



July 16, 2020

TO: Dale McFee
Chief of Police

FROM: Acting Inspector Sean Anderson
Professional Standards Branch

RE: QUARTERLY REPORT – Q2 of 2020

This report has been prepared for the July 16, 2020, Edmonton Police Commission meeting.

During the second quarter of 2020 (Q2), Professional Standards Branch received 331 new files:

- 38 Public complaints as defined by Part 5 of the *Police Act*;
- 10 Internal complaints as defined by Part 5 of the *Police Act*;
- 27 EPS Matters; and
- 256 Citizen Contacts.

There were 15 files directed for Criminal Investigation (*Statutory Complaints*) during Q2 of 2020 (13 are related to notifications under s.46.1 of the *Police Act*).

Concluded 328 files:

- 12 *Statutory* complaints;
- 38 Public complaints as defined by Part 5 of the *Police Act*, including three (3) complaint regarding policies or services provided by the EPS;
- 12 Internal complaints as defined by Part 5 of the *Police Act*;
- 18 EPS Matter; and
- 248 Citizen Contacts.

The Edmonton Police Service dispatched 43,677 of calls received and recorded opening 26 compliments.



Acting Inspector Sean Anderson
Professional Standards Branch

cc: Micki Ruth/Chair
Edmonton Police Commission



Q2 2020 REPORT TO THE EDMONTON POLICE COMMISSION



The following report is submitted for:

- ☒ Approval
- ☐ Ratification
- ☐ Information

PROFESSIONAL STANDARDS BRANCH
July 16, 2020 EPC MEETING

Approved by:

Dale R. McFee
Chief of Police

Sean Anderson
Acting Inspector



**Professional Standards Branch
April – June 2020
Q2 Report
Edmonton Police Service**

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STATISTICAL SUMMARY

Second Quarter of 2020 Update

1. RECEIVED FILES

The following figure shows the number and type of files received during the second quarter (Q2) of 2020. Blue colours represent informal files and red colours represent Police Act complaints. Lighter shades indicate internally generated files and darker shades indicate externally generated files. As can be seen below, during Q2 of 2020, PSB received 283 informal files and 38 Police Act complaints.

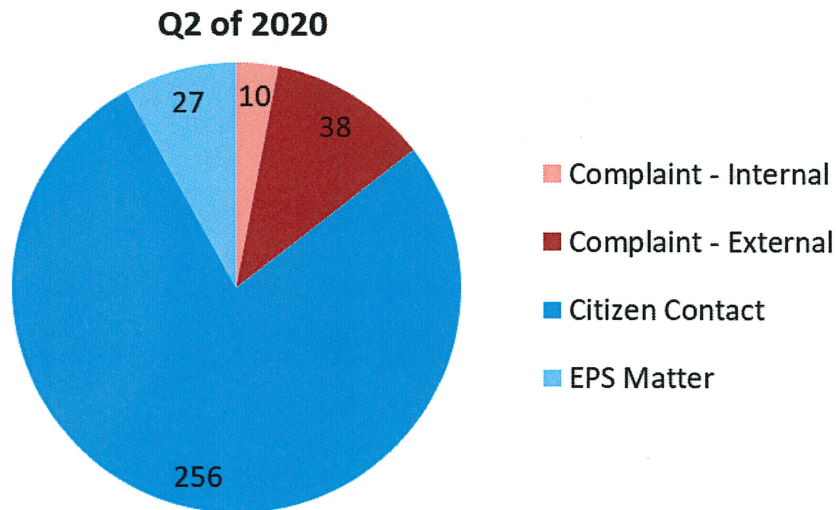


Figure 1-1. Type of Files Received During Q2 of 2020

The following figure shows the yearly percentage increase or decrease in public contacts to PSB compared to 2019 values. The black bar indicates 2020 values and the vertical red line indicates 2019 values. The background colours (green/yellow/red) represent percentage increases and decreases as compared to 2019.

Public complaints/inquiries to PSB are up by 8.6%, which means we've seen a large increase in the number of Citizen Contact files received (up 20%, from 405 in 2019 to 485 in 2020). Police Act complaints are down by 34%, from 107 last year to 71 this year.

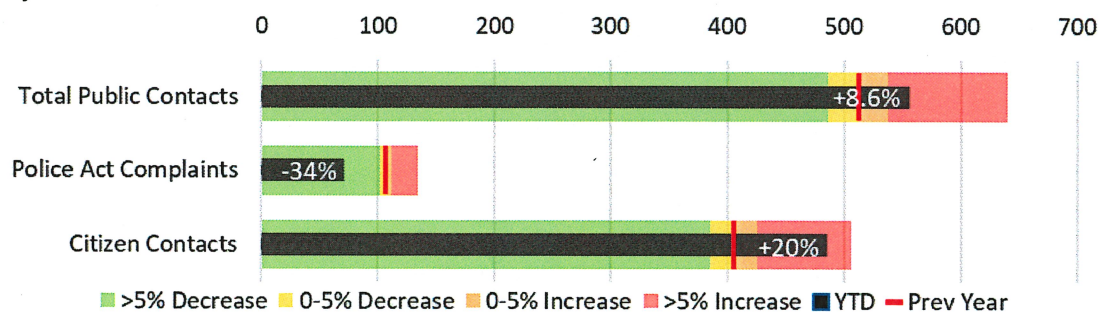


Figure 1-2. Yearly Changes in Public Contacts to PSB

2. CURRENT WORKLOAD

As of June 30, 2020, PSB had 392 open investigations broken down as follows:

- 178 Complaints External
- 55 Complaints Internal
- 111 Citizen Contacts
- 48 EPS Matters

64 Statutory Complaints (all 64 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. 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).

Age and Status of all Open Investigations				
Year	Active	Forwarded	Suspended	Total
2014	0	0	1	1
2015	0	0	2	2
2016	1	0	3	4
2017	2	0	10	12
2018	7	0	32	39
2019	44	3	71	118
2020	101	38	77	216
Total	155	41	196	392

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).

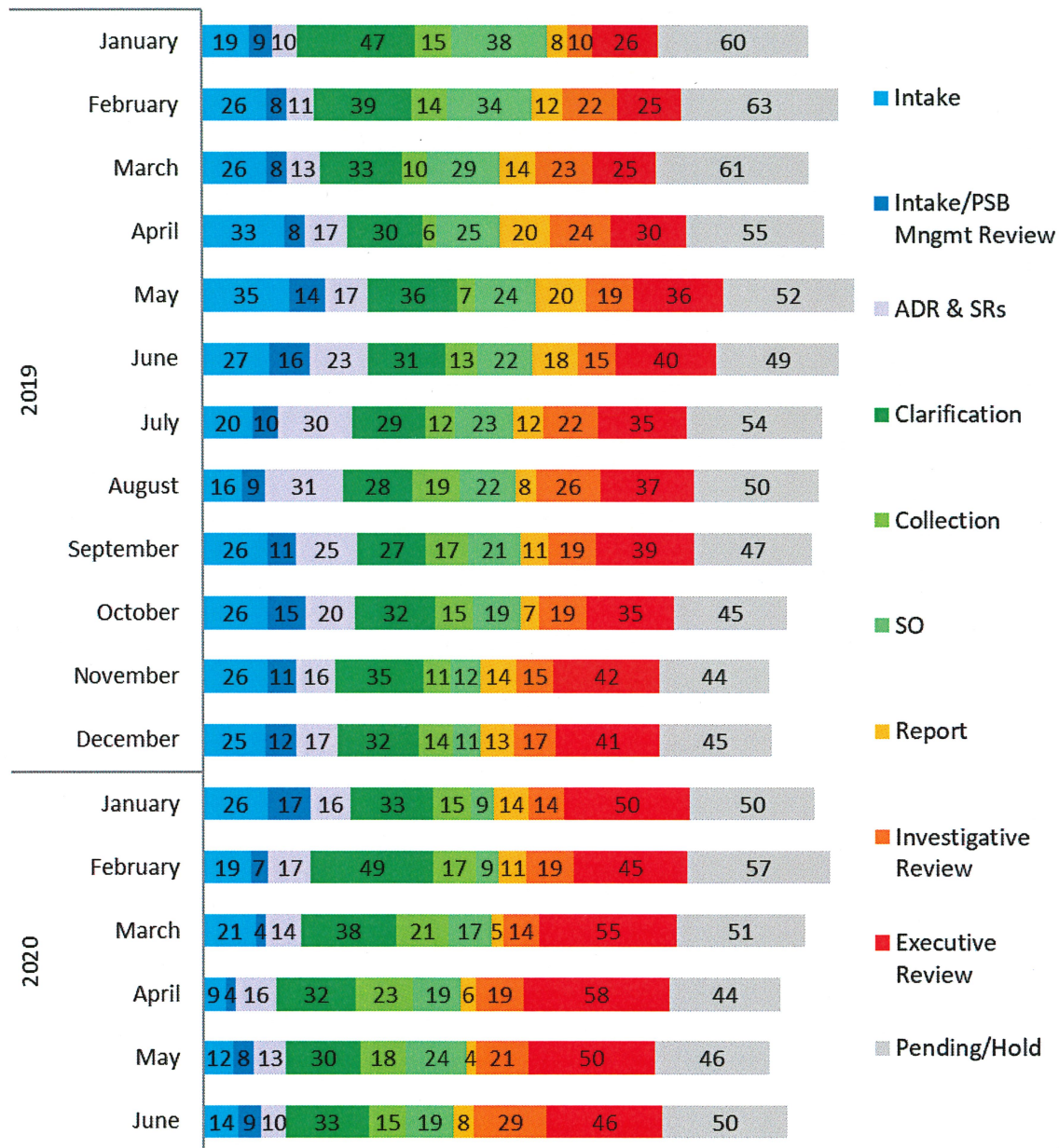


Figure 2-2. Monthly Comparison of Complaint Stages

3. CONCLUDED FILES

The following figure shows the disposition of all Police Act Complaints and Statutory Complaints concluded during Q2 of 2020 (50 Complaints, 12 Statutory Complaints).

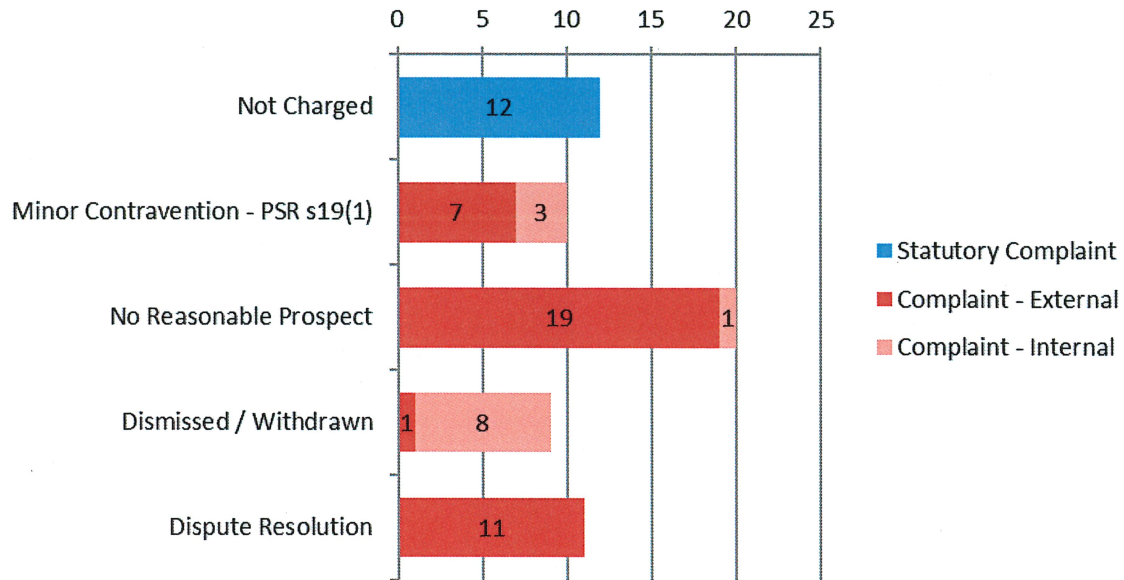


Figure 3-1. Dispositions of Concluded Formal Complaints

	2018		2019		2020	
	Q2	YTD	Q2	YTD	Q2	YTD
Received						
Public Complaints/Concerns	256	483	277	512	294	556
Police Act Complaint	39	92	61	107	38	71
Citizen Contact	217	391	216	405	256	485
Internal Matters	77	136	32	92	37	81
Police Act Complaint	39	71	4	26	10	25
EPS Matter	38	65	28	66	27	56
Total	333	619	309	604	331	637
Concluded						
Public Complaints/Concerns	250	514	242	473	286	560
Police Act Complaint	50	90	40	79	38	83
Citizen Contact	200	424	202	394	248	477
Internal Matters	78	116	50	106	30	58
Police Act Complaint	33	47	21	43	12	23
EPS Matter	45	69	29	63	18	35
Total	328	630	292	579	316	618

Figure 3-2. Three-Year File Comparison for Q2 of 2020

Total numbers do not include Statutory Complaints

The following figure shows the year-to-date resolutions of public contacts to PSB, highlighting concerns resolved through dispute resolution (both Citizen Contact files and Police Act complaints). Dispute resolution includes files forwarded to the divisions as 'Citizen Concerns' (where a supervisor will informally speak with the involved member and the complainant), files resolved by PSB investigators, supervisory reviews, mediation and facilitated discussion. The category of 'Other' resolutions (for Citizen Contact files) includes files that were forwarded to divisions or other areas for their attention and information, providing complainants with information on how to submit a Police Act complaint and files that do not require any further action (e.g. submissions of comments/opinion).

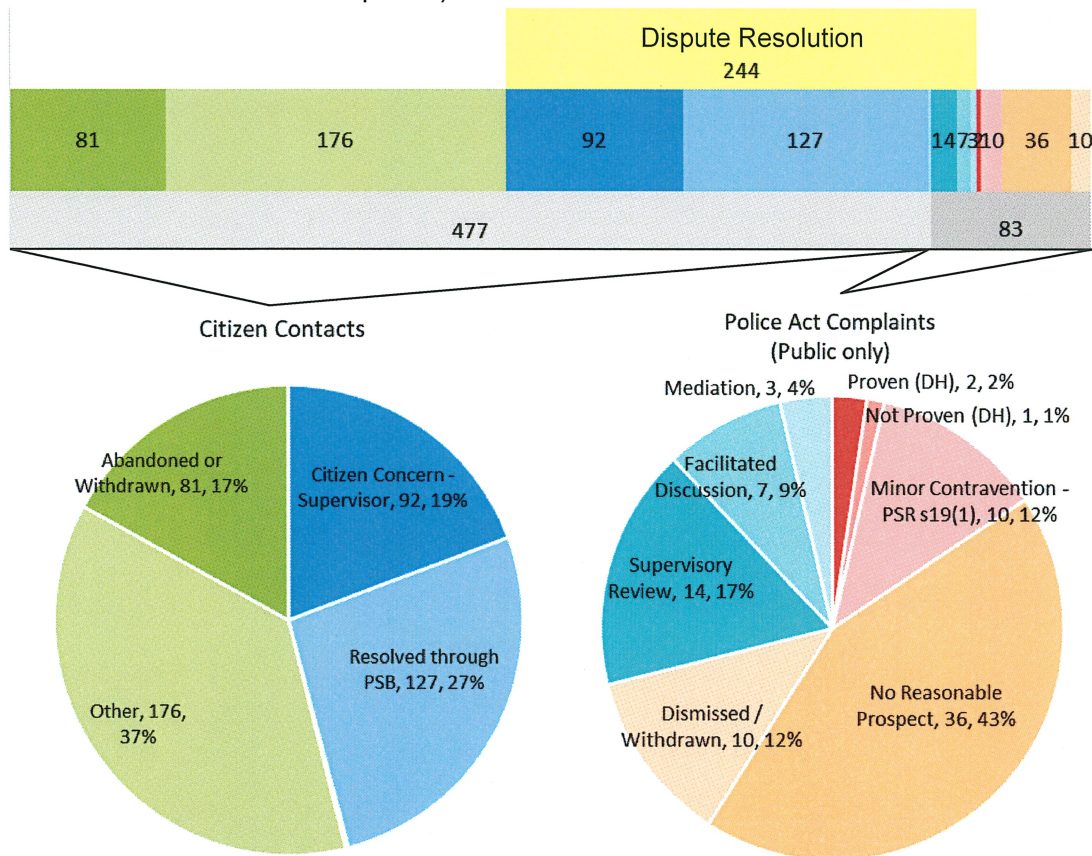


Figure 3-3. Resolutions of Public Contacts to PSB

4. LEGAL

DISCIPLINARY HEARINGS	Total	File Number
Directed	4	PSB2015-0160/PSB2015-0180 PSB2017-0364 PSB2017-1074 PSB2019-1012
Concluded	0	
LERB	Total	File Number
Appeals Received	5	PSB2016-0046a PSB2016-0484 PSB2017-0767 PSB2019-0411 PSB2019-0714
Decisions Rendered	0	
Appeals Withdrawn	0	
EPC APPEALS	Total	File Number
Appeals Received	1	PSB2019-0574
Decisions Rendered	0	
EPC Matters Ongoing	1	

Figure 4-1. Disciplinary Hearings and appeals during Q2 of 2020

DISCIPLINARY ACTION TAKEN AGAINST MEMBERS

1. File Number: PSB2017-0767
Date of Complaint: August 17, 2017
Subject Officer: Det. A.B.
 - Unlawful or Unnecessary Exercise of Authority x 2Sgt. C.D.
 - Unlawful or Unnecessary Exercise of Authority x 4Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: Justice (Rtd) Binder

Sgt. A.B was found guilty of three counts of Unlawful or Unnecessary Exercise of Authority. By way of a joint submission on April 24, 2020 the member was issued a reprimand and directed to take additional training related to the powers to search.

2. File Number: PSB2016-0484
Date of Complaint: May 30, 2016
Subject Officer: Cst. A.B.
 - Unlawful or Unnecessary Exercise of Authority x 1Cst. C.D.
 - Unlawful or Unnecessary Exercise of Authority x 1
 - Insubordination x 1Cst. E.F.
 - Unlawful or Unnecessary Exercise of Authority x 1Presenting Officer: L. Monsma, Field Law LLP
Presiding Officer: Supt. (Rtd.) T. Grue, Edmonton Police Service

In his decision issued on April 30, 2020 Supt (Rtd) Grue found the charges against the members not proven.

PENDING DISCIPLINARY HEARINGS

1. File Number: PSB2017-1039
Date of Complaint: November 10, 2017
Subject Officer: Cst. A.B.
 - Unlawful or Unnecessary Exercise of Authority x 1
 - Discreditable Conduct x 1Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for June 25 & 26, 2020.

2. File Number: PSB2016-0940
Date of Complaint: October 05, 2016
Subject Officer: Cst. A.B.
 - Neglect of Duty x 2
 - Insubordination x 1
 - Discreditable Conduct x 3
 - Deceit x 2
 - Corrupt Practice x 3

Open Disciplinary Hearing is scheduled for August 10-14, 2020.

3. File Number: PSB2015-1105
Date of Complaint: December 11, 2015
Subject Officers: Cst. A.B.
 - Neglect of Duty x 1
 - Discreditable Conduct x 1Cst. C.D.
 - Neglect of Duty x 1Cst. E.F.
 - Neglect of Duty x 1Presenting Officer: M. Baldasaro, McLennan Ross LLP
Presiding Officer: Supt. (Rtd.) T. Grue, Edmonton Police Service

Open Disciplinary Hearing is scheduled for August 24-26, 2020.

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

Presiding Officer: Supt. (Rtd.) T. Grue, Edmonton Police Service

Open Disciplinary Hearing is scheduled for September 09-11, 2020.

5. File Number: PSB2017-0102
Date of Complaint: February 03, 2017
Subject Officer: Cst. A.B.
• Unlawful or Unnecessary Exercise of Authority x 1
Presenting Officer: L. Monsma, Field Law LLP
Presiding Officer: Justice (Rtd) Binder

Open Disciplinary Hearing is scheduled for October 13-15, 2020.

6. File Number: PSB2017-1152
Date of Complaint: December 12, 2017
Subject Officer: Cst. A.B.
• Discreditable Conduct x 1
• Unlawful or Unnecessary Exercise of Authority x 1
• Insubordination x 1
Subject Officer: Cst. C.D.
• Discreditable Conduct x 2
• Unlawful or Unnecessary Exercise of Authority x 1
• Insubordination x 1

Open Disciplinary Hearing is scheduled for October 20-22, 2020.

7. File Number: PSB2017-0732
Date of Complaint: January 31, 2018
Subject Officers: Cst. A.B.
• Unlawful or Unnecessary Exercise of Authority x 1
Cst. C.D.
• Unlawful or Unnecessary Exercise of Authority x 1
Presenting Officer: M. Baldasaro, McLennan Ross LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for October 28 & 29, 2020.

8. File Number: PSB2013-0314
Date of Complaint: March 26, 2014
Subject Officer: Cst. A.B.
• Neglect of Duty x 2
• Unlawful or Unnecessary Exercise of Authority x 1
• Discreditable Conduct x 1
Presenting Officer: G. Crowe, Edmonton Police Service
Presiding Officer: Supt. (Rtd.) T. Grue, Edmonton Police Service

New matter not yet scheduled, pending before the Court of Appeal.

9. File Number: PSB2018-0829
Date of Complaint: August 31, 2018
Subject Officer: Cst. A.B.
 - Insubordination x 1
 - Deceit x 1Presenting Officer: M. Hankewich, Edmonton Police Service
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

New matter not yet scheduled, pending the conclusion of a current PSB investigation regarding the member.

10. File Number: PSB2018-0799
Date of Complaint: August 24, 2018
Subject Officer: Cst. A.B.
 - Neglect of Duty x 1
 - Discreditable Conduct x 1

LERB Kickback – Leave to Appeal granted, pending outcome.

11. File Number: PSB2017-0890
Date of Complaint: September 19, 2017
Subject Officer: Det. A.B.
 - Neglect of Duty x 1

New matter not yet scheduled, member declined a 19(1)(b) Agreement and has opted to proceed to a disciplinary hearing, follow up investigative steps have been directed back to PSB by the Presenting Officer.

12. File Number: PSB2019-0690
Date of Complaint: July 25, 2019
Subject Officer: Cst. A.B.
 - Discreditable Conduct x 3

New matter not yet scheduled.

13. File Number: PSB2015-0180/PSB2015-0160
Date of Complaint: March 04, 2015
Subject Officer: Det. A.B.
 - Discreditable Conduct x 3
 - Insubordination x 2

New matter not yet scheduled.

14. File Number: PSB2017-1074
Date of Complaint: March 04, 2015
Subject Officer: Cst. A.B.
 - Unlawful or Unnecessary Exercise of Authority x 1
 - Neglect of Duty x 1

New matter not yet scheduled.

COMPLETED COMPLAINTS OF SERVICE
(Section 44 *Police Act*)

There were three (3) Complaints of Service under Section 44 of the *Police Act* that were resolved or concluded during the second quarter of 2020

1. Concluded by the Chief
File Number: PSB2019-0363
Date of Complaint: April 18, 2019
Investigator: Darryl Scherr

Summary

On April 18, 2019, PSB received a letter of complaint regarding the complainant's experience while detained in cells. The complainant stated they were detained longer than two hours, and the conditions of the cells were inadequate. The complainant stated that the cell was dirty, overcrowded, and too cold. The complainant believes that EPS members did not adequately assess the mental or sobriety of detainees prior to lodging them in a cell. The complainant also alleges that she was not provided toilet paper, soap, paper towels, warm water, or a blanket and that her personal dignity was not protected when she was detained and had to use the washroom in front of other detainees and on CCTV. PSB conducted a thorough review of current EPS Policy and Procedures in conjunction with the complainant's duration in Downtown cells. Along with a number of additional inquiries and found that Detainee Management Unit adhered to EPS Policy and Procedure. It was determined that changes to the current EPS Policy and Procedures are not warranted at this time. The matter was concluded by the Chief on May 5, 2020.

2. Concluded by the Chief
File Number: PSB2019-0574
Date of Complaint: June 25, 2019
Investigator: Greg Murray

Summary

On June 25, 2019, PSB received a letter of complaint in relation to an Article in the Edmonton Journal on March 21st, 2019, summarizing the finding of Alberta Court of Queen's Bench Justice Denny Thomas decision in relation to Olumide v Alberta (Human Rights Commission). The complainant had requested that EPS investigate the Edmonton Journal for 'libel'. Upon EPS reviewing the content of the article, it was determined that the summarizing of the findings did not constitute an offence under either the Criminal Code or Provincial Statute. The decision that was summarized by the Edmonton Journal was a matter of public record. The review by the Professional Standards Branch found there are no conduct issues on the part of any Edmonton Police Service member and changes to current Edmonton Police Service policy and procedure are not warranted at this time. The Chief concluded this matter on May 19, 2020.

3. Concluded by PSB
File Number: PSB2020-0321
Date of Complaint:
Investigator: Sgt. Lisa Mah
Summary

On April 20, 2020, PSB received a letter of complaint in relation to the lack of enforcement of a parenting order by the Edmonton Police Service (EPS). The complainant is frustrated by the fact that there is a difference between how the EPS and the RCMP handle breaches relating to parenting orders and their interpretation of the restraining order. On May 1, 2020, a Supervisory Review was sent to Northwest Division. Upon follow up with the complainant to discuss concerns it was determined that the complainant had attended emergency family court and had the wording on the parent order changed which would resolve the issue of police interpretation. On June 1, 2020 this matter concluded as resolved through Supervisory Review.

COMPLIMENTS

During Q2 2020, twenty-five (25) letters of appreciation were entered by the Edmonton Police Service. Professional Standards Branch would like to present eight (8) of these letters.

1. MESSAGE:

Good morning I just wanted to pass on a story our neighbor (Redacted) had told my wife the following day March 23/20 after her younger sister passed away. Her sister (Redacted) was having medical issues and she passed away in (Redacted's) arms. In their culture they keep the body overnight to pray for their lost loved one. To do so they also require white flowers. The brother had gone out that evening looking for flowers but was not able to find any flowers anywhere given what is going on with COVID-19 and how late it was. Somehow the two female officers that were at the house doing their investigation along with fire, ambulance folks. The officers left only to return later in the evening with white coronation flowers for (Redacted). (Redacted) was so moved by this gesture of kindness it brings her to tears when she told me about it. Please pass on a grateful appreciation for my neighbor. To me these officers went above and beyond the call of duty it's comforting to know with what is going on we can show kindness to each other. We hope you can find out who these officers were and pass this message onto them.

Thank you & be safe
(Redacted)

2. Kindness not soon forgotten

Message:

This morning at 6:59 am at Stadium McDonalds the car in front of us, an EPS vehicle, paid for our order. Normally that is just a nice little kindness. Today it was a lot more. Today I lost a large number of coworkers as they were laid off. My daughter just got laid off the day before. I was in the car just driving around, a little bit lost – how can I help my friends when so many of them need help now? I decided to surprise my daughter with a treat for breakfast (she's addicted to McD's pancakes lol). One last hurrah before money becomes tight. I have to save so I have extra incase someone needs help. Well. Then the car in front of me paid for my order. The person who paid couldn't possibly know that now we have an extra \$25. Not a lot. And we were going to blow it. But some random act of kindness saved it for us. This will not be forgotten and the newly save \$25 was discreetly tucked into my daughters wallet. Thank you to the member who gave us a ray of sunshine on a rather cruddy morning.

3. Hello,

To whom it may concern, I just wanted to send a quick message regarding officer (Redacted) came to our home yesterday regarding a complaint I had with a neighbourhood resident trespassing on my property and causing a disturbance. The reason why I want to send in a compliment is because my wife and I were really impressed with how quickly the situation was handled, the amount of communication from the officer, and the professionalism we experienced.

We definitely feel better in our neighbourhood with officers like (Redacted). Our situation was resolved quickly, and it sounds like, after the conversation the police had with the individual, they won't be bothering us anymore.

So a big thank you! and keep up the great work the EPS is doing in our community of Riverdale.

Kind Regards,
(Redacted)

4. **MESSAGE:** To whom it may concern:

I would like to express my gratitude and kind compliments to Constable (Redacted) with the EPS and his outstanding performance in the line of duty. I recently had an incident on the roads with someone who had road rage (April 23) and dangerously followed me for 10 mins with my small child in the back seat. During this time, it was received as a 911 call where they safely directed me to the nearest police station in Millwoods.

From there, I met with Constable (Redacted). He was extremely professional, attentive and reassuring, with the panicked nature I was in. He assured me he would do what he could to speak with the individual.

When I reached out to Constable (Redacted), via email, he promptly responded to my email within 2 hours with professionalism. Unfortunately, he advised me that nothing could be done, as the license plate had not been entered correctly, or it was not attached to the correct vehicle. That being said, I would still like to send my thanks and acknowledgment for his professionalism and kindness.

We are in strange and difficult time right now, and after what happened in my home province of Nova Scotia recently, I just wanted to extend kindness and encouragement for his work in the line of duty, as it's something we don't see often enough.

Thank you,
Warm regards,
(Redacted)

5. At approximately 1pm on Friday, April 24 2020, two officers responded to a 911 call placed by my wife because she was experiencing a severe panic attack with suicidal ideation. I strongly wish to compliment the two officers for their patience, compassion, professionalism, judgement, and good humour which were instrumental in securing my wife's safety and compliance. Officer Whitehead allowed me to travel with her to the hospital, and was also kind enough to give me a ride home as I was unable to enter the hospital due to the on-going pandemic. I am very grateful for the service they provided in that difficult time.

6. Just wanted to say thank you for all you guys and girls do for us as citizens of the city. Especially in these trying times where it seems that the world is trying to turn on you!

7. Dear Chief Dale McFee

I'd like to drop you a message with my sincere appreciation for a couple of your officers. Last week I simply asked a retired EPS member if arrangements could be made to have a Police drive by for my grandson's 8th Birthday. My grandson, (Redacted), has always loved the police and the job that they do. It was explained and I understood, the EPS were extremely busy but all I could do is ask and left it at that.

Much to my pleasant surprise, with (Redacted) standing on the driveway, a Police vehicle and two uniformed members arrived and lead our motorcade passed the residence. Once the drive by was done Cst (Redacted) and Cst (Redacted) stopped and had a quick word with (Redacted) and gave him a chance to have his first ever look at a police vehicle and speak with Police Officers. These fine gentlemen even posed for a few pictures with (Redacted). This interaction may seem insignificant to some but for these two Constables to take 5 minutes from their busy day has left a lasting impression on (Redacted) and my entire family. Cst (Redacted) and Cst (Redacted) were polite, patient and understanding. They should be recognized and commended for their very kind professional approach and demeanour.

In light of the current Pandemic and the measures surrounding it, I cannot thank you and these two officers for the kind gesture. While it's sad to see an 8-year-old miss out on a birthday party with all his friends, this alternative has left a positive impression with (Redacted) and the interaction with Cst (Redacted) and Cst (Redacted) will undoubtedly last a lifetime.

Sincerely,
(Redacted)

8. Subject: Compliment

My 16 year old son just got his driver's licence and new car. Yesterday we insured his new car and got it registered in his name.

His VERY first day on the road, he went to Tim Horton's drive thru, there was a police car behind him in line. When he got his drink he parked in the lot, at that time the police car pulled up behind him, the officer came up to his window and motioned him to roll down the window.....my son was wondering what he did wrong?

The officer said "I ran your plate while I was behind you in the drive thru line and I see you just got the car today, congratulations! I wanted your first experience with the police to be a positive one.

I thought this was VERY cool, let the teen know you see him and to be aware, but also put a positive spin on it.

Thank you,

Edmonton Police Service Professional Standards Branch

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