



Serious Incident Response Team

Civilian Director's Report
SIRT-NL File No. 2022-0006

Michael King
Director
May 4, 2022

Introduction

On March 23, 2022, a member of the public (a retired RNC officer) notified the Serious Incident Response Team (SIRT-NL) of an allegation of obstruction of justice against a commissioned RNC officer (the “subject officer” or “SO”), who is also retired. The allegation was that SO deliberately did not initiate investigations against another RNC member, due to favouritism.

Mandate

SIRT-NL is a civilian led oversight agency that conducts its own investigations into serious incidents. Serious incidents within this context are those involving serious injury, death, sexual offence, domestic violence or any matter of significant public interest arising from the actions of a police officer in Newfoundland and Labrador. Because the within matter involves an allegation of obstruction of justice, which is a matter of significant public interest, I directed a SIRT-NL investigation into the incident.

Investigation

I have made the following substitutions to protect the privacy of those involved:

- “Subject officer” or “SO” for the police officer who is the subject of the allegation;
- “Witness officer #” or “WO#” for any police officer who provided relevant information;
- “Witness #” or “W#” for the civilian witness who provided relevant information; and
- “Officer #” or “O1” for any other police officer involved.

The SIRT-NL investigation began on March 25, 2022 and concluded on May 2, 2022.

As stated above, a retired RNC officer contacted SIRT-NL on March 23, 2022, alleging a commissioned RNC officer, who is also retired, committed obstruction of justice. On March 25, 2022, two SIRT-NL investigators contacted W1 to gather more detailed information in relation the complaint. A summary of W1’s information is as follows:

W1 was aware an RNC officer (WO1) was running an illegal lottery and it was brought to SO’s attention. W1 asserted that SO decided against laying charges. W1 went on to say other members of the RNC had been charged in the past for the same offence but WO1 was not charged because WO1 was in SO’s favor. W1 was of the opinion this was obstruction on SO’s part.

W1 had taken videos and photos from WO1's Facebook charity page and sent it to Crime Stoppers for follow-up. W1 was later advised by Crime Stoppers that no charge was laid. A discussion was had about discretion of police officers in not laying charges even if an offence took place and how it was a subjective issue. Police officers have different perceptions of what may or may not constitute the laying of a criminal charge.

In a subsequent email to SIRT-NL on March 30, 2022, W1 alleged a second incident, stating as follows:

[SO] also interfered in an investigation into [O1] where it's alleged that [O1] surreptitiously recorded coworkers at [a public RNC facility]. I'm told that this criminal investigation was investigated by [O2] and [SO] is alleged to have also interfered in this additional investigation.

The Illegal Lottery Tip

After gathering this initial information, SIRT-NL requested all materials from the RNC pertaining to the Crime Stoppers tip. The RNC provided documentation in the form of two Crime Stoppers tips. There was no other documentation on file.

In the process of gathering information to provide to SIRT-NL, the RNC contacted Crime Stoppers directly and was advised Crime Stoppers had a note on their file that WO1 was notified of the complaint. The RNC provided this information to SIRT-NL. SIRT-NL then requested from WO1 any and all notes of WO1 pertaining to the Crime Stoppers tip.

Subsequently, WO1 emailed the SIRT-NL investigator and advised WO1 vaguely remembered the Crime Stoppers tip but did not have any notes or reports respecting same. WO1 did not forward the complaint up the RNC chain of command and the matter ended with WO1.

The SIRT-NL investigator also contacted Crime Stoppers to inquire as to whether they had any notes pertaining to the tip. An individual from Crime Stoppers later responded and clarified that a tip on an illegal lottery would have gone to Service NL as that agency has responsibility for this type of matter. Service NL has its own investigators.

Based on the above information, the SIRT-NL investigator directed WO1 to provide a statement. On May 2, 2022, the investigator interviewed WO1. WO1 again indicated WO1 vaguely remembered the tip but did not create a file on it. WO1 did not pass the information along to anyone else. WO1 is not friends with O1 and handled the tip no differently than usual.

The Surreptitious Recording

It was not necessary for SIRT-NL to gather any further information on this matter as SO had notified us of the allegation when it initially arose. In doing so, SO fulfilled SO's obligation and it cannot be said SO covered up the matter in any way. SO in fact provided SIRT-NL with full disclosure on the file.

Issues and Conclusion

The issue for my consideration is whether there are grounds to believe the subject officer committed obstruction of justice.

For the following reasons, I have not formed the requisite grounds to believe an offence occurred:

- Regarding the allegation of obstruction of justice in relation to the illegal lottery Crime Stoppers tip, the evidence gathered indicates the complaint was never conveyed to SO. It was provided to WO1, who did not pass it on. Also, the matter was sent to Service NL as per the normal course of action. SO knew nothing about the matter. There is no evidence to indicate SO committed any obstruction of justice in relation to same.
- Regarding the allegation of obstruction of justice in relation to the surreptitious recording, SIRT-NL was made aware of that complaint by SO when it initially arose. The matter was dealt with. SO did not cover up the incident; in fact, SO fulfilled SO's obligations by making SIRT-NL aware of the matter and providing us with any information we requested.

In conclusion, as the civilian director of SIRT-NL, I do not consider there are reasonable grounds to believe the subject officer committed a criminal offence. Accordingly, no charge will be laid.

Final Report prepared by:

Michael NR King, Director
Serious Incident Response Team - Newfoundland and Labrador
May 4, 2022
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