

# Office of the Police Commissioner



June 28, 2021

Honourable Bloyce Thompson  
Minister of Justice and Public Safety  
95 Rochford Street, PO Box 2000  
Charlottetown, PE C1A 7N8

Minister,

Please find enclosed the Annual Report with respect to the operations of the Office of the Police Commissioner during the year 2020. This report is submitted in accordance with s.19 of the *Police Act*. I am also enclosing the audit reports that are referred to in paragraph 9 of the Annual Report.

Your attention is directed to paragraph 11 of the report. Currently, Conservation Officers and UPEI Security Services do not use PROs as a records management system. A Ministerial Directive dated January 18, 2019 requires all "police services" to use this system. A legal opinion is required on whether this directive has application to Conservation Officers and UPEI Security Services. It is worthy of note that UPEI has attempted to access this service, but have been denied access by the RCMP which is the owner of the system.

The report will be posted on the Police Commissioner's website and circulated to the various police services no later than July 15, 2021. Please feel free to contact me if you have any questions or concerns.

Yours very truly,

A handwritten signature in blue ink that reads "Cyndria L. Wedge".

Cyndria L. Wedge, Q.C.  
A/Police Commissioner

[cindywedge@policecommissioner.pe.ca](mailto:cindywedge@policecommissioner.pe.ca)

cc Shawn Arbing (email)  
Phil Pitts (email)



## ANNUAL REPORT OF THE POLICE COMMISSIONER FOR 2020

The Police Commissioner is a corporation sole established under Part VI of the *Police Act* R.S.P.E.I. 1988, cap. P-11.1 (the Act).

The Office of the Police Commissioner (OPC) deals with Complaints and Requests for Review under Parts VII and VIII of the Act, and any other matters assigned to the Police Commissioner under s. 18(l) of the Act.

Section 19 of the Act requires the Police Commissioner to file an annual report for the preceding calendar year with the Attorney General within six months after the end of each calendar year.

This is the Police Commissioner's Report for the year 2020.

1. The OPC provided oversight to a total of 17 complaints from the public in 2020. Thirteen of these complaints were received via the web platform of the OPC, 2 were received by email communication, and 2 were received by regular mail.
2. The 17 received complaints were resolved in the following manner:
  - a. 3 were resolved by informal resolution;
  - b. 6 were found to be unfounded with one of the 6 being determined to be frivolous and vexatious;
  - c. 2 were dismissed for lack of interest in that the complainants refused to communicate with either the investigating police agency or the OPC;
  - d. 5 were found to be matters for which the OPC lacked jurisdiction;
  - e. 1 resulted in a finding of a Code of Conduct violation.
3. Regarding the 5 matters where the OPC lacked jurisdiction – 2 matters were found to pertain to police agencies over which the OPC does not have jurisdiction; 1 related to a civil matter; and 2 were outside the 6 month limitation contained in the Act.
4. Regarding the matter involving the finding of a Code of Conduct violation, the Chief Officer imposed discipline which reduced the rank of the officer for a period of six months. As well the subject officer was prohibited from supervisory duties.
5. Of the total of 17 complaints, 7 matters were referred to a Chief Officer for investigation. All other matters were either informally resolved, involved a lack of interest by the complainants, or were determined unfounded at the outset.

6. There was one request for a review of a decision of a Chief Officer regarding a complaint. The matter was reviewed and dismissed as being without merit.
7. The OPC provided assistance to telephone callers on 15 occasions. The majority of these related to service issues or complaints regarding the RCMP over which the OPC has no jurisdiction, while others were seeking information on our complaint process. In all instances the callers were provided this information or contact details of the appropriate agency.
8. There was one matter before the Supreme Court of Prince Edward Island involving the OPC. A complainant had filed an application for judicial review. The application was dismissed at the trial level. The complainant then appealed to the Supreme Court of Prince Edward Island – Appeal Division. A motion to quash the appeal was heard virtually on December 10, 2020 and judgment rendered on March 9, 2021. The motion of the OPC to quash the appeal was granted, and costs were awarded to the Police Commissioner in the amount of \$1,000. The full decision can be found at *Olumide v. Police Commissioner and Human Rights Commission, 2021 PECA 4*.
9. The OPC conducts audits to determine ministerial directive compliance of municipal police services in Charlottetown, Summerside, Kensington, UPEI Security Services, Provincial Conservation Officers and the Atlantic Police Academy. The audit reports are attached to this Annual Report, and are also available on the OPC website at <https://www.policecommissioner.pe.ca/reports>.
10. Overall, there is excellent compliance with Ministerial Directives. Recommendations from the Annual Reviews conducted for the calendar year 2019 have been followed. There are a couple of minor issues regarding training with the Charlottetown Police Service, but plans are in place to have these issues rectified.
11. There is one area where a legal opinion is required. Neither the Conservation Officers nor UPEI Security Services currently utilize PROs as a records management system. On January 18, 2019, the Attorney General issued a Ministerial Directive stating “*The PROS shall be adopted as the standard records management system for all police services*”. A legal opinion is required to determine if this Ministerial Directive has application to Conservation Officers and UPEI Security Services.
12. In summary form, the following information meets the statutory requirements for this Annual Report pursuant to s.19 of the Act:
  - a. Number and nature of requests under s.28: 1 dismissed as unsubstantiated as it related to a landlord/tenant dispute and no criminal offence had occurred;
  - b. Number and nature of complaints under s.35: none;
  - c. Number and nature of investigations under ss.29 and 40: 1 (see “a” above);
  - d. Number of decisions under s.32(8) and 43(8): none
  - e. Number and nature of informal resolutions after request for review under s.29(2) or 40(2): none;

- f. Number and nature of decisions made under s.29(3), 40(3), 39(1) or 39(2): 3. Informal resolution included:
  - i. Counselling on proper ticketing of a minor;
  - ii. Communication with complainant to allow him to advocate that more needs to be done in dealing with mental health issues by police;
  - iii. Communication with complainant that no Code of Conduct infringement was alleged but, if she had concerns, she should communicate them with the appropriate chief officer;
- g. The required financial statement is attached.

13. The OPC continues to be a member of the Canadian Association for Civilian Oversight in Law Enforcement (CACOLE). Phil Pitts, the Manager of the OPC, is a member of the Board of Directors of CACOLE.

14. Cyndria L. Wedge, Q.C., was retained as Deputy Police Commissioner with a term running from December 8, 2020 to December 8, 2025. The Police Commissioner, Thomas W. Jarmyn, C.D. resigned on January 13, 2021. Section 16 (2) of the Act states that the Deputy Police Commissioner shall perform the functions of the Police Commissioner where the office of the Police Commissioner is vacant. Therefore Ms. Wedge, at the time of filing of this report, is the Acting Police Commissioner.

15. The following is a summary of the expenditures of the OPC during the calendar year 2020:

**Office of the Police Commissioner  
Expense Report 2020**

Wages & Salaries	41,600.00
EI Expense	920.14
CPP Expense	659.11
Commissioners	15,471.00
Accounting & Legal	17,751.55
Interest & Bank Charges	442.64
Office Supplies	883.19
Memberships	475.00
Miscellaneous Expenses	197.33
Postage	415.75
Printed Supplies	160.00
Publications	1,007.31
Rent	26,317.32
Telephone & Fax	1,882.81
Training & Development	0
Travel – In Province	2,168.07
Travel – Out of Province	<u>0</u>
	110,351.22