



Q1 2023 REPORT TO THE EDMONTON POLICE COMMISSION




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PROFESSIONAL STANDARDS BANCH
April 20, 2023, EPC MEETING

Approved by:


Devin Laforce
Acting Chief of Police


Sean Anderson
Inspector



April 20, 2023

TO: Dale R. McFee
Chief of Police

FROM: Inspector Sean Anderson
Professional Standards Branch

RE: QUARTERLY REPORT – Q1 of 2023

This report has been prepared for the April 20, 2023, Edmonton Police Commission meeting

During the first quarter of 2023 (Q1), Professional Standards Branch received 337 new files:

- 8 Public complaints as defined by Part 5 of the *Police Act*;
- 18 Internal complaints as defined by Part 5 of the *Police Act*;
- 6 EPS Matters; and
- 305 Citizen Contacts.

There were 5 files directed for Criminal Investigation (*Statutory Complaints*) during Q1 of 2023 (all 5 are related to notifications under s.46.1 of the *Police Act*).

Concluded 364 files:

- 4 *Statutory* complaints;
- 61 Public complaints as defined by Part 5 of the *Police Act*, including four (4) complaints regarding policies or services provided by the EPS;
- 19 Internal complaints as defined by Part 5 of the *Police Act*;
- 9 EPS Matter; and
- 271 Citizen Contacts.

The Edmonton Police Service dispatched 36,068 of calls received and recorded opening 6 compliments.

A blue ink signature of Inspector Sean Anderson, consisting of stylized initials and a surname.

Inspector Sean Anderson
Professional Standards Branch

cc: Erick Ambtman /Chair
Edmonton Police Commission



**Professional Standards Branch
January – March 2023
Q1 Report
Edmonton Police Service**

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STATISTICAL SUMMARY

First Quarter of 2023 Update

1. RECEIVED FILES

The following figure shows the number and type of files received during the first quarter (Q1) of 2023. Blue colours represent complaints and concerns made by members of the public and red colours represent complaints and concerns initiated by the Chief of Police. Lighter shades indicate files being handled outside of the *Police Act* and darker shades indicate *Police Act* complaints. As can be seen below, during Q1 of 2023, PSB received 313 public files and 24 internal files.

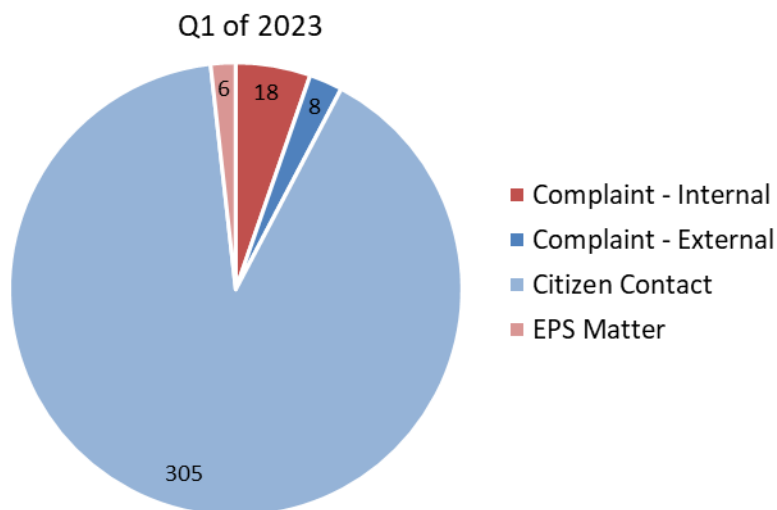


Figure 1-1. Type of Files Received During Q1 of 2023

The following figure shows the yearly trends in public and internal complaints to PSB. Solid bars are the total complaints to PSB (YTD), and lines indicate the number of complaints meeting the criteria of the *Police Act*.

Public complaints/inquiries to PSB are down by 9.8% compared to 2022. Of the 313 public complaints received so far in 2023, 209 have already been concluded (including 71 resolved through dispute resolution), 98 are in the process of dispute resolution or are being considered for dispute resolution, and 8 are being investigated under the *Police Service Regulation*.

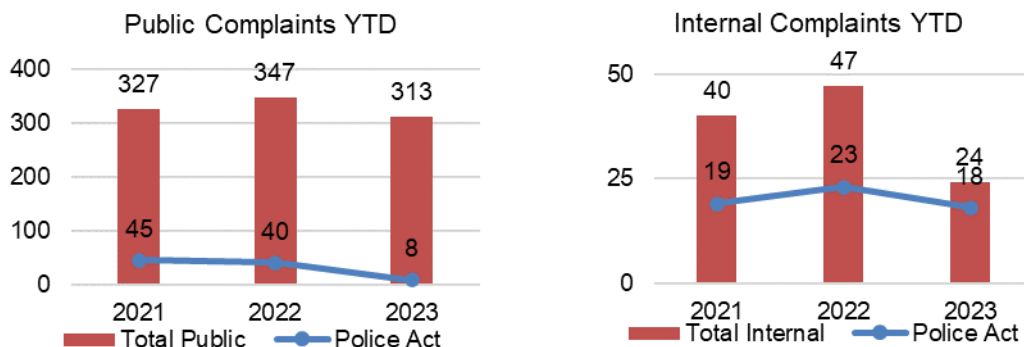


Figure 1-2. Yearly Changes in Public Contacts to PSB and Internal Matters

2. CURRENT WORKLOAD

As of March 29, 2023, PSB had 362 open investigations broken down as follows:

- 128 Complaints External
- 95 Complaints Internal
- 115 Citizen Contacts
- 24 EPS Matters

66 Statutory Complaints (All 66 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. review stages 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.).

Age and Status of all Open Investigations				
Year	Active	Forwarded	Suspended	Total
2018	2	0	7	9
2019	2	0	8	10
2020	3	1	15	19
2021	23	1	41	65
2022	77	13	46	136
2023	68	21	34	123
Total	175	36	151	362

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 and recommendations of the Investigative Manager);
- Executive Review (review and recommendations of the Inspector);
- Office of the Chief (review by the Office of the Chief and final concluding processes).

Investigations may also be pending other processes (e.g., dispute resolution, legal review, hearing, etc.).

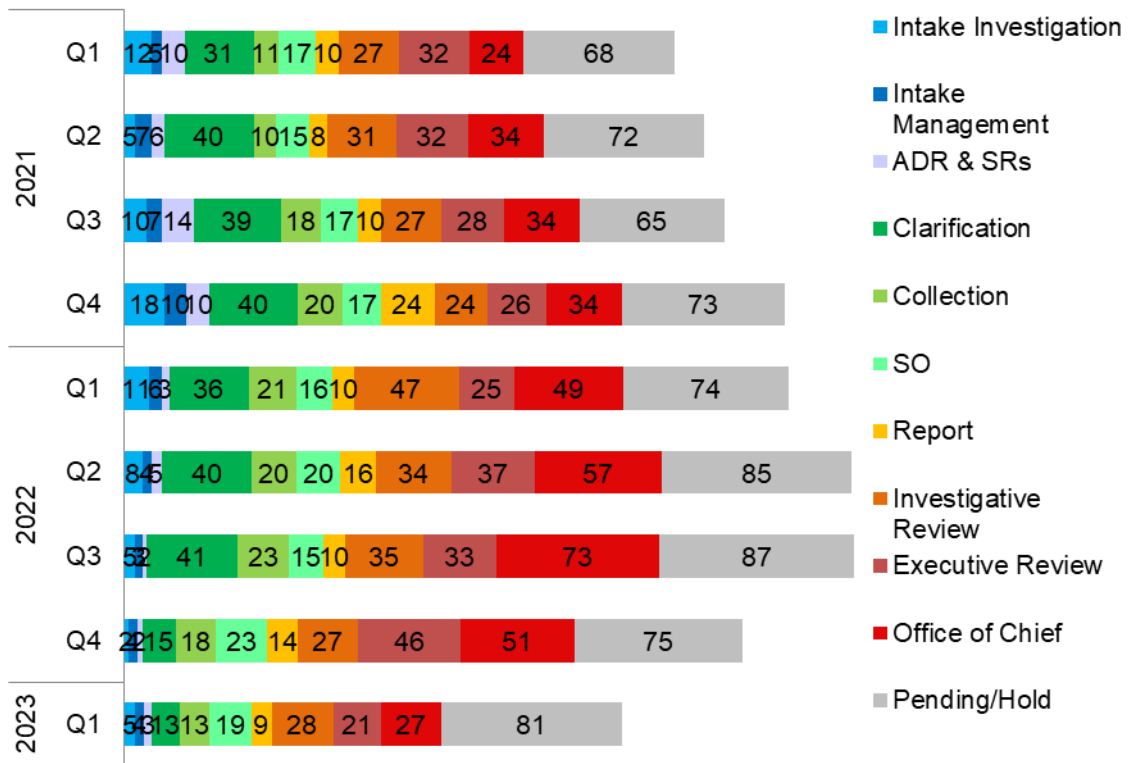


Figure 2-2. Quarterly Comparison of Complaint Stages

3. CONCLUDED FILES

The following figure shows the disposition of all Police Act Complaints and Statutory Complaints concluded during Q1 of 2023 (80 Police Act Complaints, 2 Statutory Complaint).

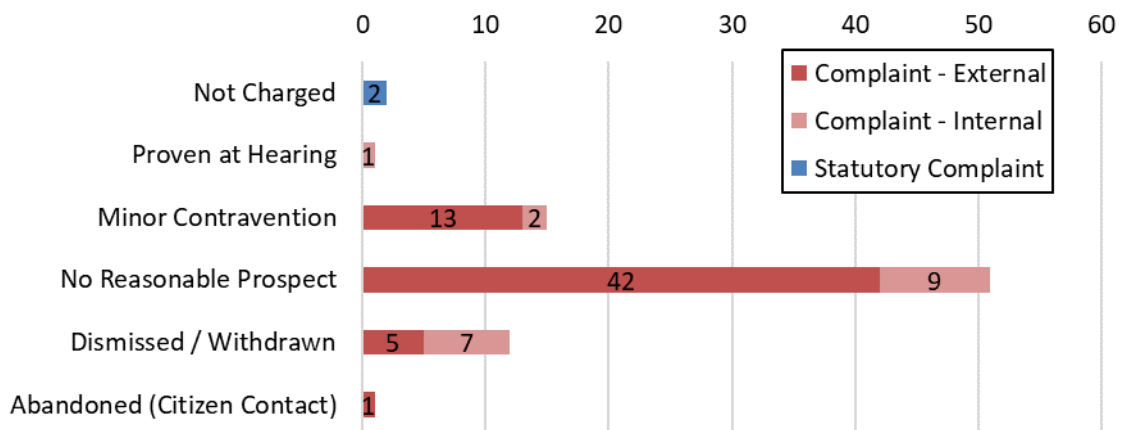


Figure 3-1. Dispositions of Concluded Police Act Complaints

	2021		2022		2023	
	Q1	YTD	Q1	YTD	Q1	YTD
Received						
Public Complaints/Concerns	327	327	347	347	313	313
Police Act Complaint	45	45	40	40	8	8
Citizen Contact	282	282	307	307	305	305
Internal Matters	40	40	47	47	24	24
Police Act Complaint	19	19	23	23	18	18
EPS Matter	21	21	24	24	6	6
Total	367	367	394	394	337	337
Concluded						
Public Complaints/Concerns	322	322	317	317	332	332
Police Act Complaint	44	44	25	25	61	61
Citizen Contact	278	278	292	292	271	271
Internal Matters	28	28	39	39	28	28
Police Act Complaint	7	7	10	10	19	19
EPS Matter	21	21	29	29	9	9
Total	350	350	356	356	360	360

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

4. LEGAL

DISCIPLINARY HEARINGS		Total	File Number
Directed	5		PSB2020-0113
			PSB2021-0113
			PSB2021-1387
			PSB2022-0734
			PSB2022-0920
Concluded	1		PSB2017-0890 (Reduction in Rank)
LERB		Total	File Number
Appeals Received	11		PSB2015-0180
			PSB2017-0890
			PSB2021-0236
			PSB2021-0317
			PSB2021-0395
			PSB2021-0408
			PSB2021-0664
			PSB2021-1086
			PSB2022-0284
			PSB2022-0686
			PSB2022-1057
Decisions Rendered	5		PSB2016-0279 (Dismissed)
			PSB2016-0940 (Allowed)
			PSB2019-0052 (Dismissed)
			PSB2020-0973 (Dismissed)
			PSB2021-0320/PSB2021-0482/PSB2021-0971 (Dismissed)
Appeals Withdrawn	0		

EPC APPEALS	Total	File Number
Appeals Received	0	
Decisions Rendered	0	
EPC Matters Ongoing	1	PSB2022-0325

Figure 4-1. Disciplinary Hearings and appeals during Q1 of 2023

CONCLUDED DISCIPLINARY HEARINGS

1. File Number: PSB2020-0777
Date of Complaint: August 07, 2020
Subject Officer: Cst. Rosenow
• Deceit x 2
Presenting Officer: M. Baldasaro, McLennan Ross LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Jurisdiction was lost over this matter as Cst. Rosenow resigned from the Edmonton Police Service effective December 31, 2022.

2. File Number: PSB2017-0890
Date of Complaint: September 19, 2017
Subject Officer: Det. Kelly
• 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.)

The written decision on penalty was released by Chief Supt (Rtd) Fred Kamins on January 23, 2023 in relation to the ten misconduct charges that were found proven against the member including: four counts of Neglect of Duty, five counts of Deceit and one count of Discreditable Conduct. The member was issued a global penalty of a permanent demotion in rank from a Detective Step 1 to a Constable Step 5. After a period of thirty six months, the member may progress in pay levels, one pay grade per year, to that level appropriate to his length of service within the Edmonton Police Service at the Constable rank. The member is also ineligible for temporary acting duties or promotion for a period of five years from the date of this penalty.

3. File Number: PSB2017-0701
Date of Complaint: June 12, 2018
Subject Officer: Sgt. Thomas
• Neglect of Duty x 1
Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

On March 23, 2023 Sgt. Thomas plead guilty to one count of Unlawful or Unnecessary Exercise of Authority. By way of an Agreed Statement of Fact and Joint Submission on penalty the member received a reprimand and he had also already completed 35hr of volunteer work with Sport Central. The balance of the members involved in this matter are still outstanding.

PENDING DISCIPLINARY HEARINGS

1. File Number: PSB2019-1144
Date of Complaint: December 26, 2019
Subject Officer: Det. A.B.
 - Insubordination x 3
 - Discreditable Conduct x 1Presenting Officer: C. Plante, Bishop and McKenzie LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for April 18, 2023.

2. File Number: PSB2017-0701
Date of Complaint: June 12, 2018
Subject Officer: Cst. A.B.
 - Unlawful or Unnecessary Exercise of Authority x 1
 - Neglect of Duty x 1Cst. C.D.
 - Unlawful or Unnecessary Exercise of Authority x 1
 - Neglect of Duty x 1Cst. E.F.
 - Unlawful or Unnecessary Exercise of Authority x 1
 - Neglect of Duty x 1Cst. G.H.
 - Unlawful or Unnecessary Exercise of Authority x 1
 - Neglect of Duty x 1Cst. I.J.
 - Unlawful or Unnecessary Exercise of Authority x 1
 - Neglect of Duty x 1

Open Disciplinary Hearing is scheduled for April 19, 2023.

3. File Number: PSB2017-1148
Date of Complaint: December 12, 2017
Subject Officer: Cst. A.B.
 - Discreditable Conduct x 3
 - Unlawful or Unnecessary Exercise of Authority x 2
 - Insubordination x 9Cst. C.D.
 - Insubordination x 4
 - Unlawful or Unnecessary Exercise of Authority x 1
 - Discreditable Conduct x 1
 - Deceit x 2Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for May 16, 2023.

4. File Number: PSB2021-1073
Date of Complaint: September 22, 2021
Subject Officer: Cst. A.B.
 - Discreditable Conduct x 2Presenting Officer: D. Cranna, Field LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for June 19 & 20, 2023

5. File Number: PSB2018-0514
Date of Complaint: June 11, 2018
Subject Officer: Cst. A.B.
 - Neglect of Duty x 3

New matter not yet scheduled.

6. File Number: PSB2021-0654
Date of Complaint: June 10, 2021
Subject Officer: Cst. A.B.
 - Breach of Confidence x 1
 - Deceit x 1

New matter not yet scheduled.

7. File Number: PSB2021-1063
Date of Complaint: September 27, 2021
Subject Officer: Cst. A.B.
 - Insubordination x 2Subject Officer: Cst. C.D.
 - Insubordination x 2Subject Officer: Cst. E.F.
 - Insubordination x 2

New matter not yet scheduled.

8. File Number: PSB2021-0385
Date of Complaint: March 29, 2021
Subject Officer: Cst. A.B.
 - Insubordination x 1

New matter not yet scheduled.

9. File Number: PSB2022-0151
Date of Complaint: February 08, 2022
Subject Officer: Cst. A.B.
 - Insubordination x 1
 - Discreditable Conduct x 2

New matter not yet scheduled.

- 10.** File Number: PSB2021-1072
Date of Complaint: September 25, 2021
Subject Officer: Cst. A.B.
 - Discreditable Conduct x 2

New matter not yet scheduled.

- 11.** File Number: PSB2022-0920
Date of Complaint: August 25, 2022
Subject Officer: Sgt. A.B.
 - Insubordination x 1
 - Deceit x 1

New matter not yet scheduled.

- 12.** File Number: PSB2022-0734
Date of Complaint: July 13, 2022
Subject Officer: Cst. A.B.
 - Neglect of Duty x 3

New matter not yet scheduled.

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

There were one (4) Complaint of Service under Section 44 of the *Police Act* that were resolved or concluded during the first quarter from January 01, 2023, to March 31, 2023.

1. Concluded by the Chief
File Number: PSB2020-0332
Date of Complaint: February 14, 2020
Investigator: Investigative Manager Mike Morgan

Summary

On February 14, 2020, PSB received a written letter of complaint regarding several incident where the complainant was asked to leave a licensed premises where the complainant believed there were no lawful grounds for the expulsion. The complainant alleged that the officer's actions were not authorized by the Gaming Liquor and Cannabis Act. It is alleged that the on-duty Drug and Gang Section Staff Sergeant and the divisional watch commander did not approve the ejection of the complainant and that no information package was prepared as required by EPS Procedure IN1-3PR (4) Investigations of Crimes against Society. It is alleged that the above expulsions did not fulfill the purposes of public safety and reducing gang influence as required by policy and that if police believed the complainant to be in the company of a gang member or associated policy requires police to permit the complainant re-entry if he was no longer in the presence of such a person. The complainant believed the information on PatronsCan that they were a public threat originated with police without a reasonable factual foundation. It was alleged that EPS target black males for enforcement action in their monitoring of licensed premises, including excluding them from licensed premises. The process for removals under s. 69.1 of the *Gaming and Liquor Act* has already been reviewed and revised policy for this process was introduced in June 2020.

On March 7, 2023, the Chief concluded this file with no requirement for the EPS to create or amend current policy and procedures.

2. Concluded by the Chief
File Number: PSB2020-0332
Date of Complaint: April 23, 2020
Investigator: Investigator Darryl Scherr

Summary

On April 18, 2020, PSB received a complaint regarding whomever allowed Police gym to remain open after members of the Police Service were diagnosed with COVID 19, which they believed was in contravention of the Public Health Officials direction to close all gyms and work out facilities as well as requesting witness to attend for statements in person. At that time policies and procedures were constantly changing and this was addressed through renewed COVID 19 recommendations.

On March 3, 2023, the Chief concluded this file with no requirement for the EPS to create or amend current policy and procedures.

3. Concluded by the Chief
File Number: PSB2021-0664
Date of Complaint: June 06, 2021
Investigator: Investigator Darryl Scherr

Summary

On June 06, 2021, a complaint was received at PSB requesting a review of ur policies and procedures, as the complainant felt that it was not right that he was forced out of his home during a pandemic due to domestic dispute. He felt that EPS policy/process regarding domestic disputes are insufficient, and that he was unjustly labeled the perpetrator and his wife the victim. As there was an order in place to lawfully remove the complainant from the home which would override any general COVID restrictions in place at the time. Due to the Order that was in place officers were required to remove the complainant. As the EPO Order process is separate from any police involvement there was no requirement to review or amend policies or practices.

On January 17, 2023, the Chief concluded this file with no requirement for the EPS to create or amend current policy and procedures.

4. Concluded by the Chief
File Number: PSB2021-1134
Date of Complaint: November 19, 2021
Investigator: Detective Colin Simpson

Summary

On November 19, 2021, a complaint was received at PSB that alleged the complainant was mistreated in cells, by being denied food and appropriate drinking water. It was determined through investigation that detainees are offered meals 4 times a day and the complainant was provided a meal at the last mealtime and if there was medical emergency paramedics are on site and an initial health screening is performed when the detainee arrives at which time, they may disclose medical issues requiring a meal before scheduled times.

On January 29, 2023, the Chief concluded this file with no requirement for the EPS to create or amend current policy and procedures.

COMPLIMENTS

During Q4 2022, six (6) letters of appreciation were entered by the Edmonton Police Service. Professional Standards Branch would like to present three (3) of these letters.

1. **SUBJECT:** LY Cairns School

MESSAGE: Hello,

Our admin staff here at LYC would like to share an experience we had with two of your amazing officers last week. Constables [Redacted] and [Redacted] attended a call to our school to assist with a violent student our staff were restraining. All of our students are special needs and require a careful and understanding approach. Both officers were absolutely incredible in dealing with both our students and staff. They displayed amazing empathy and professionalism and we all commented afterwards how lucky we were to have these officers working with us.

Later that same day they returned to attend to a second call involving dangerous narcotics. This was a very scary and intense situation that could have resulted in catastrophic results. Again, both officers were incredible to work with, they put the safety and wellbeing of our students and staff above all else and worked with us to hold the offending students accountable while considering the low cognitive functioning of our students and trying to educate everyone involved.

We are truly blessed to have such outstanding police officers in our city. Please pass on our thanks and well wishes to Constables [Redacted] and [Redacted].

Cheers,

[Redacted]

L.Y. Cairns School

2. **SUBJECT:** [Redacted]

MESSAGE: HI there –

I saw online that you can send in compliments to EPS so I just wanted to reachout and compliment Constable [Redacted]. She was so incredibly helpful with a really unfortunate incident that happened to me. She was assertive and quick, and I really appreciate having her assist me in getting my money back for “fake” Airpod’s.

I hope this compliment reaches her as I am truly so happy this was resolved, and she was able to help!

Thanks again,

[Redacted]

3. **SUBJECT:** Impressive Work

MESSAGE: Recently Officer [Redacted] Constable reg [Redacted] was extremely professional/ helpful and to track down an expensive iPad that was stolen from my friend's vehicle. Went out of his way to assist over a 2-day span across the city and I think he dserve some praise! Stand up police officer and satnd up person.

Edmonton Police Service Professional Standards Branch

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