



ANNUAL REPORT OF THE POLICE COMMISSIONER FOR 2019

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 Requests for Review under Part VII and Complaints under Part VIII of the Act and any other matter assigned to the Police Commissioner under s. 18(1) 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 2019.

1. There were 3 complaints made under s. 35 of The Act concerning the conduct of a Chief Officer. In chronological order:
  - a. In the first two cases, regarding complaints from the same complainant, investigation determined the Chief's conduct did not violate the Code of Conduct.
  - b. In the third case, a review of the complaint did not disclose any factual allegation which could possibly constitute a violation of the Code of Conduct.

2. There were three requests for review of a decision of a Chief Officer regarding a complaint. Each of those matters were reviewed and dismissed as being without merit.

3. The Commission received three complaints regarding police conduct that were sent to the appropriate Chief Officer for investigation and resolution. Those complaints were ultimately dismissed because the complainants did not respond to requests for follow up interviews,

4. Municipal Police Services requested the Commission's advice or assistance on two occasions with respect to complaints that had been made.

5. The Manager of the OPC opened 8 assistance files where advice was given to a member of the general public regarding concerns involving a police officer.

6. The Office of the Police Commissioner, at the request of the Attorney General of Prince Edward Island, provided continuing oversight to one investigation by the Nova Scotia Serious

Incident Response Team. That investigation related to the discharge of firearms on May 27, 2018 by officers of the Summerside Police Service resulting in the death of a suspect. In a report released on March 6, 2019, after completion of the investigation, the determination was made that the officers were justified in their actions. A copy of the March 6, 2019 report is posted on the Independent Investigations of Serious Incidents Report section of the Office of the Police Commission Website.

7. The OPC received some complaints with respect to the decisions of officers either with respect to investigative techniques or the choice to lay (or not lay) charges with respect to an alleged offence. The role of the OPC is not to substitute its judgement for the judgement of subject officers. Its function is to review conduct complained of to determine whether it violates the Code of Conduct. As the Supreme Court of Canada held in *R v Beaudry* (2007) SCC 5, interference with the exercise of an officer's discretion should only occur where there is evidence the officer considered improper factors in the exercise of his or her discretion.

8. The Office of the Police Commission conducted audits to determine the 2019 levels of compliance of municipal police services in Charlottetown, Summerside, Kensington, UPEI Security Services, Provincial Conservation Officers, and, the Atlantic Police Academy with ministerial directives. The reports for each service are posted under 'Reports' section of the OPC website at <https://www.policemissioner.pe.ca/reports>.

9. The various services were generally in compliance with the Ministerial directives regarding their operations. Some issues were raised in the course of the review:

- a. Atlantic Police Academy – the Ministerial directives were generally complied with.
  - i. Concerns were raised, going forward, regarding the requirement to carry out screening of all adults residing with Cadets. The Atlantic Police Academy does not, and as an instructional institution does not require, have access to police record systems. As a result, it does not have the capacity to carry out these checks. This matter has been directly communicated to the Manager of Policing Services.
  - ii. The Deputy Director is listed as an instructing officer. His duties are primarily administrative. He has not completed all of the required training for an instructing officer. If he is going to remain listed in that role then he should complete the specified training.
- b. Charlottetown Police Service – the Ministerial directives were generally complied with.
  - i. Officers hired for the summer had not completed Conducted Energy Weapon (CEW) or carbine training but were not issued either CEWs or carbines.
  - ii. The Chief Officer advised that officers hired for the summer or on a part-time received First Aid/CPR training but there was no record of the training being completed. Of these officers only one individual had not completed the

- necessary training. It is recommended that summer or part-time hires provide evidence of completion of current First Aid/CPR training with their application for employment.
- c. Conservation Officers – excellent level of compliance with the Ministerial Directives.
  - d. Kensington Police Service – excellent level of compliance with the Ministerial Directives.
  - e. Summerside Police Service – excellent level of compliance with the Ministerial Directives.
  - f. University of Prince Edward Island Security Service – excellent level of compliance with Ministerial Directives regarding training and documentation.
    - i. Comments from the 2018 Review regarding the requirement for proper training in motor vehicle pursuit and emergency vehicle operation were fully addressed.
    - ii. It should be noted that the Manager of Security Services does not have police officer status but supervises a work force that does.

10. During 2019 the Minister directed that all Municipal Police Services were to utilize the PROS record management system. He directed that the OPC was to audit compliance with the directive and usage of the Record Management System. Upon receipt of this directive the OPC directed that Municipal Police Services were to provide it with a copy of the RCMP's biannual audit of their Record Management Systems usage and of the plan to address any comments made as part of that audit.

11. UPEI Security Services advised that it was unable to comply with the Ministerial Directive regarding Record Management Systems because it did not have access to those systems. All other Municipal Police Services are fully in compliance with the Ministerial Directive regarding Record Management Systems.

## 12. Other Activities

- a. The OPC continues to be a member of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE).
- b. Phil Pitts, the Manager of the OPC, is a member of the Board of Directors of CACOLE and attended the annual CACOLE conference held in Toronto.
- c. Tom Jarmyn, the Commissioner, attended a meeting of the heads of oversight agencies in Ottawa.
- d. The Manager made a presentation to the Conservation Officers regarding the *Police Act* and related regulations and how they would apply to them.

## 13. Financial Report

This is a summary of the expenditures of the OPC during calendar year 2019

Accounting & Legal	\$8,400.00
Interest & Bank Charges	\$252.00
Office Supplies	\$269.89
Memberships	\$475.00
Miscellaneous Expenses	\$422.50
Postage	\$409.24
Publications	\$719.24
Rent	\$24,463.92
Salaries	\$61,443.89
Telephone Fax	\$1,460.64
Training and Development	\$1,650.00
Travel – In Province	\$2,583.70
Travel – Out of Province	\$4,332.14
Total	\$106,882.16