



**Q3 2021 REPORT TO THE
EDMONTON POLICE COMMISSION**



The following report is submitted for:

- Approval
 Ratification
 Information

**PROFESSIONAL STANDARDS BRANCH
October 21, 2021 EPC MEETING**

Approved by:

**Dale R. McFee
Chief of Police**



Inspector Mike Morgan
Professional Standards Branch

**Mike Morgan
Inspector**



October 21, 2021

TO: Dale McFee
Chief of Police

FROM: Inspector Mike Morgan
Professional Standards Branch

RE: QUARTERLY REPORT – Q3 of 2021

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

During the third quarter of 2021 (Q3), Professional Standards Branch received 355 new files:

- 37 Public complaints as defined by Part 5 of the *Police Act*;
- 8 Internal complaints as defined by Part 5 of the *Police Act*;
- 40 EPS Matters; and
- 270 Citizen Contacts.

There were 10 files directed for Criminal Investigation (*Statutory Complaints*) during Q3 of 2021 (all 10 are related to notifications under s.46.1 of the *Police Act*).

Concluded 328 files:

- 2 *Statutory* complaints;
- 38 Public complaints as defined by Part 5 of the *Police Act*, including one (1) complaint regarding policies or services provided by the EPS;
- 5 Internal complaints as defined by Part 5 of the *Police Act*;
- 19 EPS Matter; and
- 264 Citizen Contacts.

The Edmonton Police Service dispatched 43,557 of calls received and recorded opening five (5) compliments.

A blue ink signature of Inspector Mike Morgan, written in a cursive style, looping around the text below.

 Inspector Mike Morgan
Professional Standards Branch

Inspector Mike Morgan
Professional Standards Branch

cc: Micki Ruth/Chair
Edmonton Police Commission



**Professional Standards Branch
July – September 2021
Q3 Report
Edmonton Police Service**

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STATISTICAL SUMMARY

Third Quarter of 2021 Update

1. RECEIVED FILES

The following figure shows the number and type of files received during the third quarter (Q3) 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 Q3 of 2021, PSB received 310 public files and 45 internal files.

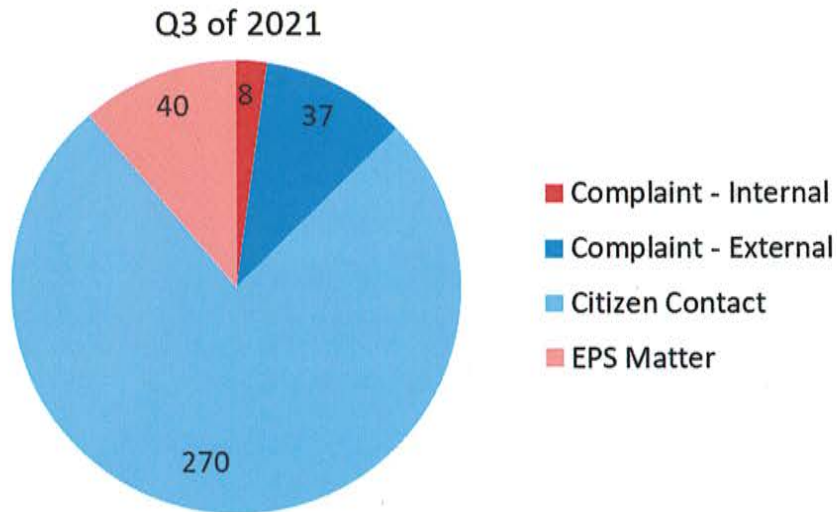


Figure 1-1. Type of Files Received During Q3 of 2021

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 10% compared to 2020. Of the 985 public complaints received in 2021, 752 have already been concluded (including 378 resolved through dispute resolution), 153 are in the process of dispute resolution or are being considered for dispute resolution, and 80 are being investigated under the *Police Service Regulation*.

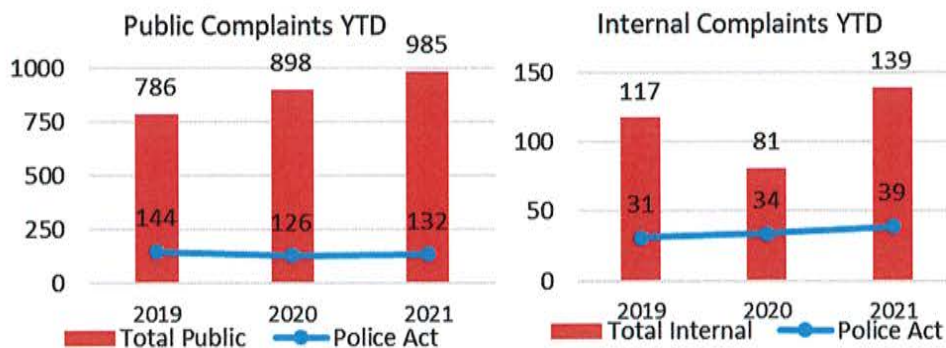


Figure 1-2. Yearly Changes in Public Contacts to PSB

2. CURRENT WORKLOAD

As of September 30, 2021, PSB had 461 open investigations broken down as follows:

- 191 Complaints External
- 78 Complaints Internal
- 131 Citizen Contacts
- 61 EPS Matters

95 Statutory Complaints (94 statutory complaints are associated with open PSB files and therefore are considered duplicate files; 1 is a re-opened file where PSR issues are time-barred).

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	0	0	4	4
2018	2	1	10	13
2019	3	0	21	24
2020	24	7	61	92
2021	168	57	99	324
Total	197	65	199	461

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).

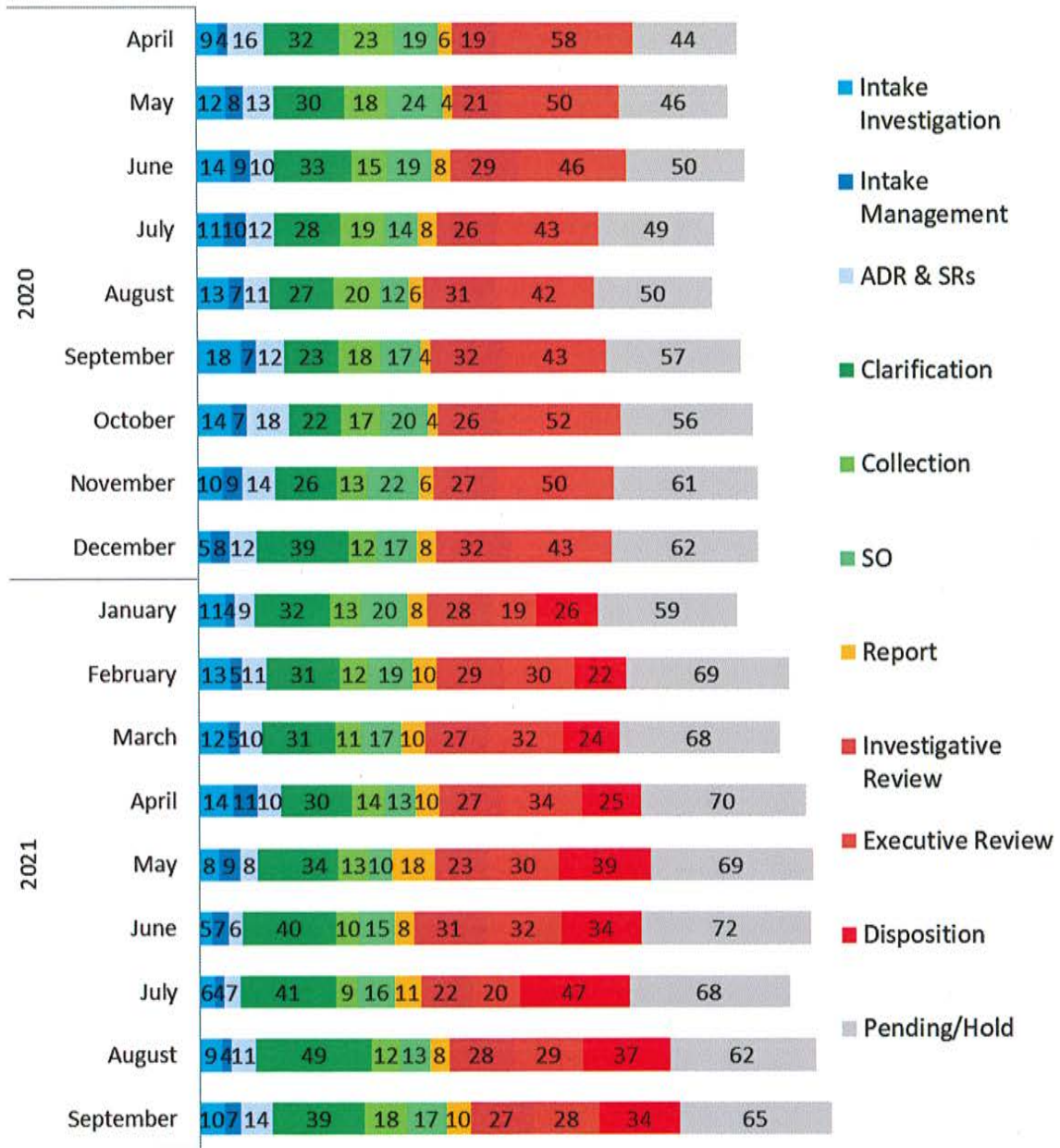


Figure 2-2. Monthly Comparison of Complaint Stages

3. CONCLUDED FILES

The following figure shows the disposition of all Police Act Complaints and Statutory Complaints concluded during Q3 of 2021 (41 Complaints, 1 Statutory Complaints).

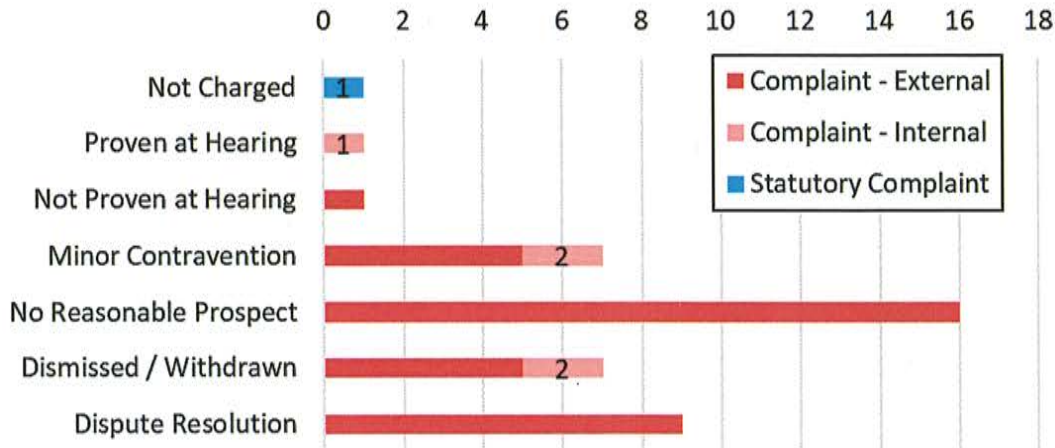


Figure 3-1. Dispositions of Concluded Police Act Complaints

	2019		2020		2021	
	Q3	YTD	Q3	YTD	Q3	YTD
Received						
Public Complaints/Concerns	275	876	347	898	307	985
Police Act Complaint	37	144	47	126	37	132
Citizen Contact	238	642	300	772	270	853
Internal Matters	25	117	23	81	48	139
Police Act Complaint	5	31	10	34	8	39
EPS Matter	20	86	13	47	40	100
Total	300	903	370	979	355	1124
Concluded						
Public Complaints/Concerns	276	750	294	863	302	954
Police Act Complaint	43	123	41	136	38	127
Citizen Contact	233	627	253	727	264	827
Internal Matters	35	141	21	81	24	78
Police Act Complaint	16	59	7	32	5	20
EPS Matter	19	82	14	49	19	58
Total	311	891	315	944	326	1032

Figure 3-2. Three-Year File Comparison for Q3 of 2021

Total numbers do not include Statutory Complaints

The following figure shows the year-to-date resolutions of public contacts to PSB (regardless of received date), 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).

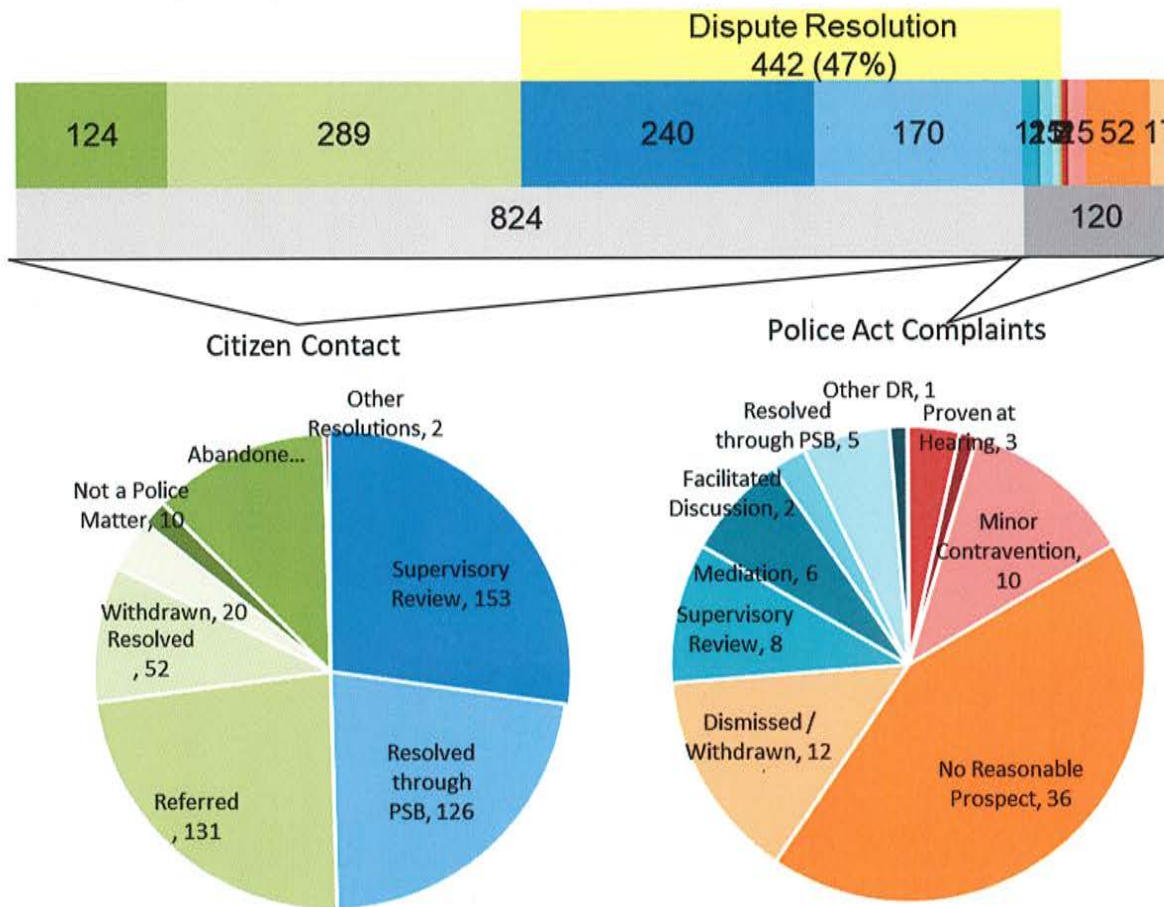


Figure 3-3. Resolutions of Public Contacts to PSB

4. LEGAL

DISCIPLINARY HEARINGS	Total	File Number
Directed	4	PSB2017-0701 PSB2020-0140 PSB2021-0438 PSB2021-0621
Concluded	2	PSB2017-0772 (Not Proven) PSB2018-0239 (SWOP 60h)
LERB	Total	File Number
Appeals Received	5	PSB2017-0629 PSB2018-0613 PSB2018-1176 PSB2019-0671 PSB2020-0140
Decisions Rendered	4	PSB2016-0633 (Allowed in Part) PSB2018-0035 (Dismissed) PSB2019-1013 (Dismissed) PSB2020-0607 (Dismissed)
Appeals Withdrawn	0	
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 Q3 of 2021

CONCLUDED DISCIPLINARY HEARINGS

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

The charge of Unlawful or Unnecessary Exercise of Authority against each member was not found proven.

2. 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 1Presenting Officer: C. Plante, Bishop and McKenzie LLP
Presiding Officer: Justice (Rtd) Binder

The charge of Unlawful or Unnecessary Exercise of Authority against the member was not found proven.

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

Court of Appeal allowed, and the decision of the Chief of Police is restored. No hearing required.

PENDING DISCIPLINARY HEARINGS

1. 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 1Presenting Officer: M. Hankewich, Edmonton Police Service
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for September 20 – October 01, 2021.

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

Reserved for Presiding Officer decision on application for September 27, 2021.

3. File Number: PSB2017-1148/PSB2017-1152
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 October 06-08, 2021.

4. File Number: PSB2019-0038
Date of Complaint: January 10, 2019
Subject Officer: Cst. A.B.
 - Insubordination x 4
 - Neglect of Duty x 1
 - Discreditable Conduct x 1Presenting 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.

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

Open Disciplinary Hearing is scheduled for October 20, 2021.

6. File Number: PSB2016-0940
Date of Complaint: October 05, 2016
Subject Officer: Cst. A.B.
 - Neglect of Duty x 1
 - Insubordination x 1
 - Discreditable Conduct x 3
 - Deceit x 2
 - Corrupt Practice x 3Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

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

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 1Presenting Officer: G. Crowe, Edmonton Police Service
Presiding Officer: Supt. (Rtd.) T. Grue, Edmonton Police Service

Court of Appeal dismissed the Appeal; new matter not yet scheduled.

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

New matter not yet scheduled.

9. File Number: PSB2020-0983
Date of Complaint: September 29, 2020
Subject Officer: Cst. A.B.
 - Discreditable Conduct x 2

New matter not yet scheduled.

10. 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

New matter not yet scheduled.

11. File Number: PSB2019-0614
Date of Complaint: May 03, 2019
Subject Officer: Cst. A.B.

- Neglect of Duty x 1

Cst. C.D.

- Neglect of Duty x 1

Cst. E.F.

- Insubordination x 1

New matter not yet scheduled.

12. File Number: PSB2021-0438
Date of Complaint: March 24, 2021
Subject Officer: Cst. A.B.

- Deceit x 16
- Insubordination x 2

New matter not yet scheduled.

13. File Number: PSB2021-0621
Date of Complaint: May 13, 2021
Subject Officer: Cst. A.B.

- Deceit x 1

New matter not yet scheduled.

14. File Number: PSB2020-0140
Date of Complaint: February 12, 2021
Subject Officer: Cst. A.B.

- Deceit x 1

New matter not yet scheduled.

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

There was one (1) Complaint of Service under Section 44 of the *Police Act* that were resolved or concluded during the third quarter from July 1, 2021 to September 30, 2021.

1. Concluded by the Chief
File Number: PSB2020-0502
Date of Complaint: May 29, 2020
Investigator: Detective Colin Simpson

Summary

On May 29, 2020, PSB received a complaint of service where the complainant is alleging that Professional Standards Branch failed to make accommodations for him to speak to an Investigator in person. PSB Intake Investigator was assigned the file and made numerous attempts to clarify the concerns and discuss how to proceed. During the resolution attempt it was noted that the complainant's choice of communication was by email. The complainant failed to contact the Alternative Dispute Resolution manager to arrange mediation. When no mediation took place, the file was re-assigned to Detective Tassone. The complainant himself was consistent in his preferred method of contact and made it clear on several occasions he wished to correspond via e-mail only; even refusing to meet at the PSB office for an interview. Meeting in a common-area such as a food court due to COVID was not reasonable.

With the numerous attempts via email, phone, mediation and the request for a inhouse interview declined it was determined there were no conduct issues and by these actions the complainant was not interested in resolution. On August 31, 2021, this matter was concluded by the Chief and no changes to EPS policy or procedures are required.

COMPLIMENTS

During Q3 2021, five (5) letters of appreciation were entered by the Edmonton Police Service. Professional Standards Branch would like to present five (5) of these letters.

1. To whom it may concern, (Cst. (Redacted) and Cst. (Redacted))
On July 5, 2021, my (of course, driving his father's car – does it always happen this way?) was involved in a minor collision with another vehicle at the intersection of 137th Ave. and 63rd St. When I arrived approximately half an hour after the incident, my son and the investigating police officers were still on scene although finished all required information gathering. Despite having completed their work, the latter constable (Redacted) took the time to leave his vehicle and come over to chat with me about the incident as they understood it, the information provided by my son and the process that would normally follow both in terms of their file (essentially completed) and subsequent insurance follow-up. Notwithstanding that his 'dad' radar probably went up when I arrived, Cst. (Redacted) clearly took extra time and effort to explain the EPS view of the incident and the process that would be expected to roll out subsequently involving insurance reporting.

Once the officers left the scene and I had a chance to sit down with my son, we reviewed both incident in question and his interactions with the law enforcement. Whilst I am thankful that my son both respectful and completely cooperative with the officers, I was also pleased to hear of the professionalism and respect returned in kind by each of the peace officers. My son reports that both judgment as to the nature of the event and attributable fault to one or other of the parties. My son would testify that it is possible to feel comfortable in the presence of peace officers after your first motor vehicle crash when the police interactions are as he experienced.

My compliments to these two particularly professional EPS constables, who clearly are a credit to both the community they serve and the police service which employs them.

Sincerely,
Mr (Redacted)

2. SUBJECT: Det. (Redacted)
MESSAGE: Hi I just wanted to contact you and thank Detective (Redacted) for saving our business! He was fully responsible for thwarting a Nigeria purchasing scam that would have put our little company out of business. He works with commercial crime and his understanding of the threat that the international scams pose are invaluable and without his knowledge and quick action I and 8 others would be out of a job and our products would be half way around the world on the black market.
Please pass along our heartfelt thanks and appreciation for all the work he does.
Thanks, Ms (Redacted)

3. Hello,

I would just like to praise Cst. (Redacted). My daughter was involved in a minor accident (at this point the other person has changed their story) and we were lucky enough to be able to file our report with him. It was right at the end of the day and he did not try to hurry my daughter, he was very professional, extremely helpful and patient. He made this stressful event a lot easier to cope with.

Thank you,
Mr. (Redacted)

4. Sgt. (Redacted) was called to attend my call of service after i requested the constable to provide me his sergeants information because the constable wasn't handling the call in an effective manor, because As a complainant for example i should not be told to look for a new place to live when i was called a "f ing faggot" by a neighbour. Sgt. (Redacted) attended and was extremely attentive and receptive! He was genuine and straightforward. I felt like what i was saying was being heard and taken into consideration. Not only that but Sgt. (Redacted) took an extra proactive step and forwarded my information to the HELP Unit of the EPS. I felt like Sgt (Redacted) actually cares and give a dam what happens and he is how police should be. His demeanour was not intimidating and he didn't act like he was better than me or anyone else! When i said to Sgt (Redacted) i hope he didn't have to come from far away to attend the call and i had only asked for his contact information so i wasn't wasting his time but his Constable was refusing to give me their badge number, or name and would not disclose Sgt. (Redacted)s information to me either and insisted that he would get his Sgt to attend the call ; his (Sgt (Redacted)) response was not what i was expecting to hear at all ! He simply said that is was okay and for me to not feel bad but he had come all the way from the SW Division Station and that he prefers to interact face to face with people because it is more personable and ultimately ends with better results as opposed to a phone call with a stranger who you have never met. The Edmonton Police Service has 1 VISION, 1 MISSION, and 6 CORE VALUES, and Seargent Sean (Redacted) acts in a mannor and presents himself in a way that makes the Words of the EPS Vision Statement, Mission Statement and Values Statement a reality and he truely shows how the words are not just words on paper but how the would be and should be carried out. The last while has been really tough for Police Officers and how the public thinks, and or views them and criticizes every single action, but Officers like Seargent (Redacted) are the officer who will be responsible in the rebuilding of TRUST that the community has in officers, and will be the officers who make the public see that Pride and Integrity and Compassion are behind the badge and is still something that is at the heart of officers!

THANK YOU Sergeant. (Redacted) for being you! It is rare and i am extremely privileged and grateful to have had the interaction we did!!!!!!

-CH

5. I want to thank Constable (Redacted) for handling my complaint regarding an abused dog. He handled the complaint in a fast and efficient manner and then got back to me with the results. We need more people like him who can get things done in a fast and efficient manner. I really appreciated that he got back to me to let me know of the outcome.
Ms (Redacted)

Edmonton Police Service Professional Standards Branch

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