



Royal Newfoundland Constabulary
Office of the Chief of Police

May 19, 2015

William J. Janes
Chief of Police

Dear Chief Janes:

Re: Policy Review Conducted by Inspector Ed Oates

As per your request I arranged for the RNC Planning and Research Section to conduct a complete review and identify what policies/ routine orders exist applicable to the circumstances currently known in relation to the Mitchell Brook shooting.

Policies/ Routine Orders identified were forwarded to Inspector Ed Oates who was requested to review same and identify any concerns.

Please find attached a report prepared by Inspector Oates in relation to his findings along with copies of the policies/ Routine Orders reviewed. A number of issues identified are simple wording changes. I recommend that our Planning and Research Section conduct a jurisdictional scan on the policies identified and make necessary changes identified by Inspector Oates as well as, put forth any other recommended changes as a result of the jurisdictional scan.

Sincerely,

Jim Carroll, M.O.M.
Deputy Chief of Police
Patrol Operations

*Held pending
Billing of Manager
Policy + Planning
position.*

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Royal Newfoundland Constabulary
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May 12, 2015

William Janes
Chief of Police
Royal Newfoundland Constabulary

Re: *Review of Policy.*

Sir,

On April 16, 2015 I met with Deputy Chief Carroll regarding the review of policies that may relate to the Mitchell's Brook incident. Deputy Chief Carroll advised that Constable Tim Fowler of Planning and Research Section was researching to obtain policy that may be related in any way to this incident.

On April 21, 2015 I retrieved copies of the applicable policies from Deputy Chief Carroll. The package I received contained copies of 10 policies from R.N.C. Policy and Procedure Manual, 4 Routine Orders and a Memorandum of Understanding.

The following were reviewed by the writer. A brief synopsis of my findings will be noted with each policy.

- **Assistance to Outside Agencies**
General Order #131 – August 13, 1999.

This policy was last updated in 1999.

Section 8 of this policy outlines the Electronic Monitoring Program. I spoke with Ms. Tammy Carpenter of Adult Corrections and Community Services. She advised me that this program was discontinued in March 2013.

- **Criminal Intelligence Unit**

General Order #140 – January 6, 2000.

This policy has not been updated in 15 years. It requires certain sections to be updated to reflect changes made over time in this unit.

Section 1 of this policy outlines Accountability and Control. Section 1(h) outlines that C.I.U. will function under the operational direction of the Senior Non-Commissioned Officer I/C of the Special Services Section of the Criminal Investigation Division but in fact an Inspector fulfills this role. The wording in other areas of Section 1 requires updating to indicate this change. The term Special Services Section does not apply now to this unit from conversations held with Superintendent P. Roche and Superintendent J. Sheppard.

Section 8 refers to the Technical Investigation Unit. This section requires a change to Technical Services Unit. Superintendent Sheppard advises this policy has been identified for updating.

- **Criminal Investigation Division**

This policy has no General Order number or date assigned to the latest update.

Section 5 outlines Developing Investigative Leads and Proactive Strategies. In Section 5(d), the word Forensic should have been included in the last sentence of that section.

Constable P. Doyle advises he checked this policy but could not find a General Order or date issued pertaining to this policy.

- **Jurisdiction**

General Order #157 – August 8, 2001.

Section 5 of this policy outlines the role of Ports Canada Police. I spoke with Melissa Paul of St. John's Port Authority. She advised that Commissionaires are contracted to provide their security. Our policy should be updated to reflect Ports Canada Police are no longer present in our jurisdiction. This section could be omitted from this policy.

- **Use of Force**

General Order #312 – December 20, 2012.

My review of this section indicated in Section 12.2 – Use of Force Investigations; the word investigation should replace investigate in the last sentence of the paragraph.

- **Firearms**

General Order #254 – March 10, 2010.

Section 3.5 outlines the authorization to wear or not wear service firearms.

Section 3.5(h)(2) outlines the House of Assembly as a non-operational duty where officers shall not wear service firearms while on duty. In speaking with Superintendent J. Boland, he advises that members assigned to the House of Assembly are armed but they do not sit in the House. They are situated outside the House from information he passed on to me. Deputy Chief Carroll and I attended a meeting at Confederation Building last fall regarding the possibility of changes to security within the House of Assembly. I haven't heard of any changes from their security or Sergeant at Arms. This policy could be problematic if an incident ever occurred inside the House of Assembly. It would be prudent to have a meeting with the Sergeant at Arms and security to ascertain if any changes may occur regarding security inside the House of Assembly.

Section 3.7(j) states an officers service firearm will be stored at the RNC Armory when officers are assigned to non-operational positions and they cannot be assigned operationally. I spoke with Sergeant Bill James who advises that the present practice is to obtain the key to the gun locker of the person assigned non-operational duties. The key is returned once they are assigned operational duties. In some cases, the firearm and ammunition are removed from the gun locker. They would be stored in the armory.

This practice may be safe but breaches our policy.

Section 14 of this policy outlines inspections. Section 14.1 states the officer in charge of the Use of Force Unit will be responsible for the inspection of service firearms and firearm storage areas in headquarters jurisdiction. The Inspections Officer carries out this duty and not the NCO i/C Use of Force Unit.

- **Protective Services Unit**

General Order #316 – June 5, 2013.

Section 6 of this policy outlines Training and Qualifications. Section 6.1 states officers being assigned to the Protective Services Unit must be able to a) complete all modules of Use of Force; b) pass a P.A.R.E. test; c) pass a 2.4 km run within 12 minutes (subject to operational requirements). In speaking with Inspector Paul Woodruff, he advises me that he has no knowledge of any member of this unit taking a P.A.R.E. test or run.

Section 6.2(a) states Protective Services Unit officers shall successfully complete annual firearms requalification. Firearms requalification has to be completed each year as part of the Use of Force training and therefore, could be omitted from this section.

- **Mental Health Care and Treatment Act**
General Order #253 – February 25, 2010.

I have reviewed this policy to find no issues with the content.

- **Media Relations**
General Order #304 – July 12, 2012.

Section 6 of this policy outlines the Divisional Commander Responsibilities. In Section 6.1(h)(3) it states a Media Report should contain the number of traffic collisions; including personal injury. The number of collisions is generally not in a media report and could be omitted from policy. Generally, serious, fatal or collisions of special circumstances are included in the media report.

Section 8.15 outlines release of cause of death of a deceased person. The last sentence states, "Only in the best interest of the investigation and in consultation with family members with the cause of death be released." The 'with' should be replaced with 'will'.

Section 8.19 outlines Highway Traffic Act Drivers Licence Suspension. This section indicates the name of a driver being issued a 24 hour suspension under the H.T.A. is not to be released because it is not a charge. The 24 hour suspension has been amended and is now a 7 day suspension. Our policy should reflect this change.

- **Information Management and Technology**
General Order #322 – December 10, 2013.

I have reviewed this policy to find no issue with the content.

During my review, the following Routine Orders were examined regarding the content:

- Routine Order 2013-030, November 25, 2013. Jurisdictional Call Response.
- Routine Order 2014-003, January 13, 2014. Mental Health Care and Treatment Act Police Protocol (Adults).
- Routine Order 2014-010, March 20, 2014. Firearms and Use of Force Equipment carried by Specific Officers.
- Routine Order 2014-030, October 23, 2014. Restructuring, Criminal Investigation Division.

In my review of Routine Order 2014-010, I discovered a contradiction in the use of force equipment outlined to be carried by Commissioned Officers when operating a marked police vehicle and the section outlining equipment required to be carried by all members when operating a marked police unit.

The Operation of Marked Police Vehicles states, "All members, when operating marked patrol vehicles will be equipped with all required use of force items and must wear soft body armour."

The section of this order outlining the circumstances when Commissioned Officers must carry their use of force equipment and the equipment to be carried, operating a marked police vehicle is listed as a time the equipment is carried. The equipment outlined in this section to be carried is the firearm, minimum of 2 magazines and O.C. Spray. Their baton and 3rd magazine can remain stored in their firearms locker.

I have reviewed the protocol between the Royal Canadian Mounted Police and the Royal Newfoundland Constabulary dated November 28, 2002. This protocol pertains to investigations in respective jurisdictions. In most cases, we notify the detachment of the area we will be conducting our investigation and not the District Commander.

In conclusion, my review did not uncover any major issues with our policies from my perspective. A number of policies that have not been updated in years require updating to reflect changes. These changes would reflect that programs (i.e., Electronic Monitoring Program), entities (i.e., Ports Canada Police) and names (i.e., Special

Services Section) no longer exist. Changes in legislation has affected a couple policies reviewed.

The major issue in my review is that we are outlining under Training and Qualifications for the Protective Services Unit that officers **must** be able to pass a P.A.R.E. test and possibly pass a 2.4 km run within 12 minutes but we are not conducting these tests. They should be removed from policy if we are not going to administer the tests.

If you have any questions or wish to discuss this further, please feel free to contact me.

Inspector E. Oates
Platoon Commander
Platoons A & D



Royal Newfoundland Constabulary
Office of the Chief of Police

February 17, 2016

Theresa Heffernan
Executive Director
Support Services Section

Dear Ms. Heffernan:

Re: *Policy Review Mitchell's Brook*

Please pass along the attached report to Strategic Planning and Research Section to have necessary changes and updates completed.

Sincerely,

William Janes
Chief of Police

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