Completed Complaints of Service | 12 |
| Compliments | 15 |

STATISTICAL SUMMARY

Second Quarter of 2018 Update

1. RECEIVED FILES

The following figure shows the number and type of files received during the second quarter (Q2) of 2018. 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 Q2 of 2018, PSB received 264 informal files and 75 formal complaints.

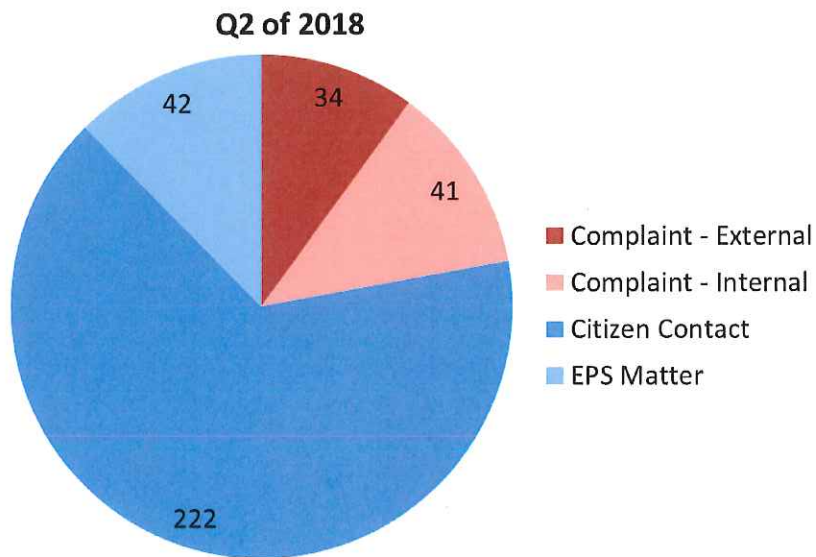


Figure 1-1. Type of Files Received During Q1 of 2018

The following figure shows the yearly percentage increase or decrease in formal complaints and total files received compared to 2017 values. Formal complaints have increased by 23% as compared to 2017; however, publicly generated complaints have decreased by 12%. Internally generated complaints have increased significantly, due to change in PSB policy regarding classification of serious incidents (pursuant to section 46.1 of the *Police Act*) and an increase in formal complaints related to photo radar.

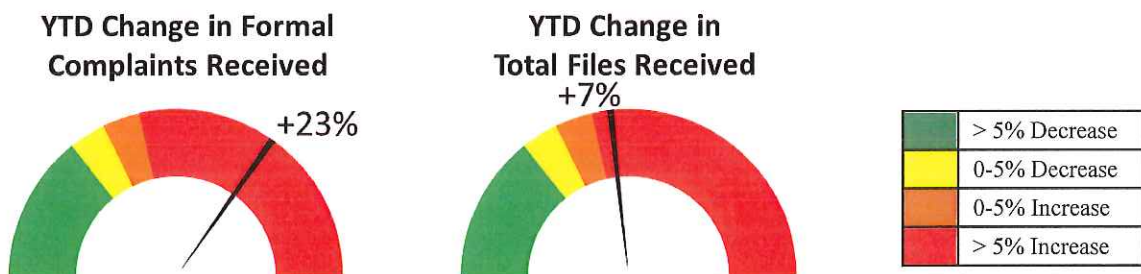


Figure 1-2. Yearly Changes in Files Received

2. CURRENT WORKLOAD

As of June 30, 2018, PSB had 367 open investigations broken down as follows:

- 149 Complaints External
- 101 Complaints Internal
- 95 Citizen Contacts
- 22 EPS Matters

27 Statutory Complaints (25 statutory complaints are associated with open PSB files and therefore are considered duplicate files; the remaining 2 statutory complaints relate to 46.1 notifications where the statutory investigation was initiated immediately and the Chief directed the PSR investigation subsequent to July 1).

The following table shows the age and status of all open PSB investigations. 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 (e.g. executive review of the investigation, disciplinary hearings, criminal investigation, court proceedings, etc.). An investigation is listed as "Forwarded" when it is ongoing but not under the control of PSB (e.g. supervisory reviews, obtaining legal opinions, investigation by outside investigators, etc.).

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 usually considered duplicate files).

The two Statutory Complaints that are not considered duplicate files (as of June 30, 2018) are not included in the table below, but are set as "Forwarded".

| Age and Status of all Open Investigations | | | | |
|---|------------|-----------|------------|------------|
| Year | Active | Forwarded | Suspended | Total |
| 2012 | 0 | 0 | 1 | 1 |
| 2013 | 0 | 0 | 0 | 0 |
| 2014 | 0 | 0 | 5 | 5 |
| 2015 | 3 | 1 | 6 | 10 |
| 2016 | 6 | 1 | 18 | 25 |
| 2017 | 39 | 8 | 44 | 91 |
| 2018 | 107 | 41 | 87 | 161 |
| Total | 155 | 51 | 161 | 367 |

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:

- Intake / Intake Management Review / ADR
- 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).

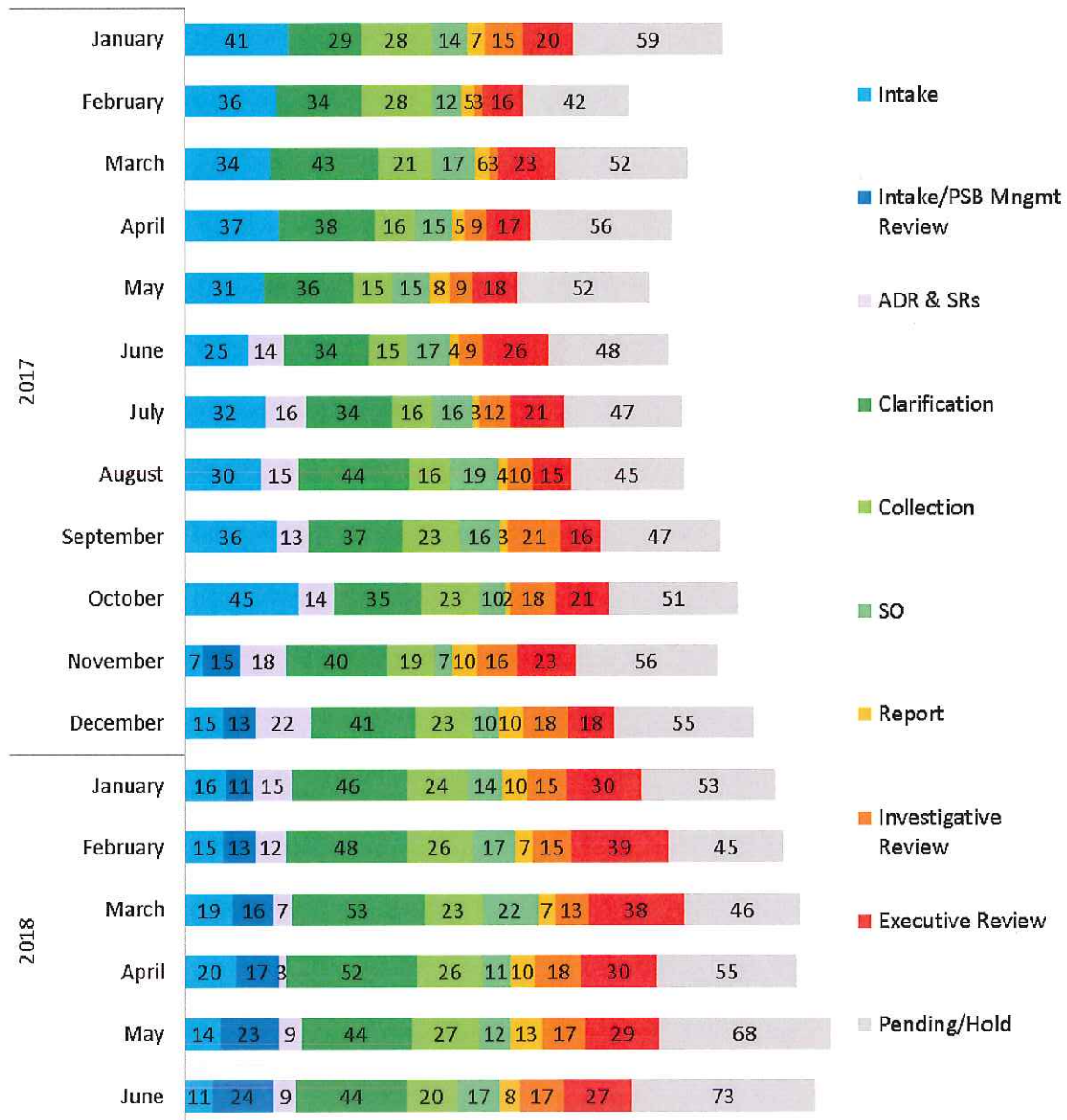


Figure 2-2. Monthly Comparison of Complaint Stages

3. CONCLUDED FILES

The following figure shows the disposition of all Formal Complaints and Statutory Complaints concluded during Q2 of 2018 (81 Formal Complaints, 1 Statutory Complaints).

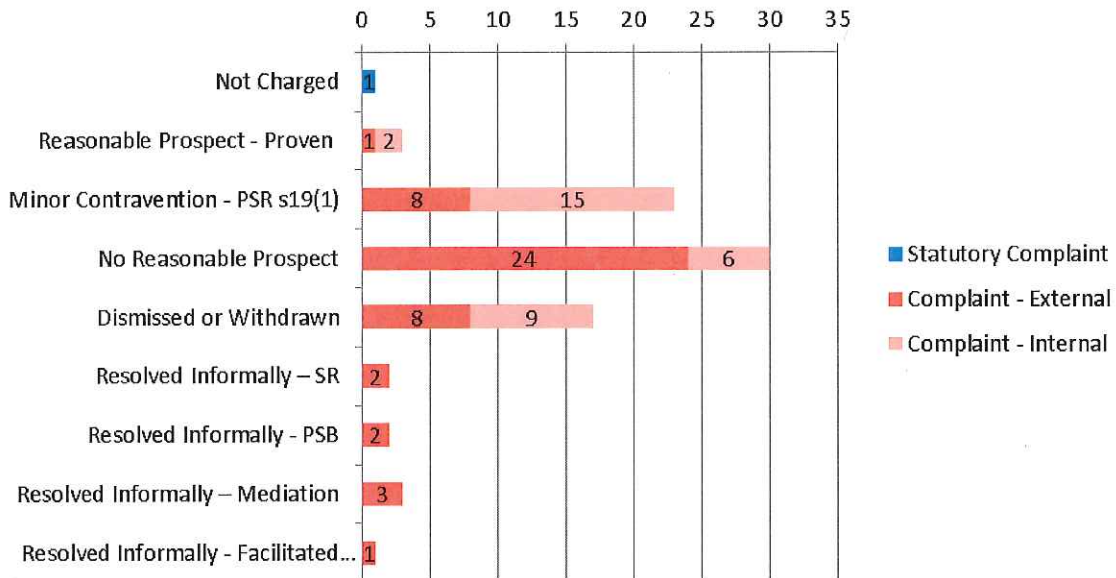


Figure 3-1. Dispositions of Concluded Formal Complaints

| | 2016 | | 2017 | | 2018 | |
|----------------------------|------------|------------|------------|------------|------------|------------|
| | Q2 | YTD | Q2 | YTD | Q2 | YTD |
| Received | | | | | | |
| Formal Complaints | 71 | 127 | 64 | 129 | 75 | 159 |
| External | 56 | 96 | 51 | 99 | 34 | 87 |
| Internal | 15 | 31 | 13 | 30 | 41 | 72 |
| Informal Complaints | 259 | 495 | 235 | 454 | 264 | 465 |
| Citizen Contacts | 235 | 414 | 194 | 384 | 222 | 396 |
| EPS Matters | 24 | 81 | 41 | 70 | 42 | 69 |
| Total | 330 | 622 | 299 | 583 | 339 | 624 |
| Concluded | | | | | | |
| Formal Complaints | 63 | 150 | 71 | 142 | 81 | 134 |
| External | 50 | 109 | 61 | 109 | 49 | 89 |
| Internal | 13 | 41 | 10 | 33 | 32 | 45 |
| Informal Complaints | 181 | 430 | 217 | 455 | 249 | 497 |
| Citizen Contacts | 149 | 337 | 185 | 402 | 204 | 428 |
| EPS Matters | 32 | 93 | 32 | 53 | 45 | 69 |
| Total | 244 | 580 | 288 | 597 | 330 | 631 |

Figure 3-2. Three-Year File Comparison for Q2 of 2018

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 2017. The yearly change in formal complaints concluded represents a decrease of 8 files (-6%) and the yearly total files concluded represents an increase of 34 files (+6%).

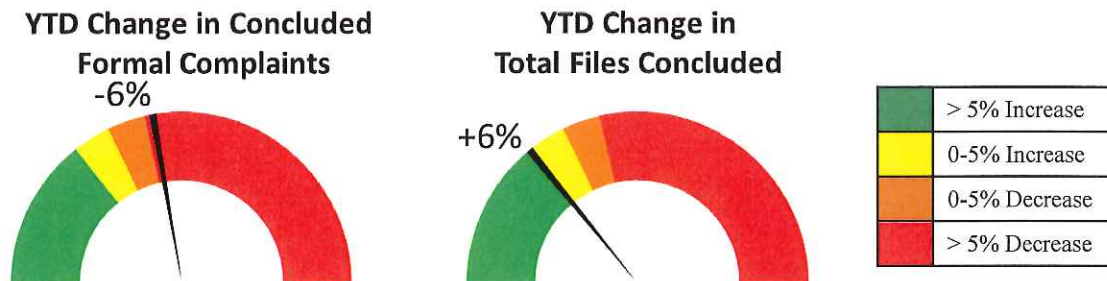


Figure 3-3. Yearly Changes in Files Concluded

4. LEGAL

| DISCIPLINARY HEARINGS | Total | File Number |
|------------------------------|--------------|--|
| Directed | 2 | PSB2016-0327 PSB2018-0098 |
| Concluded | 3 | IA2012-0241 PSB2014-0183 ¹ PSB2017-0207 |
| LERB | Total | File Number |
| Appeals Received | 12 | PSB2014-0845 PSB2016-0286 PSB2016-0484 PSB2016-0821 PSB2016-0893 PSB2016-1188 PSB2017-0455 PSB2017-0488 PSB2017-0798 PSB2017-0856 PSB2017-0902 PSB2018-0057 |
| Decisions Rendered | 1 | PSB2016-0729 |
| Appeals Withdrawn | 0 | |
| EPC APPEALS | Total | File Number |
| Appeals Received | 1 | PSB2017-1006 |
| Decisions Rendered | 0 | |
| EPC Matters Ongoing | 1 | |

Figure 4-1. Disciplinary Hearings and appeals during Q2 of 2018

¹ Decision rendered during Q2, but penalty hearing was held in Q3

DISCIPLINARY ACTION TAKEN AGAINST MEMBERS

1. File Number: PSB2017-0207
Date of Complaint: March 12, 2017
Subject Officer: Reg. No. 2799 Cst. J. Hay
• Discreditable Conduct x 2
Presenting Officer: T. Magee, Edmonton Police Service
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

On May 07, 2018 the officer plead guilty to one count of Discreditable Conduct and received a thirty hour suspension without pay to be served in three hour increments per pay period, beginning the next available pay period until completed.

PENDING DISCIPLINARY HEARINGS

1. File Number: PSB2016-0279
Date of Complaint: March 24, 2016
Subject Officers: Constable A.B.
 - Unlawful or Unnecessary Exercise of Authority x 2
 - Discreditable Conduct x 1
 - Deceit x 3Constable C.D.
 - Discreditable Conduct x 1
 - Neglect of Duty x 1
 - Deceit x 4

First Appearance is scheduled for July 05, 2018.

2. File Number: IA2010-0509a
Date of Complaint: March 08, 2010
Subject Officer: Constable A.B.
 - Breach of Confidence x 1
 - Discreditable Conduct x 1Presenting Officer: D. Morrow, Bennett Jones LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for July 16, 2018

3. File Number: PSB2015-0029/PSB2016-1050
Date of Complaint: January 09, 2015 / November 01, 2016
Subject Officer: Constable A.B.
 - Insubordination x 1
 - Discreditable Conduct x 1
 - Deceit x 11Presenting Officer: G. Crowe, Edmonton Police Service
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for August 29 2018.

4. File Number: PSB2017-0075
Date of Complaint: January 24, 2017
Subject Officer: Constable A.B.
 - Insubordination x 3
 - Neglect of Duty x 2
 - Discreditable Conduct x 1Presenting Officer: G. Crowe, Edmonton Police Service
Presiding Officer: Supt. (Rtd.) T. Grue, Edmonton Police Service

Open Disciplinary Hearing is scheduled for September 11, 2018.

5. File Number: PSB2014-0235
Date of Complaint: March 24, 2014
Subject Officer: Constable A.B.
 - Deceit x 1
 - Discreditable Conduct x 1Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: Justice Binder

Open Disciplinary Hearing is scheduled for October 17 and 18, 2018.

6. File Number: PSB2017-0407
Date of Complaint: May 05, 2017
Subject Officer: Constable A.B.
 - Deceit x 2
 - Insubordination x 1Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: Justice Binder

Open Disciplinary Hearing is scheduled for October 25 and 26, 2018.

7. File Number: PSB2016-0237
Date of Complaint: March 17, 2016
Subject Officer: Constable A.B.
 - Unlawful or Unnecessary Exercise of Authority x 1Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for November 05 and 06, 2018.

8. File Number: PSB2016-0258
Date of Complaint: March 23, 2016
Subject Officer: Constable A.B.
 - Discreditable Conduct x 2
 - Insubordination x 1Presenting Officer: G. Crowe, Edmonton Police Service
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for November 16, 2018.

9. 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 1Presenting Officer: M. Howery, Edmonton Police Service
Presiding Officer: Justice Binder

Reserved for counsel submissions and written decision on penalty to follow.

10. 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 1Presenting Officer: G. Crowe, Edmonton Police Service
Presiding Officer: Supt. (Rtd.) T. Grue, Edmonton Police Service

New matter not yet scheduled.
Being held in abeyance pending LERB appeal.

11. File Number: PSB2015-0591
Date of Complaint: June 10, 2016
Subject Officer: Constable A.B.
 - Discreditable Conduct x 1Presenting Officer: K. Haymond, Edmonton Police Service
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

New matter not yet scheduled.

12. File Number: PSB2016-1080
Date of Complaint: November 12, 2016
Subject Officer: Constable A.B.
 - Discreditable Conduct x 1
 - Deceit x 1Presenting Officer: G. Crowe, Edmonton Police Service
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

New matter not yet scheduled

13. File Number: PSB2015-0511
Date of Complaint: June 22, 2015
Subject Officer: Constable A.B.
 - Unlawful or Unnecessary Exercise of Authority x 1Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: Supt. (Rtd.) T. Grue, Edmonton Police Service

New matter not yet scheduled.

- 14.** File Number: PSB2015-0828
Date of Complaint: September 23, 2015
Subject Officers: Constable A.B.
 - Neglect of Duty x 1
 - Discreditable Conduct x 1
Constable C.D.
 - Unlawful or Unnecessary Exercise of Authority x 1
 - Neglect of Duty x 1
 - Discreditable Conduct x 1
Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

New matter not yet scheduled.

- 15.** File Number: PSB2016-0327
Date of Complaint: May 09, 2016
Subject Officer: Constable A.B.
 - Unlawful or Unnecessary Exercise of Authority x 1
 - Discreditable Conduct x 1
 - Insubordination x 1

New matter not yet scheduled, officer declined a 19(1)(b) Agreement and has chosen to proceed to disciplinary hearing.

- 16.** File Number: PSB2018-0098
Date of Complaint: February 05, 2018
Subject Officer: Constable A.B.
 - Insubordination x 1

New matter not yet scheduled, officer declined a 19(1)(b) Agreement and has chosen to proceed to disciplinary hearing.

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 2018.

1. Concluded by the Chief
File Number: PSB2015-0776
Date of Complaint: August 25, 2015
Investigator: Detective Ken Mah

Summary

On September 3, 2015, PSB received an emailed complaint regarding concerns in relation to EPS policy and procedures allowing EPS members to use discretion to charge. The complainant believed that the EPS members that dealt with the complainant were inconsistent in laying charges and were not impartial. The complainant agreed to have their complaint handled by way of the Alternative Dispute Resolution Program, however upon conclusion they were unsatisfied with the results. As such, an investigation was conducted and it was determined that the actions of the officers were reasonable and done in good faith when applying EPS policy regarding their use of discretion. This matter was concluded by the Chief on April 25, 2018, with no recommended changes to EPS Policy or Procedures.

2. Concluded by the Chief
File Number: PSB2016-0286
Date of Complaint: March 2, 2017
Investigator: Detective Lisa Paniak

Summary

On March 2, 2017, PSB received a letter of complaint regarding the manner in which police reports are written. It is alleged that EPS allows the practice of writing police reports that contain information unsubstantiated by evidence or corroboration. Specifically, the complainant believed that since the information was not substantiated it should be removed from the EPS Records Management Systems. Upon review of the circumstances it was found that the EPS member appropriately documented the complainant's alleged behavior and documented the action that was taken. When the complainant was provided with an opportunity to submit a statement in rebuttal, a statement was not received. PSB conducted a thorough review of current EPS Policy

and Procedure as it relates to Reports and Reporting Process and found that changes to current EPS Policy and Procedures are not warranted at this time. This matter was concluded by the Chief on April 23, 2018.

3.

Concluded by the Chief
File Number: PSB2017-0311
Date of Complaint: April 8 & 16, 2018
Investigator: Detective Patricia Dvorak

Summary

On April 16, 2017, PSB received a letter of complaint regarding sensitive information that was provided to EPS and later released in the media. The EPS released information that disclosed complainant information and as a result the complainant feared for their safety. A Supervisory Review was sent to Downtown Division to provide operational guidance to the member on the type of information that should or should not be included in media releases. Media Relations Unit did a policy review as a result of this incident and the policy adequately provides direction on press releases, this incident was not the result of a policy gap or insufficient policy direction. This matter was concluded by the Chief on May 29, 2018.

4.

Concluded by PSB
File Number: PSB2018-0110
Date of Complaint: December 18, 2017
Investigator: Intake Investigator Ginger Jack

Summary

PSB received a letter of complaint on December 18, 2018, where it is alleged that EPS conducted a search warrant on a business located in the same building as the complainant. During this search warrant the complainant's internet service was disconnected. The complainant's business is an internet service to clients and supports over 600 domains. This disruption resulted in a loss of service for many of the complainant's clients. EPS was unaware that the utility room provided connection to other businesses in the building. As a result EPS would take steps to ensure that before connections are disrupted, further consideration would be given to the impact on neighboring businesses or residents. This will include contacting landlords, key holders, neighboring businesses (if applicable) or asking persons found in the premise to be searched. A review of the Search Warrant and Feeney Warrant Execution form was conducted and revisions to the form have been implemented to mitigate

the risk of similar situations happening again. The complainants issue was resolved informally and the matter concluded on April 12, 2018.

COMPLIMENTS

During Q2 of 2018, forty-three (43) letters of appreciation were entered by the Edmonton Police Service. Professional Standards Branch would like to present seven (7) of these letters.

1. Today my son experienced a distressing event. I contacted non-emergency and had an amazing person field my call. I felt heard and respected even though it wasn't a crisis situation; she validated my concerns. EPS officers came to chat with my son and I. They treated my 13 year old son with tremendous respect. At an age where young men are often skeptical of authority, the officers were able to engage him in a conversation and gave him positive feedback. The officers were able to reassure me and demonstrated the values of the EPS from start to finish. I am grateful to have these officers in my community. Thank you for your hard work - I hope everyone in your organization knows how appreciated they are even though most people won't ever need to actually have direct contact.
2. On the morning of November 20, 2017, my mom experienced a medical emergency. She had fallen and broke her leg. Unbeknownst to us, my mom was suffering from the effects of melanoma, her kidneys had failed resulting in a loss of coordination, memory and cognitive ability.
What my mom remembers of that experience was a profound sense of kindness and caring afforded to her by those who responded. It is my understanding that you, Cst. (Redacted) and Cst (Redacted) assisted my mom and EMS.
Perhaps this was routine for those of you who were involved, but it was clearly not routine for my mom. I believe there is more to us than training that we bring to crisis. I also believe that qualities exist that are innate, such as compassion, kindness and caring.
My mom was experiencing a crisis that was beyond description for her and it was kindness, compassion and caring that pierced through her fear and confusion. I am grateful for your response and I suspect others unknown to us were also involved. Mostly, I am grateful for what all of you brought to this situation, that being a sense humanity that transcends training. I am eternally thankful for what you have done for our family.
Thank you for being the first to walk into the face of the unknown for the benefit of us all.
Kind Regards,
3. On March 23, 2018, my uncles passed away in his residence. Our entire family congregated in the home. Two members of the Edmonton Police Service arrived and stayed there with us until the staff from Park Memorial came. We were all very grateful for the kindness, compassion and professionalism the members displayed. They were very respectful and we really appreciated it.
4. I was pulled over this morning by Cst. (Redacted). The member was very professional and answered all my questions perfectly. I made a mistake that could have hurt or even killed someone on a bike. Our talk was positive and I'm actually happy that they stopped me. Thank-you!

5. I'd like to comment Sgt. (Redacted) for representing your police department with dignity, respect and exceptional service. My wife (Redacted) and I met you (member) and his wife at "Cirque de Soliel Michael Jackson One" in Las Vegas this past December. My wife has MS and was maneuvering herself to our seats. At her request I had stepped back to the landing to get her purse from her mobility scooter. As I returned to her, I saw a gentleman helping her. I thanked him for his help and we started chatting. During our conversation (Redacted) explained that he is a police officer and is pleased to help. We chatted a bit about our vacations and homes. After the show (Redacted) and his wife waited until the crowd dispersed so he could help my wife back up the steps. I was flabbergasted and pleased at his concern and helpfulness. (Redacted) and his wife were gracious, caring and friendly. Our chance meeting was a highlight of our vacation. We'll always remember them. They are special. Regards, Mr. and Mrs. (Redacted)
6. (Redacted) called to commend Cst. (Redacted) on how he has gone out of his way to help him get the help he needs. He has even contacted him on his off hours. Cst. (Redacted) was his arresting officer (I do not have a date but it was app. 2 weeks ago). He said even then he treated him very well. (Redacted) suffers from Bipolar, manic disorder and is an addict. He said he has been in lots of trouble with the law over the years because of his illnesses and addiction and he has never had a police officer treat him so well. A couple days after the arrest Cst. (Redacted) called to check on him and see how he was doing. He asked for permission to contact his mother and his health care professionals. (Redacted) gave him permission and Cst. (Redacted) has been in touch with his mother. He is currently passing his information on to another EPS area to help him get the help he needs (I asked if it was PACT he was unsure). (Redacted) is back on his medication and hasn't had a drink in over a week. When I spoke with him he had just left a temp agency looking for work and he said because the Cst. (Redacted) believed in him he felt he needed to believe in himself. If a police officer would go this much out of his way to see if he is doing ok and regularly check in on him he should at least do something for himself. He said he wants to be a contributing member of society. Cst. (Redacted) has told him he will be in touch with him tomorrow and they will meet for a coffee. He is flabbergasted that he would want to just have coffee with him. He had nothing but good things to say and wanted to ensure that Cst. (Redacted)'s supervisors were aware of what an outstanding job he has done. A great good news story.
7. I am Principal at Boyle Street Education Centre. We work with high risk youth and we continue to try to build bridges between our youth and the police. We had an incident where a policeman, (Redacted), came to our school to follow up on an incident. He was respectful but firm with the student and managed the interaction in a way that supported our student in making the right decision. We just wanted to compliment the officer on the way he handled the incident. It was greatly appreciated. Thanks