May 9, 2011

TO : David Korol
Acting Chief of Police

FROM : Inspector Mark Neufeld
Professional Standards Branch

RE : MONTHLY REPORT – March 2011

This report has been prepared for the May 19, 2011 Edmonton Police Commission meeting.

During the month of March 2011, Professional Standards Branch opened 81 new files:

- 16 Public complaints as defined by Part 5 of the *Police Act;*
- 4 Internal complaints as defined by Part 5 of the *Police Act;*
- 8 EPS Matters; and
- 53 Citizen Contacts.

Additionally, 3 files were directed for Criminal Investigation (*Statutory Complaints*).

And concluded 90 files:

- 1 Internal *Statutory* complaint;
- 17 Public complaints as defined by Part 5 of the *Police Act*, including 4 complaints regarding policies or services provided by the EPS*;*
- 4 Internal complaints as defined by Part 5 of the *Police Act;*
- 10 EPS Matters; and
- 58 Citizen Contacts.

The Edmonton Police Service received 38,780 calls in Communications Section, dispatched 11,761 of those calls, and recorded receiving 36 compliments.

Inspector Mark Neufeld
Professional Standards Branch

cc: Arlene Yakeley, Chair
Edmonton Police Commission

MARCH 2011 REPORT TO THE
EDMONTON POLICE COMMISSION

The following report is submitted for:

☒ **Approval**
☐ **Ratification**
☐ **Information**

PROFESSIONAL STANDARDS BRANCH
May 19, 2011 *OPEN* MEETING

Approved by:

David Korol
Acting Chief of Police

Inspector Mark Neufeld

Professional Standards Branch
March 2011
Edmonton Police Service

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Overview & Updates

In the first quarter of 2011, there has been a 12% decrease in the total number of files received by Professional Standards compared to the number of files received in the first quarter of 2010. The number of formal complaints has decreased from 66 files in the first quarter of 2010 to 61 files in the first quarter of 2011; this represents an 8% decrease in formal complaints. However, the number of *public* formal complaints has largely remained constant between these reporting periods, with an increase from 50 complaints in the first quarter of 2010 to 51 complaints in the first quarter of 2011.

In 2011, the Professional Standards Branch has dramatically increased efforts to achieve informal resolutions to complaints, as per section 43.1 of the *Police Act*. Of the 61 formal complaints received in the first quarter of 2011, 20 files have been sent to the originating division for Supervisory Reviews, rather than engaging the formal discipline process; this includes 12 complaints regarding conduct of officers, 5 complaints regarding policy or services, and 3 complaints with aspects of both conduct and service. In comparison, of the 66 complaints received during the first quarter of 2010, only 5 files were resolved through Supervisory Review (all 5 were related to conduct of officers).

Files Received in March 2011

	Internal	*Public*	**Total**
Complaint	4	16	***20***
EPS Matter / Citizen Contact	8	53	***61***
Total	***12***	***69***	**81**

- 3 Criminal Investigations (Statutory Complaints) were initiated in March

Three Year File Comparison in the Month of March

March	**2009**		**2010**		**2011**	
	received	**concluded**	**received**	**concluded**	**received**	**concluded**
Complaint	21	28	21	28	20	21
Citizen Contact	61	76	86	71	53	58
EPS Matter	1	1	5	2	8	10
Total	**83**	**105**	**112**	**101**	**81**	**89**

Please note, for past years in the above table:

- Complaint includes Complaints of Service, Conduct and Criminal Investigations
- EPS Matters include only EPS Concerns
- Citizen Contacts include both Information Only files and Citizen Concerns

Previous Information Only files may include files that would now be classified as EPS Matters, so the number of Citizen Contact files for previous years may be slightly inflated.

Concluded files by Completion Time

File Type	**under 6 mos.**	**6 to 12 mos.**	**over 12 mos.**	***Total***
Statutory Complaint	0	0	1	*1*
Complaint	13	4	4	*21*
Citizen Contact	56	2	0	*58*
EPS Matter	9	1	0	*10*
Total	*78*	*7*	*5*	*90*

When a Statutory Complaint is completed, it is often the case that the Complaint (allegations of misconduct under the *Police Service Regulations*) will continue to be investigated. In the above table, Statutory Complaints are listed as additional to the number of completed Complaints and, therefore, the total is different than the total in the 3-year file comparison table above.

Concluded files by Disposition

Incident type	Disposition	
Statutory Complaint	Not Charged	1
Complaint	Not Proven (at Disciplinary Hearing)	1
	No Reasonable Prospect	4
	Resolved through PSB	3
	Resolved through SR	10
	Dismissed – Extension Not Granted	1
	Withdrawn by Complainant	2
Citizen Contact	Resolved through PSB	1
	Resolved-Citizen Contact	34
	Referred-Citizen Contact	17
	Abandoned-CitizenContact	6
EPS Matter	Resolved through SR	1
	Resolved EPS Matter	1
	Tracking Only-EPS Matter	8

Overview of March 2011

The following is a snapshot of all *active* files as of March 31, 2011. The files are broken down according to the type of file and the length of time since it was received. This table includes *all currently active files*, thus the length of time presented may include time periods in which the investigation was suspended. The totals do not include any files that are listed as *suspended* or *forwarded* (e.g. a file may be forwarded to ASIRT for investigation, or suspended pending a Disciplinary Hearing).

Note that Statutory Complaints typically represent a duplication of Complaint files (i.e. if a file is classified as a Statutory Complaint, there is a corresponding Complaint for the allegations of misconduct under the *Police Service Regulations*). For this reason, the number of active Statutory Complaints is not represented in the sum total.

File Type	**under 6 mos.**	**6 to 12 mos.**	**over 12 mos.**	***Total***
Complaint	59	47	40	*146*
Statutory Complaint	6	7	9	*22*
Citizen Contact	39	1	1	*41*
EPS Matter	10	3	0	*13*
Total	*114*	*58*	*50*	*200*

PENDING DISCIPLINARY HEARINGS

1. I.A. File Number: IA2002-0237
Complainant: Randy Fryingpan
Date of Complaint: October 6, 2002
Subject Officer: 2138 Constable M. Wasylyshen
- Unlawful or Unnecessary Exercise of Authority x 2
- Insubordination x 3

Presenting Officer: Derek Cranna, Field LLP
Presiding Officer: Inspector P. Manuel, Calgary Police Service

Open Disciplinary Hearing continuation on April 08, 2011.

2. I.A. File Number: IA2004-0040
Complainant: James Best
Date of Complaint: February 19, 2004
Subject Officers: 2083 Constable B. Pearce
- Unlawful or Unnecessary Exercise of Authority
- Discreditable Conduct
- Insubordination
- Breach of Confidence

2044 Constable D. McIntyre
- Unlawful or Unnecessary Exercise of Authority
- Discreditable Conduct
- Insubordination

Presenting Officer: Gregory Sim, Field LLP
Presiding Officer: Superintendent T. Grue, Edmonton Police Service

Open Disciplinary Hearing continuation April 21, 2011.

3. I.A. File Number: IA2006-0899
Complainant: Kirk Steele
Date of Complaint: August 18, 2006
Subject Officer: 1852 Sergeant B. Edwards
- Unlawful or Unnecessary Exercise of Authority

Presenting Officer: Craig Boyer, Shores Jardine LLP
Presiding Officer: Inspector P. Manuel, Calgary Police Service

Open Disciplinary Hearing scheduled from May 24-31, 2011.

4. I.A. File Number: IA2006-0403
Complainant: Timothy Ferguson
Date of Complaint: February 12, 2006
Subject Officer: 1930 Sergeant A. Zalaski
- Unlawful or Unnecessary Exercise of Authority

Presenting Officer: Dan Morrow, Bennett Jones LLP
Presiding Officer: Mark Logar, Edmonton Police Service

Open Disciplinary Hearing scheduled for July 29, 2011.

5. I.A. File Number: IA2009-0674
Complainant: Derwin Ducharme
Date of Complaint: May 5, 2009
Subject Officer: 1623 Constable T. Dzioba

- Unlawful or Unnecessary Exercise of Authority
- Deceit

Presenting Officer: Gregory SIM, Field LLP
Presiding Officer: Mark Logar, Edmonton Police Service

Open Disciplinary Hearing scheduled for September 28 and 29, 2011.

6. I.A. File Number: IA2009-1020
Complainant: Tom Engel
Date of Complaint: December 17, 2009
Subject Officer: 1868 Constable E. Toy

- Discreditable Conduct

OPEN Disciplinary Hearing pending.

7. I.A. File Number: IA2010-1014
Complainant: EPS
Date of Complaint: December 14, 2010
Subject Officer: 3122 Constable A. Shepansky

- Insubordination
- Deceit x7

OPEN Disciplinary Hearing pending.

MARCH 2011 DELAYED OFFICER NOTIFICATION

In the month of March 2011, Professional Standards Branch delayed notifying subject officers in the following investigations:

1. I.A. File Number: IA2010-1015

2. I.A. File Number: IA2011-0120

Total Number of Extension Requests: 29

1.

IA2009-0096

Date of Occurrence: February 2, 2009
Date of Complaint: December 9, 2009
Allegations: Unlawful or Unnecessary Exercise of Authority, Discreditable conduct
A three (3) month extension is requested to the July 2011 meeting

2.

IA2009-0377

Date of Occurrence: May 12, 2009
Date of Complaint: May 12, 2010
Allegations: Breach of Confidence, Insubordination, Unlawful Exercise of Authority, Discreditable Conduct.
A three (3) month extension is requested to the July 2011 meeting

3.

IA2009-0552

Date of Occurrence: July 18, 2009
Date of Complaint: July 21, 2009
Allegations: Unlawful or Unnecessary Exercise of Authority, Insubordination
A three (3) month extension is requested to the July 2011 meeting.

4.

IA2009-0684

Date of Occurrence: August 26, 2009
Date of Complaint: August 17, 2010
Allegation: Unlawful of Unnecessary Exercise of Authority, Discreditable conduct
A three (3) month extension is requested to the July 2011 meeting

5.

IA2010-0048

Date of Occurrence: January 19, 2010
Date of Complaint: January 19, 2010.
Allegations: Unlawful or Unnecessary Exercise of Authority

6.

IA2010-0058

Occurred Date: January 24, 2010
Date of Complaint: January 25, 2010
Allegation: Unnecessary Exercise of Authority
A three (3) month extension is requested to the July 2011 meeting

7.

IA2010-0160

Occurred Date: October 2009 – February 2010
Date of Complaint: February 25, 2010
Allegations: Insubordination, Deceit
A three (3) month extension is requested to the July 2011 meeting

8.

IA2010-0215

Occurred Date: March 8, 2009
Date of Complaint: March 7, 2010
Allegations: Criminal Allegations, Improper Use of Firearms, Neglect of Duty, Unlawful or Unnecessary use of Authority
A three (3) month extension is requested to the July 2011 meeting

9.

IA2010-0276

Date of Occurrence: April 05, 2010
Date of Complaint: September 15, 2010
Allegations: Discreditable Conduct, Unlawful or Unnecessary Exercise of Authority
A three (3) month extension is requested to the July 2011 meeting

10.

IA2010-0343

Occurred Date: April 18, 2010
Date of Complaint: April 22, 2010
Allegation: Unlawful or Unnecessary Exercise of Authority
A three (3) month extension is requested to the July 2011 meeting

11.

IA2010-0408

Date of Occurrence: May 4, 2009
Date of Complaint: May 4, 2010
Allegations: Assault Causing Bodily Harm (added December 2010)
Unlawful or Unnecessary Exercise of Authority and Discreditable Conduct
A five (5) month extension is requested to the September 2011 meeting

12.

IA2010-0409

Date of Occurrence: July 27, 2005 to April 20, 2010
Date of Complaint: May 4, 2010
Allegations: Deceit, Discreditable Conduct, Unlawful or Unnecessary Exercise of Authority
A three (3) month extension is requested to the July 2011 meeting

13.

IA2010-0531

Occurred Date: June 24, 2010
Date of Complaint: June 24, 2010
Allegations: Criminal Uttering Threats; Discreditable Conduct; UUEA
A seven (7) month extension is requested to the November 2011 meeting

14.

IA2010-0541

Date of Occurrence: February 2010.
Date of Complaint: June 8, 2010
Allegation: Discreditable Conduct
A three (3) month extension is requested to the July 2011 meeting

15.

IA2010-0624

Date of Occurrence: June 27, 2010
Date of Complaint: July 27, 2010
Allegation: Unlawful or Unnecessary Exercise of Authority
A three (3) month extension is requested to the July 2011 meeting

16.

IA2010-0749

Date of Occurrence: Events after September 5, 2009 through to April 22, 2010
Date of Complaint: September 8, 2010
Allegations: Unlawful or Unnecessary Exercise of Authority, Discreditable Conduct, Deceit
A three (3) month extension is requested to the July 2011 meeting

17.

IA2010-0847

Date of Occurrence: September 28, 2010
Date of Complaint: November 9, 2010
Allegation: Discreditable Conduct. Neglect of Duty, Insubordination, Unlawful or unnecessary exercise of authority
A three (3) month extension is requested to the July meeting

18.

IA2010-0890

Date of Occurrence: October 19, 2010 and October 29, 2010
Date of Complaint: November 1, 2010
Allegation: Discreditable Conduct, Unlawful or Unnecessary Exercise of Authority
A three (3) month extension is requested to the July meeting

19.

IA2008-0683

Date of Occurrence: Series of dates from December 22, 2008 to July 14, 2008
Date of Complaint: August 18, 2008
Allegation: Neglect of Duty, Complaint of Service
A three (3) month extension is requested to the July 2011 meeting

20.

IA2009-0925

Date of Occurrence: October 25, 2009
Date of Complaint: October 25, 2010
Allegation:
A (3) month extension is requested to the July 2010 meeting

21.

IA2009-1020

Date of Occurrence: December 17, 2009
Date of Complaint: December 17, 2009
Allegation: Discreditable Conduct
A one (1) month extension is requested to the May 2011 meeting

22.

IA2010-0129

Occurred Date: January 30, 2010
Date of Complaint: February 16, 2010
Allegations: Insubordination, Neglect of Duty, Discreditable Conduct and Insubordination
A three (3) month extension is requested to the July 2011 meeting

23.

IA2010-0543

Occurred Date: June 25, 2009
Date of Complaint: June 25, 2010
Allegations: Unlawful or Unnecessary Exercise of Authority x3, Neglect of duty
A (3) month extension is requested to the July 2011 meeting

24.

IA21010-0578

Occurred Date: July 1, 2010
Date of Complaint: July 14, 2010
Allegation: Unlawful or Unnecessary Exercise of Authority
A three (3) month extension is requested to the July 2011 meeting

25.

IA2010-0629

Occurred Date: July 2, 2010
Date of Complaint: July 20, 2010
Allegation: Unlawful or Unnecessary Exercise of Authority, Discreditable Conduct, Assault, Uttering Threats
A three (3) month extension is requested to the July 2011 meeting

26.

IA2010-0742

Date of Occurrence: August 13, 2010
Date of Complaint: September 7, 2010
Allegations: Insubordination, Unlawful or Unnecessary exercise of Authority x 2
A three (3) month extension is requested to the July 2011 meeting

27.

IA2010-0859

Date of Occurrence: October 16, 2010
Date of Complaint: October 20, 2010
Allegation: Neglect of Duty X 2, Unlawful or Unnecessary Exercise of Authority X 2
A three (3) month extension is requested to the July 2011 meeting

28.

IA2010-0899

Date of Occurrence: October 23, 2010
Date of Complaint: October 29, 2010
Allegation: Discreditable Conduct
A (1)month extension is requested to the May 2011 meeting

29.

IA2010-0946

Date of Occurrence: November 20, 2009
Date of Complaint: November 18, 2010
Allegation: Unlawful or unnecessary exercise of authority X 5
A three (3) month extension is requested to the July 2011 meeting

MARCH 2011 COMPLETED COMPLAINTS OF SERVICE
(Section 44 *Police Act*)

Four (4) Complaints of Service under Section 44 of the *Police Act* were concluded in March 2011.

1. Reviewed and concluded by the Chief of Police
File No: IA2010-0401
Date of Complaint: May 13, 2010

2. Resolved through Professional Standards Branch
File No: IA2010-0900
Date of Complaint: October 28, 2010

3. Resolved through Professional Standards Branch
File No: IA2010-0902
Date of Complaint: November 8, 2010

4. Resolved through Professional Standards Branch
File No: IA2010-0987
Date of Complaint: November 17, 2011

COMPLIMENTS

During the month of March 2011, thirty-seven (37) letters of appreciation were received by the Edmonton Police Service. Professional Standards Branch would like to present three (3) of these letters.

1.

Acting Chief David Korol
Edmonton Police Service
9620 - 103 A Avenue
Edmonton, Alberta
T5H OH7

Dear Sir:

Re: Armed Robberies ATB Financial

Between November 30,2010 and January 18, 2011, armed men robbed five ATB Financial branches and two other financial institutions throughout northern Alberta.

At each robbery the threat of violence escalated. The culprits pointed firearms at our staff, verbally
threatened them, and in the final robbery punched one of our female associates.

On January 21, 2011, through the efforts of RCMP and with the assistance of the Edmonton Police
Service and the Sheriffs' Department, several suspects were arrested and charged with a variety of offences related to these robberies.

ATB Financial would like to thank S/Sgt. Howard Kunce, Detective Rocky Hanson, Jared Hewko,
Detective Calvin Mah and members of the Edmonton Police Service tactical team for the assistance they provided to the RCMP during their investigation.

On behalf of ATB Financial and our staff, please pass along our gratitude, respect and admiration to your members, for a job well done.

cc: Minister of Justice and Attorney General of Alberta
cc: ATB Financial Security Department ,

2.

Hello,

I wanted to advise you that on March 2, 2010 Constables Henderson and La Force responded to a call from the Belmead Children's Services office in respect to the physical assault of a thirteen year old girl by her father. Not only were they extremely professional and dedicated, but their skills in the area of child protection concerns were greatly appreciated. My staff have advised me that it was a pleasure to work with these two police officers and their knowledge in respect to interviewing children was valued and assisted in ensuring the safety of the youth as well as her younger siblings.

Thank you,

3.

Dear: Edmonton police service

Hi my name is (deleted). **I'm** 15 years if age. **I'm** now a foster child and would like to say thank you to your service for saving me on the night of my apprehension well and a big thank you to the officers that were on scene that night 1st officer Robert Butchike and his partner without those guys I don't think I would have been as happy as **I'm** now so thank you again to your services and keep up the good work.

From (deleted)

Edmonton Police Service
Professional Standards Branch

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