

New Brunswick Police Commission



Annual Report
2014–2015

**New Brunswick Police Commission
Annual Report 2014–2015**

Province of New Brunswick
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Transmittal letters

From the Minister to the Lieutenant-Governor

The Honourable Jocelyne Roy Vienneau
Lieutenant-Governor of New Brunswick

May it please your Honour:

It is my privilege to submit the Annual Report of the New Brunswick Police Commission, Province of New Brunswick, for the fiscal year April 1, 2014 to March 31, 2015.

Respectfully submitted,



Honourable Stephen Horsman
Minister

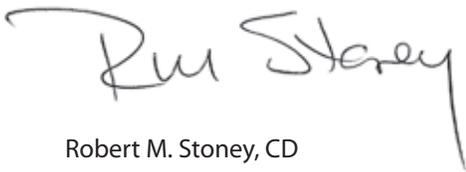
From the Acting Chair to the Minister

Honourable Stephen Horsman
Minister of Public Safety and Solicitor General

Sir:

I am pleased to be able to present the Annual Report describing operations of the New Brunswick Police Commission for the fiscal year 2014–2015.

Respectfully submitted,



Robert M. Stoney, CD
Acting Chair

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Acting Chair's message

Fiscal year 2014–2015 was a very active period for the New Brunswick Police Commission.

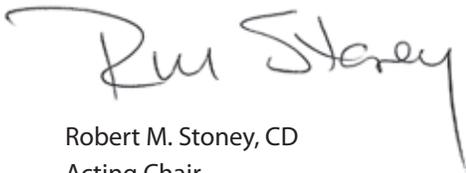
Our main focus of effort has been on four specific fronts, namely: advocating for amendments to the *Police Act*; addressing the issue of 'adequacy of policing'; championing the increased awareness of Post-Traumatic Stress Disorder in first responders; and participating in the annual police audit cycle with the Director of Crime Prevention and Policing Standards, with a focus on leave management processes.

Progress has been made on advancing the realization by all stakeholders that the *Police Act* requires amendments. We are hopeful that a formalized process will commence shortly, under the stewardship of the Department of Public Safety, which will facilitate an open, frank and constructive examination of various aspect of the *Police Act*.

Post-Traumatic Stress Disorder (PTSD) is an insidious and debilitating mental illness that has a preponderant impact on first responders. In keeping with the Commission's public awareness mandate, we have been championing the increased awareness of PTSD throughout the year in the form of panel discussions, seminars and supporting officers' personal initiative activities to gain further training as first-line responders for mental health awareness.

The concept of 'adequacy of policing' is not defined in the *Police Act* and it has become necessary to commence an outreach program to various municipalities and regional police boards to explain the Commission's role in assessing whether a specific police force is meeting a community's needs in an adequate fashion. As well, in the hope of providing more intellectual rigor to the concept of 'adequacy', the Commission has embarked on discussions with the New Brunswick academic community to commence a research project on this subject, with a view to the creation of an 'adequacy algorithm' that would encapsulate both the objective and subjective criteria that would apply to policing in general and policing within the context of a particular community within the province.

Our mission is "to safeguard the public interest in New Brunswick policing". It is a task we strive to achieve every day, and through our efforts in 2014–2015, we at the New Brunswick Police Commission believe that the public confidence in New Brunswick's police forces and the individual men and women who police our communities remains strong and continues to grow.



Robert M. Stoney, CD
Acting Chair

Highlights

During the 2014–2015 fiscal year, the New Brunswick Police Commission focused on these strategic priorities:

As a whole, the Commission met on three separate occasions in 2014–2015; in Miramichi on June 5–6, 2014, at a Commission information and planning session in Keswick on October 2–3, 2014, and in Rothesay on February 9–10, 2015. All three events were highly successful, with the Miramichi and Rothesay events providing a convenient venue to meet with the Civic Authorities for the Miramichi, as well as with the Kennebecasis Regional Joint Board of Police Commissioners and Saint John Board of Police Commissioners. The session in Keswick provided an opportunity for the Commission to conduct a much-needed review of its Mission, Values and to refresh its mandate.

Much of the Commission's focus this past year has been on its "adequacy of policing" and "community outreach" mandates. To this end, numerous briefings and informational sessions were held with various police forces around the province, with the Civic Authorities in Fredericton and Saint John, and with the New Brunswick Association of Chiefs of Police.

The outgoing Executive Director, Pierre Beaudoin and the Acting Vice-Chair, Ronald Cormier, also attended the annual conference of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE), in Victoria, BC in May of 2014, and the acting Chair attended a one day conference of the Canadian Association for Police Governance (CAPG), in Halifax, in August of 2014. Both conferences provided excellent opportunities for networking with other like-minded entities across the country.

Lastly, the incoming Executive Director, Steve Roberge, attended a two day planning session for CACOLE's, 2015 Conference in Ottawa in October of 2014 whereby

the Commission championed the development of a panel discussion and presentation with regards to Post Traumatic Stress Disorder (PTSD) that will be held on May 13, 2015.

In partnership with the Department of Public Safety, Director of Crime Prevention and Policing Standards, the Commission participated in the annual review/audit of all municipal and regional police forces in the province. Our focus this year was on the process of recording and tracking leave entitlement and administration amongst officers in each of the various police forces.

One of the Commission's themes this year has been the promotion of awareness and understanding of PTSD and how it has an impact on first responders. To that end, the Commission hosted a PTSD Awareness Seminar on January 19, 2015 at Crandall University in Moncton, and invited representatives from law enforcement, the fire marshals, paramedics and ambulance services, the coroner's office, family support services, correctional officers, probation, victim services and funeral directors to attend.

Throughout this reporting period, the Commission has been operating with its leadership in an "Acting" capacity. Upon the resignation of the previous Chair, Madame Ferguson-Mallet on March 31, 2014, the Vice-Chair, Robert M. Stoney, assumed the position, powers and duties of Acting Chair. He then appointed Commission member, Ronald Cormier as Acting Vice-Chair. The Government has been briefed on this issue on numerous occasions, yet the Commission, as of the date of this report still awaits substantive appointments for these positions.

Performance measures

While the New Brunswick Police Commission has not formally developed a strategy map for 2014–2015, the following table does provide a snap shot of how the Commission’s mission “to safeguard the public interest in New Brunswick Policing” was executed through initiatives in 2014–2015.

Safeguarding Public Interest	Measures
Promote increased understanding of the Commission’s mandate and role	Number of outreach presentations
Facilitate standardization of disciplinary decisions	Number of published arbitration decisions
Promote increased understanding and prevention of PTSD in law enforcement	<ul style="list-style-type: none"> – Number of PTSD seminars – Number of departments exposed to seminars

Safeguarding public interest

Objective of the measure

Promote increased understanding of the Commission’s mandate and role.

Measure

Number of outreach presentations.

Description of measure

An outreach presentation is delivered to stakeholders, partners, civic authorities and/or law enforcement personnel describing the New Brunswick *Police Act* and the mandate and authorities of the New Brunswick Police Commission pursuant to the Act.

Overall performance

During the 2014–2015 fiscal period the Commission delivered presentations to the City of Fredericton civic authority (2), the City of Miramichi civic authority, and police personnel of the Edmundston Police Force.

Why do we measure this?

While the Commission’s responsibilities and involvement in the disciplinary overview of New Brunswick police forces is becoming better known, the authorities granted to the Commission under the *Police Act* are not as well-known nor understood. The Commission’s mandate to examine any issue related to policing in all New Brunswick police jurisdictions (including the RCMP) is not understood by the police forces and much less by the civic authorities. A better understanding of the Commission’s role by stakeholders, partners, civic authorities, and law enforcement can foster greater accountability to the public’s interest. An increased number of these presentations results in an increase in the information available and a greater familiarity with the Commission.

Objective of the measure

Facilitate standardization of disciplinary decisions.

Measure

Number of published arbitration decisions.

Description of measure

Arbitrator’s decisions of imposed disciplinary and corrective measures are public documents pursuant to the New Brunswick *Police Act*. As such, the decisions may be published to complement the Act’s mandate to correct and educate the police population with respect to appropriate police conduct. Having the decisions published provides precedents for civic authorities, Chiefs of Police, police member representatives and arbitrators to evaluate the level of discipline that may arise from breaches of the *Code of Professional Conduct Regulation* under the New Brunswick *Police Act*. This availability helps to promote more consistency in disciplinary decisions thus fostering greater accountability to the public’s interest.

Overall performance

During the 2014–2015 fiscal period, 100% of the arbitration decisions rendered within New Brunswick were published to the New Brunswick Police Commission’s web site.

Why do we measure this?

A greater number of arbitration decisions being publically posted ensures a larger repertoire of situations to reference thus fostering more consistency in the administration of the disciplinary process. Consistency in the process contributes to an improvement in the public’s confidence in the credibility of the disciplinary process.

Objective of the measure

Promote increased understanding and prevention of PTSD in law enforcement.

Measure

Number of PTSD seminars and the number of departments exposed to seminars.

Description of measure

Providing the largest number of seminars possible to the greatest number of organizations results in a greater exposure to the subject of Post-Traumatic Stress Disorder (PTSD) as well as the possibilities that exist to prevent its occurrence and facilitate the treatment of this illness.

Overall performance

While the Commission was only able to provide one PTSD seminar to 60 attendees in fiscal year 2014–2015, interest in the seminar met with a large variety of representation from the Amherst Police Department, Atlantic Police Academy, Bathurst Police Force, BNPP Regional Police Force, Codiac RCMP, Coroners (DPS), Corrections (DPS), Court Services, Edmundston Police Force, NB Fire Marshal office, Fredericton Police Force, NB Association of Funeral Directors and Embalmers, Kennebecasis Regional Police Force, Military Police Regiment, Miramichi Police Force, NB Police Commission, Policing Services, Probation and Community Services, Sackville RCMP, Saint John Police Force, Sheriff Services and Woodstock Police Force.

Why do we measure this?

An increased number of these presentations results in an increase in the information available and a greater familiarity with PTSD and its symptoms, prevention and treatment, all contributing to a reduction in the illness.

Overview of the Commission's operations

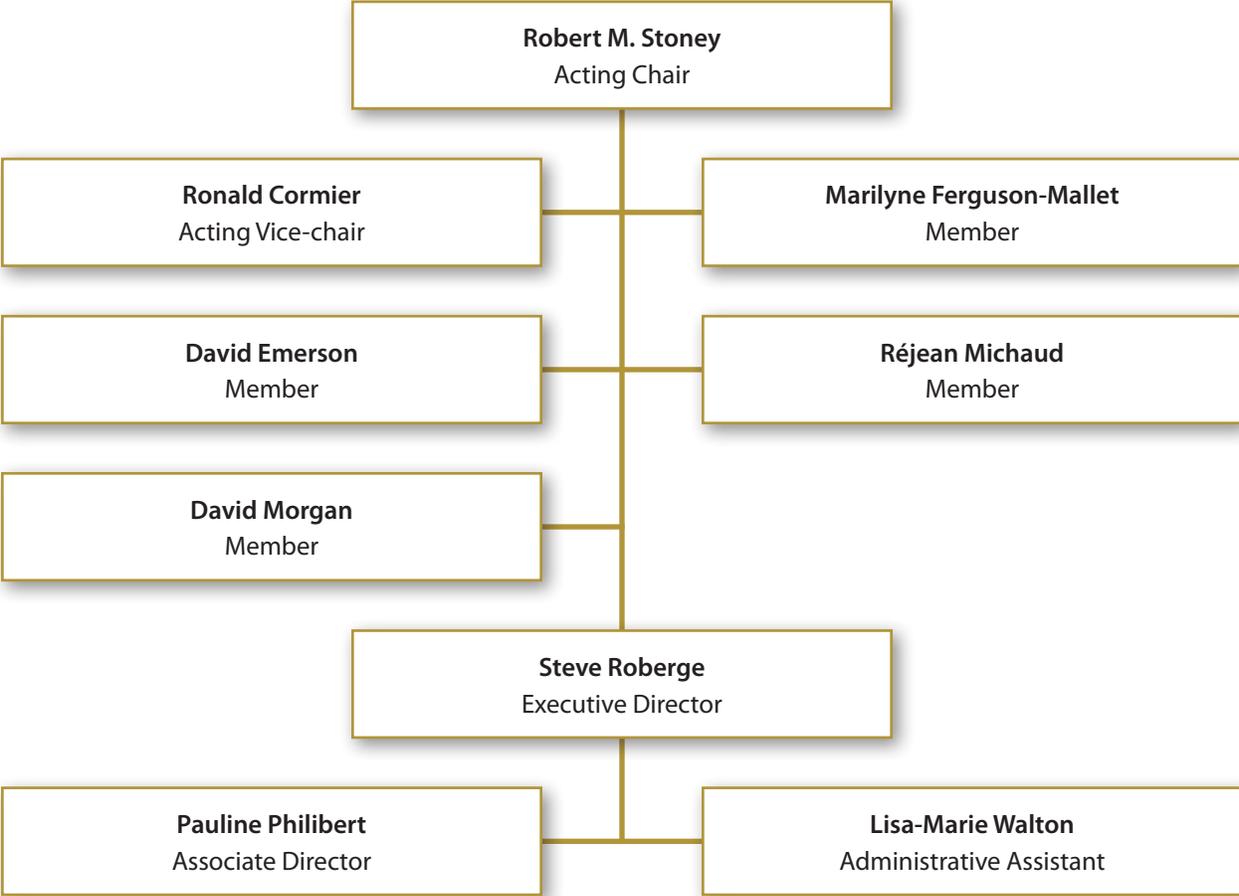
The New Brunswick Police Commission has as its mission "To safeguard the public interest in NB Policing".

Role of the New Brunswick Police Commission:

1. the investigation and determination of complaints by any person relating to the conduct of a member of a municipal or regional police force;
2. the characterization and review of conduct, service or policy complaints relating to municipal or regional police forces;
3. the investigation and determination of any matter relating to any aspect of policing in any area of the Province, either on its own motion, at the request of a board or council, or at the direction of the Minister of Public Safety;
4. the determination of the adequacy of municipal, regional and Royal Canadian Mounted Police forces within the Province, and whether each municipality and the Province is discharging its responsibility for the maintenance of an adequate level of policing; and
5. the ensuring of consistency in disciplinary dispositions through maintenance of a repository of disciplinary and corrective measures taken in response to *Police Act* breaches.

The Commission is comprised of three permanent full time employees reporting to the Chair of the Commission and was structured in 2014–2015 with six Commission members who are volunteers receiving nominal remuneration for the days they participated in Commission meetings or reviews.

High-level organizational chart



The public's horror and revulsion at the tragic events in Moncton in June of 2014 and the murder of Canadian soldiers in St. Jean and Ottawa in October of 2014 underscores the need for all entities involved in public safety to redouble their efforts to ensure that public confidence in public safety, and in all the various organizations that keep us safe on a daily basis, are not only maintained, but bolstered.

The complaints resolution process has continued unabated through this period with a number of Commission-driven investigations taking place throughout the year. The trend noted in the Commission's 2013–2014 Annual Report whereby police officers subject to a *Police Act* investigation choose to opt-out of participation in the Settlement Conference process in favour of the more rigid and adversarial process of binding arbitration has continued through 2014–2015. Whether this speaks to systemic deficiencies in the *Police Act* itself, or in the officers' confidence in the Settlement Conference process remains to be seen.

Adequacy of policing

Under the New Brunswick *Police Act*, the Commission is provided the authority to assess the adequacy of each police force and the Royal Canadian Mounted Police and whether each municipality and the Province is discharging its responsibilities for the maintenance of an adequate level of policing. As such, the Commission can investigate any matter relating to any aspect of the policing of any area of the Province. The methodology for conducting this investigation may be under the format of a public hearing. The results of this investigation and/or hearing are to be reported to the Minister of Public Safety who can be granted access to all files prepared and all exhibits, depositions and other evidence presented or acquired during the course of an investigation and/or hearing.

A civic authority may eliminate any police position if the civic authority determines that the position is no longer necessary. However, the New Brunswick *Police Act* requires the civic authority to obtain the approval of the Commission prior to invoking any reductions.

Unfortunately, what constitutes an adequate level of policing generally resides with a police force to develop the necessary methodology to empirically demonstrate the true flow-through costs attributable to an adequate level of police resourcing. Until such time as New Brunswick police forces can demonstrate the true costs,

they will continue to rely upon anecdotal commentary to support municipal/regional budget increases in a timeframe when crime statistics are reflecting decreases.

To consistently fulfill its mandate with respect to evaluating the adequacy of policing, the Commission requires clarity on the definition of adequacy, in the context of the combined operational and environmental factors in the policing jurisdiction under examination.

The Commission has now embarked on further study to identify a diagnostic instrument that incorporates an array of factors that include but may not be limited to:

- empirical measurement of demography, geography, crime statistics, and other social/economic characteristics of a police jurisdiction;
- levels of service and responsiveness provided to the community serviced by a police force; and
- costs associated with policing.

Complaint Process — Conduct Complaints

The procedures under the New Brunswick *Police Act* and the *Code of Professional Conduct Regulation* for the processing of complaints against a municipal/regional police force, or a police officer, vary depending on with whom the complaint has been filed.

An individual may lodge his/her complaint in writing with a Chief of Police, a Board of Police Commissioners (a board) or with a municipal council (civic authority) where a board has not been established or directly with the Chair of the New Brunswick Police Commission (the Commission). Internal discipline complaints may also be lodged by a chief of police against a member of his/her police force.

When the Commission takes over the processing of a conduct complaint from a chief of police, a board or a civic authority, the provisions under the *Police Act* that apply to the powers of the chief of police or civic authority will also apply, with the necessary modifications, to the Commission.

The Commission must, at the direction of the Minister or may, on its own motion, in response to a complaint by a person, or at the request of a board or council, investigate any matter relating to any aspect of policing in any area of the Province. The Commission may examine the conduct of a police officer, whether or not a conduct complaint has been filed.

Time limit for filing and processing of a conduct complaint

A complaint must be lodged within one (1) year after the incident. The Commission may extend the time limit for the filing of a complaint if circumstances so warrant.

The period of time between the filing of a conduct complaint up to the time a member is served with a notice of settlement conference, if warranted, must not exceed six (6) months. However, if there are criminal allegations in relation to the conduct complaint, the *Police Act* investigation will be suspended until all criminal proceedings are concluded. The Commission will then authorize the resumption of the *Police Act* investigation and the processing of the conduct complaint shall be concluded within the required six (6) month period.

Characterization of the complaint and notifications

When members of the public believe an officer has acted improperly, they may file their complaint directly with the Commission, and if they provide sufficient information, the Commission will immediately characterize the complaint and notify the complainant in writing of the decision on the characterization.

In normal circumstances the complaint will be referred to the chief of police in the region where the incident occurred or to the board or civic authority, where a board has not been established. The chief must notify the subject officer in writing of the substance of the allegation against him/her and the potential breach of the Code that is involved.

Police Code of Conduct

The New Brunswick *Code of Professional Conduct Regulation — Police Act*, outlines the general provisions with respect to police misconduct. Under the principles of discipline and correction, the Regulation articulates not only the arbitration procedures but identifies the thirteen breaches that could result in disciplinary and corrective measures:

1. Discreditable conduct
2. Neglect of duty
3. Deceit
4. Improper disclosure of information
5. Corrupt practice
6. Abuse of authority
7. Improper use and care of firearms
8. Damage to police force property
9. Misuse of intoxicating liquor or drugs in a manner prejudicial to duty
10. Conduct constituting an offence (convicted of an offence rendering unfit to perform duties)
11. Insubordination
12. Party to a breach of the Code (accessory after the fact)
13. Workplace harassment

Appointment of an investigator

The chief must appoint an investigator with a superior rank to the officer who is the subject of the complaint. The Act stipulates that only one investigator may be appointed to ascertain if the allegations are supported.

Another option for the chief is to appoint an investigator from another police force or from the list established and maintained by the Commission under the *Police Act*.

Once the investigation is complete the chief must provide the Commission with a full investigation report. The chief will also provide the complainant and the subject officer with a “summary of the investigator’s findings and conclusions”. Depending on the outcome of the investigation, the matter may be concluded in the following manner under the *Police Act*:

- Summary dismissal
- Informal resolution
- Take no further action
- Settlement Conference
- Arbitration Hearing

The Commission must exercise its statutory oversight duties at all stages of resolution of the complaint up to and including the Settlement Conference process and this must occur within the maximum period prescribed of 6 months. Once a matter proceeds to an Arbitration Hearing, the Commission no longer has jurisdiction on the process. Nevertheless, the decision of the Arbitrator is posted on the Commission's website as those decisions are of a public nature.

If it is established that a police officer has committed a breach of the *Code of Professional Conduct*, the officer may be subject to one or more of the following disciplinary and corrective measures:

- a verbal reprimand;
- a written reprimand;
- a direction to undertake professional counselling or a treatment program;
- a direction to undertake special training or retraining;
- a direction to work under close supervision;
- a suspension without pay for a specified period of time;
- a reduction in rank; or
- dismissal.

If the officer subject of the disciplinary and corrective measures is found guilty of the misconduct alleged, the arbitrator may take into consideration past disciplinary hearings or court decisions submitted by either party as arguments with respect to an appropriate disciplinary and corrective measure.

New Brunswick Police Commission assumes the processing of the conduct complaint

If the Commission considers it to be in the public interest, and depending on the nature of the complaint, it may process a conduct complaint or take over the processing of a conduct complaint from a chief of police, a police board or a civic authority before it proceeds to an arbitration hearing.

False or misleading complaints and complaints made in bad faith

These complaints are those that may lack a reasonable purpose or may be made to annoy and harass. They may be made in retribution for a police officer's legitimate interaction with an individual who is frustrated by the incident. Others may be repetitive complaints made after previous similar complaints were screened out.

What are screened-out complaints?

Often complaints are received that clearly cannot be acted upon. These complaints are subsequently "screened-out" of the Commission's investigative process. Screened-out complaints are those that are a duplicate complaint or a repetition of a complaint previously addressed. Some are clearly outside the jurisdiction of the Commission, such as complaints against members of the RCMP and others are clearly not about police policy, service or conduct. On occasion a complaint is filed after the one year statute of limitation but may be considered if the complainant can provide a reason for the delay in filing and the seriousness of the complaint merits examination. Other complaints that are screened-out may be ones that are clearly frivolous (trivial or lacks an air of reality) or vexatious, or where attempts to initially contact the complainant produced no response.

Complaints against a member of the RCMP

When a complaint concerning the conduct of a member of the Royal Canadian Mounted Police is forwarded to the Commission, the Commission will give the complainant notice that the complaint is not within its jurisdiction and refer the complaint to the Commanding Officer of the Royal Canadian Mounted Police or to the Civilian Review and Complaints Commission for the RCMP (now referred to as the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police).

Police Act amendments

Since the new complaint process came into force on January 1, 2008, it has become evident to the Commission that there is a dire need of amendments to the *Police Act* and its *Code of Professional Conduct Regulation* as we continue to identify deficiencies. Until such time as those deficiencies are corrected, they will significantly impact the budget of the Commission and our ability to carry out our oversight mandate and potentially undermine public confidence in the police discipline process.

Public Complaint Process — Service or Policy Complaints

The Commission also oversees the resolution of policy and service complaints which are dealt with by the civic authority, police board or the local chief of police.

Time limit for processing of a service or policy complaint

Currently there is no time limit for the processing of a service or policy complaint. Nevertheless, the Commission adheres to the same time lines as when it processes a "conduct" complaint which is within six (6) months.

Characterization of the complaint and notifications

Once a service or policy complaint is received at the Commission, it is characterized and referred to the civic authority or police board for processing in consultation with the chief of police. The complainant is informed of the characterization and the disposition of the complaint. The result may be a need to create a new policy or revise an existing one in order to prevent a recurrence of the complaint.

Statistics

Preamble to tables of complaint files

During fiscal year 2014–2015, the Commission received and monitored 60 files which consisted of complaints concerning the conduct of police officers, 2 files concerning complaints relative to the service and/or policy of a police force and 3 files that related to a combination of police officer conduct and the service and/or policy of the officer’s police force.

Of the police officer conduct complaints, the vast majority were with respect to allegations that the subject officer abused his or her authority. A member of a police force

abuses his or her authority if the member without lawful authority, detains, arrests or searches a person or uses unnecessary force. Abuse of authority also pertains to the on duty compartment of a police officer when he or she uses language or acts in a manner that is discourteous, uncivil, abusive or insulting or tends to demean or show disrespect to a person. Behaviour can also be characterized as an abuse of authority when the officer harasses, intimidates or retaliates against a complainant.

COMPLAINT FILES	Bathurst	BNPP Regional	Edmundston	Fredericton	Grand Falls	Kennebecasis Regional	Miramichi	Saint John	Woodstock	Other disposition	TOTAL
	Complaints filed with Commission	4	1	2	5	0	0	3	2	0	
Complaints filed with Police Force	2	2	3	11	0	1	0	11	0		30
Other (see narrative below)	0	0	0	0	0	0	0	0	0	13	13
Total complaint files	6	3	5	16	0	1	3	13	0	13	60
Files outstanding (see narrative below)	2	0	2	7	0	1	1	2	0		15
CONDUCT COMPLAINT FILES — Allegations											
Officers subject to <i>Police Act</i> investigation	6	1	6	20	0	1	4	18	0		56
Allegations from files concerning conduct	5	2	5	13	0	0	3	29	0		57
Total allegations received between April 1, 2014 and March 31, 2015	5	2	5	13	0	0	3	29	0		57
SERVICE/POLICY COMPLAINT FILES											
# of files dealing with Policy	0	0	0	0	0	0	0	0	0		0
# of files dealing of Service	0	0	0	0	0	0	0	2	0		2
Total Service/Policy complaint files											2
COMBINATION CONDUCT AND SERVICE/POLICY COMPLAINT FILES											
Combination of Conduct, Service/Policy Complaints	0	0	0	2	0	0	0	1	0		3
Total Combination files											3
<p>“Other” denotes files that exceeds the time limit for filing of the complaint, complaints that are not within the enumerated breaches of the Code, that are against other agencies such as the Royal Canadian Mounted Police, or government departments. These files are thus “screened out”.</p> <p>“Files outstanding” are part of the total of 60 files. However, some were either awaiting the results of the investigation in order to determine the alleged breaches of the Code or were awaiting the conclusion of a Settlement Conference or an Arbitration Hearing at the time the statistics were prepared for fiscal year April 1, 2014 to March 31, 2015.</p>											

CONDUCT COMPLAINTS — Breaches of the Code	Bathurst	BNPP Regional	Edmundston	Fredericton	Grand Falls	Kennebecasis Regional	Miramichi	Saint John	Woodstock	TOTAL
Discreditable conduct — 35(a)	0	0	1	1	0	0	1	4	0	7
Neglect of duty — 35(b)	2	1	0	2	0	0	0	8	0	13
Deceitful behavior — 35(c)	2	0	0	0	0	0	0	1	0	3
Improper disclosure of information — 35(d)	0	1	0	0	0	0	0	0	0	1
Corrupt practice — 35(e)	0	0	0	0	0	0	0	0	0	0
Abuse of authority — 35(f)	1	0	4	10	0	0	2	8	0	25
Improper use and care of firearms — 35(g)	0	0	0	0	0	0	0	0	0	0
Damage police force property — 35(h)	0	0	0	0	0	0	0	0	0	0
Misuse intoxicating liquor or drugs — 35(i)	0	0	0	0	0	0	0	0	0	0
Convicted of an offence — 35(j)	0	0	0	0	0	0	0	0	0	0
Insubordinate behavior — 35(k)	0	0	0	0	0	0	0	2	0	2
Party to a breach — 35(l)	0	0	0	0	0	0	0	0	0	0
Workplace harassment — 35(m)	0	0	0	0	0	0	0	6	0	6
Total allegations	5	2	5	13	0	0	3	29	0	57
<i>Note: Of the 60 complaint files, there were 57 alleged breaches of the Code.</i>										
<i>Fifteen (15) files are outstanding and awaiting the results of the investigation in order to determine the number of alleged breaches of the Code.</i>										
Files outstanding	2	0	2	7	0	1	1	2	0	15

CONDUCT COMPLAINTS — Disposition of allegations	Bathurst	BNPP Regional	Edmundston	Fredericton	Grand Falls	Kennebecasis Regional	Miramichi	Saint John	Woodstock	TOTAL
Summary dismissal	1	0	1	3	0	0	1	7	0	13
Informal resolution	1	0	0	3	0	0	0	4	0	8
No further action	3	1	3	7	0	0	2	7	0	23
Settlement Conference	0	1	1	0	0	0	0	7	0	9
Arbitration Hearing	0	0	0	0	0	0	1*	0	0	1
Withdrawn	0	0	0	0	0	0	0	4	0	4
Total	5	2	5	13	0	0	4	29	0	58
Files outstanding this fiscal year	2	0	2	7	0	1	1	2	0	15
Settlement Conference — Pending previous	1	0	0	1	0	0	0	0	0	2
Arbitration Hearing — Pending previous	0	1	0	1	0	0	0	0	1	3
<p>“Files outstanding” are part of the total of 60 files. However, some were either awaiting the results of the investigation in order to determine the alleged breaches of the Code or were awaiting the conclusion of a Settlement Conference or an Arbitration Hearing at the time the statistics were prepared for fiscal year April 1, 2014 to March 31, 2015.</p>										
<p>“Settlement Conference — Pending previous” and “Arbitration Hearing — Pending previous” are complaint files which were either started this year or in previous fiscal years and not concluded by the time the statistics were prepared.</p>										
<p>A “settlement conference” is an opportunity for an officer who is alleged to have breached a section of the Code to respond to the alleged breach and to reach an agreement with the Chief or the Commission concerning disciplinary and corrective measures. This fiscal year there were three (3) officers who attended a settlement conference for breaching a total of nine sections of the <i>Code of Professional Conduct</i> whereby they engaged in discreditable conduct, improperly disclosed information, neglected their duties and engaged in insubordination. The disciplinary and corrective measures for those breaches consisted of written reprimands, an order to follow a “Note Taking Course”, the issuance of an apology to the Chief of Police; and the issuance of an apology to the officer’s Supervisor.</p>										
<p>An “arbitration hearing” is when an officer has breached the <i>Code of Professional Conduct</i> and either did not present himself/herself to a Settlement Conference or when the Chief and the officer failed to reach an agreement on suitable disciplinary or corrective measures within a reasonable period of time. The subject officer is then served with a Notice of Arbitration Hearing. The subject officer then appears before an Arbitrator and if the Arbitrator finds, on a balance of probability, that the subject officer is guilty of a breach of the Code, the arbitrator may impose any disciplinary or corrective measure prescribed by regulation. For past and present decisions, please refer to our website at the following link: http://www.nbpolicemission.ca/site/en/decisions/arbitration-hearings.</p>										
<p>* This Arbitration stems from a complaint filed in the 2013-2014 reporting year.</p>										

Financial information

Fiscal year 2014–2015 also witnessed significant pressures upon the Commission’s limited financial resources, uniquely due to increased costs incurred within the professional/ legal services category of expenditures contained in the “Other Services” expenditure group. While the fees charged by the Commission’s legal representatives have not increased, the volume of legal proceedings and research, which included a full-blown judicial review process, was significantly greater this past year.

In the past, the Commission had a long-standing agreement with the Department of Public Safety whereby the latter would cover the Commission’s unforecasted and unanticipated over-expenditures. Prior to this reporting period, this agreement was rarely invoked.

During this period, the Commission provided frequent and early updates as soon as it became apparent that it would incur an over-expenditure.

Status Report by Program/Primary
 Fiscal year ending March 31, 2015 (\$000)

	Budget	Actuals
– Personnel services	245,600	220,137
– Other services	102,800	210,603
– Materials and supplies	6,600	6,355
– Property and equipment	5,000	4,553
Total	360,000	441,648

The Commission overspent its budget in “Other Services” as a result of costs incurred for legal fees and research as well as costs associated with ongoing arbitration hearings.

Summary of staffing activity

The year 2014–2015 has been one marked by transition and by increased activity in the offices of the Commission. Mr. Robert Stoney commenced his duties as the Acting Chair on April 1, 2014, after his predecessor, Madame Marilyne-Ferguson Mallet, tendered her resignation. The Commission's Executive Director, Pierre Beaudoin, retired in August, 2014 and was subsequently replaced by Steve Roberge.

Summary of legislation and legislative activity

The Minister of Public Safety has committed to commencing a review process of the *Police Act*. The Commission welcomes this news and remains committed to supporting it to the fullest extent. The time is ripe to re-examine the *Police Act*. Changes are necessary to ensure that police oversight is in step with current practices around the country and that the tools of correction and discipline are effective, timely, fair and reasonable from the perspectives of all parties involved, including complainants, subject officers, and the police forces themselves.

Summary of Official Languages activities

The dissemination of information is always addressed by the Commission in the language in which the original complaint is received. Investigations and the concluding reports are undertaken in the language of the complainant. However any interviews resulting during the investigation (and any statements taken) are conducted in the language of preference of the individual being interviewed.