



## Royal Newfoundland Constabulary

Office of the Chief of Police

October 5, 2016

Inspector Sue Bill  
RNC Professional Standards Section

**Re: Findings from Internal Investigation completed by Saskatoon Police regarding the actions of Constable J. Smyth**

Dear Inspector Bill:

Please find enclosed a copy of the investigative report completed by Sgt. Little of the Saskatoon Police. Sgt. Little investigated the actions of Cst. J. Smyth in relation to the incident at Mitchell's Brook to determine if Cst. J. Smyth breached any RNC policy or any section of the Royal Newfoundland Constabulary Regulations.

As you can see from the attached investigative report, Sgt. Little concluded that Cst. J. Smyth did not breach any RNC policy or any section of the Royal Newfoundland Constabulary Regulations with respect to the incident itself, however, in Sgt. Little's opinion, Cst. J. Smyth breached s. 4.6 of the RNC Information Management and Technology Policy for distributing an e-mail to all RNC staff respecting the Mitchell's Brook incident after the fact.

The relevant portions of Section 4.6 of the Information Management and Technology Policy state:

### **Appropriate use of Information Resources**

The following conditions are unacceptable and will result in discipline up to and including dismissal

- a. Users must not:
  - (3) use the Employer's equipment for personal purposes;
  - (12) circulate e-mail to large audiences unless it is business related without proper approval (especially RNC or Government wide distribution).

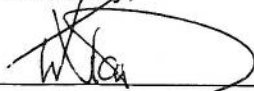
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There is no question that Cst. J. Smyth did circulate an e-mail to all RNC staff after the Mitchell's Brook incident regarding the incident itself and he included in the e-mail his perspective and thoughts about what had happened. The e-mail that Cst. J. Smyth circulated to all RNC staff was subsequently leaked by some unknown person to the media. There is no suggestion that Cst. J. Smyth was involved in leaking this e-mail to the media.

I spoke to Kim Harding who is the Director of RNC Information Services and the author of the RNC Information Management and Technology Policy referenced above about this case. Ms. Harding is also familiar with the e-mail Cst. J. Smyth sent to all staff referred to above. Ms. Harding is of the opinion that Cst. J. Smyth's actions in this case in circulating the e-mail in question to all staff did not actually violate Section 4.6 of the RNC Information Management and Technology policy as it was not the spirit and intent of this policy to restrict an officer's ability to provide his or her perspective regarding an ongoing investigation by way of e-mail to RNC staff. In Ms. Harding's opinion Cst. J. Smyth did not violate this policy because the e-mail in question was related to RNC business and that although the e-mail conveyed some of Cst. J. Smyth's personal views, the e-mail did not constitute the use of the employer's equipment solely for "personal purposes".

Following my discussion with Kim Harding, and following my review of the facts of this case as well as the investigative report completed by Sgt. Little, I am of the opinion that Cst. J. Smyth did not violate Section 4.6 of the RNC Information Management and Technology policy, and, therefore, I am not recommending any discipline be imposed on Cst. J. Smyth in relation to this matter.

Yours truly,



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William J. Janes  
Chief of Police