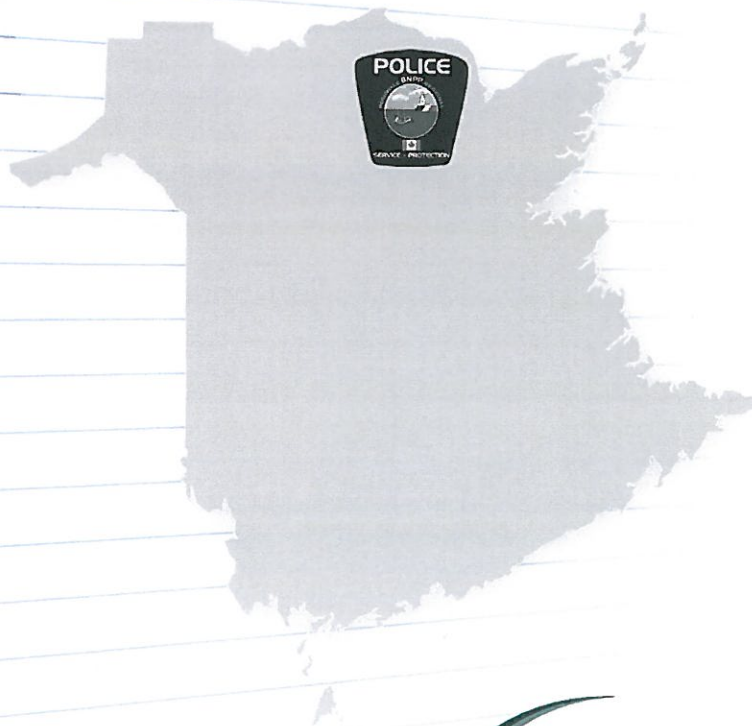


# *Quality Assurance Review Report - 2016*

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## ***B.N.P.P. Regional Police Force***

### **Overview**

B.N.P.P. Regional Police Force (BNPP) is one of nine municipal/regional police forces in the province of New Brunswick. The BNPP employs sixteen full-time police officers, including Chief Charles Comeau. Complementing the full-time officers are three part-time police officers and two support staff. Dispatch services are provided by the Bathurst City Police (BCP). Presently, the BNPP have zero vacancies with no members on leave. The police force performs primary response functions and operates a general investigation section in both official languages.

Chief Comeau is preparing to roll out an updated five year plan for BNPP and looking to purchase CEW in the fall. BNPP has purchased Narcan for their members, who have all been trained in its use. This is an important step for BNPP in ensuring their members' safety. There are some pressures facing BNPP including the amount of mandatory training required for its members; as well, the collective agreement expires in 2018.

Pursuant to paragraph 1.1(2)(c) of the *New Brunswick Police Act*, the Minister of the Department of Justice and Public Safety (JPS) may establish a system of inspection and review of police forces. The *Policing Standards – New Brunswick* are issued as ministerial directives pursuant to subsection 1.1(3) of the *Police Act*. The Standards set out the police force Quality Assurance (QA) program in ORG 5 with the current QA Program in place since 2013.

While the QA program follows a cyclical process, it is flexible enough to respond to any newly identified risk activities facing municipal police forces. The program examines facts and realities facing modern day law enforcement agencies to identify gaps as well as best practices.

### **Objective**

The purpose of the QA review is to assess the adequacy and effectiveness of the policing services provided by the police force by examining areas of common risk to police agencies on behalf of the Minister.

The report is intended to summarize the data collected from the police force, analyze the findings, identify gaps and good practices, and present recommendations that would improve police performance.

### **Scope**

The QA Program operates on an annual cycle, beginning in the fall when the provincial priorities are given to the chiefs of police by the PSCM review team. The 2016 provincial



priorities were:

- Operational records (general occurrence management);
- Traffic (road) safety; and
- Memorandums of understanding / agreements

The chiefs of police, in collaboration with the PSCM review team conducted a fall risking exercise that examines the provincial priorities as well as establishing force specific risks requiring review. The police force risking template was completed during this exercise well in advance of the December 31<sup>st</sup>, 2016 deadline for submission.

For 2016, BNPP identified the following risk activities as areas for self-review:

- Memorandums of understanding / agreements
- Intimate partner violence (IPV)
- Exhibits
- Health & workplace safety

In January, police forces are expected to begin their reviews using select review guides created by the PSCM review team and any other examination deemed appropriate. All documentation was to be submitted to the PSCM review team by the end of February. Chief Comeau submitted his documentation on time.

Further, in February 2017, the New Brunswick Association of Chiefs of Police (NBACP) and JPS added sexual crime investigations as an additional risk activity for every New Brunswick police force. The scope of the review was to examine occurrences of sexual crimes reported to police from 2010 to 2014 with a focus on all occurrences with a file disposition of unfounded and a sampling of all remaining occurrences.

In the spring, the PSCM review team conducted an internal risking exercise to determine whether any police force would undergo an on-site visit and when factored with other variables BNPP was identified for on-site follow up by the PSCM review team that was conducted from May 23-25, 2017.

Responding to calls for assistance of individuals experiencing a mental health crisis is a responsibility police forces have under the *Mental Health Act*. This area was identified during the fall risking exercise by one police force that created the review guide and matrix to accompany their review. Based on the results gathered by the reviewing police force, the PSCM review team determined it should be evaluated by all police forces. All police forces who received an on-site visit had this review completed by the PSCM review team. Those police forces who did not receive an on-site visit completed this examination in-house with results being submitted to the PSCM review team. Overall municipal police force provincial results will be shared with the NBACP.

The following areas of risk were reviewed from May 23-25, 2017:

- Intimate partner violence (IPV);

- Exhibits; and
- *Mental Health Act* calls

BNPP participated in a debriefing session. This report documents observations and recommendations by the PSCM review team.

**Tracking of Recommendations**

The focus of any review is to ensure the management of selected risk activities is in compliance with the *Policing Standards – New Brunswick*, the Municipal/Regional Police Forces Operational and Administrative Manuals (Operational Manual and Administrative Manual, respectively) and legal requirements. An action plan will be developed for each recommendation and monitored by the PSCM review team until completion.

A snapshot of the reviewed activities is summarized in this report (see table 2) and includes a rating based on the following scale (table 1):

Rating	Description
Needs Improvement (NI)	Practices and controls are not adequate to ensure the objectives are achieved effectively in this activity.
Meets Expectations (ME)	The activity’s management meets current provincial policing requirements. Any issues/opportunities for improvement noted are not major in that they do not affect the ability to achieve its objectives.
Good Practice (GP)	Practices within the activity reviewed are noteworthy and should be recommended for implementation in other police agencies.

**Summary of findings of the on-site review**

NI	ME	GP	Comments
			NI - Needs Improvement      ME - Meets Expectation      GP - Good Practice
<b>Intimate partner violence (IPV)</b>			
	ME		Improved flagging, good use of “judge’s decision” text in RMS; “stop proceeding” forms are not authorized for IPV investigations; every attempt should be made to obtain victim and suspect statements and documented in RMS. <i>See recommendation #1</i>
<b>Exhibits</b>			
NI			Changeover of bond room custodian more than a year prior to review however no internal audit completed. Efficiency and effectiveness of the practices and procedures as well as a thorough examination of the physical storage locations used to secure exhibits is required through a full independent audit. <i>See recommendation #2</i>
<b>Mental health assistance</b>			
	ME		Despite not having a mobile crisis unit available to them, the BNPP handle these calls for assistance very well and enjoy a solid relationship with the Ambulance New Brunswick (ANB) and the local hospital. <i>See observation #1</i>



## Findings of the on-site review

### Intimate partner violence

#### Objective:

To ensure that appropriate investigative procedures and established protocols are followed, documented and that where appropriate, charges laid in cases surrounding intimate partner violence (IPV).

#### Findings:

For the year 2016, BNPP identified all files that had been assigned an intimate partner violence study code (D1-D5) resulting in a total of 130 IPV files for the year 2016. From the 130 files, Sgt. Michel Robichaud examined a random sample of 25 files and used the PSCM matrix to complete the review. During the on-site visit, the PSCM review team examined 10 of the files previously reviewed by BNPP along with an additional 14 files, making a total of 39 unique IPV files reviewed. Of the 39 occurrences, 2 were not IPV files and one was a repeat of a previous file, leaving 36 files that were reviewed in detail.

Findings: IPV Files	36 GOs reviewed		
	Yes	No	N/A
More than 1 officer responded	13	14	9
Suspect arrested	3	8	25
Suspect statement taken or attempted to be taken	4	27	5
Victim KGB statement taken or attempted to be taken	4	23	9
Witness statement taken or attempted to be taken	4	9	23
ODARA completed	6	22	8
Complainant/victim kept updated	24	7	5
Incidents of documented previous violence	3	4	29
Charges recommended	2	0	34
Victim services referral	1	9	26

This is the fourth year that IPV has been reviewed at BNPP. The PSCM review team noted that officers continue to put the onus on victims with respect to laying charges. BNPP is reminded that the responsibility of the police is to investigate the allegation and make recommendations for charges where evidence exists to support a charge. It is not the responsibility of the victim to lay charges in court and officers are not to ask a victim whether they want to pursue charges. Officers must make every effort to obtain a statement from the victim at the earliest opportunity and with the recent release of the IPV Policy 2.1 officers need to make every effort to obtain a victim statement within 48 hours.

The taking of a victim statement or suspect statement, or the attempts to obtain a statement continues to be an issue for BNPP. It is the investigator's responsibility in every case possible to interview all parties to the complaint, including the victim, the complainant, any witnesses and suspects. During the review, it was noted that investigators often would conclude an investigation without interviewing a named suspect. In some

cases, BNPP officers are obtaining “stop” statements from the victim, basically stating that the Complainant does not wish to proceed any further. Policy 2.1 prohibits the use of these forms in IPV investigations. It puts unnecessary pressure and onus on the victim when it is the responsibility of the police to complete the investigation. The lack of a victim statement is only one factor in an investigation.

For the most part, officers’ reports are evidence and fact based with little opinion included, however there was one officer who was particularly opinionated in their file. Officers should be reminded to report the facts and not allow personal biases to influence the scope of their investigation.

The PSCM review team has noted an increase in the flagging of IPV files. BNPP is the only municipal police force using the “Judges Decision” screen to document what occurs in court. BNPP is diligent in ensuring that the Crown gets only those files where charges are recommended; rarely will BNPP send a file to Crown for a “decision” whether to proceed.

**Recommendation #1:**

The Chief or designate will ensure that:

- “Waiver” or “Stop proceedings” forms are not used in IPV investigations;
- Every attempt will be made to take a recorded K.G.B. statement from the victim and this attempt will be made within 48 hours of the complaint being made;
- Statements will be taken from the suspect at the first available opportunity; and
- All efforts to obtain these statements are documented in the RMS.

pursuant to the Policing Standards OPS 8.0 and Operational Policy 2.1, paragraph 10.0.

**Exhibits****Objective:**

To ensure articles seized or otherwise coming into police custody are properly reported, securely stored, and properly disposed of.

**Findings:**

Sgt. René Roy completed the review of this activity using the PSCM matrix and he made the following findings and recommendations with respect to this risk activity:

1. Members need to ensure they are submitting all exhibits before being destroyed;
2. Members need to ensure that they are including the time the item was seized and their initials on the exhibit (tag/bag);
3. When drugs are seized, members need to write the date, time and initials on the Health Canada brown envelope (HC/SC 4257);
4. DVD (original): members need to write the date, time and initials on each sticker/sleeve.

The PSCM review team met with Bond room custodian, Sgt. Mathieu Richard who took over the bond room duties about one year prior to PSCM review. An internal audit was initially



started however it was not completed. This is a risk to the agency when someone new takes over if there hasn't been a complete internal audit to confirm that all exhibits stated to be in the bond room are there.

Sgt. Richard stated that since the last upgrade of Versadex that evidence continuity has been problematic as some screens were not allowing him as the custodian to enter information. He described the problem as being unable to get a list of purged exhibits he could rely on.

The PSCM review team examined the shed outside and behind the station that is used for items such as flammable gases and found bicycles. Once inside the shed it was noticed that dried marijuana plants were in there in a pot lined with black plastic. One other empty pot of the same type was next to it. The exhibit custodian seemed surprised to see the exhibit there. It was an exhibit several years old. There is a security camera that has a view of the shed; however the shed itself is not alarmed and all members have access to the shed.

There is a drive-in garage that is used on occasion for a recovered stolen vehicle in which case the investigating officer is able to secure the exhibit by putting tape over the door to maintain continuity until the vehicle can be examined by Ident.

In the main bull pen area of the office are four filing cabinets that can be used as temporary lockers. The investigating officer would place their own lock when it is in use. The exhibit custodian would also return an exhibit to an officer using the temporary lockers.

In the basement bond room, which is alarmed, there is a wall of wooden transition lockers. Once the door of a locker is closed it cannot be open except by the exhibit custodian. Locker 19 could be easily kicked through to gain access to the bond room but the risk has been somewhat reduced with an alarm installed around 2014.

There is also a small refrigerator outside the main bond room for exhibits such as blood that are seized. The fridge was open and an exhibit was discovered in the small freezer shelf. This was pointed out to Sgt. Richard who was clearly surprised to see it there. It appeared to be biological samples from file [REDACTED]

Inside the bond room it appeared to be somewhat disorganized with a desk full of loose exhibits. Firearms were both on wall racks and standing upright in a corner; only some of the firearms had trigger locks. Other firearms you could not tell visually if they were void of ammunition. An army camo box is used for all ammunition.

The freezer for biological exhibits was full. Sgt. Richard is unsure whether the freezer was connected to a generator. This will need to be verified due to potential loss of biological evidence should the power go out for an extended period of time. There were two sexual assault kits on the floor beside the freezer. Sgt. Richard was asked about retention of the sexual assault kits and he stated that they destroy them after seven years for resolved files.

An older [REDACTED] murder file occupied one entire corner of the bond room, file [REDACTED]. The bond room is small and tight on space; this particular exhibit is taking up a fair bit of space at present.

One file [REDACTED] was pulled for a random check. One exhibit [REDACTED] was an evidence bag with four pill bottles inside. One bottle was empty and the other three contained various pills. There was no indication the pills had ever been counted and/or weighed. The file was pulled to see if additional information was contained therein. In addition, there were two amounts of currency seized as a result of this file; the RMS indicated that the exhibits were in the bond room but Sgt. Richard was not able to locate them in the bond room; a search of RMS eventually revealed that the Chief had authorized the seized money to be used to pay find of the accused, however this was not documented in the property subsystem of the RMS.

Investigation [REDACTED] was possession of cocaine/ crack cocaine for trafficking and unsafe storage of a firearm. A search warrant was executed. All initial charges eventually withdrawn. It took a year and a half and many adjournments. Simple possession charge where a guilty plea was entered. Many exhibits on file that included drugs, cash, scales, cell phones and a firearm, Ziploc bags with suspected rock cocaine. The only description for the suspected prescription pills is the pill names on the bottles; not the number of pills nor the weight. The last date on the file is January 9, 2017. The file was ready for destruction of the exhibits. The exhibit custodian noted that he waits for 90 days past the court date for exhibit destruction which would have placed this file ready for destruction around April 9<sup>th</sup>; however it was May 24<sup>th</sup> 2017. The file is very well documented and there is an order of detention on file from the judge.

General observations from the PSCM review team:

- There appears to be no effective diary date system for review and disposal of exhibits;
- Firearms are not safely stored;
- Drug exhibits are not weighed or verified (i.e. pills) by the exhibit custodian;
- On some files there is not an adequate description of the exhibit;
- Several exhibits (dried plants and biological samples) are not where they should be stored; and
- There appears to be a 7 year rule on disposal of biological exhibits in freezer according to the exhibit custodian but no known policy supporting this action.

Other random samples of exhibits were pulled and examined. The PSCM review team questions how many exhibits are in the bond room that should be disposed.

### **Recommendation #2:**

The Chief or designate will prepare a plan identifying the steps that will be taken to complete an independent documented audit of seized and found property. The plan will be submitted to the PSCM review team for approval by January 31, 2018. The audit must be completed no later than March 31, 2018. The PSCM review team will then schedule a second on-site review by April 30, 2018. This recommendation is pursuant to the Policing Standards SS8 and operational policy 8.1.1.f.



**Mental health assistance calls**

**Objective:**

To ensure that Appropriate policies, protocols, standards and legislation are followed and documented on the handling of persons requiring care or treatment at a medical facility.

**Findings:**

The examination of mental health assistance calls was completed by the PSCM review team using the PSCM review guide and matrix. BNPP identified 39 CAD calls of “*Mental Health Act*” for the year 2016; the PSCM review team reviewed 25 GOs.

TABLE 4			
Findings: mental health assistance calls		25 GOs reviewed	
<b>Age of subject</b>			
	0-12	0	
	13-18	4	
	19-50	14	
	51-65	4	
	65+	3	
<b>Officers at medical facility</b>			
Average # of officers required at medical facility		1.2	
Average length of time officers spent in medical facility		55 minutes	
<b>Subject circumstance, medical facility</b>			
	Yes	No	N/A
Subject held in police holding facility	0	25	N/A
Subject detained in accordance with <i>Mental Health Act</i> *	3	22	N/A
Rights read to subject**	3	22	N/A
Calls for assistance originated from hospital	0	25	N/A
Subject under influence of alcohol or drugs	6	19	N/A
Mobile crisis unit (or similar) utilized	0	0	25
Use of force report required	0	25	N/A
Refusal of medical examination due to alcohol or drug impairment	0	14	11
Subject seen by physician / psychiatrist within 3 hours	13	0	12
Subject admitted to medical facility	7	3	15

**Table 4:**

The PSCM review guide for this risk activity was field tested and some gaps were identified. For the particular questions on detention in accordance with the *Mental Health Act*, and whether the rights were read to the subject, “not applicable” should have been an option for these questions.

\* There may not have been grounds to detain someone, or the situation was handled in another way, most oftentimes by the ambulance transporting the individual to hospital and therefore subject did not require detainment.

\*\* In those instances where someone was not detained under the *Mental Health Act*, there would be no reason to read the subject their rights. From reading the files there was only one file where it was unclear from the articulation in the file whether the subject was detained under the *Mental Health Act* and therefore unclear whether their rights were read.

While the month of the occurrence was recorded, there was not a sufficient sample to

conclude any significant findings. There were 12 male subjects and 13 female subjects.

**Observation #1:**

Mental health assistance files at BNPP are well documented and members are very compassionate and diligent in their work in this area. There were very few files requiring BNPP to detain a subject under the *Mental Health Act* as the situation is often handled in a more appropriate way. There is a solid relationship amongst ANB, the hospital and BNPP and there does not appear to be an issue with BNPP members having long delays at the hospital.

**Concluding summary**

BNPP is always welcoming and professional with the PSCM review team. Chief Comeau felt that this year's QA review process went better for he and his team and it was noted that the BNPP had a broader representation of staff at the fall risking exercise who were engaged in the process. There was an overall improvement in the quality of documentation received from BNPP for this year's review. BNPP QA reviewers are encouraged to continue using the review guides and matrices to document their findings and make recommendations to Chief Comeau. The continued progress in the QA process was noted in the internal scoring completed by the PSCM review team where it saw BNPP's score improve significantly from the previous year. The PSCM review team looks forward to continuing the collaboration with BNPP and Chief Comeau.

**Date of report:**

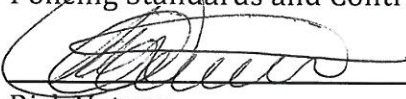
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