



Quality Assurance Review Report - 2016

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Kennebecasis Regional Police Force

Overview

Kennebecasis Regional Police Force (KRPf) is one of nine municipal/regional police forces in the province of New Brunswick. The KRPf employs thirty-nine full-time police officers, including Chief Steve Palmer and Deputy Chief Jeff Giggey. Complementing the full-time officers are five part-time police officers and five support staff. Dispatch services are provided by the Saint John City Police (SJPF). Presently, the KRPf have zero vacancies with one member on suspension. The police force offers service in both official languages and performs primary response functions and has a number of specialized units including: major crime investigation, forensic identification, street crime, traffic unit, technological crime and auxiliary members. Two members of the KRPf are integrated with the SJPF Emergency Tactical Services unit.

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 31st, 2016 deadline for submission.

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

- Memorandums of understanding / agreements
- Contingency plans
- Auxiliary officers / volunteers

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 Palmer 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 KRPF was identified for on-site follow up by the PSCM review team that was conducted from June 5-8, 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 by the PSCM review team on-site from June 5-8, 2017:

- Auxiliary / volunteers;
- Sexual crimes;
- Management of electronic recordings; and
- *Mental Health Act* calls

KRPF 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
Sexual crimes			
			All police forces conducted a review of sexual crimes resulting in provincial recommendations that all police forces will comply with. No additional recommendations. Investigations are well articulated and file management policy is solid. <i>See observation # 1</i>
Management of electronic recordings			
			KRPF is a leader in the use of electronic recording equipment; they are the only police force in NB with body-worn cameras and drones; they are a strong policy agency and are a good resource for other enforcement agencies as well as for the province. <i>See observation # 2</i>
Mental health Act calls			
			The apparent strong relationship between KRPF, ANB and the Mobile Mental Health unit means that the citizens of the Kennebecasis Region are receiving an enhanced level of care, more suited to their needs than strictly a police response. Very few individuals detained under <i>MHA</i> ; less likely that officers will need to attend hospital. <i>See observation # 3</i>

Findings of the on-site review**Sexual crimes****Objective:**

To ensure that appropriate investigative procedures and established protocols are followed, documented and that where appropriate, charges laid in cases surrounding sexual crime incidents.

Findings:

The scope of the provincial review included a five year period from 2010-2014. KRPF initially identified 41 sexual crimes that were reported during that time frame with thirteen of those files being unfounded. From the remaining 28 founded sexual crimes, Cpl. Henderson identified an additional sample of fifteen files to review. Cpl. Henderson examined the sexual crime investigations using the PSCM review guide and matrix and submitted the findings to the PSCM review team.

During the on-site visit, the PSCM review team, in collaboration with KRPF, recognized that the total number of sexual crimes for the reporting period was actually 56 (not 41) with an unfounded number of nineteen. The PSCM review team examined all 19 complaints initially classified as unfounded and recommended that only 11 remain as unfounded. The subsequent KRPF unfounded rate was 11 unfounded classifications of 56 sexual crimes, or a 19.6% unfounded rate.

The eleven unfounded sexual crime files for the years 2010 to 2014 were then subjected to a complete review and judged against the standard definition from the Canadian Centre for Justice Statistics (CCJS) for classification of “unfounded”:

“An incident is “unfounded” if it is determined through police investigation that the offence reported did not occur, nor was it attempted and therefore no violations of the Criminal Code or other Federal statute took place at that time or location”.

A final total of 34 files coded in the 1300 series were reviewed, eleven of which were unfounded, twenty-three were founded. The findings can be found in table 3 and table 4 below.

TABLE 3							
Findings: sexual crime files		34 GOs reviewed					
Reported victim		Unfounded (11 GOs)			Founded (23 GOs)		
		#			#		
	Children	11			17		
	Adults	0			6		
	IPV files	0			3		
		Y	N	NA	Y	N	NA
	Victim statement obtained or attempted	9	2	NA	23	0	NA
	Medical attention required	0	10	1	3	7	13
	Victim service or Social Development referral	10	0	1	15	3	5
	Complainant/victim kept updated	11	0	NA	23	0	NA
Investigation	Investigator has specialized sexual crime training	11	0	NA	23	0	NA
	Exhibit handling	6	0	5	17	0	6
	Relevant medical records obtained	0	0	11	1	2	20
	Crime scene examined; evidence seized	0	0	11	3	2	18
	All witness statements obtained or attempted	5	6	NA	17	6	NA
	Other avenues of investigation pursued	2	9	NA	9	14	NA
	ViCLAS booklet submitted	0	6	5	19	3	1
Reported suspect	Suspect arrested	0	2	9	5	15	3
	Suspect statement obtained or attempted	2	9	NA	14	9	NA
	Victim notified or suspect release and any conditions	0	0	11	2	0	21
	Charges recommended to Crown	0	11	NA	12	11	NA
Clearance CCJS		Unfounded			Founded		
		#			#		
	Cleared by charge	0			6		
	Cleared otherwise	0			9		
	Inactive	0			8		
Unfounded	11			0			
Factors unfounded		Unfounded			Founded		
		#			#		
	Evidence indicates no sexual crime occurred	10			0		
	Complainant/victim recantation	0			0		
	False accusation	1			0		
	Misleading police	0			0		
	Other	8			0		

TABLE 4		
Findings: sexual crime files - UNFOUNDED		11 GOs reviewed
Investigation		
Third party complaints		
Number of third party complaints		10
Source of third party complaint		
Department of Social Development (DSD)		5
School		0
Family or friend		5
Other		0
Length of time		
Avg. time b/w: incident occurred and reported to police		530 days
Avg. time b/w incident reported and concluded by police		71 days
Age		
Age range	Reported victim	Reported suspect
0-12	8	4
13-18	3	2
19-40	0	3
41-60	0	2
61+	0	0
Unknown	0	0
Gender		
	Reported victim	Reported suspect
Male	7	8
Female	4	2
Other	0	0
Unknown	0	1
Ethnicity		
	Reported victim	Reported suspect
Caucasian	10	7
Black	0	0
Aboriginal	0	0
Other	1	0
Unknown	0	4
Disabilities		
	Reported victim	Reported suspect
Mental	1	2
Physical	0	0
Polygraph		
	Reported victim	Reported suspect
	0	0
Other		
Reported suspect known to reported victim		9
Reported suspect informed by police of investigation		2

KRPF's file management is strong with solid policy in effect. What was interesting with KRPF's unfounded files is that they all involved children and included more reported male victims than female victims. KRPF has a major crime unit with investigators trained to a level to investigate more complex crime such as sexual crime and this was evident in the review of the KRPF files. Six of the reported suspects were under the age of 18.

Observation #1:

All municipal police forces participated in the review of this risk activity that has resulted in a sexual crimes review 2010-2014 report. The report contains recommendations that will impact all New Brunswick municipal police forces and as such, no additional recommendations will be made in this report relating to this risk activity.

Management of electronic recordings**Objective:**

To ensure that the recording, storage and management of electronic recordings are compliant with relevant policies, case law, standards and legislation.

Findings:

The purpose of this review was to examine the practices and procedures of the KRPF with respect to how they are collecting and storing electronic information. KRPF have strong policies that are always current.

KRPF is the only police agency in New Brunswick currently using body-worn cameras (BWC) operationally and they have an existing policy in place. KRPF is on their second generation BWC from WatchGuard. Members have to sign out the BWC at the beginning of shift. Members can only access and burn to DVD their own video recordings. Sgt. Evan Scott is the coordinator responsible for the BWC and only he is able to see all videos. Members are not to have the BWC "on" when they are in the office. The audio and video are always on at the same time. When members dock the BWC all videos are automatically uploaded. The recordings are HD quality and the cold weather has not been an issue. KRPF is using the BWC as an extension to in-car video and the BWC has been used in determining outcomes of investigations.

KRPF's two interview rooms, their "soft room" and the breath analysis instrument rooms are set up to video record. The equipment is solid and KRPF rarely experiences equipment failure; if there is an issue with a recording it is usually a human error. KRPF has developed a binder to assist members with the use of the recording equipment. Not all of the recording equipment is the same and some of it is easier to use than others. The equipment room was a small space and at first glance the fact that there are nine individual components available for use could be problematic for a new user.

KRPF operates a drone. Recordings are on a SD card which is downloaded and burned onto a CD. KRPF advised that the SD cards are currently destroyed. The PSCM team suggested that because the SD is an original, it likely should be exhibited, the same as you would for an original interview recording. KRPF has not yet used their drone for an investigation, nor

have any other police forces used it.

KRPF uses Digital Ally as their in-car video. This particular system, which has no moving parts and therefore solid, allows officers to capture audio even if the officer is not in or near the car, although they might have difficulty recording if the officer is in the house. The officer has the ability to replay video in the car and make notes at that time. With respect to in-car video recordings, officers are not advising people that they are being recorded.

Observation #2:

KRPF has strong policies and have solid experience with electronic recording equipment and the management of it. KRPF is a good resource for other enforcement agencies that are looking to get into or expand their use of electronic recording equipment and some agencies have reached out for their experience to learn what has and has not worked for them. KRPF is the first police force to use drones and BWC and this is an area requiring policy development at the provincial level, and KRPF will be a valuable resource in this regard. A caution is given to KRPF regarding the drone with respect to future video recordings on the SD card: any recording for operational purpose should be processed as an exhibit. This is something KRPF might want to consult with the Crown on.

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. KRPF identified 59 general occurrences related to mental health assistance calls for the year 2016; the PSCM review team reviewed 30 GOs.

TABLE 5			
Findings: mental health assistance calls		30 GOs reviewed	
Age of subject			
	0-12	0	
	13-18	8	
	19-50	16	
	51-65	5	
	65+	1	
Officers at medical facility			
Average # of officers required at medical facility		1.14	
Average length of time officers spent in medical facility		2.19 hours	
Subject circumstance, medical facility			
		Yes	No
			N/A
Subject held in police holding facility		4	26
Subject detained in accordance with <i>Mental Health Act</i> *		8	22
			N/A

Rights read to subject	10	1	19
Calls for assistance originated from hospital	0	30	N/A
Subject under influence of alcohol or drugs	13	17	N/A
Mobile crisis unit (or similar) utilized	18	12	0
Use of force report required	0	30	N/A
Refusal of medical examination due to alcohol or drug impairment	2	6	22
Subject seen by physician / psychiatrist within 3 hours	4	2	24
Subject admitted to medical facility	6	1	23

Table 4:

* The PSCM review guide for this risk activity was field tested and some gaps were identified. For the particular question on detention in accordance with the *Mental Health Act*, “not applicable” should have been an option for this question. 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. There was only one occurrence where KRPF was required to detain someone under the *MHA* where the rights were not read to the individual.

While the month of the occurrence was recorded, there was not a sufficient sample to conclude any significant findings. There were 8 male subjects and 22 female subjects.

Observation #3:

Of significance in the KRPF calls is the use of the Mobile Mental Health Unit that was used in 60% of these calls and while not recorded specifically, the use of the ambulance to transport individuals for medical care as opposed to a marked police unit. KRPF files are well documented and members are very compassionate and diligent in their work in this area. There was only one file where an individual was detained where it was not articulated whether their rights were read to them. There were very few files requiring KRPF 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 KRPF. While it would be preferable to not have to have a member at the hospital, the review indicated that KRPF attended on only seven occasions (23%); it should be noted that there were two occasions when an officer was occupied for a minimum of four hours.

Concluding summary

This is the first year with Chief Palmer at the helm of the KRPF; however he was a long-standing Deputy Chief prior to his current appointment. Chief Palmer encouraged a large number of staff to participate in this year’s risking exercise which resulted in a rich and rewarding atmosphere for open discussion. A/Inspector Mary Henderson continues to play a pivotal role in the QA process for KRPF and she ensured that the PSCM review team was able to conduct the on-site review in an effective and efficient manner. It is important to note that A/Insp. Henderson has created a number of QA review guides for risk activities important to KRPF which have served to expand the library of available QA guides for all NB police agencies.

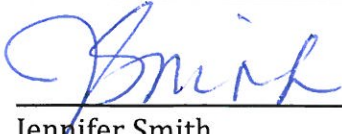
Respectful workplace was originally discussed as a risk activity for KRPF however the Chief was actively pursuing various action items in this regard and so it was not examined during this review. The PSCM review team is pleased to note that there are no necessary recommendations for the 2016 review. We always appreciate the welcoming and

professional cooperation received from Chief Palmer and his entire staff and we look forward to our continued collaboration.

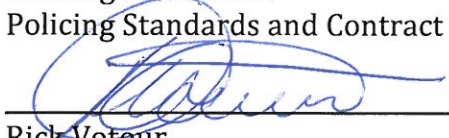
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