

## **ANNUAL REPORT OF THE POLICE COMMISSIONER FOR 2021**

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 2021.

1) The OPC provided oversight to a total of 13 complaints from the public in 2021. Eight of these complaints were received via the web platform of the OPC, 2 were received by email communication, and 3 were received by regular mail.

2) The 13 received complaints were resolved in the following manner:

- a. 2 were resolved by informal resolution;
- b. 7 were found to be unfounded or unsubstantiated.
- c. 4 were found to be matters for which the Chief Officer or OPC lacked jurisdiction;

3) The following are the reasons why 4 matters were found to be outside the jurisdiction of either the OPC or the Chief Officer:

- i) One was beyond the time limitation contained in the Act;
- ii) In one complaint, the officer had resigned prior to the complaint being made;
- iii) In one complaint, while there was a finding of a breach of the Code of Conduct, the officer resigned and jurisdiction was lost;
- iv) In the final situation, the person making the complaint was not a "directly affected person" as defined in the Police Act.

4) Of the total of 13 complaints, 12 matters were referred to a Chief Officer for investigation. The complaint not referred did not meet the requirements of the Police Act.

5) There were four requests for a review of decisions of Chief Officers regarding a complaint.

i) One request was for a review of a Chief Officer's decision to dismiss a complaint as the complainant was not a "directly affected person" on a joint complaint submitted concerning conduct of Charlottetown Police Service (CPS) members. The Review was resolved informally as both parties agreed the complainant was not a party to the joint complaint but would be directly affected by the conduct of one CPS officer and that would be the subject of a separate complaint

ii) One request was for a review of a Chief Officer's decision to dismiss a complaint alleging the complainant was lied to by a CPS officer which behavior would have constituted discreditable conduct and deceitful behavior. The OPC reviewed and agreed with the decision of the Chief Officer as there was no evidence to support the allegation;

iii) One request was for a review of a Chief Officer's decision to dismiss a complaint alleging CPS officers participated in conduct that brought the entirety of the Charlottetown City Police's reputation into disrepute "in violation of Section 4(1)(a)(2) of the Police Act Code of Professional Conduct and Discipline Regulations both by their refusal to allow EMS access to his injuries and by charging the complainant with three Criminal Code offences in spite of his being in a mental health crisis at the time of the incident" implying that they violated Section 4(b) of the same act in that they were oppressive and abusive to him by pursuing these charges. The OPC reviewed and agreed with the Chief Officer's decision that there was no evidence to support any of the allegations.

iv) One request to review a Chief Officer's decision to dismiss a complaint as statute of limitation had expired. The OPC reviewed and confirmed the decision of the Chief Officer.

6) 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 the requested information or contact details of the appropriate agency.

7) One complaint [the one referred to in this report at 5(iii)] involved an allegation of criminal conduct by officers of the CPS as well as violations of the Police Act Code of Conduct of Professional Conduct and Discipline Regulations. As the Criminal Code complaint takes precedence over the Police Act, it was referred to the Attorney General who issued an order to have the criminal investigation delegated to the Royal Canadian Mounted Police (RCMP) thereby ensuring an independent and transparent process. The criminal investigation conducted by the Major Crime Unit of the RCMP found no evidence to support a criminal charge. As noted earlier, following the Police Act investigation the Chief Officer dismissed the allegations as unfounded. Following a review of the Chief Officer's investigation, our office agreed with the Chief Officer's decision.

8) 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>.

9) Overall, there is excellent compliance with Ministerial Directives on the appointment of police officers. There are gaps with compliance with the Ministerial Directive on mandatory training which related directly to COVID and the inability to conduct any training that required close contact during extended periods of 2021. The police services are aware of this shortcoming. The OPC has recommended to the police services that this training should be scheduled as soon as possible in 2022 and be considered 2022 training.

10) The Annual Report filed for the OPC in 2020 noted the reality that neither the Conservation Officers nor UPEI Security Service currently utilize PROs as a records management system in contravention of the Ministerial Directive dated January 18, 2019 requiring that all police services use this system. For purposes of this Annual Report, this non-compliance is noted. It is recognized that the implementation of the recommendations contained in the "Midpoint Evaluation of 2017 Crime Prevention and Police Service Model Review" may impact whether there is a need to comment on this non-compliance in future years.

11) 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 to review the decision of a Chief Officer to dismiss a complaint: Four requests received (see para.5 above);
- b. Number and nature of complaints under s.35 complaints made concerning the conduct of a Chief Officer: One request received and dismissed as the Chief Officer had retired and no longer under jurisdiction of the Police Act;
- c. Number and nature of investigations under ss.29 and 40: 3 [see 5)i.ii.iii 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): one [see 5)i. above].
- f. Number and nature of decisions made under s.29(3), 40(3), 39(1) or 39(2): 3 decisions and 1 informal resolution:
  - i. Informal resolution whereby Chief Officer agreed to reverse decision to dismiss, and accept complaint after dismissing as "not a directly affected person";
  - ii. Manager dismissed complaint as complainant was making the complaint on behalf of another person and was not a directly affected person.
  - iii. Manager dismissed the complaint as OPC did not have jurisdiction as the subject officer had retired.
  - iv. Manager dismissed complaint as statute of limitation had expired.

12) 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. The Police Commissioner and the Manager electronically attended the annual CACOLE Conference on May 10 and 11, 2021;
- 14) The Police Commissioner and Manager also electronically attended a training session on Systemic Discrimination sponsored by the International Commission of Jurists. The sessions took place on April 9, April 29, and May 17, 2021.
- 15) Presentations were made by the Police Commissioner and Manager to the Standing Committee on Health and Social Development on December 8, 2021; and to the membership of the Haviland Club on November 25, 2021.
- 16) In the calendar year 2021, the Office of the Police Commissioner received and completed three (3) FOIPP requests.
- 17) Thomas W. Jarmyn, C.D. resigned as Police Commissioner on January 13, 2021. Cyndria L. Wedge, Q.C. has been appointed Police Commissioner for a term running from August 24, 2021 to August 24, 2026.
- 18) The following is a summary of the expenditures of the OPC during the calendar year 2020:

**Office of the Police Commissioner  
Expense Report 2021**

Wages & Salaries	75,188.00
EI Expense	1,663.21
CPP Expense	1,178.37
Commissioners	0.00
Accounting & Legal	10,281.50
Interest & Bank Charges	230.00
Office Supplies	337.65
Memberships	475.00
Miscellaneous Expenses	118.20
Postage	153.03
Printed Supplies	357.30
Publications	1,027.49
Rent	26,688.00
Telephone & Fax	796.45
Training & Development	720.00
Travel – In Province	2,337.16
Travel – Out of Province	<u>0</u>
	121,551.36