

## Edmonton police officer gets probation for assaulting homeless man, leaving him in river valley

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In 2019, Const. Matthew O'Mara was convicted of assaulting Craig Jephthas-Crail outside this downtown Edmonton convenience store on Dec. 11, 2017. Photo by Ed Kaiser /Postmedia

An Edmonton police constable [convicted of assaulting a homeless man](#) and leaving him in the river valley has been relieved from duty without pay after being sentenced to probation.

On Monday, provincial court Judge D'Arcy DePoe sentenced Const. Matthew O'Mara to 18 months probation for his assault of Craig Jephthas-Crail, who O'Mara punched twice in the head after ordering him to leave a downtown 7-Eleven.

Because the Crown did not seek jail time in the case, the main issue in O'Mara's sentencing was whether he should serve probation — which entails a criminal record — or receive a conditional discharge, which does not.

DePoe ultimately determined O'Mara deserved a record, despite the potential impact on his career.

"When a police officer assaults an arrestee, he commits a serious crime against not only that person, but a serious crime against the community, and the justice system itself," DePoe wrote.

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“The potential impact of this process and a conviction on the ability of Const. O’Mara to continue his career is a valid consideration, but one that cannot overpower the rest of the analysis.”

O’Mara and his partner arrested Jephtas-Crail for trespassing and public intoxication on the evening of Dec. 11, 2017 outside the Jasper Avenue and 104 Street 7-Eleven. Jephtas-Crail testified he was sleeping inside the 7-Eleven to stay warm.

While Jephtas-Crail was prone on the sidewalk, O’Mara delivered two “hard punches” to Jephtas-Crail’s head, DePoe wrote. The judge found one of the punches came after Jephtas-Crail was in handcuffs.

Three people inside a nearby restaurant, Bar Bricco, witnessed the assault, one of whom eventually came forward.

After the arrest, the officers loaded Jephtas-Crail into a police vehicle, drove him to the river valley and left him there. The vehicle’s GPS system was switched off during the drive. DePoe said O’Mara’s conduct after the arrest was a “significant aggravating factor,” noting O’Mara provided “no cogent explanation” for why he would take Jephtas-Crail “into the river valley on a cold night and effectively dump him there.”

In a victim impact statement, Jephtas-Crail said: “as a person with a disability and already facing barriers, it left me feeling as though I was worth next to nothing.”

## **‘Lied about several important matters’**

Defence lawyer Kent Teskey submitted a report from psychologist Leslie Block, who said that at the time of the arrest, O’Mara was suffering from “florid PTSD symptoms” related to his military service. Before joining EPS, O’Mara was a [Canadian Forces military policeman](#) who served in Afghanistan.

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Because of his prior policing experience, O’Mara was allowed to enter EPS through the experienced officer training program, an accelerated, eight-week training course. Other officers typically undergo 27 weeks of training.

Unlike other officers in the program, O’Mara had no prior patrol experience, which he said left him in “way over (his) head” when he was assigned to the downtown beat. He saw himself as a “burden” who only passed “because there was a shortage of officers on the street,” Block wrote.

“He was regularly dealing with volatile, violent situations. His level of stress continued to intensify as he went from crisis to crisis, often without relief,” Block’s report states.

Calgary Crown prosecutor Donna Spaner did not seek jail time in part because of Block’s report (DePoe noted the court was considering imprisonment before receiving the information about O’Mara’s mental state).

DePoe said he had “no issue” with Block’s conclusion about O’Mara’s mental health problems, but noted the psychologist often relied on O’Mara’s version of events, “which was largely rejected at trial.” DePoe concluded O’Mara “lied about several important matters in his attempt to defend himself,” including by claiming he punched Jephtas-Crail a second time to gain control when he was in fact handcuffed.

DePoe also found O’Mara failed to follow at least seven EPS policies for dealing with injured arrestees, including assessing Jephtas-Crail for injuries, announcing the use of force over the radio and completing a written report about the arrest.

O’Mara will be required to report to a probation officer, perform 100 hours of community service and attend counselling.

EPS spokeswoman Cheryl Voordenhout said O’Mara has been relieved from duty without pay and that internal disciplinary proceedings are still pending.