

New Brunswick Police Commission

Annual Report
2018–2019



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Province of New Brunswick
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Transmittal letters

From the Minister to the Lieutenant-Governor

The Honourable Brenda Murphy
Lieutenant-Governor of New Brunswick

May it please your Honour:

It is my privilege to submit the annual report of the New Brunswick Police Commission, Province of New Brunswick, for the fiscal year April 1, 2018, to March 31, 2019.

Respectfully submitted,



Honourable Carl Urquhart
Minister

From the Chair to the Minister

Honourable Carl Urquhart
Minister of Public Safety and Solicitor General

Sir:

I am pleased to be able to present the annual report describing operations of the New Brunswick Police Commission for the fiscal year April 1, 2018, to March 31, 2019.

Respectfully submitted,



Lynn Chaplin
Acting Chair

Table of contents

- Chair’s message 5
- Top Government Priorities 6
- Highlights 7
- Performance measures. 8
- Overview of Commission operations 9
- Statistics 10
- Financial information 13
- Summary of staffing activity 13
- Summary of legislation and legislative activity. 14
- Summary of Official Languages activities 14
- Report on the *Public Interest Disclosure Act* 14

Chair's message

The past year has seen a number of very significant changes at the New Brunswick Police Commission which have provided us an opportunity to revisit how we can enhance and improve the critical role of providing civilian oversight of policing in the province of New Brunswick.

Along with changes in senior leadership, we have asked the Minister of Public Safety to appoint a third party to review our operations and processes. We look forward to receiving a report later in the year, but have moved forward with redefining ourselves via a new strategic plan.

The three (3) pillars of our new strategic plan are: firming up our foundation of policies, processes and procedures; re-establishing productive partnerships; and, enhancing our internal processes and decision making.

Our values include:

"Quality Service" which is dependable, consistent, honest and fair.

"Accountability" for our policies, decisions, actions and products.

"Objectivity" to make balanced and unbiased decisions

"Transparency" for decisions, and a culture that encourages access to information within the law.

We are committed to change, and working with our partners to ensure there is fair and independent oversight of policing in the Province of New Brunswick. All police officers and citizens of New Brunswick deserve nothing less.

In March, we welcomed our new Executive Director, Jennifer Smith, who will provide leadership to all the commitments made in our new Strategic Plan, values document and team charter. As a Commission, we are grateful for the commitment she and the other staff members have made to the challenges that have been faced and are ahead. We look forward to working with our partners who are assisting and supporting us in our role.

Lynn Chaplin
Acting Chair, New Brunswick Police Commission

Top Government Priorities

Strategy and Operations Management

The Government of New Brunswick (GNB) uses a Formal Management system built on leading business practices to develop, communicate and review strategy. This process provides the Public Service with a proven methodology to execute strategy, increase accountability and continuously drive improvement.

The development of the strategy, using the Formal Management system, starts with our governments roadmap for the future of New Brunswick that focuses on key priorities and the importance of public accountability.

GNB's Top Priorities:

Affordable and Responsive Government

Getting our financial house in order will make it possible for government to be responsive and provide sustainable high-quality public services for all New Brunswickers.

Dependable Public Health Care

New Brunswickers deserve a sustainable, high-quality health-care system where they are able to access the services they need when they need them.

World-class Education

New Brunswick's young people need access to a world-class education, so they can make the most of their lives and compete in future job markets.

Energized Private Sector

All New Brunswickers benefit from a thriving private sector. Increasing private sector investment, growing our labour force and being home to successful businesses of all sizes is good for our province.

Vibrant and Sustainable Communities

Vibrant communities are places people want to call home. More vibrant and sustainable communities make for a more resilient province.

High-performing Organization

All New Brunswickers benefit when engaged and empowered civil servants use their talents and skills to make our province a better place.

Highlights

During the 2018-2019 fiscal year, the New Brunswick Police Commission focused on these strategic priorities through:

- **Commission members activities:** Commission members met a total of thirteen times with one of the meetings being held in Saint John, New Brunswick. There was a changeover in the positions of the Chair and the Executive Director and two new Board members were appointed.
- **Modernization:** a new Strategic Plan 2019-2021 emerged following consultation and workshops along with an updated Vision, Values and Mandate statement to re-establish priorities and a mark a pathway for innovation and change.
- **Collaboration:** The Commission maintained its partnership with the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE), a national non-profit organization of agencies involved in the oversight of policing in Canada.
- **Working groups:** The Commission continued to be a partner in the Department of Public Safety's Sexual Crimes Working Group, along with community groups, government organizations and police agencies to advance discussions in the areas of sexual crime victimization.
- **Knowledge transfer/sharing:** presentations on various aspects of the New Brunswick *Police Act* were made to the Chiefs of Saint John Police Force and Kennebecasis Regional Police Force and their senior management teams.
- **Workforce training:** two staff members attended training courses, one of which was Lean Six Sigma Green Belt which marked an investment in improving process and services to clients filing complaints. In addition, staff and Commission Board members received media and settlement conference training to improve efficiencies and communications in service delivery.

Performance measures

Safeguarding Public Interest	Measures
Promote increased understanding of the commission’s mandate and role.	Number of outreach presentations.

Safeguarding the public interest

Objective of the measure

Promote increased understanding of the commission’s mandate and role.

Measure

Number of outreach presentations.

Description of measure

An outreach presentation is delivered to stakeholders, partners, civic authorities and/or law enforcement personnel describing the New Brunswick *Police Act* and the mandate and authorities of the commission pursuant to the Act.

Overall performance

Staff of the Commission delivered a presentation to senior management of the Kennebecasis Regional Police Force and the Saint John Police Force.

Why do we measure this?

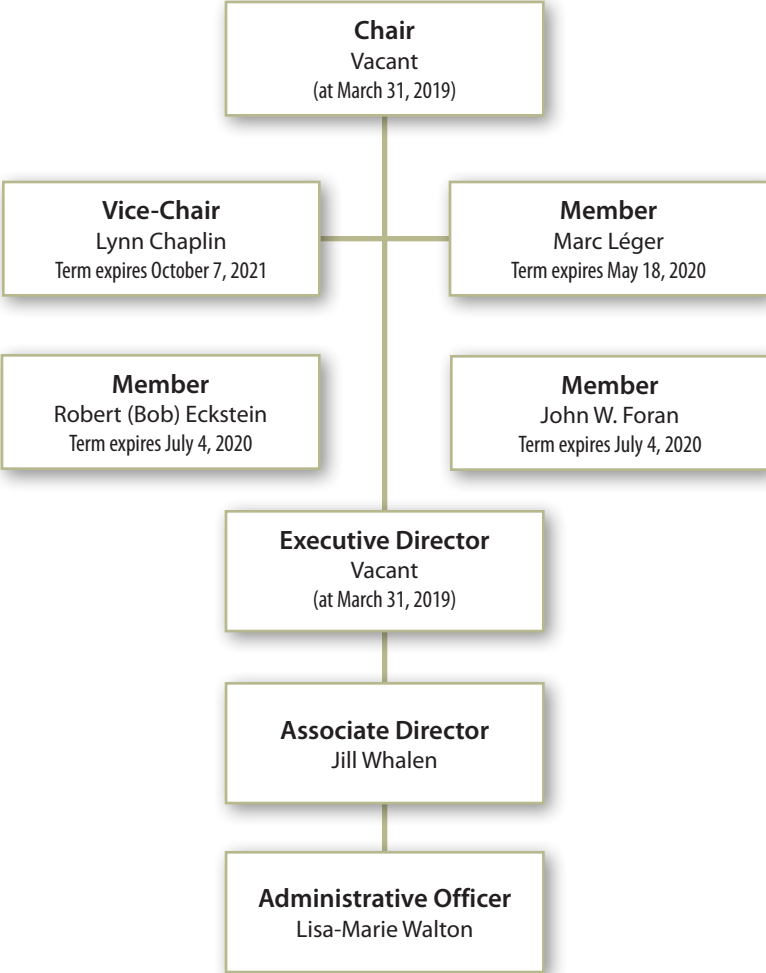
While the commission’s responsibilities and involvement in the disciplinary overview of New Brunswick police forces is becoming better known, the authorities granted to the Commission under the *Police Act* are not as well-known or understood. A better understanding of the Commission’s role by stakeholders, partners, civic authorities and law enforcement can foster greater accountability to the public’s interest. An increased number of these presentations results in an increase in the information available and a greater familiarity with the Commission.

Overview of Commission operations

The New Brunswick Police Commission’s mission is “To safeguard the public interest in New Brunswick Policing”. The Commission is an independent civilian oversight body, created by the New Brunswick Police Act, whose mandate is to address complaints regarding the conduct of members of New Brunswick’s municipal and regional police forces. The Commission also ensures consistency in corrective and disciplinary measures and investigates matters relating to policing in New Brunswick. It does so in a transparent and accessible manner that ensures that both complainants and police officers subject to a complaint are treated fairly, impartially and with respect.

The New Brunswick Police Commission is committed to the maintenance of high standards of police conduct through the effective, timely and unbiased investigation of public complaints, and by ensuring that all police forces within the province are discharging their responsibilities for the maintenance of adequate levels of policing in an acceptable fashion.

High-level organizational chart



Statistics

Preamble

The Commission received and monitored 66 files, which consisted of Conduct, Service and Policy complaints and any combination thereof.

- A Conduct Complaint is when a complainant is alleging that the conduct of a police officer was not appropriate (example: an officer is alleged to have used excessive force while arresting a complainant). For a complaint to be considered a conduct complaint the officer must allegedly have breached one or more of the items found in s. 35 of the *Code of Professional Conduct – Police Act*.
- A Service Complaint is when the complainant is alleging that the police force or officer failed to provide them with any service or an inappropriate level of service (example: an officer is alleged to have taken a longer than reasonable amount of time to respond to a call for service).
- A Policy Complaint is when the complainant is alleging that the policy of a police force is either ineffective or non-existent (example: an officer is alleged to have conducted personal business while in uniform and no policy is in place to address this).

Breakdown of files

Twenty-two complaints were filed concerning allegations that were uniquely related to conduct; 16 complaints were filed relating to the service of a police force; three complaints contained allegations relating to conduct as well as service and/or policy; and, 25 complaints were deemed “Other” as they were unable to be processed. Files are unable to be processed and, therefore, listed as “Other” status for the following reasons: the complaint exceeded the time limit for filing, the complaint was not within the enumerated breaches of the code, and/or the complaint was against other agencies such as the RCMP or government departments.

Conduct complaints

There were 25 complaints involving conduct filed against officers employed with municipal and regional police forces in New Brunswick. Thirty-two individual officers with one or more complaints were named resulting in a total of 61 allegations against them.

Most conduct complaints in 2018-2019 alleged that the officer engaged in abuse of authority (22 of the total 61 allegations). Abuse of authority by a police officer includes: detaining/arresting/searching a person without lawful authority; using unnecessary force; acting in a manner that is discourteous, uncivil, abusive or insulting while on duty, or; harassing, intimidating or retaliating against a complainant.

At the end of the fiscal year, 16 of the conduct complaints filed during the year were finalized with nine remaining outstanding. The disposition of the finalized complaints was as follows: seven were summarily dismissed as they were deemed frivolous, vexatious or not made in good faith; four were resolved through informal resolution; two were concluded through a settlement conference; one concluded with no further action being taken as there was insufficient evidence that the police officer(s) committed a breach of the code; jurisdiction was lost on one file as the officer retired or resigned from the police force; and, one file proceeded to arbitration.

A settlement conference is an opportunity for an officer who is alleged to have breached a section of the code to respond to the alleged breach and to reach an agreement with the chief, civic authority or the Commission concerning disciplinary and corrective measures.

An arbitration hearing is held when an officer has allegedly breached a section of the code and either did not present themselves to a settlement conference or when an agreement on suitable disciplinary or corrective measures could not be reached between the chief of police/civic authority/Commission and the subject officer within a reasonable period of time. The decision of an arbitrator at an arbitration hearing is binding for all parties involved.

Service and Policy complaints

In the 2018-2019 fiscal year, 16 complaints were filed relating solely to the service of a police force and three complaints* were filed that alleged conduct as well as service and/or policy issues, for a total of 19 complaints involving service and/or policy.

*With respect to the three complaints including conduct as well as service/policy allegations, the allegations and final dispositions of these files are included in the "Conduct Complaints" section for the conduct portion of the complaints and the "Service and Policy complaints" section for the service/policy portions.

Fourteen of these complaints were concluded by the end of the fiscal year. Of the concluded complaints, five were resolved, eight were deemed unfounded or required no further action, and one was withdrawn by the complainant.

	Bathurst	BNPP Regional	Edmundston	Fredericton	Grand Falls	Kennebecasis	Miramichi	Saint John	Woodstock	RCMP	Total
Total complaints											
Conduct Complaints filed	1	0	2	3	2	3	5	4	2	0	22
Combination Conduct and Service and Policy complaints filed	1	0	0	1	0	1	0	0	0	0	3
Service Complaints filed	0	1	0	2	1	6	1	4	1	0	16
Policy Complaints filed	0	0	0	0	0	0	0	0	0	0	0
Service and Policy complaints filed	0	0	0	0	0	0	0	0	0	0	0
Other	2	0	0	3	2	3	3	4	0	8	25
Total complaint files	4	1	2	9	5	13	9	12	3	8	66
Files outstanding*	2	0	0	0	2	2	1	3	2	0	12
Files carried over**	0	0	1	12	3	1	1	3	0	0	21
Files carried over and still outstanding***	2	0	1	1	0	1	0	1	0	0	6

* **Files outstanding** are part of the total number of files, however, were not finalized as of the end of the fiscal period of April 1, 2018 to March 31, 2019.

** **Files carried over** are not part of the total number of files; they are files that were not finalized at the end of previous fiscal years.

*** **Files carried over and still outstanding** are files carried over from previous fiscal years that were not finalized as of the end of the fiscal period of April 1, 2018 to March 31, 2019.

	Bathurst	BNPP Regional	Edmundston	Fredericton	Grand Falls	Kennebecasis	Miramichi	Saint John	Woodstock	Total
Conduct complaints - Allegations										
Conduct complaint files (including conduct portion of conduct and service and/or policy complaints)	2	0	2	4	2	4	5	4	2	25
Officers subject to <i>Police Act</i> investigation	4	0	2	6	1	5	5	7	2	32
Allegations from files concerning conduct	4	0	3	6	15	8	6	17	2	61

Conduct complaints – Breaches of the code	Bathurst	BNPP Regional	Edmundston	Fredericton	Grand Falls	Kennebecasis	Miramichi	Saint John	Woodstock	Total
Discreditable conduct – 35(a)	0	0	1	2	3	1	1	4	0	12
Neglect of duty – 35(b)	1	0	2	0	2	1	1	4	0	11
Deceitful behaviour – 35(c)	0	0	0	0	2	0	2	0	0	4
Improper disclosure of information – 35(d)	0	0	0	0	1	1	0	0	0	2
Corrupt practice – 35(e)	0	0	0	0	1	0	0	0	0	1
Abuse of authority – 35(f)	3	0	0	3	2	3	2	7	2	22
Improper use and care of firearms – 35(g)	0	0	0	1	0	1	0	0	0	2
Damage police force property – 35(h)	0	0	0	0	0	0	0	0	0	0
Misuse intoxicating liquor or drugs – 35(i)	0	0	0	0	0	0	0	0	0	0
Convicted of an offence – 35(j)	0	0	0	0	0	0	0	0	0	0
Insubordinate behaviour – 35(k)	0	0	0	0	0	1	0	0	0	1
Party to a breach – 35(l)	0	0	0	0	0	0	0	0	0	0
Workplace harassment – 35(m)	0	0	0	0	4	0	0	2	0	6
Total allegations	4	0	3	6	15	8	6	17	2	61
Allegations deemed frivolous/vexatious*	0	0	0	4	0	3	2	2	0	11
Allegations outstanding (alleged breaches of code determined; however, file not finalized)	4	0	0	0	15	3	2	7	1	32

Conduct complaints – Final disposition of files	Bathurst	BNPP Regional	Edmundston	Fredericton	Grand Falls	Kennebecasis	Miramichi	Saint John	Woodstock	Total
Summary dismissal (frivolous/vexatious/not made in good faith)	0	0	0	2	0	2	2	1	0	7
Informal resolution	0	0	1	2	0	0	0	0	1	4
No further action	0	0	0	0	0	0	0	1	0	1
Settlement conference	0	0	1	0	0	1	0	0	0	2
Arbitration hearing	0	0	0	0	0	0	1	0	0	1
Withdrawn	0	0	0	0	0	0	0	0	0	0
Loss of jurisdiction	0	0	0	0	0	0	1	0	0	1
Files outstanding	2	0	0	0	2	1	1	2	1	9
Total files	2	0	2	4	2	4	5	4	2	25
Settlement conference – previous year	0	0	1	1	1	0	1	1	0	0
Arbitration hearing – previous year	0	0	0	0	1*	0	0	1*	0	0

* Officer resigned at commencement of arbitration hearing resulting in a loss of jurisdiction.

Financial information

Fiscal year 2018-2019 witnessed continued and significant pressures upon the Commission’s limited financial resources, uniquely due to costs incurred within the professional/legal services category of expenditures contained in the “Other Services” expenditure group. While the fees charged by the Commission’s legal representatives have not increased, the volume of legal proceedings and research exceeded the budget this fiscal year.

	Budget	Actual
Personnel services	255.6	242.0
Other services	93.3	162.2
Materials and supplies	6.1	4.8
Property and equipment	8.0	4.0
Total	363.0	413.0

Summary of staffing activity

Pursuant to section 4 of the *Civil Service Act*, the Deputy Minister of the Department of Human Resources delegates staffing to each Deputy Head for his or her respective department(s). Please find below a summary of the staffing activity for 2018-2019 for the New Brunswick Police Commission.

Number of permanent and temporary employees as of Dec. 31 of each year		
Employee type	2018	2017
Permanent	3	3
Temporary	0	0
Total	3	3

In addition to the staff members, the commission had four members as of Dec. 31, 2018.

The department advertised no competitions.

Pursuant to section 33 of the *Civil Service Act*, no complaints alleging favouritism were made to the acting chair of the Commission and no complaints were submitted to the Ombud.

Summary of legislation and legislative activity

The Commission is governed by the New Brunswick Police Act which may be found at:
<http://laws.gnb.ca/en/ShowTdm/cs/P-9.2/>

Summary of Official Languages activities

The dissemination of information is always addressed by the Commission in the Official Language in which the original complaint is received. Investigations and the concluding reports are undertaken in the Official Language of the complainant. However, any interviews resulting during the investigation (and any statements taken) are conducted in the Official Language of preference of the individual being interviewed.

No complaints under the *Official Languages Act* were made against the Commission during the reviewing period.

Report on the *Public Interest Disclosure Act*

As provided under section 18(1) of the *Public Interest Disclosure Act*, the chief executive shall prepare a report of any disclosures of wrongdoing that have been made to a supervisor or designated officer of the portion of the public service for which the chief executive officer is responsible. The New Brunswick Police Commission received no disclosure(s) of wrongdoing in the 2018-2019 fiscal year.