



**Q2 2022 REPORT TO THE
EDMONTON POLICE COMMISSION**



The following report is submitted for:

- Approval
- Ratification
- Information

**PROFESSIONAL STANDARDS BRANCH
July 21, 2022 EPC MEETING**

Approved by:

A blue ink signature of Darren Derko, consisting of a large, stylized 'D' followed by 'D' and 'R'.

**Darren Derko
Acting Chief of Police**

A blue ink signature of Jason Mitzel, consisting of a large 'J' followed by 'Mitzel'.

**Jason Mitzel
Acting Inspector**



July 21, 2022

TO: Darren Derko
Acting Chief of Police

FROM: Acting Inspector Jason Mitzel
Professional Standards Branch

RE: QUARTERLY REPORT – Q2 of 2022

This report has been prepared for the July 21, 2022, Edmonton Police Commission meeting

During the second quarter of 2022 (Q2), Professional Standards Branch received 312 new files:

- 21 Public complaints as defined by Part 5 of the *Police Act*;
- 16 Internal complaints as defined by Part 5 of the *Police Act*;
- 18 EPS Matters; and
- 257 Citizen Contacts.

There were 4 files directed for Criminal Investigation (*Statutory Complaints*) during Q2 of 2022 (all 4 are related to notifications under s.46.1 of the *Police Act*).

Concluded 354 files:

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

The Edmonton Police Service dispatched 40,921 of calls received and recorded opening 5 compliments.

Acting Inspector Jason Mitzel
Professional Standards Branch

cc: John McDougall/Chair, Chair
Edmonton Police Commission



**Professional Standards Branch
April - June 2022
Q2 Report
Edmonton Police Service**

Statistical Summary	2
Concluded Disciplinary Hearings	6
Pending Disciplinary Hearings	7
Completed Complaints of Service	10
Compliments	12

STATISTICAL SUMMARY

Second Quarter of 2022 Update

1. RECEIVED FILES

The following figure shows the number and type of files received during the second quarter (Q2) of 2022. 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 2022, PSB received 278 public files and 34 internal files.

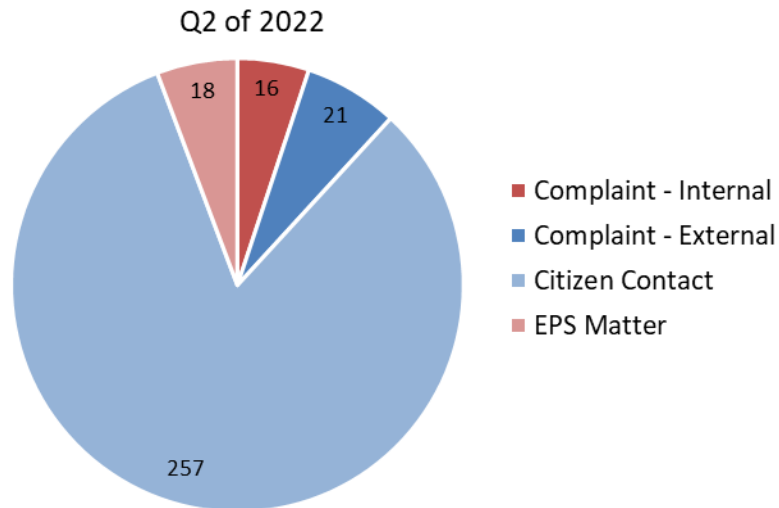


Figure 1-1. Type of Files Received During Q2 of 2022

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 7% compared to 2021. Of the 627 public complaints received so far in 2022, 496 have already been concluded (including 189 resolved through dispute resolution), 90 are in the process of dispute resolution or are being considered for dispute resolution, and 41 are being investigated under the Police Service Regulation.

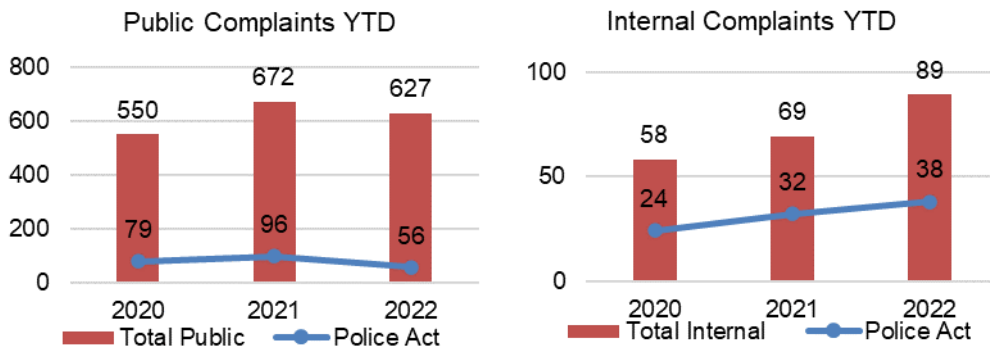


Figure 1-2. Yearly Changes in Public Contacts to PSB

2. CURRENT WORKLOAD

As of June 30, 2022, PSB had 453 open investigations broken down as follows:

- 220 Complaints External
- 106 Complaints Internal
- 90 Citizen Contacts
- 37 EPS Matters

93 Statutory Complaints (92 statutory complaints are associated with open PSB files and therefore are considered duplicate files, 1 statutory complaint relates to allegations where potential PSR misconduct was time-barred under s.43(11)).

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	0	0
2017	0	0	1	1
2018	2	1	9	12
2019	3	0	12	15
2020	9	3	28	40
2021	95	3	93	191
2022	123	25	43	191
Total	232	32	189	453

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).

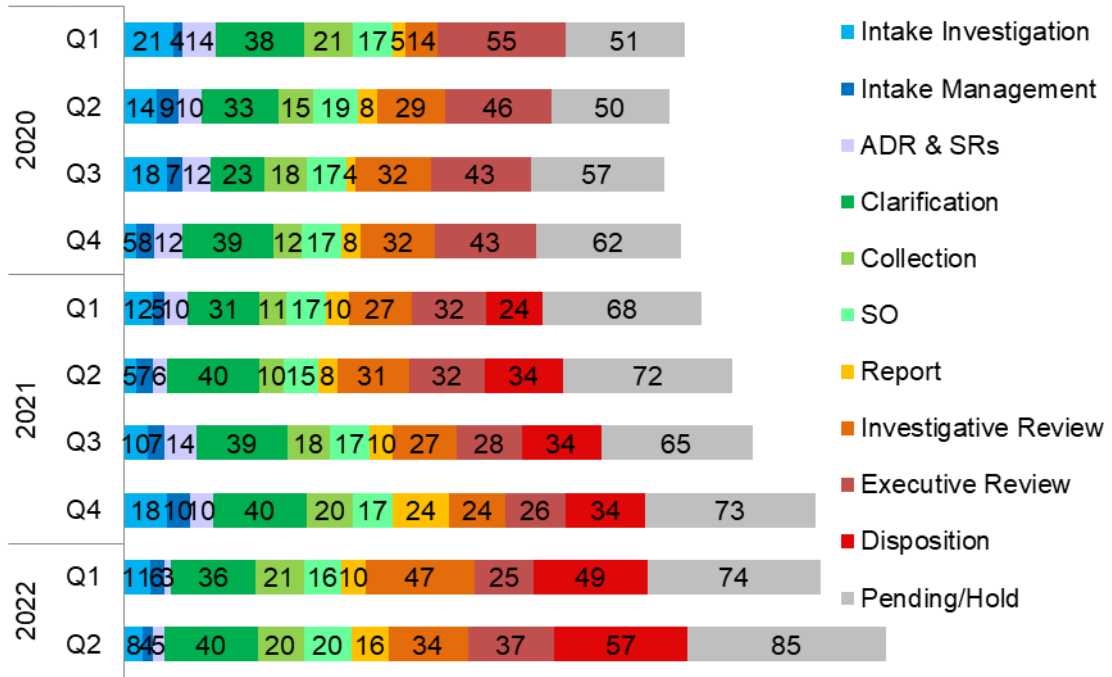


Figure 2-2. Quarterly Comparison of Complaint Stages

3. CONCLUDED FILES

The following figure shows the disposition of all Police Act Complaints and Statutory Complaints concluded during Q2 of 2022 (34 Complaints, 3 Statutory Complaints).

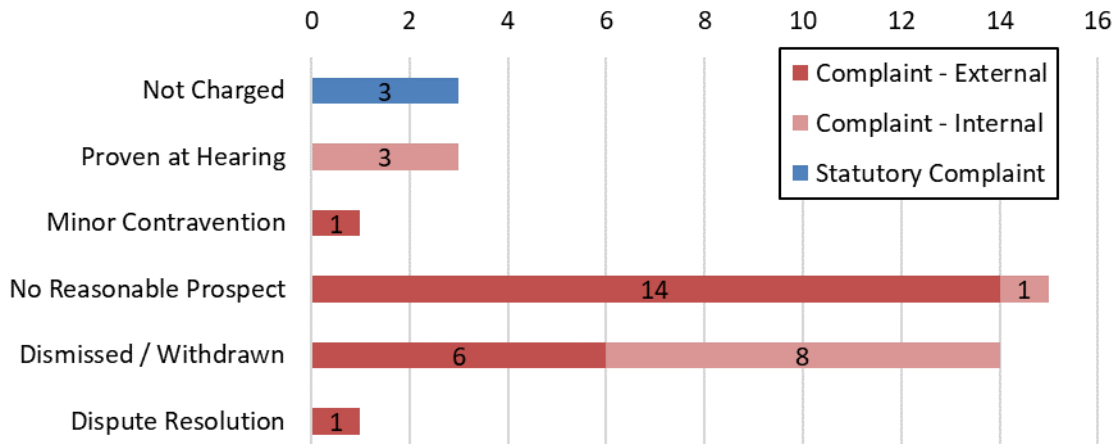


Figure 3-1. Dispositions of Concluded Police Act Complaints

	2020		2021		2022	
	Q2	YTD	Q2	YTD	Q2	YTD
Received						
Public Complaints/Concerns	291	550	345	672	278	627
Police Act Complaint	45	79	51	96	21	56
Citizen Contact	246	471	294	576	257	571
Internal Matters	26	58	29	69	34	89
Police Act Complaint	10	24	13	32	16	38
EPS Matter	16	34	16	37	18	51
Total	317	608	374	741	312	716
Concluded						
Public Complaints/Concerns	291	568	323	647	328	644
Police Act Complaint	49	94	43	89	23	46
Citizen Contact	242	474	280	558	305	598
Internal Matters	33	60	28	56	23	61
Police Act Complaint	14	25	10	17	12	21
EPS Matter	19	35	18	39	11	40
Total	324	628	351	703	351	705

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

4. LEGAL

DISCIPLINARY HEARINGS	Total	File Number
Directed	5	PSB2018-0514 PSB2021-0654 PSB2021-0692 PSB2021-1073 PSB2021-1186
Concluded	3	PSB2019-0052 (Dismissal from Service) PSB2020-0983 (penalty pending) PSB2021-0438 (Reduction in Seniority)
LERB	Total	File Number
Appeals Received	4	PSB2019-0052 PSB2019-0799 PSB2020-0086 PSB2020-1192
Decisions Rendered	3	PSB2020-0538 (Dismissed) PSB2020-0909 (Dismissed) PSB2020-1017 (Dismissed)
Appeals Withdrawn	1	PSB2020-0548
EPC APPEALS	Total	File Number
Appeals Received	0	
Decisions Rendered	0	
EPC Matters Ongoing	1	PSB2020-0384

Figure 4-1. Disciplinary Hearings and appeals during Q2 of 2022

CONCLUDED DISCIPLINARY HEARINGS

1. File Number: PSB2021-0438
Date of Complaint: March 24, 2021
Subject Officer: Cst. WOITT
- Deceit x 16
 - Insubordination x 2
- Presenting Officer: T. Magee, Edmonton Police Service
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

On April 05 Cst. Woitt plead guilty to one global count of deceit and received a reduction in rank over a three year period to the financial equivalent of \$35,000.00. Cst. Woitt also participated in an apology to particular effected members through a Restorative Dialogue Circle facilitated by Donna Cross of the Professional Standards Branch on May 19, 2022.

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

In a written decision of penalty issued by Chief Supt (Rtd) Kamins on April 07, 2022, Cst. Fossen was immediately terminated from the Edmonton Police Service as per Section 17(1)(f) of the *Police Service Regulations*.

PENDING DISCIPLINARY HEARINGS

1. 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 1
- Cst. C.D.
- Unlawful or Unnecessary Exercise of Authority x 1
 - Neglect of Duty x 1
- Cst. E.F.
- Unlawful or Unnecessary Exercise of Authority x 1
 - Neglect of Duty x 1
- Cst. G.H.
- Unlawful or Unnecessary Exercise of Authority x 1
 - Neglect of Duty x 1
- Cst. I.J.
- Unlawful or Unnecessary Exercise of Authority x 1
 - Neglect of Duty x 1

Open Disciplinary Hearing is scheduled for July 21, 2022.

2. File Number: PSB2020-0983
Date of Complaint: September 29, 2020
Subject Officer: Cst. A.B.
- Discreditable Conduct x 2
- Presenting Officer: C. Plante, Bishop and McKenzie LLP
Presiding Officer: The Honorable Justice V. Ouellette

Open Disciplinary Hearing is scheduled for August 02, 2022

3. File Number: PSB2021-0692
Date of Complaint: June 16, 2021
Subject Officer: Det. A.B.
- Breach of Confidence x 1
 - Insubordination x 1
 - Corrupt Practice x 1
- Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for August 15, 2022.

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

Open Disciplinary Hearing is scheduled for September 22, 2022.

5. File Number: PSB2015-0180/PSB2015-0160
Date of Complaint: March 04, 2015
Subject Officer: Det. A.B.
- Discreditable Conduct x 4
 - Insubordination x 2
- Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for September 26, 2022.

6. 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 12-14, 2022.

7. 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: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for November 01-04, 2022.

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

Open Disciplinary Hearing is scheduled for January 23-27, 2023.

- 9.** 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.)

Pending Written Decision on Facts by Presiding Officer.

- 10.** File Number: PSB2021-0621
Date of Complaint: May 13, 2021
Subject Officer: Cst. A.B.
- Deceit x 1

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 second quarter from April 1, 2022 to June 30, 2022.

1. Concluded by the Chief
File Number: PSB2020-0086
Date of Complaint: January 30, 2020
Investigator: Staff Sergeant Jason Mitzel

Summary

PSB received a complaint of service on January 30, 2020, in relation to EPS use of CCTV in holding cells and that consent was not obtained before recording specifically in the toilet area also that a cover for privacy was not provided. This matter was investigated by PSB and it is EPS policy that all holding cells are video monitored and recorded for detainee well-being and officer safety. This is in accordance with Alberta Policing Standards, which states all arrest processing areas and holding cell shall be monitored and recorded by closed circuit video equipment. In EPS detention facilities the CCTV cameras generally capture an entire cell area including the toilet if the cell is so equipped. There is no provision in the Alberta Policing Standards requiring privacy or no-monitored bathroom usage for persons in custody. There is signage at police facilities that make detainees aware they are being (video) monitored. There was a 2019 internal review of this issue and a process was put in place to allow short term detainees to be offered a 'privacy towel'. This process took effect after the event took place.

On May 12, 2022, the Chief concluded this file with no requirement for the EPS to create or amend current policy and procedures for the use of CCTV in holding cell areas.

2. Concluded by the Chief
File Number: PSB2021-1211
Date of Complaint: November 8, 2021
Investigator: Intake Manager Kevin Kobi

Summary

PSB received a complaint of service on November 8, 2021, regarding EPS policy prohibiting private recording in the front lobbies of Divisional stations. The complainant stated that the signage in Edmonton Police Service stations preventing citizens and media from recording in public was a contravention of the City of Edmonton Public Place Bylaw and Section 2(b) of the Canadian Charter of Rights and Freedoms.

EPS policies were reviewed by Edmonton Police Service Legal Advisor Section and Service Directive SD21-015 addressed the issue identified in the complaint. It was determined that prohibiting recording in Divisional Station lobbies is not a breach of either Section 2(b) of the *Canadian Charter of Rights and Freedoms* or *Public Place Bylaw 14614*. On May 30, 2022 the Chief concluded this file with no requirement for the EPS to create or amend current policy and procedures.

3. Withdrawn

File Number: PSB2021-1261

Date of Complaint: January 07, 2022

Investigator: Intake Investigator Anna Stenton

Summary

PSB received a complaint of service on January 07, 2022, regarding Edmonton Police services refusal to investigate a complaint against an Alberta Lawyer, complainant was advised to make complaint to Law Society of Alberta. Complaint was withdrawn by complainant on March 31, 2022.

COMPLIMENTS

During Q2 2022, five (5) letters of appreciation were entered by the Edmonton Police Service. Professional Standards Branch would like to present three (3) of these letters.

1. **SUBJECT:** Compliment

MESSAGE: My name is [Redacted] and I'm a resident in the [Redacted].

The reason for my writing this day, is to convey my compliments and to express my gratitude regarding two of your officers.

I have had the privilege and honour of collaborating on a community project in which Cst. Joshua Mowatt and Cst. Jeff McIssac from the Northeast Division Beats. They brought to the table a lot of insight, knowledge, skill, patience's and gave Valuable time. They are extremely helpful in trying to help the neighbourhoods have and be a safer community. They are also instrumental in helping with the other parts of the safety program/plans.

But it is not just the committee work. It has been exceedingly

busy and I'm sure a very stressful time for these officers as I'm sure it is for all officers. Cst. Joshua Mowatt and Cst. Jeff McIssac is working hard to deal with everything and at the same time showed the communities that they were

working with the communities and not just in it. We get to see that they feel like this was their community as well and not just a place they worked. They have done a lot for the communities and I for one want to recognize and express my gratitude for it.

I got to see glimpses of this at work, in the faces of the kids whose bright smiles came when they were interacted with; the adults who gave nods knowing that they were understood, and that Josh and Jeff really did care what happened and could feel little bit safer. Whenever possible Josh and Jeff took the extra steps to make sure every part of the neighbourhoods knew they were still under the patrols watchful eye. And they gave myself the feeling that I can talk to the police again and they gave me a little nudge to get some information that I needed to heal. Regardless who in the communities Josh and Jeff were talking to, there is always a smile and a listening ear (depending on the reason for the interaction). They did all of this while abiding by the laws, Acts and Regulations.

I thank them for the "chats" about either ideas, or helping plan an activity, or what would be the best division/department to speak on something or chat just about the neighbourhoods. Also, for understanding that some of us are directional challenged, and that's okay, so we found a common understanding of the landmarks in the area.

These officers are dealing with so many of the different events and unutterable situations; I hope Josh and Jeff know that they can walk tall and know that they are doing great things.

Know that the Edmonton Police Commission (please pass onto their supervisor) have two extraordinary individuals and officers in your ranks and if I could give an award I would, instead my words are straight from the heart.

I wish Cst. Joshua Mowatt and Cst Jeff McIssaac; to be safe, sound and much success in their careers and future endeavors.

Regards,
[Redacted]

2. **SUBJECT:** Constable Nicolas Bruneau and Constable Lindsey Baranyk
MESSAGE: My family and I have been dealing with a very stressful and fearful situation which required the attention of the Constable Bruneau and Constable Baranyk. Although our situation likely pales to major crimes the constables are regularly dealing with, they were absolute professionals who cared, attended to our concerns, and showed compassion. They epitomized the Edmonton Police Service's core values and are shining examples of policing excellence. They made our family feel safer and more comfortable in a tough situation. I will never forget:
1. Constable Bruneau's Friday late evening visit to provide some comfort, advice and guidance on keeping our family safe.
 2. Constable Baranyk's dogged pursuit of the individual causing our family all this grief.
- We are extremely thankful for all that they did for our family. Only two words...
THANK YOU!!

[Redacted]

3. **SUBJECT:** Hello
MESSAGE: I want to compliment two officers in particular and the staff in general at the Northeast Division location 14203 50 Street. Officer Leah and Officer Christie. I went there to report an MVA. I find them to be very friendly, efficient, helpful and they both demonstrate excellent public relations skills. They put forth respect of the clientele they serve and create a comfortable atmosphere at that division. I briefly thanked them for their service and their help. These are two exceptional members of the force and I appreciate them. I believe in giving credit where it is due.

Sincerely
[Redacted]

Edmonton Police Service Professional Standards Branch

Location

6th floor, CN Tower
10004 – 104 Ave
Edmonton, AB
T5J 0K1
421-2676
Fax: 421-2287