



October 13, 2016

TO: Rod R. Knecht
Chief of Police

FROM: Inspector Kevin Brezinski
Professional Standards Branch

RE: QUARTERLY REPORT – Q3 of 2016

This report has been prepared for the October 20, 2016, Edmonton Police Commission meeting.

During the third quarter of 2016 (Q3), Professional Standards Branch received 312 new files:

- 39 Public complaints as defined by Part 5 of the *Police Act*;
- 15 Internal complaints as defined by Part 5 of the *Police Act*;
- 27 EPS Matters; and
- 231 Citizen Contacts.

There was 1 file directed for Criminal Investigation (*Statutory Complaints*) during Q3 of 2016.

Concluded 305 files:

- 2 *Statutory* complaints;
- 40 Public complaints as defined by Part 5 of the *Police Act*, including five (5) complaints regarding policies or services provided by the EPS;
- 16 Internal complaints as defined by Part 5 of the *Police Act*;
- 23 EPS Matter; and
- 224 Citizen Contacts.

The Edmonton Police Service received 132,532 calls in Communications Section (including calls answered by the dispatch line and 911 calls extended to police), dispatched 48,474 of those calls and recorded opening forty-seven (47) compliments.

Inspector Kevin Brezinski
Professional Standards Branch

cc: Cathy Palmer/Chair
Edmonton Police Commission



**Q3 2016 REPORT TO THE
EDMONTON POLICE COMMISSION**

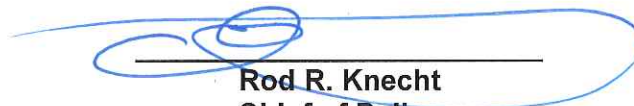


The following report is submitted for:

- Approval
- Ratification
- Information

**PROFESSIONAL STANDARDS BRANCH
October 20, 2016 EPC MEETING**

Approved by:



**Rod R. Knecht
Chief of Police**



**Kevin Brezinski
Inspector**



**Professional Standards Branch
July - September 2016
Q3 Report
Edmonton Police Service**

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Completed Complaints of Service	12
Compliments	16

STATISTICAL SUMMARY

Third Quarter of 2016 Update

1. RECEIVED FILES

The following figure shows the number and type of files received during the third quarter (Q3) of 2016. Blue colours represent informal files and red colours represent formal investigations. Lighter shades indicate internally generated files and darker shades indicate externally generated files. As can be seen below, during Q3 of 2016, PSB received 258 informal files and 54 formal complaints.

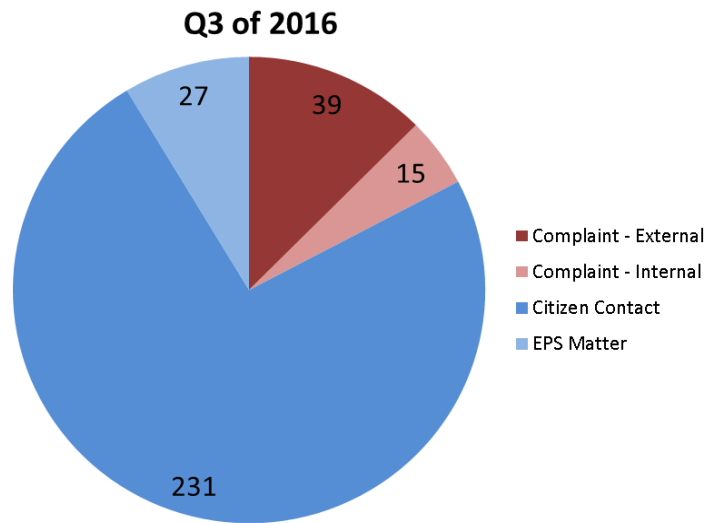


Figure 1-1. Type of Files Received During Q3 of 2016

The following figure shows the yearly percentage increase or decrease in formal complaints and total files received compared to 2015 values. Year-to-date change in Formal Complaints received represents a decrease of 16 complaints (-8%) as compared to 2015. The Year-to-date Total Files Received represents an increase of 95 files (+11%) as compared to 2015.

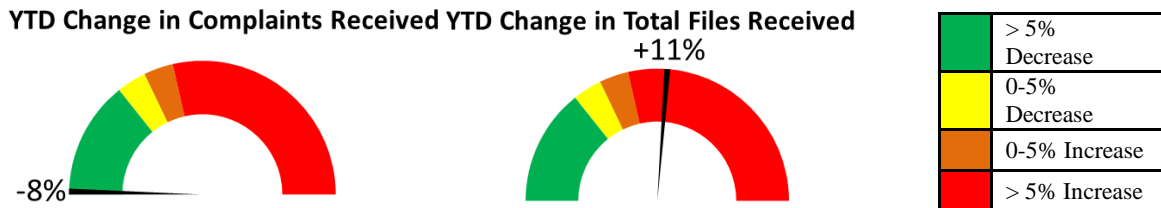


Figure 1-2. Yearly Changes in Files Received

2. CURRENT WORKLOAD

As of September 30th, 2016, PSB had 431 open investigations broken down as follows:

- 142 Complaints External
- 47 Complaints Internal
- 198 Citizen Contacts
- 35 EPS Matters

9 Statutory Complaints (of the 9 statutory complaints, 7 are associated with open PSB files and therefore are considered duplicate files, the remaining 2 file associated with completed PSB files and therefore are not considered duplicates).

The following table shows the age and status of all open PSB investigations, including all Statutory Complaints. 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. Reasons for suspending a file may include executive review of the investigation, disciplinary hearings, criminal investigation, or court proceedings. An investigation is listed as "Forwarded" when it is ongoing but not under the control of PSB. Reasons for forwarding a file may include supervisory reviews, obtaining legal opinions, or investigation by outside investigators.

This table will break down these files by year, to show the total number of files in each status for the corresponding year.

Age and Status of all Open Investigations				
Year	Active	Forwarded	Suspended	Total
2012	0	0	3	3
2013	0	1	1	2
2014	6	3	5	14
2015	26	13	25	64
2016	141	62	145	348
Total	173	79	179	431

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:

- 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).

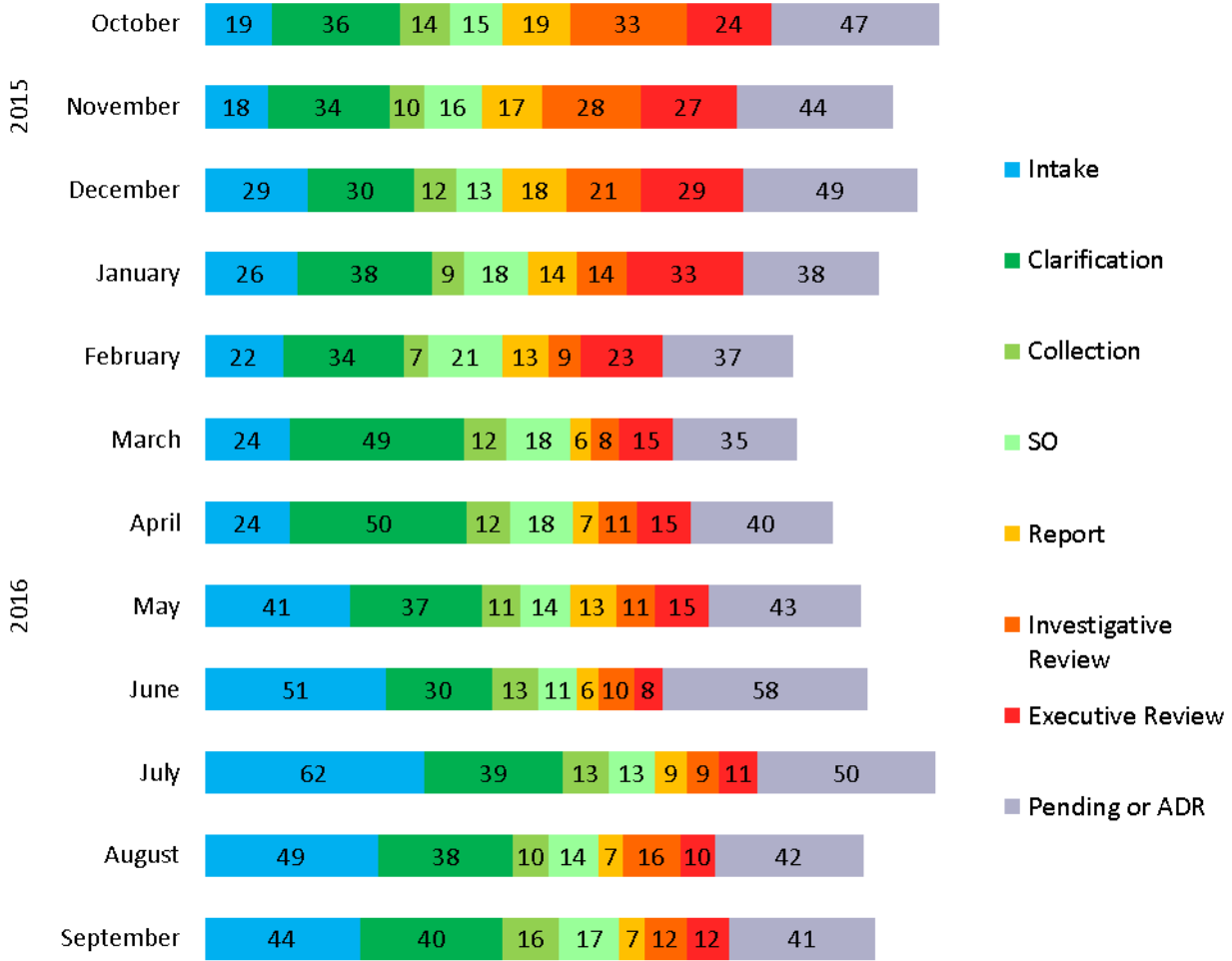


Figure 2-2. Monthly Comparison of Complaint Stages

3. CONCLUDED FILES

The following figure shows the disposition of all Formal Complaints and Statutory Complaints concluded during Q3 of 2016 (56 Formal Complaints, 2 Statutory Complaints).

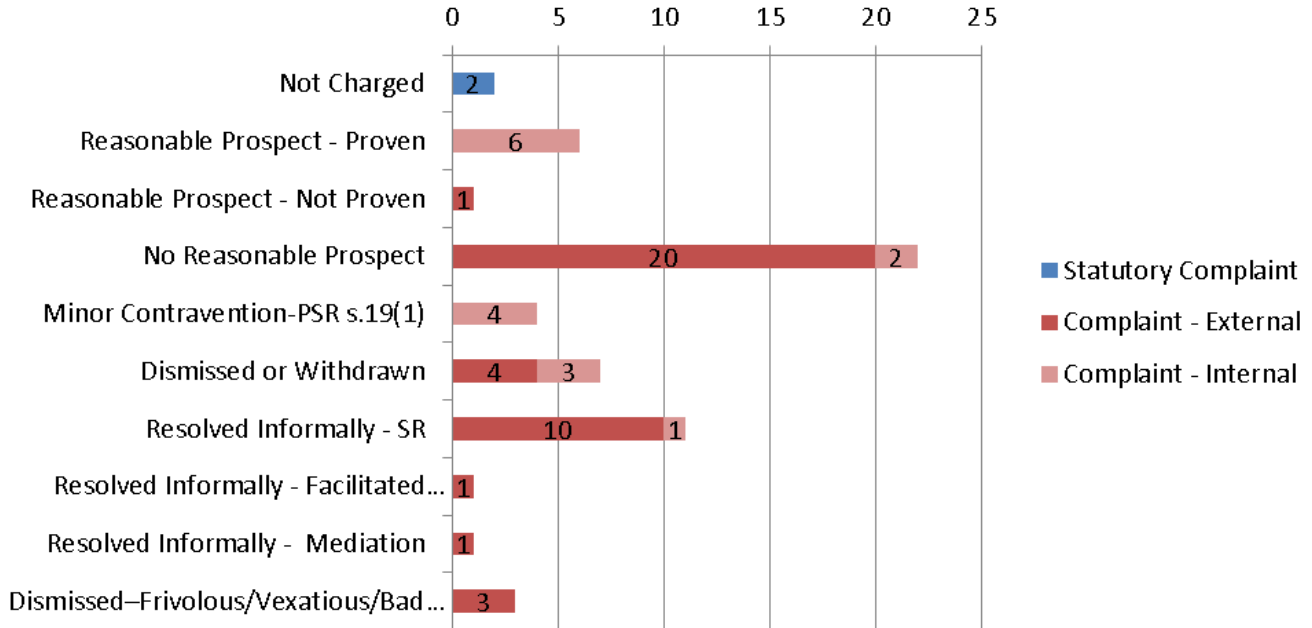


Figure 3-1. Dispositions of Concluded Formal Complaints

	2014		2015		2016	
	Q3	YTD	Q3	YTD	Q3	YTD
Received						
Complaint	32	190	53	198	54	182
Citizen Contact	201	556	221	552	231	648
EPS Matter	24	60	28	98	27	113
Total	257	806	302	848	312	943
Concluded						
Complaint	28	101	77	236	56	203
Citizen Contact	164	483	177	699	224	562
EPS Matter	20	63	34	99	23	116
Total	212	647	288	1034	303	881

Figure 3-2. Three-Year File Comparison for Q3 of 2016
 Total numbers do not include Statutory Complaints

The following figure shows the percentage increase or decrease in formal complaints and total files concluded compared to 2015 values. The year-to-date change in Formal Complaints concluded represents a decrease of 33 files (-14%) and the year-to-date Total Files Concluded represents a decrease of 153 files (-15%).

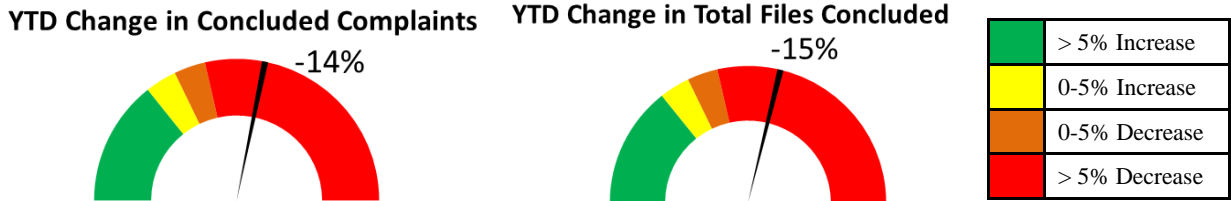


Figure 3-3. Yearly Changes in Files Concluded

4. LEGAL

DISCIPLINARY HEARINGS	Total	File Number
Directed	3	PSB2015-0347 PSB2015-0627 PSB2015-1050
Concluded	5	PSB2014-0956
LERB	Total	File Number
Appeals Received	4	LRB2016-0013 LRB2010-0115a LRB2016-0148 LRB2015-0509
Decisions Rendered	5	IA2012-0275 - Allowed in part IA2012-0241 - Allowed in part DH2011-0094 DH2011-0094a LRB2013-0905
Appeals Withdrawn	1	LRB2015-0509

Figure 4-1. Disciplinary Hearings and LERB during Q3 of 2016

**CONCLUDED DISCIPLINARY HEARINGS
July – September 2016**

1. File Number: PSB2014-0956
Complainant: EPS
Date of Complaint: November 24, 2014
Subject Officer: Reg. No. 3122 Cst. A. Shepansky
- Discreditable Conduct x 1
 - Insubordination x 1
- Presenting Officer: T. Magee, Edmonton Police Service
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

On July 18, 2016, Cst. Shepansky plead guilty to one count of Insubordination and one count of Discreditable Conduct and was issued a global penalty of 70 hours suspension without pay.

2. File Number: IA2010-0115a
Complainant: K. Kozina
Date of Complaint: February 12, 2010
Subject Officers: Constable A.B.
Constable C.D.
Constable E.F.
- Unlawful or Unnecessary Exercise of Authority x 1
- Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: Justice M.A. Binder

On April 29, 2016, there was a loss of jurisdiction over Constable A.B. because the officer formally resigned from the service.

On July 18, 2016, the written decision released by Justice M. A. Binder found the one charge of Unlawful or Unnecessary Exercise of Authority not proven against Constable C.D. and Cst. E.F.

3. File Number: PSB2015-0631
Complainant: EPS
Date of Complaint: July 25, 2015
Subject Officer: Reg. No. 3040 Cst. J. Bagan
- Deceit x 1
 - Discreditable Conduct x 1
- Presenting Officer: G. Crowe, Edmonton Police Service
Presiding Officer: Supt. M. Logar, Edmonton Police Service

On August 03, 2016, Cst. Bagan plead guilty to one count of discreditable conduct and one count of deceit. The officer was assessed a unique penalty based on the circumstances of the matter. Cst. Bagan was reduced in seniority within rank for a period of 5.5 pay periods to reach a final equivalent of 40 hours suspension without pay. The

officer was also directed to take such counseling and treatment agreed upon by the Edmonton Police Service Human Resources Division.

4. File Numbers: PSB2015-0627
PSB2015-1050
Complainant: EPS
Dates of Complaint: July 24, 2015
November 27, 2015
Subject Officer: Reg. No. 3005 Cst. R. Hankewich
• Neglect of Duty x 2
Presenting Officer: K. Agnihotri, Edmonton Police Service
Presiding Officer: Supt. T. Grue, Edmonton Police Service

On August 30, 2016, Cst. Hankewich plead guilty to two counts of Neglect of Duty and was issued 45 hours suspension without pay.

5. File Number: PSB2016-0087
Complainant: EPS
Date of Complaint: January 29, 2016
Subject Officer: Reg. No. 2805 Cst. S. Kent
• Discreditable Conduct x 1
Presenting Officer: T. Magee, Edmonton Police Service
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

On August 31, 2016, Cst. Kent was found guilty of one count of Discreditable Conduct and was issued 60 hours suspension without pay.

PENDING DISCIPLINARY HEARINGS

1. File Number: IA2011-0298
Date of Complaint: April 13, 2011
Subject Officer: Constable A.B.
 - Unlawful or Unnecessary Exercise of Authority x 1
 - Discreditable Conduct x 2Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: Justice M.A. Binder

Open Disciplinary Hearing is scheduled for October 11 – 14, 2016.

2. File Number: PSB2014-0550
Date of Complaint: July 10, 2014
Subject Officer: Constable A.B.
 - Unlawful or Unnecessary Exercise of Authority x 1Presenting Officer: K. Haymond, Field Law LLP
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for October 17, 2016.

3. File Number: IA2012-0179
Date of Complaint: March 8, 2012
Subject Officer: Constable A.B.
 - Discreditable Conduct x 1Presenting Officer: G. Crowe, Edmonton Police Service
Presiding Officer: Supt. T. Grue, Edmonton Police Service

Penalty Hearing is scheduled for October 25, 2016.

4. File Number: PSB2015-0889
Date of Complaint: October 10, 2015
Subject Officer: Constable A.B.
 - Discreditable Conduct x 2Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: Supt. M. Logar, Edmonton Police Service

Open Disciplinary Hearing is scheduled for October 28, 2016.

5. File Number: PSB2014-0324
Date of Complaint: April 15, 2015
Subject Officer: Constable A.B.
- Unlawful or Unnecessary Exercise of Authority x 1
 - Deceit x 1
- Presenting Officer: G. Crowe, Edmonton Police Service
Presiding Officer: Supt. M. Logar, Edmonton Police Service

Open Disciplinary Hearing is scheduled for November 14 & 15, 2016.

6. File Number: PSB2015-1123
Date of Complaint: December 18, 2015
Subject Officer: Constable A.B.
- Neglect of Duty x 1
- Presenting Officer: G. Crowe, Edmonton Police Service
Presiding Officer: Supt. M. Logar, Edmonton Police Service

Open Disciplinary Hearing is scheduled for November 21 – 23, 2016.

7. File Number: PSB2013-0914
Date of Complaint: November 08, 2013
Subject Officer: Constable A.B.
- Deceit x 2
- Presenting Officer: D. Morrow, Bennett Jones
Presiding Officer: Supt. T. Grue, Edmonton Police Service

Open Disciplinary Hearing is scheduled for December 07, 2016.

8. File Number: PSB2015-0654
Date of Complaint: August 03, 2015
Subject Officers: Constable A.B.
Constable C.D.
- Discreditable Conduct x 3
- Presenting Officer: T. Magee, Edmonton Police Service
Presiding Officer: Supt. T. Grue, Edmonton Police Service

Open Disciplinary Hearing is scheduled for December 07 – 09, 2016.

9. File Number: PSB2015-0029
Date of Complaint: December 28, 2015
Subject Officer: Constable A.B.
- Insubordination x 1
- Presenting Officer: G. Crowe, Edmonton Police Service
Presiding Officer: F. Kamins, Chief Supt (Rtd.)

Open Disciplinary Hearing is scheduled for February 27, 28 and March 03, 2017.

- 10.** File Number: PSB2015-0058
Date of Complaint: January 23, 2015
Subject Officer: Constable A.B.
• Deceit x 2
Presenting Officer: D. Cranna, Field Law LLP
Presiding Officer: Supt. M. Logar, Edmonton Police Service

New matter not yet scheduled.

- 11.** File Number: PSB2015-0347
Date of Complaint: April 28, 2015
Subject Officer: Constable A.B.
• Insubordination x 2
• Deceit
Presenting Officer: K. Haymond, Field Law LLP
Presiding Officer: Supt. M. Logar, Edmonton Police Service

New matter not yet scheduled.

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

There were five (5) Complaints of Service under Section 44 of the *Police Act* that were resolved or concluded during the third quarter of 2016.

1. Concluded by the Chief
File Number: PSB2014-0198
Date of Complaint: March 6, 2014
Investigator: Detective Gord Batey

Summary

PSB received a written letter of complaint with respect to certificates issued by Security Clearance Check Unit. The information disclosed to the complainant was perceived to be biased. This was seen by the complainant as painting a picture that was incomplete and unfair. Both Police Information Check Certificates included information about the complainant's criminal history involving sexual assaults. The certificate was provided to the complainant directly for their distribution to their employer as a condition of employment. Both security clearance checks were completed appropriately after consultation with Legal Services. Upon investigation it was determined that no policies or services of the EPS required review or amendment. This file was concluded on August 29, 2016.

2. Concluded by the Chief
File Number: PSB2015-1157
Date of Complaint: December 4, 2015
Investigator: Detective Louise Sanders

Summary

PSB received a complaint with regards to FOIPP section where the complainant alleges they were not told of their 60 day right to appeal. The complainant stated that when picking up their requested material from FOIPP that they did not open the package. Unbeknownst to the complainant was information about the appeal process within the package. Upon investigation it was determined that no policies or services of the EPS required review or amendment. This file was concluded on August 10, 2016.

3. Concluded by the PSB
File Number: PSB2016-0017
Date of Complaint: January 21, 2016
Investigator: Intake Section

Summary

PSB received a complaint where it was alleged that Property Exhibit Unit lied to the complainant and that their property was wrongfully disposed of. The exhibits belonging to the complainant were separated by different file numbers. The item in question was being held well in excess of the 30 days for safekeeping. The PEU staff who disposed of the item was not aware of the history behind the item and failed to contact the investigator in charge of the file for permission to dispose of the item. The staff member was not in breach of policy or procedure and was provided further training. The complainant was reimbursed for his loss and agreed to conclude the matter on June 30, 2016.

4. Concluded by the Chief
File Number: PSB2016-0287
Date of Complaint: March 31, 2016
Investigator: Detective Ken Mah

Summary

PSB received a complaint from the owner of a private parking enforcement company. The company is hired by businesses to proactively immobilize vehicles that are parked illegally. Due to an increase in complaints from citizens about their vehicle being immobilized until payment is made the EPS sought legal direction on this issue. Upon consultation with Legal Services it was concluded that the act of immobilizing a vehicle could meet the threshold of Mischief pursuant to the *Criminal Code*. The act of demanding money to release the vehicle could constitute the criminal offence of Extortion. There is currently no legislation in the Province of Alberta or the City of Edmonton that would allow the use of an immobilization device on a vehicle by a private company. EPS has adopted this position until a decision to the contrary is rendered by the Courts. As such, the Chief concluded this matter with no changes to EPS Policy or Procedure on September 28, 2016.

5. Concluded by the Chief
File Number: PSB2016-0413
Date of Complaint: May 2, 2016
Investigator: Intake Section

Summary

PSB received a complaint where it was believed that EPS breached the complainant's confidentiality. The complainant was side swiped by a vehicle and reported the incident and the offending vehicle's information to EPS. The driver attended the complainant's home in attempt to settle the damage privately. The complainant contacted EPS to determine how the other driver was able to obtain their contact information, and requested that the offending driver be contacted to refrain from dealing with them directly. As it was a 'hit and run', the complainant felt that their private information should not have been shared with the offending driver. The *Traffic Safety Act (TSA)* requires the exchange of personal information between drivers involved in motor vehicle accidents. The disclosure of this information was authorized and required by the TSA. At the time the information was disclosed to the offending driver there was no basis for the officer at the front counter to conclude that there were any safety issues to prevent the disclosure of the complainant's personal information. As such, the Chief concluded this matter with no changes to EPS Policy or Procedure on August 23, 2016.

COMPLIMENTS

During Q3 of 2016, forty-seven (47) letters of appreciation were entered by the Edmonton Police Service. Professional Standards Branch would like to present eight (8) of these letters.

1.

I am thoroughly impressed with the professionalism and kindness of your staff. [REDACTED] and her fellow officers assisted myself and several others on Monday, July 11th approx. 5:30 pm in a multi vehicle collision.

[REDACTED] and her fellow officers helped myself and others navigate through a stressful situation. In addition, [REDACTED] took the time to drive myself to the hospital so I could receive medical care when my vehicle was not able to be driven and I was unable to reach family members. It was wonderful to have your staff on scene to help get things sorted out and deal with the other driver. All of your staff (I wish I was able to provide individual staff names however I only have [REDACTED]) were incredible – kind, thorough, and so very helpful.

The City of Edmonton is fortunate to have great staff like your police officers!

2.

Dear Chief Knecht,

I am writing to express my family's appreciation to EPS for all of their assistance when we were trying to locate my brother in law, who has a brain injury, back in August. I have listed the call information below, as shared with me by [REDACTED], so that this message of thanks may be passed along to the officers.

I was not present when the two officers met with my husband at my brother in law [REDACTED] apartment, however both my husband and I would like to thank EPS for the wonderful service we received. This email of thanks extends to the people I dealt with when I made my original two calls of inquiry (one to the detainee section and one to the area that dispatched the officers) to my dealings with [REDACTED], and of course to my husband's exchange with Constables [REDACTED] and [REDACTED], who were dispatched to [REDACTED] apartment.

We were impressed with the professionalism, kindness and promptness of everyone we dealt with. This is the first time in as long as we can remember that we've had to enlist the services of EPS and because of this experience, we will feel very comfortable in the future should we ever require the services of EPS again. Our experience gave us confidence and peace of mind in what the EPS does every day. We know full well that what you do each day, although rewarding, can also be challenging and thankless. Thank you again for your dedication!

3.

Hello, I am writing this email on behalf of my grandparents, [REDACTED]. [REDACTED] spoke with Cst. [REDACTED] in May 2016 regarding an issue that they were having with a local business. Cst. [REDACTED] followed up with me and advised that there was likely nothing that could be done by EPS on the issue. Despite that, he took initiative to contact Consumer Affairs and discovered that my grandparents had recourse there. Cst. [REDACTED] then called me to advise me of his findings. He also went out of his way to attend personally at my grandparents' residence to provide them with a specific contact name and number at Consumer Affairs for them. My grandparents were very impressed with how polite Cst. [REDACTED] was with them, how much effort he put in to investigating their issue, and how he genuinely seemed to care about the outcome for them. They commented to me that they did not expect a personal visit and that it left a good impression. Further, Cst. [REDACTED] stayed with them until they got through at Consumer Affairs to ensure that they did not have any issues, and he went beyond the expected standard when helping them. Cst. [REDACTED] efforts went above and beyond expectations, and he left a very positive impression on my grandparents. They wanted me to pass on their compliments to Cst. [REDACTED] and the EPS for their work.

Regards,

4.

To whom it may concern,

We had our bikes stolen, from outside the downtown library, and reported this to the Edmonton Police Service. The service was really professional and the visit from Const [REDACTED] and his partner was unexpected and quite informative. While we don't really expect to recover the bikes, we do appreciate the response from EPS and just wanted to say Thank you on a job well done.

Regards

5.

Dear Sir,

I am writing to commend Constable [REDACTED] on his performance in finding my stolen bicycle, identifying it as mine through an intrepid record search, and then communicating this find to me.

He showed excellent acumen in identifying the bicycle at auction as being too good for random sale and therefore likely stolen. He was able to find me through vendor identification on the bicycle.

He certainly made my day when he called me to say that the bicycle had been found.

He should be recongized for the good work that he has done!

Sincerley,

6.

I can think of nothing more endearing than a random act of kindness. This morning I was in the drive thru at McDonald's at 34 street and 40 ave approx 0755. When I went to pay for my bagel, I was told the eps car in front of me had paid for it. I THINK the car was [REDACTED] KUDOS to that Cst. HE MADE MY DAY. I am going to go out of my way to return the favor and pay it forward too. THANK YOU CST AND EPS. It's good to know the city and the world can still be a kind place to be. A fan, A BIG THANKS

7.

Constable [REDACTED],

I meant to contact you long before now.

The police work you did regarding the death of my son [REDACTED] and drunk driver [REDACTED] back in November 2013, was exemplary. There wasn't an error that the defence lawyer could find so he recommended his client plea guilty. [REDACTED] was sentenced to 5 years plus probation, etc. It was a significant sentence given precedence cases. No errors in the file was a big factor. Thank you so very much.

I also want to say how very kind you were with us and [REDACTED] wife [REDACTED] on the day of the tragedy and doing follow-up. You showed such concern and caring. You gave us great confidence that the work you were doing would not be accurate and complete. And it was.

Yours truly,

8.

Good day,

I am sending you this email to commend on the excellent service your department has provided to the [REDACTED] during the Eritrean festival on August 6th and 7th.

Prior to the event, I was very concern of the volatility of the situation, however thanks to your team it went better than expected.

I also would like to thank Constable [REDACTED] and Constable [REDACTED] for their daily assistance. Your team embodies the meaning of "to serve and protect".

As a token of appreciation, the [REDACTED] would like to extend an invitation for lunch to you and your team, please let me know the time and how many people so that I can make arraignment.

Again, thank you for all the hard work.

Edmonton Police Service Professional Standards Branch

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