



July 22, 2021

TO: Dale McFee
Chief of Police

FROM: Inspector Mike Morgan
Professional Standards Branch

RE: QUARTERLY REPORT – Q2 of 2021

This report has been prepared for the July 22, 2021, Edmonton Police Commission meeting

During the second quarter of 2021 (Q2), Professional Standards Branch received 386 new files:

- 42 Public complaints as defined by Part 5 of the *Police Act*;
- 10 Internal complaints as defined by Part 5 of the *Police Act*;
- 31 EPS Matters; and
- 303 Citizen Contacts.

There were 7 files directed for Criminal Investigation (*Statutory Complaints*) during Q2 of 2021 (all 7 are related to notifications under s.46.1 of the *Police Act*).

Concluded 349 files:

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

The Edmonton Police Service dispatched 40,212 of calls received and recorded opening 20 compliments.


Inspector Mike Morgan
Professional Standards Branch

Inspector Mike Morgan
Professional Standards Branch

cc: Micki Ruth/Chair
Edmonton Police Commission



**Q2 2021 REPORT TO THE
EDMONTON POLICE COMMISSION**



The following report is submitted for:

- Approval
 Ratification
 Information

**PROFESSIONAL STANDARDS BRANCH
July 22, 2021 EPC MEETING**

Approved by:

**Dale R. McFee
Chief of Police**



Inspector Mike Morgan
Professional Standards Branch

**Mike Morgan
Inspector**



**Professional Standards Branch
April – June 2021
Q2 Report
Edmonton Police Service**

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STATISTICAL SUMMARY

Second Quarter of 2021 Update

1. RECEIVED FILES

The following figure shows the number and type of files received during the second quarter (Q2) of 2021. 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 Q2 of 2021, PSB received 345 public files and 41 internal files.

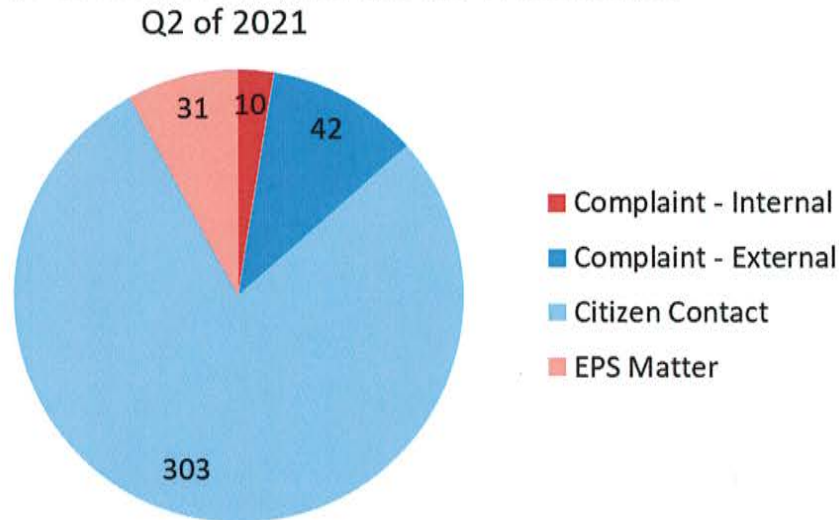


Figure 1-1. Type of Files Received During Q2 of 2021

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 up by 23% compared to 2020. Of the 678 public complaints received in 2021, 475 have already been concluded (including 231 resolved through dispute resolution), 144 are in the process of dispute resolution or are being considered for dispute resolution, and 59 are being investigated under the *Police Service Regulation*.

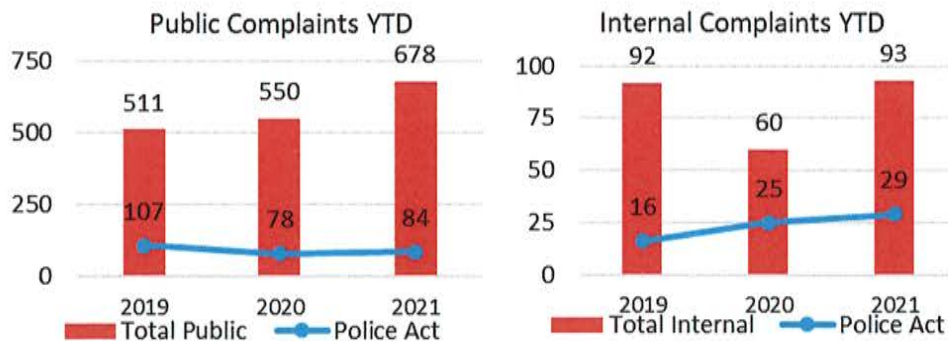


Figure 1-2. Yearly Changes in Public Contacts to PSB

2. CURRENT WORKLOAD

As of June 30, 2021, PSB had 444 open investigations broken down as follows:

- 186 Complaints External
- 74 Complaints Internal
- 134 Citizen Contacts
- 50 EPS Matters

94 Statutory Complaints (all 94 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	0	0	1	1
2017	1	1	4	6
2018	1	1	14	16
2019	5	0	24	29
2020	34	9	79	122
2021	145	50	72	267
Total	186	61	197	444

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).

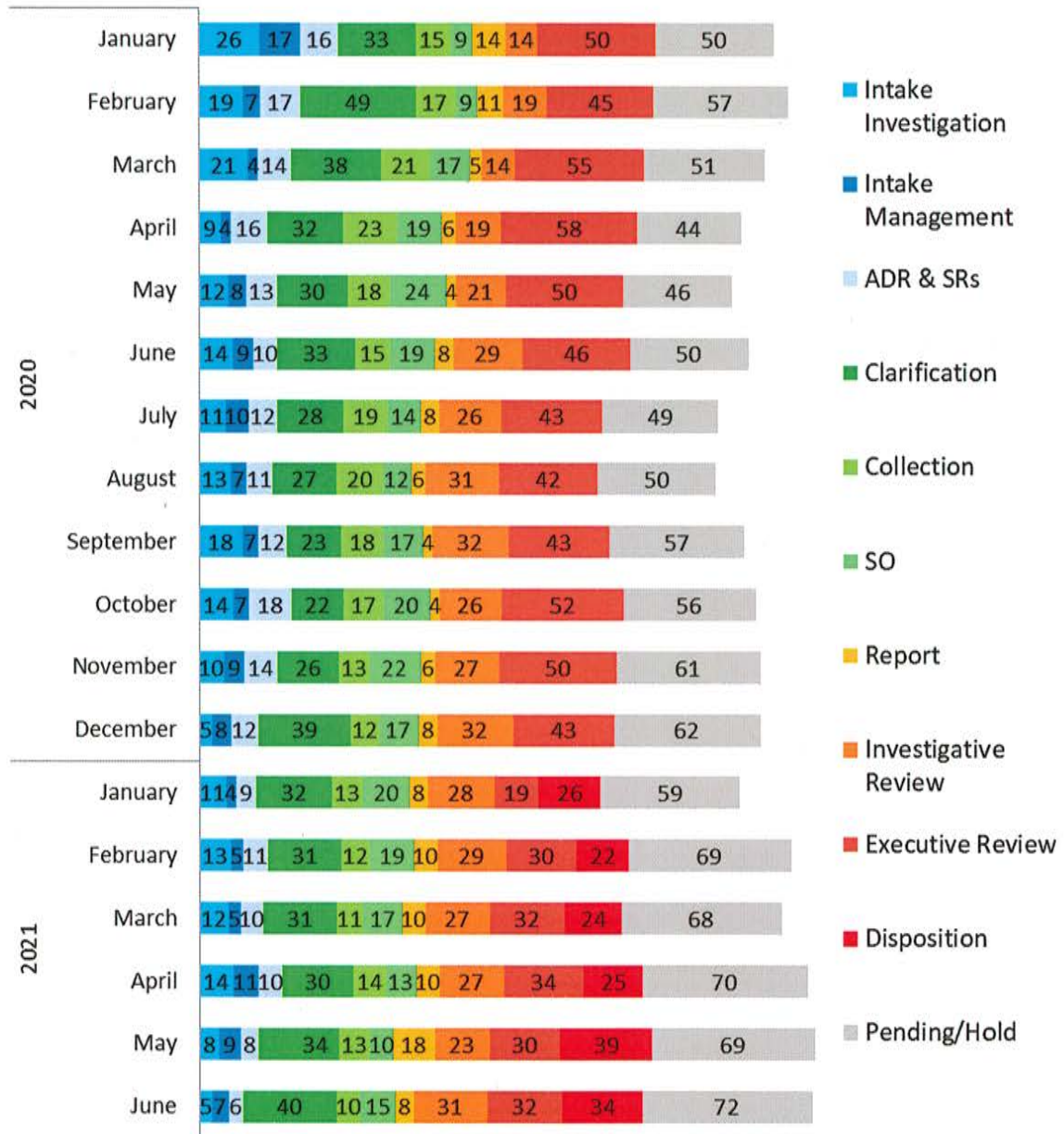


Figure 2-2. Monthly Comparison of Complaint Stages

3. CONCLUDED FILES

The following figure shows the disposition of all Police Act Complaints and Statutory Complaints concluded during Q2 of 2021 (42 Complaints, 0 Statutory Complaints).

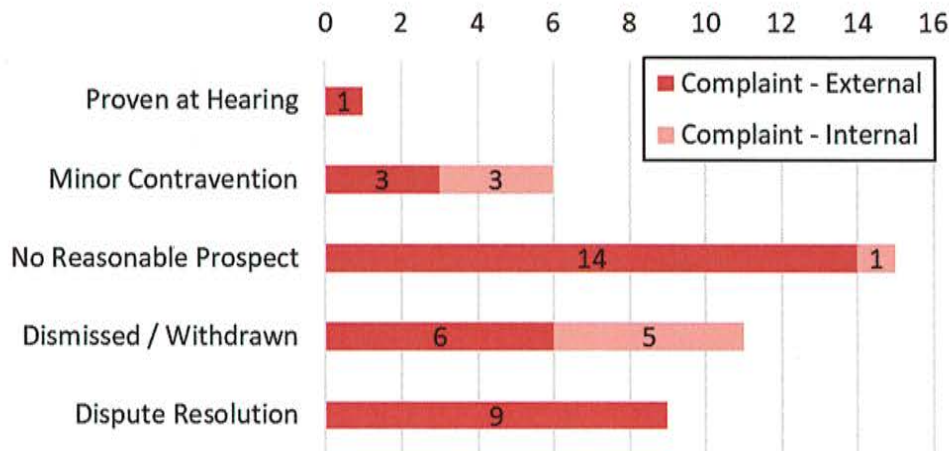


Figure 3-1. Dispositions of Concluded Police Act Complaints

	2019		2020		2021	
	Q1	YTD	Q1	YTD	Q1	YTD
Received						
Public Complaints/Concerns	276	511	292	550	345	678
Police Act Complaint	61	107	45	78	42	84
Citizen Contact	215	404	247	472	303	594 ¹
Internal Matters	32	92	27	60	41	93
Police Act Complaint	4	26	10	25	10	29
EPS Matter	28	66	17	35	31	64
Total	308	603	319	610	386	771
Concluded						
Public Complaints/Concerns	242	476	292	569	321	649
Police Act Complaint	40	82	50	95	34	81
Citizen Contact	202	394	242	474	287	568
Internal Matters	50	106	33	60	27	54
Police Act Complaint	21	43	14	25	9	15
EPS Matter	29	63	19	35	18	39
Total	292	582	325	629	348	703

Figure 3-2. Three-Year File Comparison for Q2 of 2021
Total numbers do not include Statutory Complaints

¹ Please note: Ten (10) of the 594 Citizen Contact files are considered "bulk" files, which (combined) include 220 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).

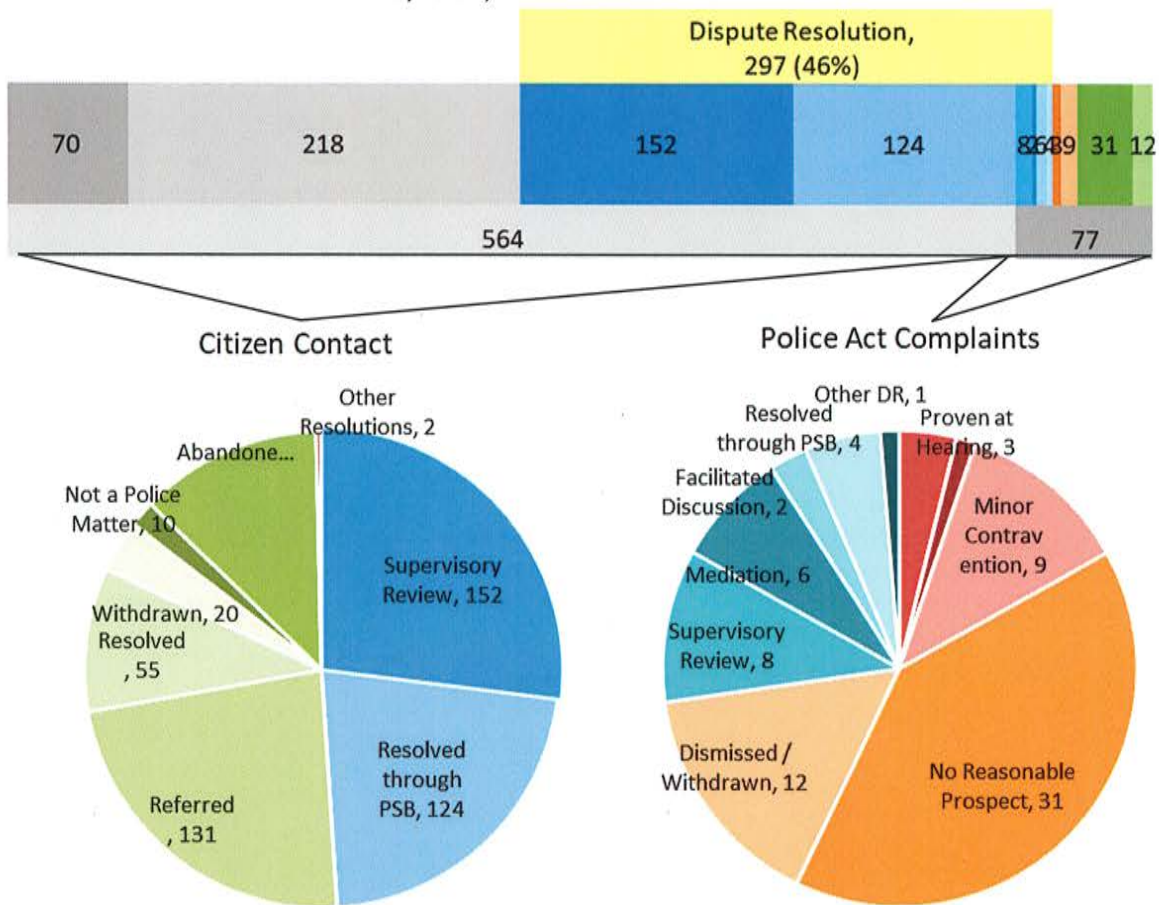


Figure 3-3. Resolutions of Public Contacts to PSB

4. LEGAL

DISCIPLINARY HEARINGS	Total	File Number
Directed	2	PSB2019-0614 PSB2020-0777
Concluded	1	PSB2017-1074 (50h SWOP)
LERB	Total	File Number
Appeals Received	3	PSB2016-0279 PSB2018-0613 PSB2020-0538
Decisions Rendered	5	PSB2017-0767 (Dismissed) PSB2017-1039 (Dismissed) PSB2018-1106 (Dismissed) PSB2018-1206 (Dismissed) PSB2019-1143 (Dismissed)
Appeals Withdrawn	1	PSB2017-0714
EPC APPEALS	Total	File Number
Appeals Received	0	
Decisions Rendered	0	
EPC Matters Ongoing	0	

Figure 4-1. Disciplinary Hearings and appeals during Q2 of 2021

CONCLUDED DISCIPLINARY HEARINGS

1. File Number: PSB2017-1074
Date of Complaint: May 14, 2017
Subject Officer: Cst. Costa
- Unlawful or Unnecessary Exercise of Authority x 3
 - Neglect of Duty x 3
 - Insubordination x 2
- Presenting Officer: M. Baldasaro, McLennan Ross LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Cst. Costa plead guilty to two counts of Unlawful or Unnecessary Exercise of Authority on May 11, 2021. The remaining counts were withdrawn. The member received a 50 hour suspension without pay and was directed to receive remedial training on arrest powers and investigative detention.

2. File Number: PSB2018-0239
Date of Complaint: March 20, 2018
Subject Officer: Det. Faulkner
- Discreditable Conduct x 1
 - Insubordination x 2
- Presenting Officer: K. Haymond, Field Law LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Det. Faulkner plead guilty to three counts of Insubordination on July 06, 2021. He received a 60 hour suspension without pay and was directed to complete a course on gender equity offered by the EPS Equity and Workplace Harassment Unit.

PENDING DISCIPLINARY HEARINGS

1. File Number: PSB2019-0052
Date of Complaint: January 14, 2019
Subject Officer: Cst. A.B.
• Discreditable Conduct x 1
Presenting Officer: T. Magee, Edmonton Police Service
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for July 12, 13 & 15, 2021.

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

Open Disciplinary Hearing is scheduled for September 13-15, 2021.

3. 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 Officers: G. Crowe, Edmonton Police Service
M. Hankewich, Edmonton Police Service
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for September 30 to October 01, 2021.

4. File Number: PSB2017-1152
Date of Complaint: December 12, 2017
Subject Officer: Cst. A.B.
Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing merged into matter PSB2017-1148, new amended charge sheets served.

5. 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 9
- Cst. C.D.
- Insubordination x 4
 - Unlawful or Unnecessary Exercise of Authority x 1
 - Discreditable Conduct x 1
 - Deceit x 2

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

Open Disciplinary Hearing is scheduled for October 06-08, 2021.

6. File Number: PSB2019-0038
Date of Complaint: January 10, 2019
Subject Officer: Cst. A.B.
- Insubordination x 1
 - Neglect of Duty x 1
- Presenting Officer: K. Haymond, Field Law LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for October 13-15, 18 & 19, 2021.

7. 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.)

Open Disciplinary Hearing is scheduled for October 20, 2021.

8. 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

Hearing Proper completed, pending written submissions on final argument.

9. 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.

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: PSB2020-0777
Date of Complaint: August 07, 2020
Subject Officer: Cst. A.B.
- Deceit x 2

New matter not yet scheduled

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

There were three (3) Complaint of Service under Section 44 of the *Police Act* that were resolved or concluded during the fourth quarter from April 1, 2021 to June 30, 2021.

1. Concluded by the Chief
File Number: PSB2020-0262
Date of Complaint: March 20, 2020
Investigator: Darryl Scherr

Summary

On March 20, 2020, a complaint of service was received where it was alleged that the complainant was not brought before a Justice of the Peace to speak to bail within a reasonable time and was held in custody for a prolonged period. PSB reviewed the complaint and as a result confirmed that recommendations to improve documentation and reduce detention past the 24-hour mark were going to be made in IMAC. However, on December 1, 2020, the Provincial Hearing Office Standing Committee implemented a new protocol where "checks" will take place at the 9-hour mark and 18-hour detention period to remind all parties, including Police, Crown and the Justice that time is of the essence. At the 20-hour mark, the matter will proceed regardless of the preparedness of the Crown and/or Duty Counsel. As a result of this change the file was concluded by the Chief on April 27, 2021, with no changes to Current EPS Policy or Procedures

2. Concluded by the Chief
File Number: PSB2020-0275
Date of Complaint: March 26, 2020
Investigator: Intake Manager Kevin Kobi

Summary

PSB received a complaint of service on March 26, 2020, where the complainant is alleging that on March 27, 2019, EPS caused statements to be issued by the media that were unnecessary and unreasonable causing damage to the complainant's reputation. As part of the investigation into the complaint it was determined that when the media release was drafted, consideration had been given to what personal information was reasonable and necessary to aid in the investigative. EPS Policies and Procedures were reviewed and found the Duty to Warn procedure was encompassed in part by section 38 of the *Police Act* and no corrective actions are required. The file was concluded by the Chief of Police on June 13, 2021, with no changes to EPS policies or procedures required.

3. Concluded by PSB
File Number: PSB2021-0143
Date of Complaint: January 11, 2021
Investigator: Intake Manager Kevin Kobi

Summary

On January 11, 2021, a complaint of service was received with respect to 45-day Letters sent out by Professional Standards Branch (PSB) Administrative staff with incorrect information and investigative stages. As a result of this complaint PSB created a working group who reviewed and revised numerous documents including the 45-day Letters. This will provide complainants more meaningful information in plain language. In addition to this, Administrative staff will seek guidance from the area manager on the content of letters when a 45-day letter remains at the same stage for more than two letters in a row. This is to ensure accuracy of the stage of the investigation in the 45-day letter and act as mechanism to evaluate the progress in the investigation. On June 16, 2021, PSB concluded the file as resolved informally as advised by the complainant's agent.

COMPLIMENTS

During Q2 2021, twenty (20) letters of appreciation were entered by the Edmonton Police Service. Professional Standards Branch would like to present six (6) of these letters.

1. Good afternoon,

I am sending this commendation of behalf of Ms. (Redacted), a nurse at the Royal Alexandra Hospital who wanted to express her admiration for two officers who were in the emergency department on March 13, 2021.

The officers, Cst. (Redacted) and Cst. (Redacted) had brought in a patient under a Form 10 Mental Health Act apprehension. In conversation with the officers, Ms. (Redacted) learned that the patient had been on a second story ledge, hallucinating, and they were afraid she might fall or jump.

The officers were able to calm the patient down and successfully bring them in for medical attention. Ms. (Redacted) stated that the patient was very confused and exhibited mental distress, however, Cst (Redacted) and Cst (Redacted) were patient and respectful in their interactions with them. Ms. (Redacted) believes that these "quiet and stoic" officers saved the patient's life and that the patient will never know. She wanted to make sure they were recognised for their actions.

Thank you,

2. Subject: Thank you EPS Constables

I would like to express my appreciation and thanks to Cst. (Redacted) and Cst. (Redacted), who responded to a health/wellness check for my mother, (Redacted), the evening of November 25, 2020. When they checked my mother's apartment it was discovered that she had passed away.

From the moment they arrived until they left, they were both exemplary in how they handled the situation and how they interacted with me and my daughter. They were patient, professional, supportive and compassionate, and we could not have asked for better constables to be there that night. They both stayed until the early hours of the next morning until the funeral home arrived and until the very moment the funeral home drivers left, I don't think they were required to do this, and words cannot express my appreciation that they stayed.

While Cst. (Redacted) remained mostly upstairs at my mother's suite, Cst. (Redacted) kept me calm and focused and explained everything clearly every step of the way. She guided me through everything and answered every one of my questions, many of which I repeated several times. She was calm, personable, patient, and compassionate and she gave me strength. She also spoke to me and to my niece in the days that followed to answer some questions we each had, and knowing that we could reach out made me feel solidly supported in the middle of the shock and trauma.

Also, in hindsight I am impressed in the way that they allowed my daughter and me to feel that we could ask questions and fully make decisions through the night as to what we each felt we needed to do at the time, from the very beginning of the night to the end. They had very good instincts and judgement. Most importantly they made us feel like people and not just a call. I am very grateful to both of them and I will always feel blessed that they were there.

Thank you to Cst. (Redacted) and Cst. (Redacted), and thank you to EPS.
(Redacted)

3. Subject: Officer Compliment
I should have done this a while back. I would like to compliment Cst. (Redacted) of the West End Division, I believe.
He arrived at my apartment because my boyfriend at the time place at 9-1-1 call when I asked him to get out of the car we were in. Cst. (Redacted) arrested me for an outstanding warrant from Brooks, AB.
While down in the officer's car, I had breathing difficulties, and Cst. (Redacted's) partner was given my permission to return to my apartment and get my inhaler. My then-boyfriend had entered my apartment, and refused him entry.
Cst. (Redacted) asked a few questions regarding that relationship, and after my release from holding cell, went above and beyond what any officer has. He refused to take me back to my apartment, as my then-boyfriend was there. We returned together to get some of my belongings, and took me to a safe location where he entrusted my care to the only other person I knew in Edmonton. Based on the history of assaults between my ex and I, and the demeanor and change in attitude that Cst. (Redacted) notice when we arrived to gather some belongings, he informed me that he refused to let me become a statistic in the domestic violence category.
I did not get the EPS or the peace bond that Cst. (Redacted) suggested, but that person has since left the province.
Cst. (Redacted) arrested me, on a warrant I thought was dealt with, but he also refused to leave me in a bad situation. He prevented me from becoming a statistic, and he showed me that perfect strangers, and the EPC, not only serve, they protect as well.
A much delayed compliment and thank you, from Ms. (Redacted)
4. SUBJECT: Compliment The officers name – Cst. (Redacted)
MESSAGE: I would like to compliment an officer I encountered this evening. I live in the wolf willow area. A neighbour called this evening to inform my husband and I there was a homeless camp with a large gas can in the ravine near our backyard. I was going to walk through the ravine to locate the camp and call EPS when an officer suddenly appeared. I walked with her to their camp. She had encountered the homeless couple the day before and was checking on them to ensure they were safe but also to make sure they weren't causing any problems in our neighborhood.
She was very respectful to the homeless couple, offered them assistance if they needed and told them she would check on them the in the following day or two. She was also very understanding with regards to our concerns, especially regarding a potential fire hazard the homeless couple could pose in a ravine located in our backyard. She spoke with them about not starting any fires and removed the gas can.
I was very impressed with her professionalism, respect to all parties involved and commend her on how proactive she was.
I am very impressed and hope this will be passed along to her.
Thank you very much
Ms. (Redacted)
5. Please pass along my thanks to Cst. (Redacted)
I picked up my bike tonight. It was stolen on Sunday May 9th.
Cst. (Redacted) came out riding my bike to my car, heheh...
Very happy to have it returned this way :-) Mr. (Redacted)

6. Compliment Cst. (Redacted) & Cst. (Redacted)

There was a recent arrest in my building. Constable (Redacted) and Constable (Redacted) asked permission to go onto my patio. I of course agreed. Then I was asked if they could come inside, and my answer was absolutely yes. I was told that if at any time I felt uncomfortable to just tell them and they would leave. I had no problem with them being inside, and I felt very safe the whole time. They were extremely professional and very respectful of me and my home. This was the first interaction I have ever had with Edmonton Constables, and I must say how impressed I was with these fine individuals! I don't know if our paths will ever cross again, but I want them and the city to know what a great job they are doing. I wish them both the best of luck in their careers. Thank you for your service, and stay safe.

Edmonton Police Service Professional Standards Branch

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