

Office of the Police Commissioner



June 10, 2019

Honourable Bloyce Thompson
Minister of Justice and Public Safety
95 Rochford Street, PO Box 2000
Charlottetown, PE C1A 7488

Minister,

Please find enclosed the Annual Report with respect to the operations of the Office of the Police Commissioner during the year 2018. 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 6 of the Annual Report.

The report will be posted on the Police Commissioner's website and circulated to the various police services on June 18th, 2019. Please do not hesitate to contact me if you have any questions or concerns.

Yours truly,

Thomas W. Jarmyn, C.D.
Police Commissioner Prince Edward Island
twjarmyn@policecommissioner.pe.ca

CC: Aaron Campbell (e-mail)
Phil Pitts (e-mail)



ANNUAL REPORT OF THE POLICE COMMISSIONER FOR 2018

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 2018.

1. There was 1 complaint made under s. 35 of the *Act* concerning the conduct of a Chief Officer that was reviewed and dismissed as not meeting jurisdictional requirements.
2. There were no other complaints under s. 35 of the *Act*.
3. The Manager of the OPC opened 31 assistance files. There were:
 - 12 Referrals or assistance provided to the public regarding complaints to be made to Chiefs of Police for action.
 - 13 instances where advice given on calls that were not within the mandate of the Police Act or Regulations
 - 6 Referrals or assistance on complaints regarding the RCMP
4. The OPC provided assistance to the Director of Public Safety on a complaint against a Conservation officer for breaching an agreement reached as part of an informal resolution. An investigation of the incident was conducted and a report on the findings provided to the Director of Public Safety.
5. The OPC provided oversight on 2 investigations by the Nova Scotia Serious Incident Response Team (SIRT) at the request of the Attorney General of Prince Edward Island:
 - An investigation into an alleged assault by an off duty RCMP member. This investigation resulted in no charge being laid. A summary of the investigator's report

dated March 06, 2018 is posted on the Independent Investigation of Serious Incidents Report section of the OPC website.

- The third SIRT investigation related to the discharge of firearms by officers of the Summerside Police Service resulting in the death of a suspect on May 27, 2018. In a report released on March 6, 2019, based on the investigation conducted, the determination was made that the officers were justified in their actions. A summary of the investigator's report dated March 06, 2019 is posted on the Independent Investigation of Serious Incidents Report section of the OPC website.
6. The OPC conducted audits to determine the 2018 levels of compliance with ministerial directives by municipal police services in Charlottetown, Summerside, Kensington, UPEI Security Services and the Atlantic Police Academy. The reports for each service are posted under 'Reports' section of the OPC website at <https://www.policecommissioner.pe.ca/reports>.
 7. The audits identified a number of items that merit comment:
 - a. There were a number of officers in all services whose domestic violence certification expired during 2018. The stated reason was that the regular instructor was not available during 2018 and therefore the training was not offered. Mandatory certifications must be maintained. Where it is apparent that regular programming will not be offered it is incumbent on each service to make arrangements for alternate training. Chief Officers should satisfy themselves early in the year with respect to training requirements and ensure, either with the Province or collaboratively with other Chief Officers, that necessary training resources are available.
 - b. The Deputy Chief of the Charlottetown Police Service had not completed the Senior Management Course, as required under the *Police Act*, prior to his appointment. Incumbent should complete the Senior Management Course. In the future necessary training should be completed prior to appointment.
 - c. A small number of officers have not completed the Police Services Orientation Checklist. This ensures that every officer has received and acknowledged receipt of the Police Act, Code of Conduct, Ministerial Directives, and, the adopted Use of Force Model. Chief Officers should ensure that every officer has received and acknowledged receipt of these documents.
 - d. Some officers hired over the summer did not have the required first aid, domestic violence, use of force, or, Conducted Energy Weapon training. Chief Officers should satisfy themselves that all officers have necessary training.

- e. Security Officers at the University of PEI operate marked vehicles with full emergency equipment on and off campus. These officers have not been trained in motor vehicle pursuit or operation of an emergency vehicle. All officers should receive training with respect to the operation of emergency vehicles or emergency equipment should be removed from the vehicles by June 30, 2019.
- f. Some permanent officers do not have training with respect to carbines or CEWs. All officers should be trained to use carbines and CEWs.

Financial Report

This is a summary of the expenditures of the OPC during calendar year 2018:

Expenditure Area	Amount in dollars
Accounting & Legal	8400.00
Commissioner	10608.00
Interest & Bank Charges	276.47
Office Supplies	1489.68
Memberships	475.00
Miscellaneous Expenses	90.87
Postage	358.60
Printed Supplies	537.93
Publications	1216.98
Rent	24463.92
Salaries	50186.99
Telephone & Fax	1614.12
Training & Development	113.07
Travel in Province	2781.33
Travel out of Province	4440.63
Total	\$107,053.59

Other activities

- 8. The OPC participated in the development and implementation of the amendments to the *Police Act* which came into force on April 1, 2019.
- 9. Thomas Jarmyn, CD was appointed as Police Commissioner effective October 2, 2018
- 10. The OPC continued to be a Member of The Canadian Association for Civilian Oversight of Law Enforcement (CACOLE).

11. Thomas Jarmyn, Police Commissioner, and Phil Pitts, the manager / investigator, are both members of the board of directors of CACOLE.
12. The manager of the OPC attended the annual CACOLE conference held in Winnipeg, Man and the CACOLE management meeting in Ottawa ON.
13. The OPC complied with two Freedom of Information and Protection of Privacy requests.

All of which is submitted in accordance with the *Police Act* this 10th day of June, 2019.

A handwritten signature in black ink, appearing to be 'T. Jarmyn', written over a horizontal line.

Thomas W. Jarmyn, CD