

Q4 2020 REPORT TO THE EDMONTON POLICE COMMISSION



The following report is submitted for:			
	☑ Approval☐ Ratification☐ Information		
	PROFESSIONAL STANDARDS BRANCH January 21, 2021 EPC MEETING		
Approved by:	Dale R. McFee Chief of Police Inspector Mike Morgan Professional Standards Branch		
	Mike Morgan		

Inspector



January 21, 2021

TO:

Dale McFee Chief of Police

FROM:

Inspector Mike Morgan

Professional Standards Branch

RE:

QUARTERLY REPORT - Q4 of 2020

This report has been prepared for the January 21, 2021, Edmonton Police Commission meeting

During the fourth quarter of 2020 (Q4), Professional Standards Branch received 315 new files:

- 44 Public complaints as defined by Part 5 of the Police Act;
- 12 Internal complaints as defined by Part 5 of the Police Act;
- 28 EPS Matters; and
- 231 Citizen Contacts.

There were 13 files directed for Criminal Investigation (*Statutory Complaints*) during Q4 of 2020 (all 13 are related to notifications under s.46.1 of the *Police Act*).

Concluded 346 files:

- 2 Statutory complaints;
- 49 Public complaints as defined by Part 5 of the Police Act, including three (3) complaint regarding policies or services provided by the EPS;
- 6 Internal complaints as defined by Part 5 of the *Police Act*;
- 21 EPS Matter; and
- 268 Citizen Contacts.

The Edmonton Police Service dispatched 37,515 of calls received and recorded opening 27 compliments.



Inspector Mike Morgan
Professional Standards Branch

cc: Micki Ruth/Chair

Edmonton Police Commission



Professional Standards Branch October – December 2020 Q4 Report Edmonton Police Service

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STATISTICAL SUMMARY

Fourth Quarter of 2020 Update

1. RECEIVED FILES

The following figure shows the number and type of files received during the fourth quarter (Q4) 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 Q4 of 2020, PSB received 275 public files and 40 internal files.

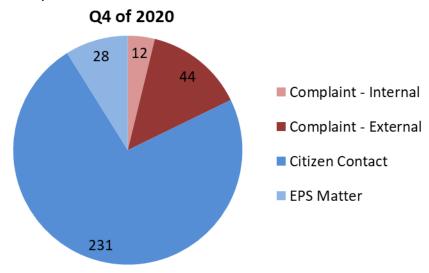


Figure 1-1. Type of Files Received During Q4 of 2020

The following figure shows the yearly percentage increase or decrease in 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 17%, which means we've seen a large increase in the number of Citizen Contact files received (up 22%, from 826 in 2019 to 1010 in 2020). Police Act complaints are down by 9%, from 185 last year to 168 this year.

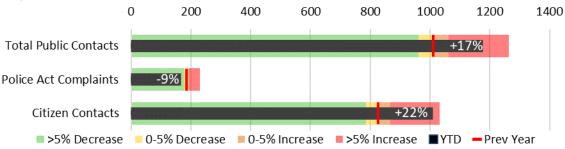


Figure 1-2. Yearly Changes in Public Contacts to PSB

2. CURRENT WORKLOAD

As of December 31, 2020, PSB had 403 open investigations broken down as follows:

- 176 Complaints External
- 62 Complaints Internal
- 117 Citizen Contacts
- 48 EPS Matters

76 Statutory Complaints (all 76 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 a	and Status of all	Open Investigati	ons
Year	Active	Forwarded	Suspended	Total
2014	0	0	1	1
2015	0	0	2	2
2016	0	0	2	2
2017	0	1	7	8
2018	2	0	24	26
2019	8	4	38	50
2020	125	54	135	314
Total	135	59	209	403

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).

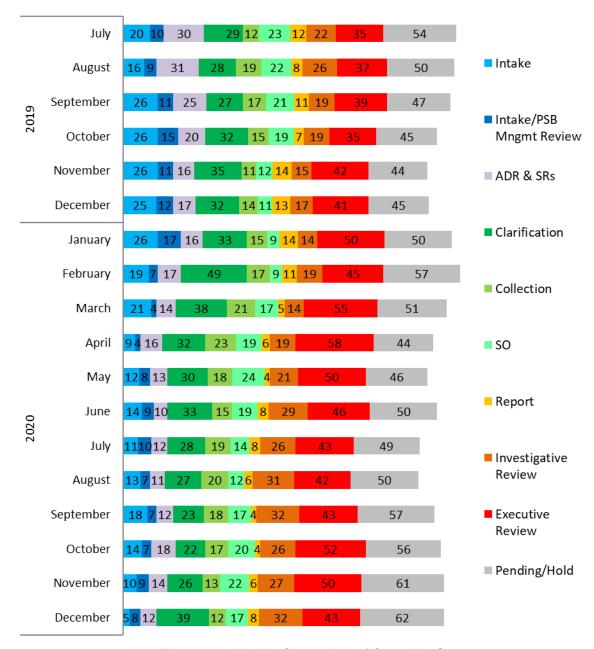


Figure 2-2. Monthly Comparison of Complaint Stages

3. CONCLUDED FILES

The following figure shows the disposition of all Police Act Complaints and Statutory Complaints concluded during Q4 of 2020 (55 Complaints, 2 Statutory Complaints).

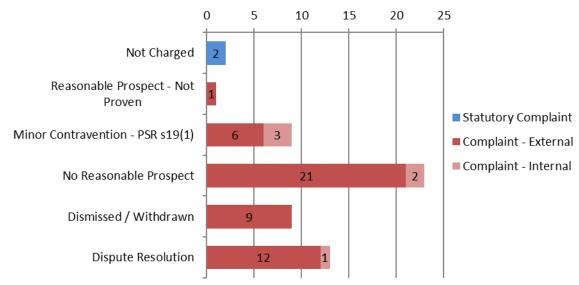


Figure 3-1. Dispositions of Concluded Formal Complaints

	2018		2019		2020	
	Q4	YTD	Q4	YTD	Q4	YTD
	Received					
Public Complaints/Concerns	245	1010	224	1011	275	1178
Police Act Complaint	44	198	41	185	44	168
Citizen Contact	201	812	183	826	231	1010 ¹
Internal Matters	30	224	25	143	40	143
Police Act Complaint	12	100	10	42	12	47
EPS Matter	18	124	15	101	28	96
Total	275	1234	249	1154	315	1321
Concluded						
Public Complaints/Concerns	250	1024	234	983	317	1177
Police Act Complaint	49	184	39	161	49	182
Citizen Contact	201	840	195	822	268	995
Internal Matters	53	222	25	166	27	106
Police Act Complaint	21	91	11	70	6	38
EPS Matter	32	131	14	96	21	68
Total	303	1246	259	1149	344	1283

Figure 3-2. Three-Year File Comparison for Q4 of 2020 **Total numbers do not include Statutory Complaints**

¹ Please note: Twelve (12) of the 1010 Citizen Contact files are considered "bulk" files, which (combined) include over 190 separate contacts to PSB. 'Bulk' files relate to community issues where PSB receives multiple contacts on the same issue. In many cases, the people contacting PSB do not have standing under the Police Act to make a complaint; however, all people will receive a response to their contact to PSB.

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).

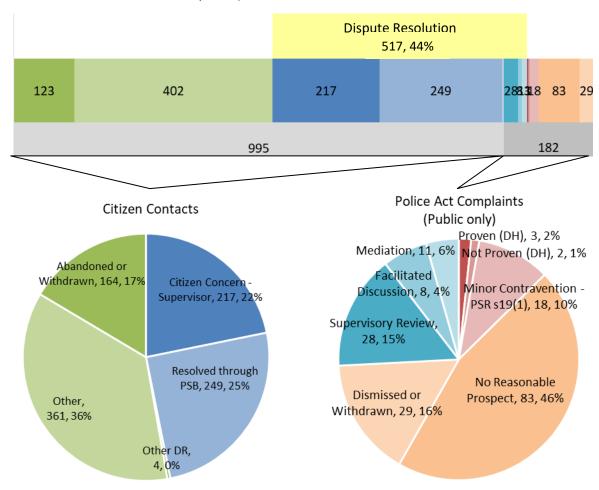


Figure 3-3. Resolutions of Public Contacts to PSB

4. LEGAL

DISCIPLINARY HEARINGS	Total	File Number
Directed	3	PSB2018-0612 PSB2019-0038
Birotica	J	PSB2019-0052
Concluded	4	PSB2015-1105 (LERB dir.; Not Proven) PSB2017-0102 (LERB dir.; Not Proven) PSB2017-0732 (LERB dir.; Not Proven) PSB2018-0829 (Proven; demotion)
LERB	Total	File Number
Appeals Received	3	PSB2015-1105 PSB2019-0362 PSB2019-0577
Decisions Rendered	3	PSB2017-0284 (Allowed in Part) PSB2018-1118 (Dismissed) PSB2019-0411 (Dismissed)
Appeals Withdrawn	0	
EPC APPEALS	Total	File Number
Appeals Received	0	
Decisions Rendered	1	PSB2019-1023 (Dismissed)
EPC Matters Ongoing	1	PSB2019-0574

Figure 4-1. Disciplinary Hearings and appeals during Q4 of 2020

DISCIPLINARY ACTION TAKEN AGAINST MEMBERS

1. File Number: PSB2015-1105
Date of Complaint: December 11, 2015

Subject Officers: Cst. A.B.

Neglect of Duty x 1

Discreditable Conduct x 1

Cst. C.D.

Neglect of Duty x 1

Cst. D.E.

Neglect of Duty x 1

Presenting Officer: M. Baldasaro, McLennan Ross LLP

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

The written decision of this matter was issued by Supt (Rtd) Grue on October 30, 2020. The charges against the members were found unproven.

2. File Number: PSB2018-0829

Date of Complaint: August 31, 2018

Subject Officer: Cst. Rangi

• Insubordination x 3

Deceit x 5

Discreditable Conduct x 1

Presenting Officer: M. Hankewich, Edmonton Police Service

Presiding Officer: F. Kamins, Chief Supt (Rtd.)

On November 02, 2020 the charges were amended and Cst. Rangi plead guilty to two counts of Insubordination and two counts of Discreditable Conduct. He received a reduction in rank from a Sr. Cst. Level 8 Step 7 to a Cst. 5 yr Step 5 for a period of two years. After the two years is complete, he is to be reinstated to his previous level of seniority prior to the issuance of this penalty.

3. 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: D. Cranna, Field Law LLP

Presiding Officer: Justice (Rtd) Binder

The written decision of Justice (Rtd) Binder was issued on November 18, 2020. The charge against the member was found unproven.

PENDING DISCIPLINARY HEARINGS

1. 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 3 Cst. C.D.

• Discreditable Conduct x 1

Neglect of Duty x 1

Deceit x 4

Presenting Officer: D. Morrow, Bennett Jones LLP

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

Matter is concluded, pending receipt of counsels' submissions on final argument and written decision of Presiding Officer.

2. 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.)

Matter is complete, pending written decision of Chief Supt (Rtd) Kamins.

3. File Number: PSB2015-0180/PSB2015-0160

Date of Complaint: March 04, 2015

Subject Officer: Det. A.B.

Discreditable Conduct x 3

Insubordination x 2

Presenting Officer: D. Cranna, Field Law LLP Presiding Officer: F. Kamins, Chief Supt (Rtd.)

First Appearance to take place via email on December 16, 2020.

4. 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

Presenting Officer: D. Cranna, Field Law LLP Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Email update on this matter will be provided by counsel on January 11, 2021.

5. File Number: PSB2017-1152
Date of Complaint: December 12, 2017

Subject Officer: Cst. A.B.

Discreditable Conduct x 2

Unlawful or Unnecessary Exercise of Authority x 1

Insubordination x 1

Presenting Officer: D. Cranna, Field Law LLP Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Email update on this matter will be provided by counsel on January 18, 2021.

6. File Number: PSB2017-0364
Date of Complaint: March 25, 2017

Subject Officer: Cst. A.B.

Unlawful or Unnecessary Exercise of Authority x 1

Presenting Officer: D. Cranna, Field Law LLP Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for January 25, 26 & 28, 2021.

7. File Number: PSB2018-0612

Date of Complaint: July 10, 2018 Subject Officer: Cst. A.B.

Neglect of Duty x 1Insubordination x 1

Presenting Officer: M. Baldasaro, McLennan Ross LLP

Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for February 10 & 11, 2021.

8. File Number: PSB2017-0890

Date of Complaint: September 19, 2017

Subject Officer: Det. A.B.

• Neglect of Duty x 5

Deceit x 8

Discreditable Conduct x 1

Presenting Officer: M. Hankewich, Edmonton Police Service

Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for February 22 to March 05, 2021.

9. 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

Presenting Officer: D. Cranna, Field Law LLP Fresiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for March 08-10, 15 & 16. 2021.

10. File Number: PSB2017-0772

Date of Complaint: August 21, 2017, kicked back by the LERB to hearing

Subject Officer: Cst. A.B.

Unlawful or Unnecessary Exercise of Authority x 1

Presenting Officer: C. Plante, Bishop and McKenzie LLP

Presiding Officer: Justice (Rtd) Binder

Open Disciplinary Hearing is scheduled for March 23 & 24. 2021.

11. File Number: PSB2017-1074 Date of Complaint: March 04, 2015

Subject Officer: Cst. A.B.

Unlawful or Unnecessary Exercise of Authority x 3

Neglect of Duty x 3Insubordination x 2

Presenting Officer: M. Baldasaro, McLennan Ross LLP

Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for April 12-14. 2021.

12. 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.

13. 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.

14. File Number: PSB2018-0239 Date of Complaint: March 20, 2018

Subject Officer: Det. A.B.

Discreditable Conduct x 1

New matter not yet scheduled.

15. File Number: PSB2019-0052 Date of Complaint: January 14, 2019

Subject Officer: Cst. A.B.

• Discreditable Conduct x 2

New matter not yet scheduled.

COMPLETED COMPLAINTS OF SERVICE

(Section 44 Police Act)

There was three (3) Complaint of Service under Section 44 of the *Police Act* that were resolved or concluded during the fourth quarter from October 1, 2020 to December 30, 2020.

1. Concluded by the Chief

File Number: PSB2017-0236 Date of Complaint: March 16, 2017

Investigator: Retired Acting Detective Michelle Donald

Summary

On March 16, 2017, a letter of complaint was received from Complaints on behalf of the Criminal Trial Lawyers Association - Policing Committee. The complaint was with respect to EPS Policy regarding McNeil disclosure. As found by Madam Justice Pentelechuk in her decision in R v Lam, 2016 AB QB 489, dated September 1, 2016; EPS protocols are insufficient to ensure timely compliance with the Supreme Court's direction. A review was conducted of various EPS Policy and Procedures regarding the McNeil disclosure practices and review by EPS Legal Services Branch. On January 30, 2020, it was determined that EPS is properly satisfying their duties with McNeil Reporting. As such, on November 2, 2020, the Chief disposed of the complaint of service and no amendments need to be made to EPS Policy and Procedures at this time.

2. Concluded by the Chief

File Number: PSB2020-0740
Date of Compliant: July 31, 2020
Investigator: Constable Alana Savage

Summary

On July 31,2020, a complaint of service was received alleging that the complainant filed a hit and run incident on December 8, 2016, two days after the collision. Months passed by and they did not hear anything in relation to the investigation. The complainant called the EPS Hit and Run Unit and left messages that went unreturned. In 2019 almost 2 ½ years after the incident occurred, the complainant returned to Millwoods Station and obtained the completed report. Then attempted to make a claim to the offending drivers' insurance company however the claim was denied as the collision occurred over 2 years ago. The complainant alleges a deficiency in the EPS system that led to the delay in the claim submission and their car remains unrepaired.

Professional Standards Branch reviewed this complaint and it was confirmed there were two vehicles that were struck by a third. The owner of the other vehicle which was struck, who also witnessed the collision and obtained information from the offending driver, reported the collision on December 8, 2016, at Calder Station. All information was compiled and as the driver who was responsible did not respond to report, the file was transferred to Hit and Run on January 3, 2017, for further investigation.

The complaint was not brought forward within the one year time limitation and as a result, was concluded by the Chief as 43(11) time barred on November 3, 2020.

3. Concluded by the Chief

File Number: PSB2019-0773

Date of Complaint: August 23, 2019 Investigator: Detective Clint Holm

Summary

On August 23, 2019, a complaint of service was received with respect to EPS receiving multiple and ongoing complaints from citizens living nearby regarding the noise coming from the complainant residence. Officers who responded to these complaints issued warnings and other members resorted to issuing violation tickets.

After a lengthy period of non-compliance, the complainant was arrested for Mischief. Although the complainant alleges, he was being harassed by the EPS and its police members; it is incumbent on EPS and its officers to investigate issues of crime and disorder when calls for service are received. This is the expectation when members of the public call the EPS. The noise complaints related to the complainant's residence appears to have been a valid concern relayed to the EPS, and subsequently investigated by various patrol officers. The Complaint of Service was Investigated by Professional Standards Branch and on November 18, 2020, the Chief disposed of the complaint of service. There are no changes to EPS policies or procedures that require review or amendment.

COMPLIMENTS

During Q4 2020, twenty-seven (27) letters of appreciation were entered by the Edmonton Police Service. Professional Standards Branch would like to present nine (9) of these letters.

1. Subject: Thanks for your efforts to keep our roads safe! Dear Edmonton Police Service,

I'm writing to let you know I appreciate your efforts to screen drivers for intoxication. I was stopped at a check stop on the Sherwood Park freeway in the early morning of September 27. The officer I interacted with was courteous and professional. I don't know for a fact whether they were with the RCMP or EPS. Either way, I appreciate the fact that someone is willing to stand out in the cold in the middle of the night and deal with potentially grouchy or dangerous people in order to keep impaired drivers off the road. A member of my extended family was killed by a drunk driver, so it hits close to home. Every time I get stopped at a check stop I wish I could buy everyone a coffee! Please give the team my thanks for their hard work. Sincerely.

(Redacted)

SUBJECT: Excellent policing work MESSAGE: Hi,

I want to appreciate the excellent work done by Cst. (Redacted) on November 3, 2020 in helping with a spousal abuse case. I reported the matter from British Columbia and was exceptionally thrilled with his efforts. He truly put my family and the rescued victim's family at ease with his ongoing updates. I knew the victim was in great hands the minute Cst. called to do his initial collection of data. He explained what the plan was, collected the necessary information and approached the matter very professionally. I appreciate the effort of the case reporter with ensuring there was an urdu speaking person available for the victim and thank Cst. for reassuring me of this. His handling tactics and calm response not only put the victim at ease but was truly appreciate by all families involved. Thank you for being an excellent hero, you saved another young life. Thank you for all your hard work Cst. Today you have the prayers from all families involved for your heroic efforts in this matter and all others you have or will ever encounter. Keep up the excellent work.

SUBJECT: Good Work to EPS MESSAGE: Good Morning,

I was driving south on 97 street this morning, and was stopped at a red light on 118th avenue, (beside the oversized baseball art piece) a number of from lack of a better phrase "street youth" were circled around and harassing an older gentleman who was trying to walk by. I rolled down my window and yelled at them, they let him go. I passed by the same intersection a few minutes later going north, and was planning on calling the police and asking them to break up the group or at least interaction with them, but when I drove by the second time, there was a police van parked there and the youth were no one

where to be seen. I don't know if the officers were just patrolling or if they were responding to a complaint, but I just want to say I feel safer in that "seedy" area knowing that there is a high police presence that addresses this type of thing.

4. SUBJECT: Recognition for Constable (Redacted) and Constable (Redacted) MESSAGE: I would like to take the opportunity to thank Constable (Redacted) and Constable (Redacted) for the amazing job done in a family matter yesterday night where I was present.

I was very impressed by their professionalism, their care, their empathy and their respect for the individuals during their intervention.

Their ability to assess and respond to the situation in a responsible and quickmanner deserves admiration and recognition. (Redacted)

5. SUBJECT: Officer (Redacted)

MESSAGE: Good Evening;

I would like to take the time to comment on the superb level of respect and professionalism that came out of one your members.

Officer (Redacted) in conjunction with his sergeant convinced a very difficult patient to get into our ambulance and receive medical care. The patient had sustained a significant injury to his eye and did not want to go to the hospital. Officer (Redacted) offered the patient a smoke and sent him with several more to use whilst he was at the hospital. He was extremely kind and understanding to an otherwise difficult individual.

If it wasn't for his actions I personally don't believe the ambulance ride would have been as smooth and cooperative as it was.

Thank you and regards;

(Redacted)

6. SUBJECT: grattitude

MESSAGE: A big thanks to EPS members who responded to my call on Sunday at 10:30pm regarding the two vehicles shooting at each other. Constable (Redacted), and Constable (didn't get her last name) and their partners were the most amazing members I've ever had the pleasure of dealing with. Their professionalism, ability to deescalate the situation, and how Constable (Redacted) took ownership of the case was impressive. I've had a few minor interactions with EPS before and they have always been positive. This experience has really raised the bar for the gratitude and respect I have for all of the EPS members out there. Thank you EPS for everything you do for us. Thank you for doing everything you can to keep us safe from the monsters out there. Thank you for your service. (Redacted)

7. Thank you and Merry Christmas

Recently there was a report in our area about a man calling out to young girls from his car window. Over the next few days, after the report. I noticed a few patrol cars up and down the street it happened on. I wanted to acknowledge how much I appreciated this response from the EPS. I also wanted to generally thank you all for your service to our Community. I feel it has been a tough year for your profession. You all do a very difficult job; you deal with a portion of the population most of us would rather not.

Thank you for your service (Redacted)

8. SUBJECT: encouragement

MESSAGE: In this difficult time, I was thinking that all the members of Edmonton Police Service needed some encouragement. As a result, I wanted to let everyone know that I think that the majority of our members are doing a fantastic job and I really appreciate all the hard work everyone is doing.... I remember a time back in the beginning of this century, I was having great difficulty with a former spouse and Constable (Redacted), along with a social worker came to our rescue.... there have been a number of officers in the past who have been a great help to us.... Constable (Redacted), helped me with my youngest daughter when she dialed 911 un-necessarily and she never did it again....I have the utmost respect for our officers and disagree with de-funding the Police Services.... I pray for you regularly and ask for God to protect you and to help regular citizens to see the things being done by the majority of our finest, rather than focusing on the negative.... Love and Respect in Christ, (Redacted), Please pass this on...Thank you.

9. SUBJECT: Compliments

MESSAGE: Good Morning,

I just wanted to take a second to say thank you for what EPS does on a daily basis. All to often we hear all of the negative, right wrong or indifferent. This morning I witnessed an interaction between two officers and a less then happy person at the Subway at 50th Street around 11:00 am unfortunately I didn't get the officers badge numbers or names as they were dealing with the situation at hand, however the vehicle unit number was B09 (I believe). The officers interactions with the gentleman were direct and respectful, all the while maintaining safety for themselves, the gentlemen and a growing number of customers.

Unfortunately, the gentlemen they were speaking with did not show them the same amount of respect that they showed him. In the end they were able to get the gentlemen to comply verbally and escorted him from the premises. Thank you to members and staff of EPS for the work day in and out. (Redacted)

Edmonton Police Service Professional Standards Branch

Location

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