

Royal Newfoundland Constabulary Workplace Review

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Review Of The Workplace Of The Royal Newfoundland Constabulary

I. INTRODUCTION

I have been retained by the Ministry of Justice and Public Safety of the Province of Newfoundland and Labrador (“the Ministry” and “the Province”) to review the structure and functioning of the Royal Newfoundland Constabulary (the “RNC”) with a focus on the morale of the RNC’s employees.

My mandate is to look inside the organization and to prepare a report outlining areas “where change may be beneficial to those working within the RNC and to the RNC’s interactions with the communities it serves.” The review was to “include but not be limited to matters relating to the RNC’s workplace governance, culture, communications (internal and external), conflict management (internal and external) and wellness supports for personnel.” The goal was to make recommendations for changes that would promote a healthy organization and result in strengthened morale.

It was clear from the outset that I was to do a review and not an investigation. I was not given direction on how to approach the task, but was encouraged to elicit the input of a cross section of the RNC employees through conversations with them and if warranted, conduct a workplace satisfaction survey.

I agreed to work with a retired RCMP officer who could serve as my guide to the Province’s culture in general, and policing culture in particular. I have been fortunate to have had the assistance of Peter McKay, a 31-year member of the RCMP who served in General Duty and Administrative posts in Newfoundland and Labrador where he makes his home. Mr. McKay’s willingness to share the knowledge he has gained over a long career in policing, his sharp memory and his willingness to act as a researcher, notetaker and intermediary, has been invaluable; all the more so because the COVID-19 pandemic limited my ability to be in Newfoundland for more than a few days, and then only as the research phase of the review was concluded.

Not unexpectedly, the task that began with “words on paper” quickly became much more complicated as the process of discovery of the issues within the RNC workplace got underway and thoughts of possible recommendations began to form. At the same time, some change had begun at the RNC with the appointment of Interim Chief Patrick Roche as Chief, his subsequent appointment of two Deputy Chiefs, the departure of some senior civilian employees and changes in the responsibilities of others. Media attention to policing and military issues throughout the country seemed to intensify, illustrating that the Province and the RNC are not alone in considering what might need to change to address changing expectations of the community and the RNC employees themselves.

II. OVERVIEW OF CONCLUSIONS

1. The RNC is providing the Province with effective policing

The focus of this review is on the need for change to improve force morale and effectiveness. However, this is not to imply that the people of Newfoundland and Labrador are not being well served by the RNC “on the ground.” I believe that the employees of the RNC, both police and civilians, are in general a cohort of committed and experienced individuals who are proudly and effectively providing police services to the people of the Province on a day to day basis, despite the many challenges they face in doing so.¹

2. RNC employees are proud of the force and love the work they do

Most RNC employees love the work they do. The sense of the history and traditions of the force and its unique position in a unique province is obvious in the RNC’s people, in its physical presence in the Province and in the RNC headquarters on ceremonial occasions.

Several members told me that they had wanted to join the police force since childhood. Many civilian employees said they have remained working at the RNC despite less than perfect conditions and the possibility of higher-paid jobs elsewhere, because they believe that there is value to the community in the work they do.

3. There are problems and shortcomings to be addressed

As the review process unfolded, what I saw was an organization that has many challenges and has been suffering from a number of external and internal difficulties. These include changing community expectations of law enforcement coupled with unrealistic expectations of police forces and their members; changes in government and RNC leadership; a confusing internal governance structure; a confusing legislative regime for investigating and addressing police misconduct; constrained financial circumstances; inadequate financial, human resource and technological infrastructure to support the policing function; and insufficient communication within the force.

Taking what I heard at face value, I can confirm that there is an issue with morale among the RNC employees.² Policing is a difficult and stressful job which requires

¹ The 2020 Activity Report published on the force’s website provides statistical information showing a substantial reduction in crime and offences of all kinds over a 10-year period.

² The Workplace Accountability and Support Survey, (the Survey) answer #11 indicated that of 187 responses, 51.84% agreed or strongly agreed that their personal morale is good, but 48.66% disagreed or strongly disagreed. On the other hand, answer #12 indicated that 57.98% of those answering disagreed or strongly disagreed that their unit morale is good. I observe that poor workplace morale in police forces is not unique to the RNC. It has been identified in a number of police forces throughout Canada.

mental and physical fitness. Maintaining both requires energy and resources. The police force works 24/7, so shift work is a necessity for many officers and civilians, straining them and their families. RNC employees are exposed to difficult, often tragic situations which do not end with positive outcomes. When employees are injured or unwell, the law requires that they be accommodated in the workplace. Accommodating injured workers often results in short staffing or the reallocation of other employees, a disruption which causes resentment among others in the workplace.

Suspicion of favouritism and fear of discipline and reprisal is widespread among officers. The civilian staff believe that they are not respected, that their work is undervalued and that they are underpaid.

The system of promotion and position selection pits members of the force against each other in competitions in which the requirements and rules are poorly understood and not clearly explained. Some members will never succeed in the promotion exercises because there are few senior positions to be had. Seniority does not have the role it used to have as a basis for moving through the ranks. Training and in-service education is “catch as catch can.” Long held resentments exist between individuals and departments. The three physically distant detachments appear to work in silos as do areas within headquarters.

4. Short term change should be a building block for longer term reform

Having confirmed that there are issues to be addressed, in this report I suggest some actions that if taken by the Ministry and the RNC may make a difference to RNC morale and effectiveness. However, some of the apparent problems cannot be fixed, or certainly not fixed quickly. There must be more thought and careful planning to ensure any change will help the RNC workplace in the longer term. Transformative change requires time, visionary leadership or additional resources.

III. THE PROCESS OF THE REVIEW

The project began with a review of the documents that form and inform the governance and management of the RNC. These included the Royal Newfoundland Constabulary Act 1992, (“the RNC Act”), the Consolidated Newfoundland and Labrador Regulations 802/96 (“the Regulation”), the agreement between the RNC and The Royal Newfoundland Constabulary Association (“the RNCA” and “the RNCA agreement”), the RNC Business Plans posted on its website and the recent RNC Plan 2022-2024, (“the Plan”).

After a preliminary telephone discussion with (then Interim) Chief Patrick Roche and with his endorsement, Mr. McKay and I had video or telephone conversations with each of the RNC’s twenty-one commissioned officers and civilian managers and the President of the RNCA. These conversations were preceded by a written invitation to

each individual, advising of my mandate and explaining that the discussions were for the purpose of “determining their preliminary thoughts on what are the most important workplace issues, what works well, and what might benefit from change.”

What these managers shared with us was instrumental in providing an understanding of the work of the force, its organization and its challenges. It also enabled us to identify other employees who might provide information or examples of personal experiences which would illustrate where and why change is needed.

At or about the same time, I circulated a similar memorandum to the full complement of RNC members and civilian employees through the force’s email list, advising of the scope of the review and my intention to reach out to speak with some of them. I encouraged all to answer an anonymous questionnaire which I intended to circulate later in the process.³

From the outset I had been led to expect that the RNC employees, particularly the police officers, would be reluctant to engage in the review and were unlikely to be forthcoming with their experiences, stories and concerns because of a general reticence to speak to outsiders. As each individual was approached for their input, I confirmed that no comments included in the report would be attributed to any one individual without their permission. For that reason, I have not included a list of those with whom we spoke.⁴

It was regrettable that the fear of identification and reprisal was still very real when some of the officers spoke with us. However, most of these officers and all of the civilian staff that we spoke with, voiced their concerns and frustrations, were articulate in expressing them, and were grateful for an opportunity to do so. A few were clear that they do not believe that any real change will come from this process because similar exercises in the past didn’t result in the changes that matter the most to RNC employees.

In addition to this personal contact, Mr. McKay and I read recent press clippings and news posts about the force and its members. We were given a flash drive containing all of the RNC’s policies and procedures as documented on “Frontline”, RNC’s internal policy resource. We reviewed several of the Province’s human resource policies and other directives and read the published decisions of the Public Complaints Commission. We looked at the Province’s Serious Incident Response Team Act, (2017). We reviewed some material available on the web sites of the RCMP and other Canadian police forces and kept an eye on the national press for commentary about police actions and police governance.

³ On March 15, 2022, the Survey was circulated to all RNC personnel.

⁴ The responses to question 20 of the Survey showed that 142 of 186 (76.34%) of persons answering indicated a concern about intimidation or reprisals should they share information about someone or something in the workplace. Question 24 showed that 123 (68.33%) of those answering did not feel valued as an RNC employee.

By mid-March when the research phase of the review concluded, we had spoken to or corresponded with 62 individuals including current and recently retired officers, civilian employees and government officials. These conversations were followed by the Workplace Accountability and Support Survey, (“the Survey”), adapted from one used by the RCMP. It was administered through Survey Monkey with technical support from the Ministry. The Survey Monkey summary of the responses to the questionnaire is attached as Appendix 1.

IV. BACKGROUND AND CONTEXT

Because my mandate directs that I address matters of RNC governance, in this section I define “governance” and identify the accepted elements of good governance. I describe the RNC’s governance structure, and note how the structure affects the RNC’s operations and has an effect on the tone of the workplace. I also identify a number of external factors which I believe influence how the RNC functions and suggest how these factors affect the culture of the force and employee morale.

1. What is “good governance” and why is it important?

The RNC governance structure consists both of the traditional paramilitary command structure established by the RNC Act and Regulations and an institutional governance framework appropriate for a sophisticated business entity. The Chief serves both as the commanding officer of the force and the CEO of the business entity. How this dual structure interacts to support the RNC is complicated and sometimes confusing.

The focus on the good governance of organizations is relatively recent, but good governance is now accepted as a necessity for the effective operation of corporations, governments and entities such as the RNC.

I understand “governance” to be the assignment and exercise of authority within an organization and the processes which describe and prescribe how that authority is to be exercised. Importantly, it is also the relationship among the parties who give and have been given such authority and their accountability to the communities they serve: “their stakeholders”.

Good institutional governance requires that an organization have a planning framework which sets out goals and the plans to achieve the goals over a period of time. This framework is often reflected in a strategic plan that contains the goals, steps to achieve them, milestones for measurement of success, and an accompanying financial plan. The framework also defines a requirement and a mechanism for reporting on the achievement of the goals. Reporting is the means for the entity to show its accountability for the authority, trust and resources that it has been given, in this case by the Province. The duty to report implies a level of openness (“transparency”), appropriate to the circumstances.

Good governance also requires a coherent internal policy framework that usually consists of policies that confirm the entity's values and direction, procedures that specify how the policies are to be implemented, and guidelines that clarify when discretion may or may not be exercised by decision makers.

The RNC employs this institutional model of governance to communicate its vision and mission and to elaborate on its approaches for accomplishing the mission. This has been illustrated in the multi-year Corporate Plans created since 2009 by previous chiefs and by the annual Activity Reports that provide both statistical information and some progress towards planned goals, both of which are posted on the RNC website.⁵

However, a robust governance system is not sufficient in itself to ensure smooth day-to-day operations or to maintain public trust and good working relationships within and outside of an organization. All organizations must manage the limitations and stresses imposed on them by external factors which create the need for discretionary decision making.

Both good governance and good management require that those with decision making authority are able to communicate openly and effectively about the exercise of their discretion both within their organization and with their stakeholders.

2. The legislation and regulations

The RNC was created and is governed by the RNC Act and Regulations which imposes a “chain of command” governance system on the force.

Those documents are the key to understanding the structure of RNC’s policing functions. The detailed processes and requirements set out in these documents are also the source of some of the issues that affect the morale of RNC employees.⁶

The RNC Act creates and defines “the constabulary” as the chief “and other police officers employed by the province to carry out duties under the Act”, (s. 3(3)). The civilian employees who comprise the technical, clerical, human resource, and financial infrastructure of the constabulary are referred to only once in the legislation, and then as “other constabulary employees”, who also come under the direction of the chief,(s. 6(l)).

The chief is appointed by the Lieutenant-Governor in Council, (“LGIC”) as are the commissioned officers, all of whom serve at the pleasure of the LGIC. The chief is referred to as “a commanding officer” and, subject only to the minister’s direction, has “general control and administration of the constabulary and its members”. In this way,

⁵ Chief Roche has recently published a shorter document entitled “Our Plan – 2022-2024” setting out his priorities for the next two years.

⁶ There have been no substantive changes to the RNC Act in 30 years. A review is overdue but detailed comments on the RNC Act and Regulations are beyond the mandate of this exercise.

the paramilitary governance structure is established, with the areas in which the chief is to exercise authority elaborated in detail, (s. 6), the responsibilities of the constabulary specified, (s. 7), and the duties and powers of police officers enumerated, (s.8).

The minister (here the Minister of Justice and Public Safety, (“the Minister”), retains ultimate authority. Section 11 allows the Minister to establish “boards, committees, and councils that are considered necessary or desirable to help and advise the minister in administering the Act.”(s. 11).⁷

Regulation 802/96 sets out the duties of a police officer and describes what officers shall not do. It establishes a discipline process whereby prohibited conduct is treated as an “offence” which can lead to “charges” and be “tried” by a disciplinary panel appointed by the chief.

Part III of the RNC Act, (Public Complaints, ss. 18 – 35), outlines a detailed process by which the public can make complaints about the conduct of a police officer or about the policies and procedures which “govern the manner in which a police officer discharges his or her duties.”⁸ Regulation 970/96 addresses the investigation and hearing procedure following a public complaint.

Part IV of the Act, (Labour Relations) proscribes the scope and process for collective bargaining which takes place between the RNCA and a government appointed negotiator.

The Serious Incident Response Team Act creates a framework for investigating a number of defined “serious incidents” involving police in the Province.⁹

3. Other factors that affect RNC’s workplace

Many circumstances other than the formal governance structure affect the workplace and contribute to the context in which the RNC and its employees must function. Among them are the following:

3.1 Policing is necessary, difficult and dangerous work

Police officers of every rank are considered essential workers and first responders who can be called upon in numerous circumstances to make difficult decisions in the name

⁷ Insofar as I am aware, no such bodies have been appointed.

⁸ The public complaints process is extremely detailed and difficult to understand. The process, like the Act, deserves a review. Those who administer the public complaints process are best positioned to comment in detail on the effectiveness of the legislation as written. I note however that RNC’s internal processes are suspended pending the outcome of a lengthy public complaints process and both those processes are subsumed by an investigation of the Serious Incident Response Team.

⁹ The Serious Incident Response Team Act applies to members of the RNC, the RCMP “or another police service” operating in the Province.

of carrying out their responsibility for enforcing the law and ensuring public safety. They are expected to maintain a level of physical and mental fitness and be sufficiently trained to deal with varied and difficult circumstances. Much of their work is routine, but in the worst cases they are exposed to dangers of many kinds, including some which are life-threatening. Officers must be able to judge when it is necessary to intervene with an appropriate level of force. Civilians in several areas of the force are also exposed to urgent, and often traumatic circumstances. All of the employees (and their family members) must be properly prepared for what their roles require.

Not everyone is suited to handle this level of responsibility over a working life, even with substantial training and mental wellness support. These supports are considered essential if an individual is to stay mentally and physically fit for the job. Several individuals expressed their concerns about the RNC's inability or unwillingness to provide appropriate and timely employee access to education, training and psychological support sufficient for them to do their job with the necessary skill and confidence.¹⁰

3.2 The public may have an unrealistic perception of contemporary policing and its challenges

True crime and police procedurals flood all of the television networks and streaming services, both in a fictional and purported documentary form. The public can be misled about the realities of everyday police work, and the challenges and constraints faced by the RNC and its members. Police authority is less tolerated than it once was. Still, communities expect the police to respond quickly and effectively in every circumstance, no matter the level of the difficulty or importance of the matter at hand.

3.3 The media is interested in policing issues

There have been tragic incidents of police misconduct in the United States which have resulted in much recent media coverage, the lobbying for reduction in police budgets while calling for more and better training, and changes in the traditional approaches to policing such as redefining the relationship between police forces and local and state governments.

Issues about police governance, use of force and insufficient training have also drawn media and public attention in Canada. Almost every week media outlets report and comment on ineffective or inappropriate police interactions with members of indigenous communities and other racialized groups, persons with mental illness and/or addictions, the LGBTQ+ community and victims of sexual and domestic abuse. The police handling of difficult cases becomes the focus of hours and pages of media reporting and much

¹⁰ Question 6 of the Survey showed that 45% of those answering do not agree that they have adequate training to perform their duties effectively. Question 7 showed that 53.6% disagreed that they had adequate equipment to do so, and Question 25 showed that 60% disagree or strongly disagree that their supervisors are committed to improving mental health in the workplace.

“armchair quarterbacking” about strategy and police governance by the public and media pundits.

RNC morale has been affected by media attention on policing in general and on situations involving RNC members in particular. Most recently there has been a criminal conviction of one RNC officer for sexual assault, and civil litigation alleging sexual misconduct and intimate partner violence by former and current RNC members. There has also been substantial coverage of public complaints against officers. The process of addressing these issues, how they have been treated in the media and how the RNC has communicated (or not) both externally and internally in response, affects the members of the force. Even when the subject officers are exonerated, the length and complication of the investigation processes undermine the confidence both of those officers and of other RNC members and has a deleterious effect on their morale and ongoing job performance.¹¹

3.4 The Province’s financial circumstances

3.4.1 The RNC has learned to “make do” with less

In conversation we heard about problems arising from a shortage of both human and financial resources. Several individuals attributed unpopular decisions made by RNC leadership to the RNC’s strict budget constraints. We were told that in order to manage within those constraints, money and personnel have been moved among areas without discussion or explanation and often without notice to those affected. Additional duties have been added to both member and civilian positions in the same manner. Some of these problems cannot be addressed short term but must await a thoughtful and focussed consideration of priorities going forward.

It is no secret that the Province has fiscal challenges and new money is unlikely to flow freely or at all for salary increases, for new projects, new equipment or more personnel. This affects the morale of RNC employees both directly and indirectly.

Still, it is rare for police officers to resign their positions. They go through a rigorous vetting process before being admitted as a recruit, followed by intensive training in police skills and a year-long probationary period under the supervision of a “Coach Officer” before fully beginning their career. Government jobs are highly desirable and the RNC members’ pay is considered good. Those who have RNC jobs hold on to them and those who want to leave are unlikely to do so until they can find suitable alternate employment elsewhere, retire with a pension, or (in rare circumstances), can no longer tolerate their workplace conditions.

¹¹ We were told that some of the less experienced officers are reticent to make the split-second decisions sometimes required in the field, including use of force intervention options for fear of discipline or complaints. (see also footnote #8)

Layoffs for financial reasons have occurred in the RNC in the remembered past, and there is concern that this may happen again in the future.¹² As provincial civil servants, all RNC employees, and notably civilian employees, always have the option of seeking work in other areas of government, but we heard that they seek those options reluctantly, preferring to remain at the RNC.

3.4.2 The Shared Service system

The Province's shared service units provide key administrative services to the RNC.

The RNC relies on these service units for its physical facilities and facilities maintenance, vehicle and equipment purchasing, and human resource services of all kinds.¹³

Some services are supplied by shared service staff designated as consultants, who serve more than one client. Most human resources services, employee assistance and pension and benefits administration are supplied to the RNC in this way. In some cases, individuals are assigned on secondments to the RNC for a period of time but remain employees of the home ministry. Examples include occupational health and wellness co-ordination, recruitment and promotion support, and facilities management.

The RNC has little or no control over who is assigned to it or, if someone is seconded, how long the secondment will last. In some cases, the RNC is one of many clients of a consultant who may have no background in the special needs of RNC employees. The RNC also has no control over the speed or quality of the service provided. This leads to frustration for both the RNC and the secondees who are assigned to it. This has led me to conclude that the shared service arrangements, particularly for human resources services, have not served the RNC well.

3.5 The size of the Province and the closeness of its citizens affects RNC relationships

With very few exceptions, RNC employees have been born and brought up in the Province. Some have gone away for periods of time for education, training or employment but have returned home because of close ties with friends and family. These close relationships continue for some within the RNC workplace. For several, the RNC is a family affair. Among the officers and civilians there are current and former spouses and partners as well as parents, children, brothers, sisters, uncles, nieces and nephews. RNC employees were schoolmates and police training classmates. They

¹² In May 2021, the Premier's Economic Recovery Team, chaired by Dame Moya Green, issued its report "The Big Reset", which commented among other things on the need for reimagining governance, including in agencies, boards and commissions. The report calls for radical changes and makes many observations and recommendations relevant to the RNC.

¹³ There may be other shared services supplied. These were those specifically referred to in conversations.

have lived in the same towns and neighbourhoods and belonged to the same religious and social communities. Over long RNC careers, the officers and civilians have worked together on the same platoons or in the same operational areas or offices. They have gotten to know (or know of), the work and life history of many their co-workers and have formed both good and poor opinions of each other.

These relationships and opinions appear to create suspicion of favouritism and real or perceived conflicts of interest which can affect, or appear to affect promotion decisions, job assignments and disciplinary decisions.¹⁴

While many members have benefitted from contact with members of other forces, there is some resistance to recruiting experienced officers from elsewhere or admitting out-of-Province candidates into the cadet class.¹⁵

3.6 For both officers and many civilians, working at the RNC is a profession rather than a job

Among the RNC employees is cohort of younger officers who graduated from the (former) joint program with Memorial University. These officers come to the RNC with one or more degrees in a variety of subjects including business, accounting, psychology, anthropology, sciences and education.¹⁶

There is also a cohort of very well-trained officers who have spent years in the military as reservists, and civilians who are educated, professionally trained and highly experienced in various business and professional areas.

These employees have developed critical thinking and management skills which they are eager to put to use to improve police and administrative practices within the force. However, they do not often see a way to contribute their knowledge to their police work. We heard of incidents when reports, presentations or suggestions for change have been made with no response or feedback of any kind, and others when they have been dismissed out of hand.¹⁷

¹⁴ In answer to question 7 of the Survey, 146, 70.5% of respondents disagreed that their work environment was “free of favouritism”.

¹⁵ Perhaps this is to ensure that the job opportunities are given first to people from the Province.

¹⁶ The training of recruits was through a joint program between the RNC and Memorial University from 2005-2018.

¹⁷ There is an Innovation and Improvement Committee which has begun to look at easily implementable changes. It has been referred to in the 2022-2024 Plan.

3.7 Human rights and employment law and government policies require workplaces to be respectful, to be more diverse, and to accommodate physical and mental illness and post-traumatic stress

We did not include a gender or ethnicity question in the survey but some individuals volunteered that information about themselves. I have assumed that the diversity of the force reflects the diversity of the Province in various ways.

The force has made specific efforts to become more diverse by having more female police officers. The 2020 Activity Report showed that female officers now make up around 30% of the cohort. While no formal studies have been conducted to determine the effect of females on the tone of the workplace, the Survey (Q.14) showed that 62% of those answering believe the work environment is respectful.¹⁸

The Province has a Respectful Workplace Program which in 2019 was adopted by the RNC and reflected in a Respectful Workplace Policy and the creation of a Respectful Workplace Committee. Although most individuals we spoke with knew about the policy and the committee, few knew who was assigned to the committee, what it had done since it was created or what it was intended to do.

When I questioned females (both civilians and officers) about the existence of an “old boys’ network”, I was told more often than not, that none exists. Still, several women commented on the presence of “police humour” or “black humour” which they said may appear inappropriate and sometimes sexual, but which neither males nor females found particularly objectionable.¹⁹

Some individuals of both sexes referred to occasionally hearing offensive remarks and jokes or seeing pictures that were explicitly sexual. These incidents were described as unpleasant or disgusting, but were generally attributed to a specific individual’s immaturity or flawed personality, rather than to a general atmosphere in the force.

Some female members believe that they have suffered or been marginalized in their RNC careers because of their sex. On the other hand, we heard of some suspicion among both men and women officers that women have been unfairly favoured in the assignment of certain job responsibilities. We also heard of some resentment around the accommodation of both sexes for maternity or parental leave and concern about reprisals or loss of opportunities for those taking such leave.²⁰

¹⁸ Of those answering, only 35% identified as female. Almost 19% did not identify themselves by gender. Note the section below on promotion where the anecdotal evidence provided indicates that a toxic environment is created around promotions and job competitions.

¹⁹ This is distinct from discussions with officers about incidents of sexual misconduct in the workplace, which will be addressed later in this report.

²⁰ We were told by more than one individual that a suggestion had been made (and rejected) that women on maternity leave should not accrue seniority for the period of absence.

Given the recent attention to the issue of sexual misconduct by force members I asked almost all of the members we spoke with if they were aware of sexual impropriety in the workplace. That issue is addressed separately below.

The emphasis on staff health and wellness, particularly officer mental wellness and post-traumatic stress, has appeared as a priority in several of the Corporate Plans of previous chiefs and appears in the 2020-2022 Plan. An Occupational Health and Safety Specialist was seconded to the force on a contract and in 2021 delivered what he described as “a strategy outlining the research, rationale and recommendations for a comprehensive and robust Health & Wellness strategy” for the force. Among the detailed recommendations was the need for collaboration with government. The plan was received and publicized on the force’s website, but implementation has been slow.²¹

Several members noted that they had used the psychological services provided through the government’s Employee Assistance Plan. They found the services generally helpful when they could be accessed, but access was often difficult. Some mentioned the inconsistency of particular counsellors’ availability and the limits placed on the number of sessions provided from the plan.²²

While everyone acknowledged the need for employees to take leave and/or be provided with accommodations for illness or injury, there was also some resentment about individuals being accommodated indefinitely with altered or light duties for psychological or physical disabilities.²³

There is a general belief among officers and civilians that employees on long term accommodation leave are not being sufficiently monitored for return to work.²⁴ The concern of some members is that absent colleagues continue to hold a “badge number” which both allows them to retain seniority and limits the number of new members that can join the force.²⁵ Any resentment the civilians expressed centred on the fact that accommodated police members were placed into jobs doing civilian work, requiring training, receiving higher pay for the same work, and sometimes displacing their civilian co-workers.

²¹ The Plan 2022-2024 includes the goal of providing psychological services for RNC employees, one of the recommendations of the health and safety plan.

²² One member mentioned using the EAP psychological services for a child who was experiencing anxiety over the member’s dangerous work.

²³ Examples were assignment to duties with no shift work, or officers being accommodated by being assigned to civilian jobs. Plan 2022-2024 also actions the establishment of a reintegration program for employees returning to work after an extended absence.

²⁴ I heard from at least one member that they had received no contact or follow-up from anyone in the force during a long accommodation away from the office.

²⁵ We were given an estimate that at the current time, approximately 10% of the workforce is being accommodated with leaves or other measures. Chief Roche’s Plan 2022-2024 contemplates the establishment of a Reintegration Plan for employees returning to work after an extended absence.

3.8 The effect of the COVID-19 pandemic

As has been true for everyone, the pandemic caused both personal and professional stress for the RNC and its employees. Several individuals and/or their family members contracted the virus resulting in short staffing in some areas, particularly patrol. This led to related reassignments of other personnel to patrol and other essential duties, upsetting the composition of patrol and investigative units, complicating scheduling and delaying the completion of assigned tasks. Similar disruption occurred on the civilian side.

Despite the difficulties caused by the pandemic, it and “Snowmageddon” were described with pride as examples of urgent situations which caused the force to pull together to solve many practical problems in providing core services to the community. Among these are a plan to move from in-person or telephone services to web-based applications for reporting non-emergency incidents and requests, and payments for criminal records checks. These are being implemented as resources become available.

3.9 It is more difficult to recruit cadets and keep civilian employees

There has been a focus on hiring only citizens of the Province as police recruits and a reluctance to hire experienced police officers from other forces. I understand that over the last decade cadet applications have substantially declined. The process of recruitment, police education, training and probation is at least two years long. The initial vetting process is lengthy and subjects candidates to tests for physical fitness and mental health.

We were told that given the age and service distribution in the force, it is possible that in the short run, decisions to retire will exceed the appointment of new officers, leaving the force short of sufficient new officers to maintain the size of platoons for patrol duty.

There are also issues with filling civilian positions and keeping experienced individuals in those positions because of disparity between RNC salaries and similar positions in other government areas.²⁶ This is an ongoing cause of poor morale among the civilian employees.

3.10 Community projects absorb resources that could be allocated elsewhere

In a laudable effort to forge closer connections between the police and the community, a number of initiatives were created or expanded to bring members of the force into the community in support of other organizations’ good works. Some of these initiatives are listed in the 2020 Activity Report. Officers were encouraged or directed to become more

²⁶ When we began our discussion, the Director of Finance position was vacant. Since that time, I understand the Managers of Strategic Planning and Research and Facilities and Assets have left for better paying jobs elsewhere in government.

engaged in various organizations and on boards and committees both as adjunct to their RNC duties and as community members on their own time.

In conversations we heard both positive and negative comments about the amount of time officers have devoted to community engagement. On the one hand, it is seen to generate respect for the RNC and its members and visibly connect the work of the police to other public efforts to address important societal issues. On the other, it is seen as having personnel directed away from core policing needs.²⁷

V. ISSUES FOR ATTENTION

I understand that the position of the Ministry is that the RNC is a related but independent organization, and that despite the very general authority given by the Act to the Minister to direct the Chief, it has not been the practice of government to interfere directly in policing matters. Nonetheless, the business functions of the RNC are deeply imbedded in the machinery of government with little or no independence in respect to its human resources, finances and physical plant (for example).

In conversation, a few individuals suggested moving the governance and oversight of the RNC to an entity more independent of government such as a Police Board. Although this has been done elsewhere, I do not recommend that this be done at this time.

The urgency of some of the issues I identify here is such that they should not wait on the creation of another oversight body and the legislation that would require. I also take note that the experience of independent police boards has not been entirely problem free.²⁸ If more public input to police administration is desired, the RNC Act (s. 11), gives the Minister legislative authority to engage the advice and support of others.

This review suggests that in the short term, the relationship between the Ministry and the RNC needs to be more collaborative for the purpose of addressing the RNC's issues and assisting the Chief in implementation of his Plan 2022-2024.

Over a longer term the RNC will need expert guidance and financial help to put in place a sustainable human resource, financial planning and policy infrastructure. This is desirable for three reasons: to create an understandable and supportive environment for RNC employees; to manage the risks that come with policing in the current environment; and to strengthen RNC's transparency and accountability to government and to the community at large.

²⁷ One example noted in the 2020 Activity Report indicates that three Sex Worker Liaison Officers and a crime analyst were identified to work with community groups and sex workers to support individuals involved in the sex trade industry. Another example noted that four RNC officers are participating in a certification program for equine therapy with the intention of expanding equine therapy programs in the future.

²⁸ In saying this I am relying on media reports of recent problems experienced by police boards in Ottawa and Thunder Bay Ontario.

In this section I identify those workplace issues which I believe are the most pressing and which if addressed, will make the most difference to the RNC within the two-year timeline established by Plan 2022-2024. Some of the issues affect the entire force and some are more relevant to one area or another, but they are all important. As the issues are described it will become obvious that much of the work to address them will have to happen within the RNC itself but some Ministry intervention, attention and support is needed.

Following my overview of the issues as we heard and observed them, I make some specific recommendations for Ministry involvement.

Issue 1: Communication

Several people recounted a history of little or poor communication throughout the RNC and identified communication as a factor contributing to a strained workplace atmosphere and poor employee morale.

The Chief is both the Commander and the CEO of the RNC. The institutional/business management approach to governing and the paramilitary chain of command model don't always fit comfortably with one another. The RNC's leadership must be capable of applying both approaches in their work. As the recognized leader, the Chief sets an example and a tone from the top, and from him the tone percolates throughout the organization.

A strict adherence to the chain of command is mandated by the RNC Act and is essential and effective for core policing activities such as incident response and follow-up, tactical operations, investigations and many other police protocols. The officers with the authority to make a decision and give a command, (those with seniority by rank or service), must be prepared to do so without consultation with those who are responsible to follow their commands.

That said, the Chief, his Deputies and the other commissioned officers are the senior managers of the RNC and they need to be given the skills to be effective managers.²⁹ Their management skills will affect their ability to make and communicate decisions in every aspect of the work that they do.

Good management requires that lines of communication with employees be kept open and that communication go both ways. I understand that most, if not all of the communications within the RNC have been through the chain of command and consist generally of "need to know" information, with little or no sharing of "want to know" information.

²⁹ The Canadian Association of Chiefs of Police has, among other things, a course designed for those senior officers who are interested in becoming chiefs.

Depending on the matter, and particularly when people have a stake in the outcome and are as educated and experienced as are many members of the force, it is in everyone's best interests to understand the pros and cons/risks and benefits of a decision prior to action being taken by those in authority. In appropriate circumstances it is even better to engage in some form of consultation, whether or not a decision is ultimately based on the input received from the consultation.

We were told that communications to RNC members is now most often done orally, (through the chain of command), at the beginning of a shift. Additional communications between members and their commanding officers take place in person, by phone or by email at @rnc.gov.nl.ca. Occasionally general information is delivered by a senior officer at a weekly training session.

When put in writing, orders and decisions create a clear record of what has been decided or is to be done, and why. This both prevents misinformation and provides a record to enhance the transparency and accountability in the organization.³⁰

Because the RNC internet portal can only be accessed from an RNC location, (office or patrol car), RNC email can't be received if employees are off shift, on vacation or on leave.³¹ More than one individual said that situation has not been a matter of concern because force-wide emails don't contain any information of interest so aren't checked regularly or at all. If that is the case the RNC email system is not being used well and with the greatest effect and some attention should be paid to improving it.

In my first conversation with Chief Roche, I learned that he had convened a gathering of all of the commissioned officers and civilian directors. The civilians gave short presentations on each of their responsibilities. We were told by participants that it was the first such gathering in years, was well received, and appreciated.

I understand that it is rare for divisional or cross-divisional teams to hold regular meetings to discuss ongoing matters, to communicate and consult with one another, or to establish and maintain contacts among the members.³² The pressure of work, general fatigue and morale issues have led to areas becoming silos and to employees losing contact with others.³³

³⁰ Not recording decisions and orders in some manner may be thought of as a way to avoid liability. In fact, having a record of exactly what has been decided and ordered is a recognized risk management strategy. Police take detailed incident notes and the same rigour should apply in other circumstances.

³¹ The system has been designed for maximum security which while important for some communications, has limited the general ability to communicate through email. I understand that in addition to the rnc.nl.gov.ca system the members use the internet (e.g. twitter and personal email accounts) to communicate, gossip, and spread rumours.

³² An exception may be the patrol platoons whose close relationship with each other and with their Sergeant was noted as creating some other issues.

³³ I was told that the layout and locked areas of the newly renovated Headquarters building has eliminated the opportunity for informal contact previously enjoyed by people working there.

Regular meetings of individuals at similar and/or mixed levels in the organization would create opportunities for two-way communications and the informal exchange of information of various kinds. Management teams in many other organizations meet in a retreat once or twice a year to discuss strategic planning and budget priorities. In other cases, large groups of employees meet for team building exercises. Each of these types of gatherings presents an opportunity for participants to interact with others who they may not otherwise see on any regular basis.

The RNC's external communications are focussed on daily reports of police actions and activities. The media relations officer is among those members who report directly to the Chief. In addition to press conferences about serious incidents, the RNC maintains a regular and ever-expanding social media presence.

I asked several individuals whether the current or former chiefs, or someone on their behalf, had communicated to the media or to members of the RNC about the recent lawsuits concerning the behaviour of former RNC members. I was told that in general, the force does not comment to the media on matters that are before the courts, not even to assure the public of the good work being routinely done by most of the RNC members. Similarly, no one could recall any positive messages or comments from chiefs being given to the membership in light of the negative effect of those cases, although they agreed that such messages would be appreciated from time to time.

Issue 2: The status and remuneration of the civilian employees

As I have previously noted, the RNC has a cohort of experienced and dedicated civilian employees who shared with us both their pride and their frustrations about working at the RNC. Although their positions are vital and support the work of members of the force, some of the civilians believe they are treated as “second class citizens”.

Civilians in non-managerial jobs told us that they are paid substantially less than officers who they have trained to do identical work; that those officers are given preference for overtime; that civilians are moved from their positions to create openings for officers being accommodated for health reasons; and that their exposure to traumatic incidents and information is not recognized by a supplement to their salaries. Some also said that they are not treated with proper respect by the officers.

Although these employees are represented by NAPE,³⁴ the government's non-managerial union, few mentioned having accessed the grievance arbitration system as a means to address these issues.

Civilians in the managerial ranks also believe that they are not properly remunerated, i.e. that they make less than comparable positions elsewhere in government, and that they make less than officers who they supervise. In 2020, following an arbitration award

³⁴ Newfoundland Association of Public and Private Employees.

that increased police officer salaries, a group of five civilian managers made a written appeal to the Minister of Finance asking to have a “salary differential” applied to their salaries. Their appeal did not appear to have the support of the (then) chief or the Ministry officials and was not successful. Until that issue is properly analyzed and resolved, valuable employees will continue to leave and those who stay will remain resentful.

Because the RNC is considered an independent entity, except for those managers who have come from other parts of government and maintain connections there, managers do not have the benefit of a collegial relationship with others doing similar work in government, including those in the Ministry. Some integration of RNC managers into the fabric of the Ministry or the Public Safety Division would be desirable.

Issue 3: Discipline

For good reasons, police officers fear disciplinary proceedings. It is possible that an RNC officer can be disciplined in an internal proceeding, a public complaint, a serious incident investigation, a criminal charge and a civil proceeding; all arising out of a single incident. In the worst cases, the length of time in which an officer can remain in career and personal limbo can be extended for years.

The RNC Act (s. 6(1)(g)) directs the chief to “administer discipline in accordance with this Act”, putting him in charge of internal discipline proceedings. Some of that authority is delegated through the ranks to other commissioned and non-commissioned officers. For example, Regulation 802/96 provides for a supervisor to dispose of minor matters “by oral admonition” (s. 8).

All other matters go first to the divisional head who advises the Chief of Police, who “will then determine whether the police officer will be charged with an offence” (s .9). It is up to the chief to decide whether a suspension (with or without pay) or reassignment of duties change is appropriate in the circumstances.³⁵

Article 30 of the RNCA agreement addresses minor discipline, specifying agreed upon penalties for “minor offences”, but it doesn’t describe or list the offences that fall into that category.

The consequences of being charged with an offence by the Chief are serious and this is emphasized by the language used to describe the process, which tracks the language used for criminal prosecutions. If a “guilty” plea is entered, the chief imposes the penalty. If no “guilty” plea is entered, there will be disciplinary panel which will determine guilt and set a penalty. Section 16(1) sets out a range of potential penalties from dismissal to reprimand. If a “not guilty” finding is made, a panel may order reinstatement, a return to a job, and reimbursement.

³⁵ Suspensions pending discipline lead to others being assigned to “acting positions” until matters are resolved which causes problems in and of itself.

The requirement for the chief to determine and prepare written decisions for all but the most minor disciplinary matters has led to backlogs and delays in decision making, leaving the individual(s) involved in limbo and often resulting in the reassignment of duties pending a final decision with the disruption elsewhere that entails. Some members told us that they believe that discipline and penalties have been applied inconsistently depending on the individuals involved, with certain people being more favoured or forgiven than others.

We were told that disciplinary measures also create concern and indecisiveness in other members who fear that they could find themselves in similar circumstances. We heard that because of the fear of being charged with a disciplinary offence or being investigated after a public complaint or serious incident, some officers are more than usually hesitant to engage the “use of force intervention options”, putting themselves and others at risk.

Regulation 802/96 (s. 7(1)), lists eighteen prohibited behaviours or actions, some very specific and clear. Section 7(p) is general. It states that a police officer shall not “engage in conduct unbecoming a police officer and liable to bring discredit upon the constabulary.” That phrase is not defined, nor is it clear which among the other prohibited behaviours are minor, and which are major.

Community expectations of appropriate behaviour both on and off duty for all public officials and particularly police officers have grown with the times. There is no RNC Code of Conduct or policy statement that elaborates on the meaning of the words in clause 7(p). It would be helpful to those responsible for discipline, as well as those who may face discipline, to have a document which also communicates expectations of proper police behaviour, including and expanding on the items set out in the rest of section 7.³⁶ A matrix listing major and minor misbehaviours and the discipline that would likely be imposed for each, would make the basis of discipline decisions more transparent and more obviously consistent.³⁷

Issue 4: Promotion and job competitions for police personnel

Without exception, members of the force mentioned the confusion and unpleasantries that accompanies every promotion exercise and job competition.³⁸

³⁶ The RCMP has issued a document entitled “Commissioner’s Standing Orders (Conduct) [laws-lois.justice.gc.ca]. An annotated version of a “Code of Conduct of the Royal Canadian Mounted Police” (believed to be a draft document) is at mppac.ca. Other jurisdictions which have multiple police services have created a general “Police Act” or “Police Standards” establishing province-wide expectations for forces’ operations and officers’ behaviour. Examples include Alberta, Ontario, New Brunswick and Nova Scotia.

³⁷ It may also reduce the number of grievances.

³⁸ Question 8 of the survey indicates that 72.19% of respondents did not have “a good understanding of the promotions process and what I need to be successful in it”.

Promotions in the force follow retirements in a lock step: as one individual of higher rank moves out of the force a series of opportunities open up for the various ranks below. There being so few opportunities for promotion, the competition is fierce, and behaviour of some of those engaged in the process or observing its progress, was described as being vicious, acrimonious and spirit breaking.

Efforts have been made in the past to address shortcomings in the process, especially for promotion of constables to sergeant status. A human resources secondee has been involved in standardizing and clarifying the process with some positive effects.

An exercise takes place every three years and now involves candidates doing an exam, writing a paper and potentially proceeding to an interview. If all three levels are passed, the candidate enters a pool of individuals qualified to compete for openings in the rank of sergeant. An unlimited number of those in the pool can engage in a competition for the open positions. The identification by a supervisor of individuals in the pool best suited to fill a vacant position is frowned upon as favouritism.

Almost without exception, both those who had succeeded and those who had failed in the exercise, described the tension and confusion of the experience. Some were surprised not to have been granted an interview after apparently doing well on the exam and paper. Others did not understand why, after what they believed was a very good interview, they did not "make the pool". All agreed that other than a requirement to master the policies on Frontline for the exam, there was no direction in the form of a guide, course, or seminar to assist them in preparing for the ordeal of the competition. Some said that they had relied on advice from others who had successfully made the pool, only to find out afterwards that the advice was wrong. Several believed that standards changed from exercise to exercise, and that favouritism and conflicts of interest were at play.

In all job competitions except for commissioned officers, seniority plays a role. To get a position, a candidate has to achieve a score which is more than 10% above that of a comparable candidate with more seniority. We heard comments about the absence of any criteria for assessing that 10% differential.

Competitions for other non-commissioned positions were also described as unpleasant experiences. The process is outlined in s. 28.01 of the RNCA agreement which specified the requirements of all postings. We were told that in preparation, members with seniority took up spaces in numerous courses to pad their resumes and that many candidates without any relevant experience applied for jobs. No formal performance reviews are conducted, candidates do not routinely ask for and include references from current or past supervisors in their application packages, and didn't know or were afraid to ask what any such references would say. We heard about suspicions of favouritism and conflicts of interest on adjudicating panels at all levels.

Among the competitions, those for officers who will have considerable authority over others, including the commissioned officer positions, were among the worst. We were told that rumours and innuendo are routinely spread about competing individuals and discussed openly where people gather or circulated privately. This gossip has inevitably reached candidates, their partners and friends and resulted in broken friendships and acrimonious working relationships going forward.³⁹

Issue 5: Patrol Division

The core of the RNC is its patrol division and all police officers begin their career on patrol. Patrol officers are the front line of police work and regardless of their education or other experience, after being accepted as cadets or transferring from other forces, all members become part of a platoon where they are expected to learn the practicalities of policing in the Province.

The patrol services division has the most officers and has always had issues to be addressed. The goal of improving patrol services has appeared in corporate plans going back to at least 2009, the date of the first Corporate Plan on the web site.

Although everyone agrees on the importance of patrol, it is clear that many who are now working elsewhere in the RNC did not want to return to “the street”. From what I understand, depending on what is required, patrol work is a mixture of boring, exciting, and dangerous work and includes most of the duties assigned to police officers by the RNC Act.

Because they are first responders, patrol constables are the first of the force exposed to traumatic events and most likely to have to use force. Their ranks include RNC’s newest and youngest members as well as a cohort of seasoned officers who for various reasons have remained in that role. They work shifts, mostly in their vehicles. They are required to wear their soft body armour and weapons belt.⁴⁰ They must be prepared to engage in pursuit or other emergency operations. These and other circumstances make them particularly vulnerable to fatigue, injury and illness.

Most of the patrol officers we spoke with believe that their work is looked down upon by other members of the force and that there are too few of them to do a proper job.⁴¹ They told us that their workload is not manageable because of the shortage of personnel, the pressure to complete paperwork and the poor condition of their vehicle fleet and other

³⁹ Several people we spoke with recounted this behaviour. Only one person we spoke with told us that when they overheard a hallway conversation they intervened to stop it. No one recalled any formal communications about the inappropriate nature of such behaviour.

⁴⁰ The full kit weighs approximately 20 pounds.

⁴¹ Question 9 of the survey was answered by every participant, more than half of whom were non-commissioned members. It indicated that 86.7% of them disagreed (46.28% strongly) that they had adequate human resources to perform their duties effectively and efficiently.

equipment. They believe all these factors make them less efficient and their job more difficult.⁴²

Some believe that their work could be re-designed to become more efficient: e.g. by balancing platoon personnel and focussing resources on where they can make the most difference as opposed to covering their full territories at all times. That idea (referred to as “evidence-based policing” or “data driven resource deployment”), appeared as a goal in earlier corporate plans. However, everyone agreed that it is difficult to make change when you are running on empty and with too few people to do the required work.⁴³

Issue 6: The Policy Framework

I have noted above that all of the RNC’s policies and standard operating procedures are on a protected database known as Frontline. The documentation is searchable by key word or alphabetically. The process of reviewing and updating the documentation is a full-time job for at least two constables and a civilian supervisor.

We were given a flash drive containing all 146 policies, and intended to review them in detail. They are organized alphabetically by the first letter of the first word of the policy name, rather than by subject area. It quickly became apparent that the system as it now exists is not only difficult to access, but difficult to understand. Policy statements are not distinguished from operating procedures and few if any are available to the public.⁴⁴

In order to meet good governance standards, the policy framework should be re-organized, preferably separating out true policy statements from standard operating procedures. Human resource policies affecting employment should be grouped and easily found, as should some police operating procedures which are of general interest to the community. Decisions should be made about which of these must be kept confidential, and which should be published on the website to ensure an appropriate level of transparency. This will be a daunting task but it could be accomplished within the two-year time frame by counsel or a policy person hired to address the task, freeing up police officers to do other important work, including the review of the content of the policies and procedures to ensure they are up to current police practice standards.

⁴² Question 7 of the survey showed that 52% of those answering disagreed or strongly disagreed that they had adequate equipment. We confirmed that based on provincial guidelines, several vehicles in the patrol fleet in St. John’s were of an age that they should be replaced. Repairs were costing an inordinate amount of time and money that would be saved if vehicles were replaced at an earlier time in their life cycle. We also heard about broken vehicle computers and police radios that were not being replaced as needed.

⁴³ Mid last year an effort was made to reorganize the St. John’s patrols, by altering their membership and changing the shifts (aka the “shift shuffle”). It led to so much discord that by order of the Chief it was put on hold pending further consideration.

⁴⁴ This in spite of the right of the public to make a complaint about “the operation policies or procedures of the constabulary which govern the manner in which a police officer discharges his or her duties”. (RNC Act. S. 22.(1)(b).

Using the word search function, we looked for but did not easily find those policies and procedures which are particularly important to RNC employees or of interest to the community. These should be accessible from the web site for reasons of transparency, accountability and risk management given the community interest in policing and the current litigious climate.⁴⁵

Other than a reference to the Respectful Workplace Policy and procedures, there was no guidance to employees on how and where to report harassment or wrongdoing without fear of reprisal.⁴⁶ Given the reticence of police personnel to report such behaviour of whatever nature, it does not seem satisfactory to direct them to a pan-government office.

Issue 7: Training and in-service education

The RNC has struggled with ensuring that officers receive mandated training in the use of weapons and other use of force. I understand that this training is now conducted more regularly to ensure standards are met and kept. It is important both that employees are equipped to deal with the requirements of their roles and that they believe that they are equipped.

In 2019 the RNC commissioned Sergeant M. Messine of the Justice Institute of British Columbia to do a review of its use of force training programs for recruits and established officers. Sergeant Messine found that much progress had been made with recruit training, but work remained to be done with in-service training.

Special training is provided regularly to the members of the tactical team and is mandated to take place in other areas as well, often for the purpose of certification in certain skills such as use of weapons. Sometimes this type of training is delayed for lack of instructors or for financial reasons.

In answer to question 6 of the survey, 54% of those answering agreed or strongly agreed that they had “adequate training to perform their duties effectively and efficiently” but 45% did not agree, indicating a continuing problem with concerning consequences. Whether and when in-service training is provided both affects the skill and comfort with which employees can do their jobs, and in consequence, the RNC’s risk profile.

In conversation we heard much about members’ frustrations in accessing both training and in-service education courses. Some reported that they have had to arrange and pay outside providers for non-mandatory courses to be taken on their own time and at their

⁴⁵ We noted that several policies still use only the male pronoun.

⁴⁶ Precedents for these policies and procedures are widely available on line, many from universities. Notwithstanding the absence of policy or procedure, 58% of those surveyed said in answer to question 19 that they knew where to express their concerns about harassment or a disrespectful workplace. In conversation, we were told by members that they would report concerns to their superior officers or the Respectful Workplace Committee, but no one could tell us what would happen next, and a few individuals indicated that they believed nothing would be done.

own expense. We were told that among the reasons given to those turned down for courses are that outside training is expensive and budgetary limits constrain the number of places available to RNC members, that course spots are awarded on the basis of seniority, that openings for junior officers are rare and that work demands are such that personnel cannot be spared the time to take non-core courses.

The RNC has had difficulty designing and implementing its own training programmes. Responsibility has been moved in-house and out, and between civilian training specialists and commissioned officers. With the expanded use of the internet for online learning, some of the expense and other access issues may be alleviated going forward, enabling opportunities for more individuals at a lesser cost.

The critique of individuals who fill spaces in courses they are unlikely to use has already been mentioned in respect to the promotions and job applications processes. Ideally the RNC would engage with each officer in a career planning exercise to determine what areas of interest and capacity are most suitable for him or her. The force could then map out the training program to give officers the best chance of success in achieving their goals. As things stand now, unless an individual is mentored by a senior officer (both opening themselves to allegations of favouritism), or takes personal initiative to plot and pursue a career path, there is no career planning.

In speaking with both non-commissioned and commissioned officers we learned that there is no organized management training for those who are promoted from constable status to supervisory positions or thereafter. This leaves those individuals with a shortage of the skills that are required to fulfill the many supervisory duties of their positions.⁴⁷

Issue 8: Wellness supports

Answers to question 25 of the Survey, show that 60% of those answering disagree or strongly disagree that their supervisors are committed to improving mental health in the workplace. Answers to question 21 indicate that 54% were not satisfied with the importance given to occupational health and safety in their unit.

Those results are in spite of the fact that making officer wellness a priority has been part of the RNC corporate planning since being included in the Corporate Plan 2018-2022. In the words of that plan:

“Enabling employees to effectively do their job requires a continued focus on health and wellness. To support this, we will continue to dedicate resources to provide an inclusive and responsive working environment that promotes a healthy lifestyle as well as a culture of awareness and acceptance of health and wellness issues.”

⁴⁷ The policy and procedure on the role of uniformed sergeants in patrol operations lists at least 12 supervisory duties.

The five detailed objectives that follow that statement are consistent with the deficiencies and recommendations that I have noted above and include not just “encouraging and supporting employee physical and mental wellness” but also supporting career development, expanding training, strengthening communication and supporting a respectful workplace.

There has been some progress in addressing physical and mental wellness, illustrated primarily by the secondment of a Health and Wellness officer from government and the creation of the plan referred to above.⁴⁸ Chief Roche has also included health and wellness goals and action items in his Plan 2022-2024 which are similar to those in the earlier plan. What remains to be done is to find funding and create a strategy for moving on some of action items, adjusting as circumstances dictate.⁴⁹ Inevitably some discussions will have to take place with the RNCA and NAPE to enable some of the initiatives to take place.

Having a psychologist on staff, as has been suggested, would provide a locus for co-ordinating programs to manage trauma and vicarious trauma. That individual could also identify those needing more help and connect them with mental health services provided by EAP or by psychiatric consultants hired on a retainer or hourly basis.

There will always be issues of physical and mental health to address and not all problems experienced by individuals can be solved by action or reaction by the force, but the sense that the RNC cares and is taking the proposed steps to address the recognized issue of the mental health and general well-being of its employees will in itself, improve morale.

Issue 9: Sexual misconduct in the RNC workplace

As noted at the outset of this report, the retainer for this review coincided with the conviction of a former RNC officer and civil actions against other members for sexual offences. Because I assumed these cases and the publicity surrounding them would cause embarrassment and otherwise affect morale at the RNC, I raised the issue of sexual misconduct in the workplace with most of the individuals we spoke with, including some who are no longer with the RNC. I was somewhat surprised that no one we spoke with was shocked by the information that was made public by the legal actions. That said, few admitted to actual knowledge of such behaviour by fellow officers.

Earlier in this report I addressed the tone and culture of the workplace and the response of officers to jokes and pictures with a sexual content, as well as other gender or sex-

⁴⁸ That individual has now become a full-time employee of the RNC.

⁴⁹ If it is possible to successfully reintegrate employees returning to work after an extended absence some issues around short staffing may be alleviated, and/or others exacerbated by the necessity of reallocating other staff.

based issues. As noted, generally “joking” behaviour was most often dismissed as immature. However, not everyone feels that it should be treated so lightly.

We included questions 14, 17, 18 and 19 in the Survey to find out whether those who answered those questions had experienced discomfort in the workplace because of harassment, or offensive or degrading behaviour.

The results show that a majority of those replying think that the workplace is respectful, (Q.14: 63%); is free of discrimination (Q.16: 54.71%); is free of offensive behaviour (Q. 17: 65.07%), is free of degrading or humiliating behaviour (Q.18: 63.79%); and know where to express concerns about a disrespectful workplace (Q. 19: 64.17%).⁵⁰

However, there is a fairly large minority ranging from approximately 35% to 45% who feel the opposite way and that indicates that more must be done to prevent such behaviour in the future and encourage it to be reported.

In our conversations with officers we heard first hand of only a few instances of inappropriate attention and unwanted physical contact by male officers towards female officers and vice versa. We heard from some employees that they had heard rumours about individual officers behaving inappropriately, but very few claimed to have witnessed any such behaviour.

We were told of only two instances when incidents of sexual misconduct were reported to a superior by small groups of officers: one in which the senior officer to whom the incident was reported was asked to tell no one and do nothing by those reporting the incident; and a second when the senior officer “brushed off” the complaint as something that should just be ignored. Both took place some time ago. One female officer told us that she had contacted the provincial Respectful Workplace office to inform them of inappropriate behaviour, but had no response. None of these responses is considered acceptable by current standards.

It is not surprising that intimate relationships develop when males and females work closely together. While some lead to life-long partnerships, all can become problematic when things don’t go well, particularly in hierarchical organizations where there are potential power imbalances. Rules and boundaries around such relationships can be created to increase the chances of preventing coercion, managing conflicts of interest and avoiding reprisals of all kinds.

It is not a simple task to create these boundaries. Universities, including Memorial University,⁵¹ are examples of institutions that have been trying to create workable

⁵⁰ Some said they would report to their superior. Others confirmed they would fear reprisal for doing so. Others said they would contact the government’s respectful workplace group, but some of them said that would be unlikely to lead to action being taken. In any case, what was clear is there is no trusted place to report such incidents.

⁵¹ Memorial’s detailed policy and procedures are found at <https://www.mun.ca/policy/>

boundaries and procedures for some time. Their policies and procedures, found on the universities' web sites, are an obvious starting point for the RNC to develop its own. Generally a senior trusted official within the organization will be identified in these documents as the officer to whom concerns or complaints can be brought for action.

Given all of the circumstances, I do not believe that reporting incidents of an officer's misconduct to a superior officer, even to a commissioned officer or the Chief, is a satisfactory structure for the RNC. The culture of policing discourages, (and I believe would condemn), one officer's reporting the poor behaviour of another.

There needs to be a distance between the person receiving such a report and the chain of command within the force. There also needs to be a policy and procedure which provides for "safe disclosure" made in good faith. However, identifying a general government office (such as appears to be the case at present under the respectful workplace regime) has not and will not encourage RNC personnel to come forward. Another locus will have to be identified.

VI. RECOMMENDATIONS FOR THE MINISTRY

Given the issues identified above, I recommend that:

1. The core human resources services be moved "in house" to the RNC and staffed by an experienced and professional Director of Human Resources working under the Chief and Executive Director and in cooperation with the Manager, Employee Wellness and Safety;
2. An experienced human resources consultant be hired or assigned to begin work with the Director of Human Resources and senior team at the RNC to assess, create and/or revise the RNC's human resources framework: organization charts, job descriptions, policies, a job evaluation system, training system, job competition process and supporting documentation, and performance management system;
3. The Ministry retain or assign a qualified individual or individuals to coordinate and work with a Labour/Management committee to review the RNCA agreement with a focus on any changes that may be needed to address the issues identified herein;
4. The Ministry provide the Chief and Deputy Chiefs with the opportunity to obtain management education or training with a focus on human resource management, communications and conflict resolution; and make communication skills a pre-requisite for all commissioned officer positions going forward;
5. The Ministry assess, and make necessary investments in RNC technology to support its policing and administrative functions;

6. The Ministry conduct or direct a review of the human and physical resources available for Patrol;
7. The Ministry consider a “value for money” assessment of RNC’s activities to determine if resources are being allocated to stated priorities and if duties are being assigned appropriately and effectively between officers and civilian employees;
8. The Ministry retain/assign a qualified individual to work with the Executive team and others as required to develop a multi-year budget planning process and a two-year budget to address the key elements of the Chief’s Plan 2022-2024;
9. The Ministry identify an office or individual to be designated as a trusted place for RNC employees to bring concerns about misconduct under the parameters of an RNC Safe Disclosure Policy.

VII. CONCLUSION

Having seen and heard of the deep connections between the RNC and its community, I do not believe that there exists the widespread disconnect and distance between the force and the people of the Province that may be present in larger and less integrated communities. The RNC is part of the history of the Province and its employees are very much a part of Newfoundland and Labrador life.

As stated at the outset, my mandate was to recommend change to benefit both those working within the RNC and its interactions with the communities it serves. Institutions such as police forces are by their very nature, entities with established customs and practices that don’t change often or easily, but change they must. Fortunately the Minister and the Chief have recognized the need for change.

In an exercise such as this it is the duty of the reviewer to probe for issues that call for change or improvement. I have learned that a number of these issues exist at the RNC. What I hope as this review concludes is that some change will take place in the short run that will help the environment within the force and position it to make other changes that are or will be necessary in the future. I believe strong support from the Ministry is needed, but there is much that must be done within the RNC itself.

Help in the form of examples and precedents can be found in the changes taking place in other forces across the country. Not all of the other forces’ planning documents are available outside of the policing community, but may well be available to the RNC or the Ministry officials. These will likely suggest some ways to approach to the issues I have identified.

The RCMP shares the responsibility of policing in the Province and knows it well. Although it has its own struggles and shortcomings, it has made substantial progress in

modernization by creating a framework of policy and procedure which can also serve as one example for the RNC.

The Canadian Association of Chiefs of Police is dedicated “to the support and promotion of efficient law enforcement and to the protection and security of the people of Canada” through “innovative police leadership”. It has a number of committees which appear to address several of the issues noted in this report.⁵² As Chief Roche begins to engage with that association, I believe it can provide him with both information and support.

I consider it to have been a privilege to be asked to take on this challenging assignment. I hope that the findings of the review and the suggestions and recommendations I have made will resonate with the Minister, with the Chief, with the employees of the RNC and with the Newfoundland and Labrador community. I also hope that they will assist in the RNC to make meaningful change to meet the challenges ahead.

VIII ACKNOWLEDGEMENTS

The preceding and current Deputy Ministers of Justice and Public Safety, Heather Jacobs and Denis Mahoney, and their (then) Assistant Deputy Ministers, Denise Woodrow and Tara Kelly were kind enough to meet with Mr. McKay and me to clarify the scope of this review, provide encouragement and offer the assistance of their offices.

Despite his busy schedule, Chief Roche made himself available on several occasions by telephone and in person for an extended discussion at headquarters in St. John’s. Throughout, many contacts were made, appointments arranged and documents found by Chief Roche’s assistant, Paula Lanphear who also arranged meeting rooms and IT support on short notice and without hesitation. Her help was invaluable.

Although I have already mentioned Peter McKay, I thank him again for his support, knowledge and insights, his research abilities, his judgement and his hospitality for the time I was in St. John’s.

Lastly and most sincerely, I thank those women and men of the RNC, members and civilians, present and past, who took time from their work or home lives to complete the Survey and to speak with us. They shared their points of view, their stories and their suggestions for change which underpin the observations and recommendations I am making. I hope this report properly reflects their affection for the force and their hopes for a happier and healthier workplace going forward.

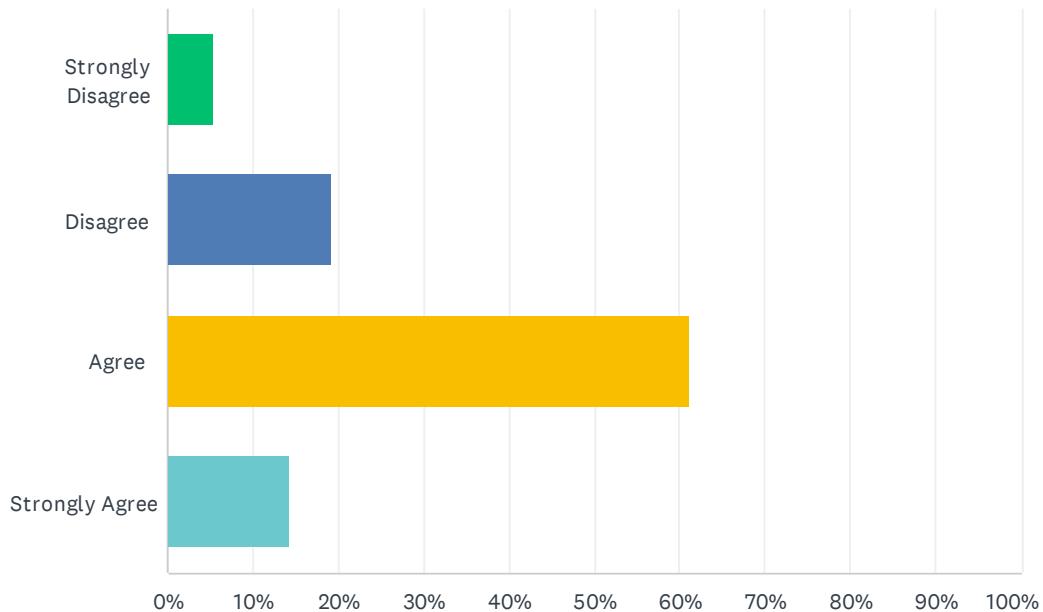
⁵² cacp.ca

APPENDIX

Workplace Accountability and Support Survey Results

Q1 My job responsibilities, duties and expectations have been made clear to me:

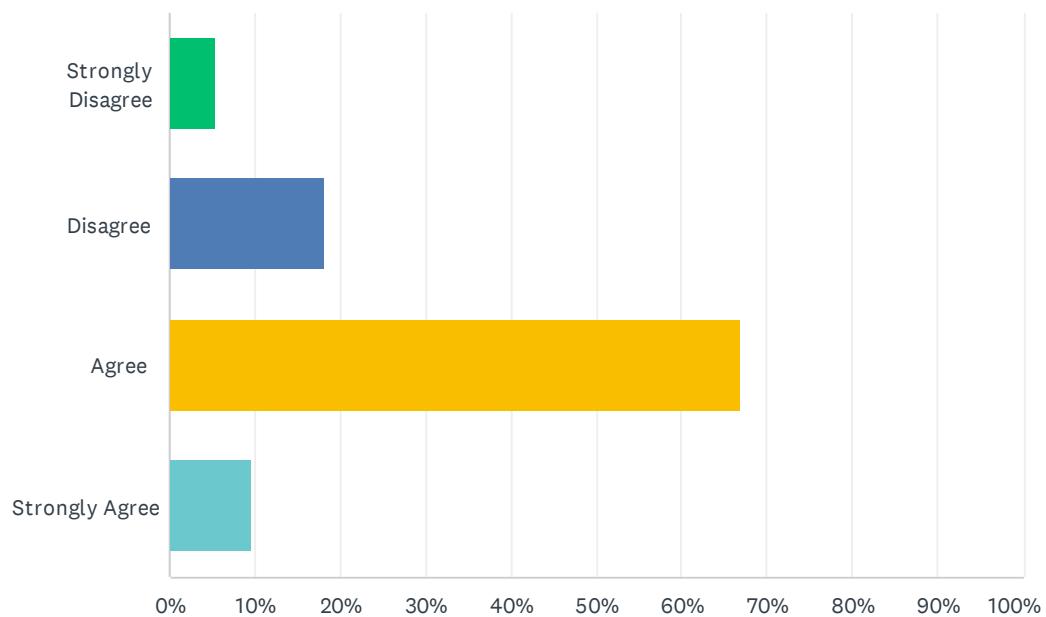
Answered: 188 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Disagree	5.32%	10
Disagree	19.15%	36
Agree	61.17%	115
Strongly Agree	14.36%	27
TOTAL		188

Q2 I am given sufficient authority to effectively do my job:

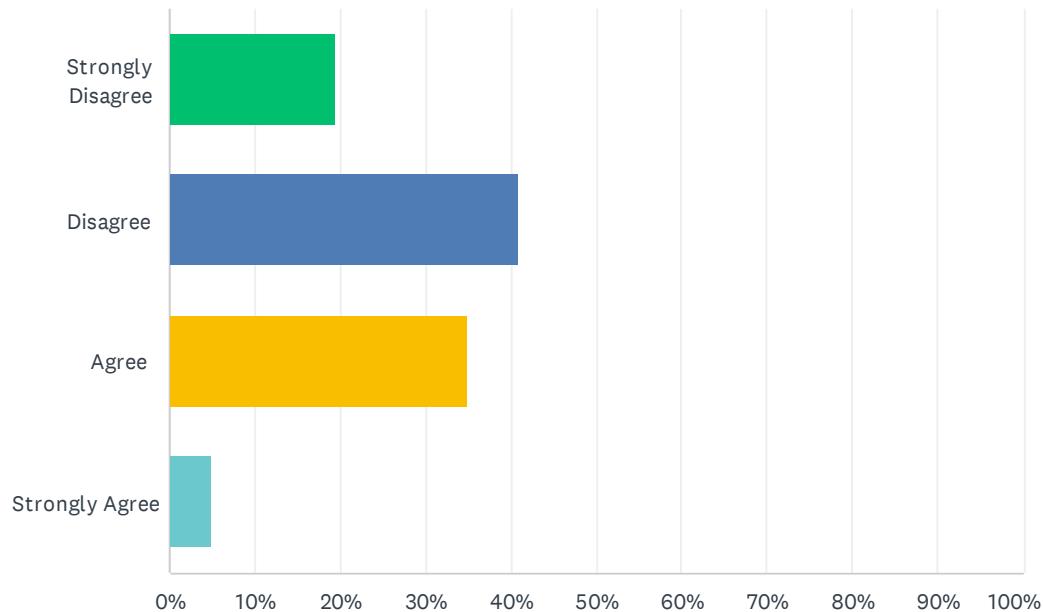
Answered: 187 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly Disagree	5.35%	10
Disagree	18.18%	34
Agree	66.84%	125
Strongly Agree	9.63%	18
TOTAL		187

Q3 I am satisfied with the level of employee accountability within my workplace:

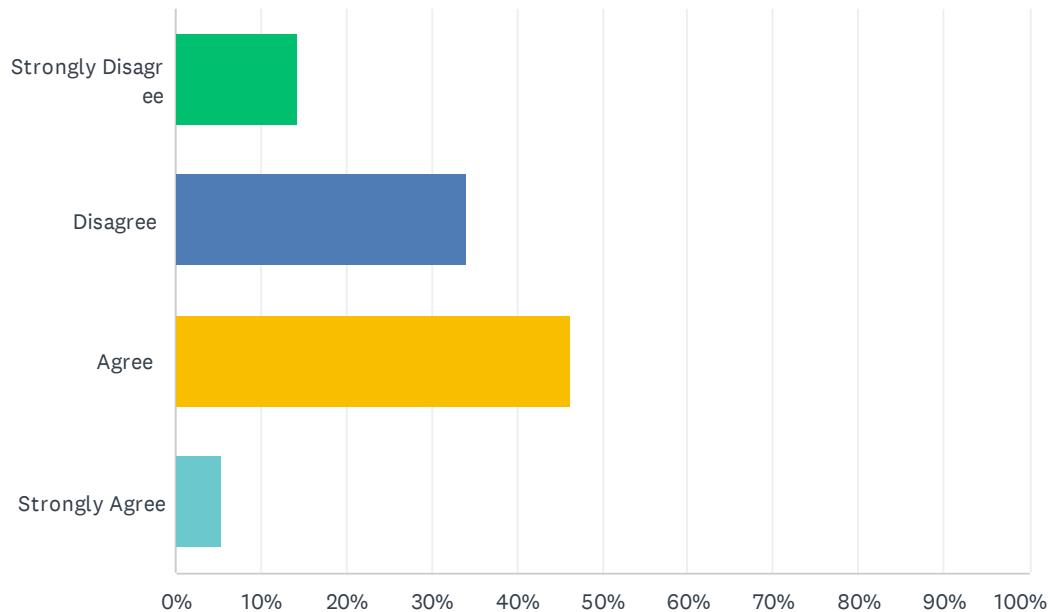
Answered: 186 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly Disagree	19.35%	36
Disagree	40.86%	76
Agree	34.95%	65
Strongly Agree	4.84%	9
TOTAL		186

Q4 My workload is generally manageable within the assigned working hours.

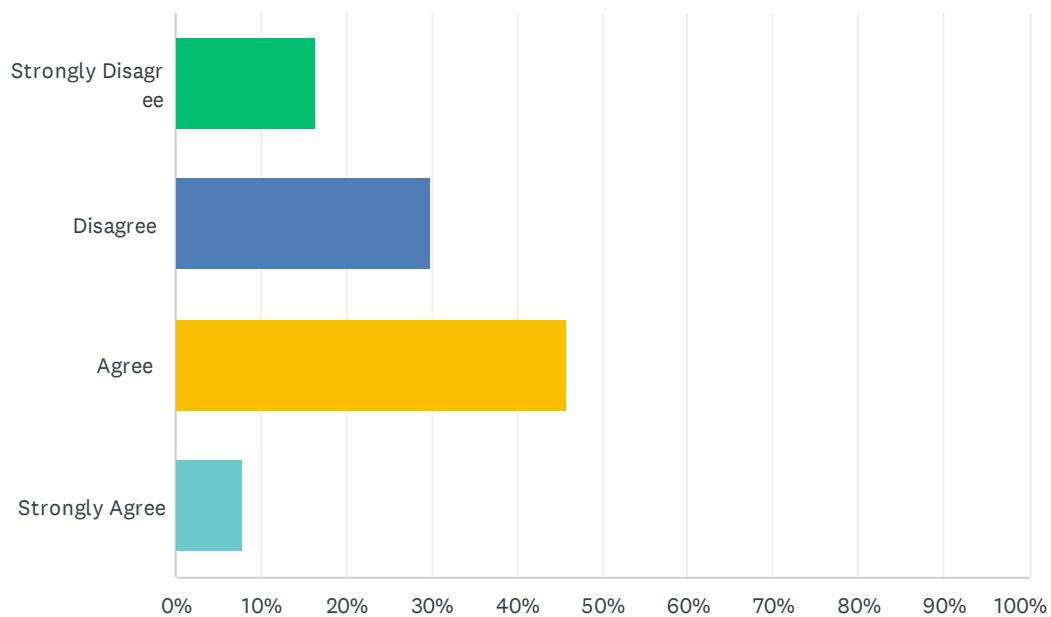
Answered: 188 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Disagree	14.36%	27
Disagree	34.04%	64
Agree	46.28%	87
Strongly Agree	5.32%	10
TOTAL		188

Q5 My supervisor/ manager gives me constructive and valuable feedback.

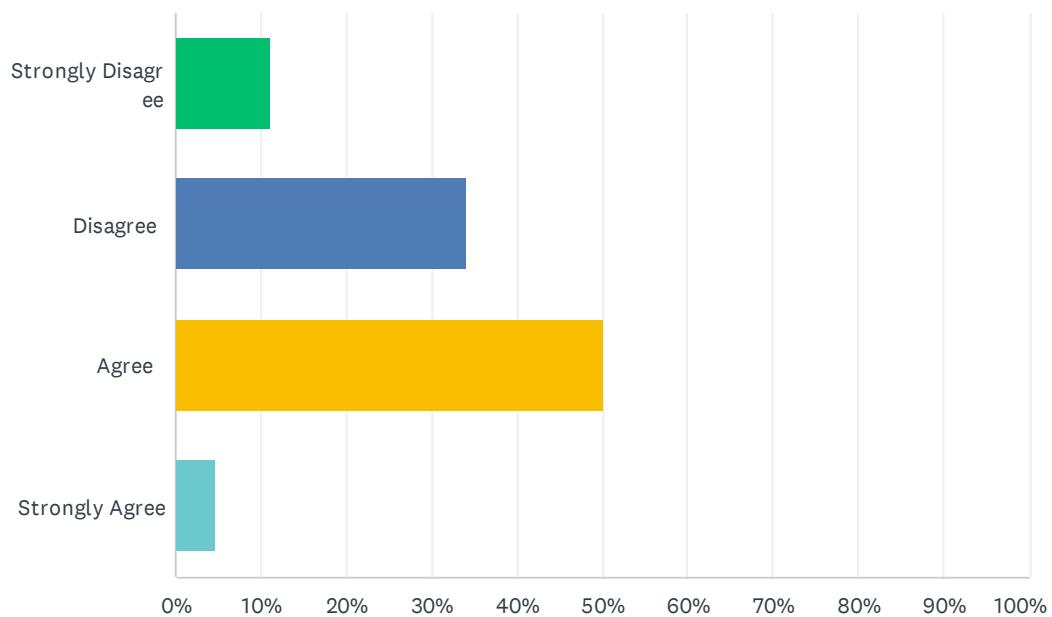
Answered: 188 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Disagree	16.49%	31
Disagree	29.79%	56
Agree	45.74%	86
Strongly Agree	7.98%	15
TOTAL		188

Q6 I have adequate training to perform my duties effectively and efficiently.

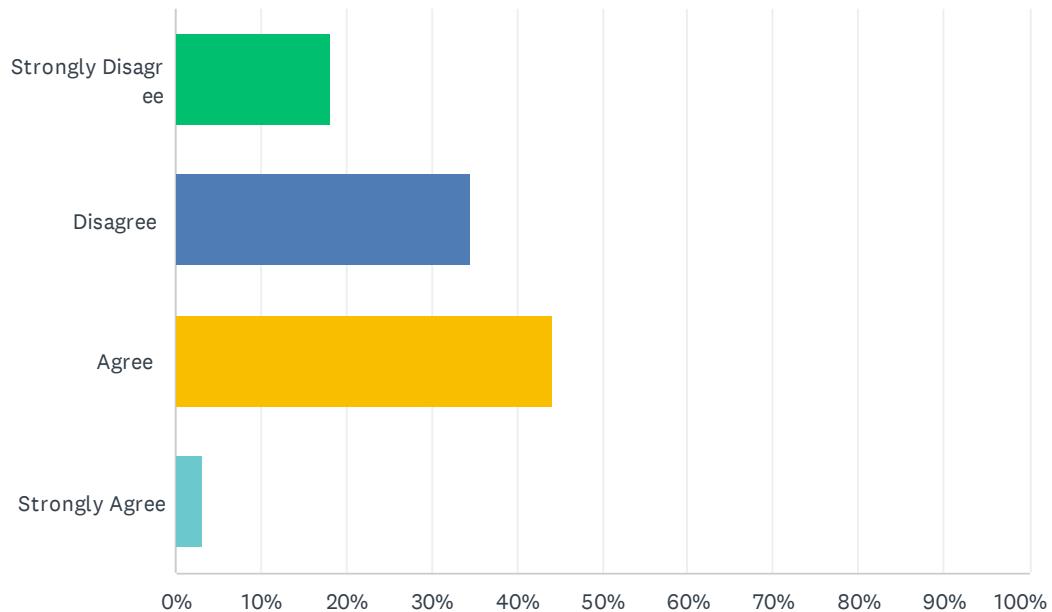
Answered: 188 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Disagree	11.17%	21
Disagree	34.04%	64
Agree	50.00%	94
Strongly Agree	4.79%	9
TOTAL		188

Q7 I have adequate equipment to perform my duties effectively and efficiently.

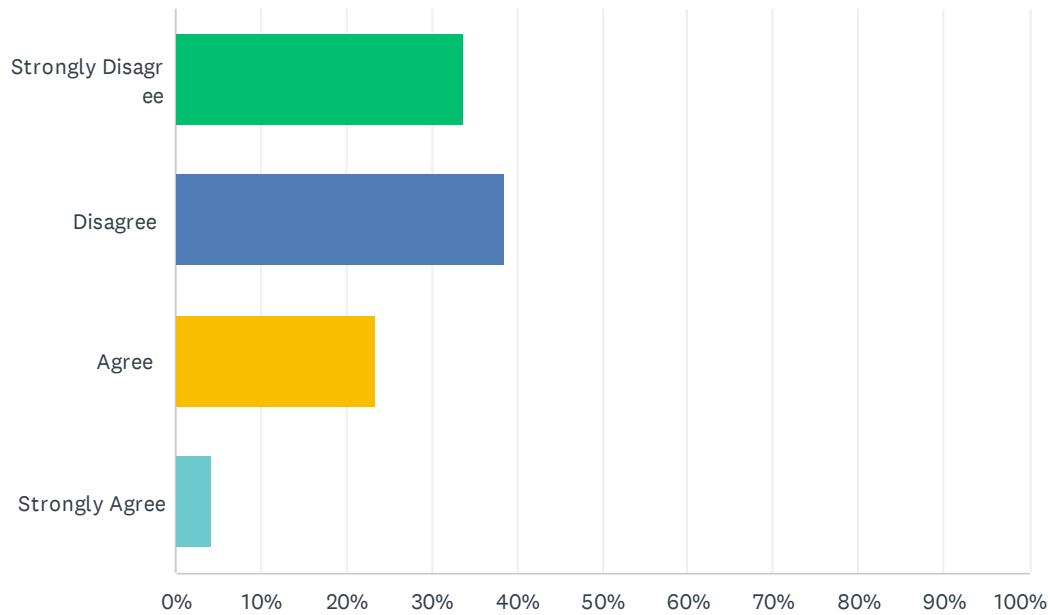
Answered: 188 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Disagree	18.09%	34
Disagree	34.57%	65
Agree	44.15%	83
Strongly Agree	3.19%	6
TOTAL		188

Q8 I have a good understanding of the promotion process and what I need to do to be successful in it.

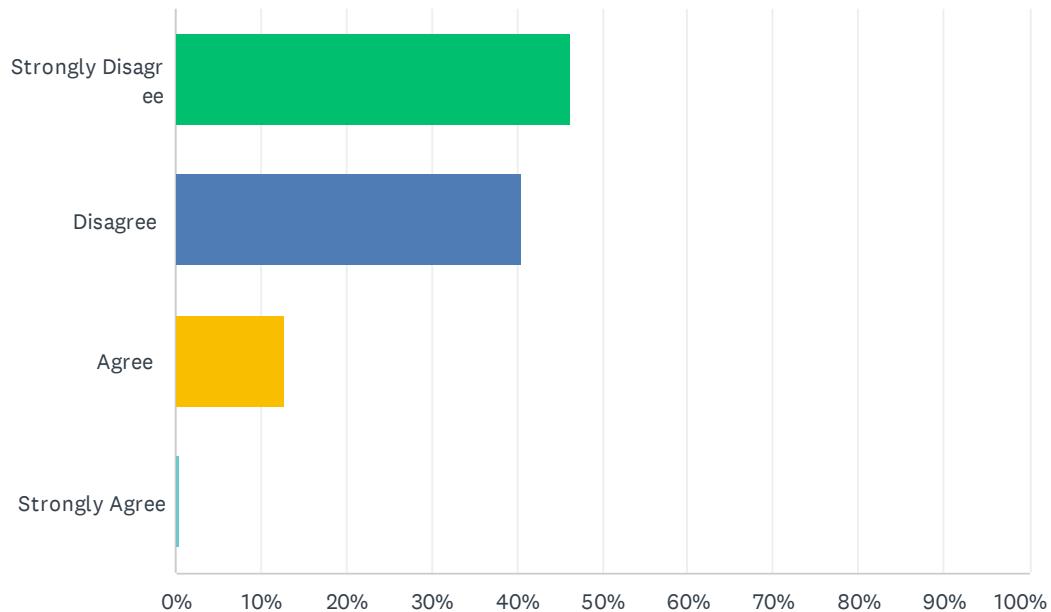
Answered: 187 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly Disagree	33.69%	63
Disagree	38.50%	72
Agree	23.53%	44
Strongly Agree	4.28%	8
TOTAL		187

Q9 We have adequate human resources to perform our duties effectively and efficiently.

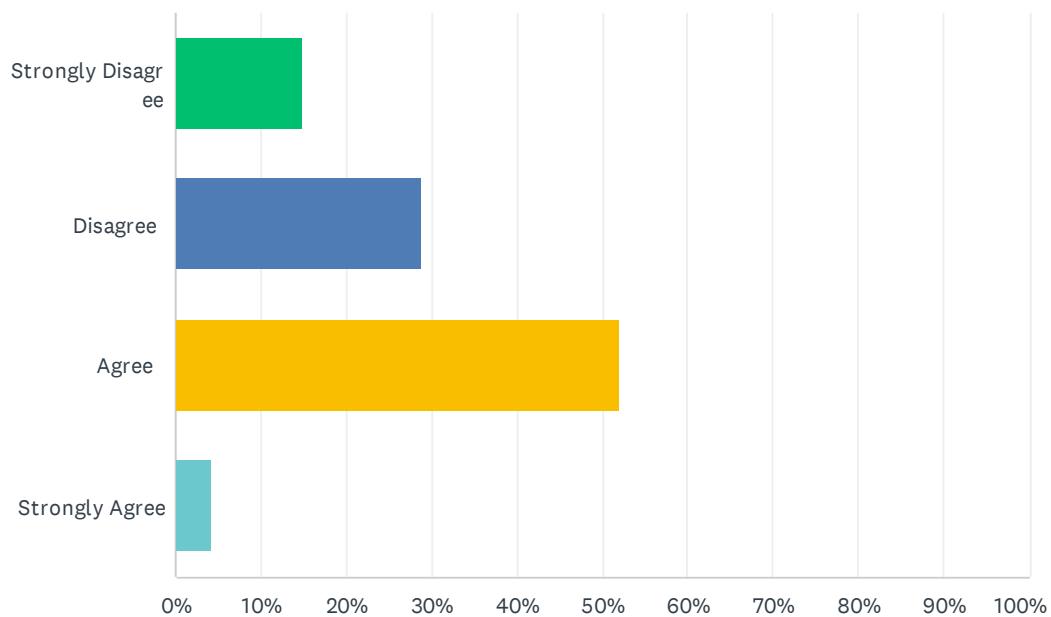
Answered: 188 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Disagree	46.28%	87
Disagree	40.43%	76
Agree	12.77%	24
Strongly Agree	0.53%	1
TOTAL		188

Q10 My work environment is professional.

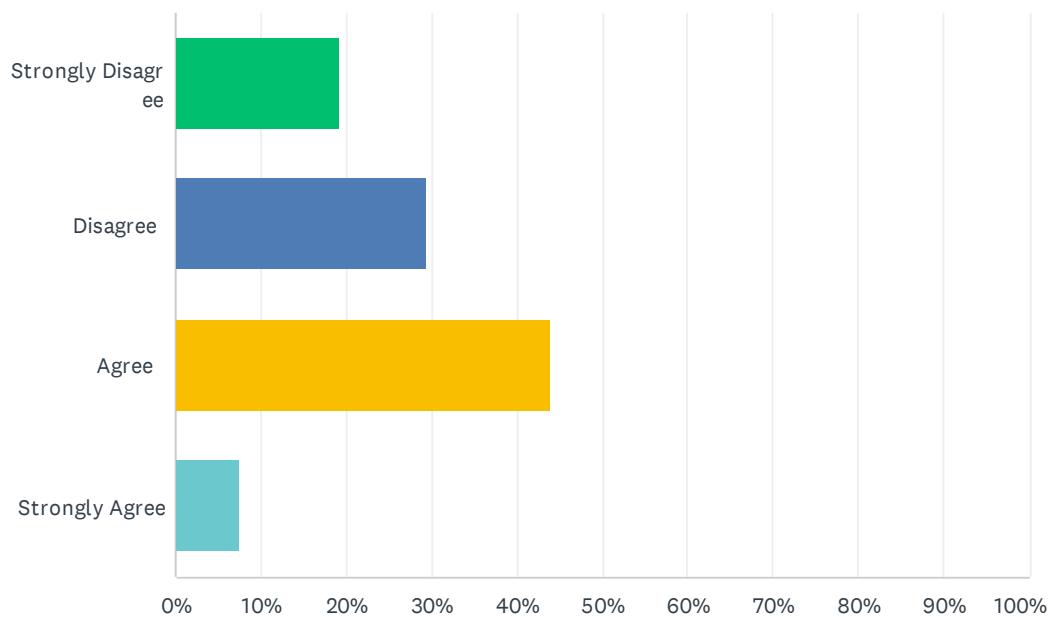
Answered: 188 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Disagree	14.89%	28
Disagree	28.72%	54
Agree	52.13%	98
Strongly Agree	4.26%	8
TOTAL		188

Q11 My personal morale is good.

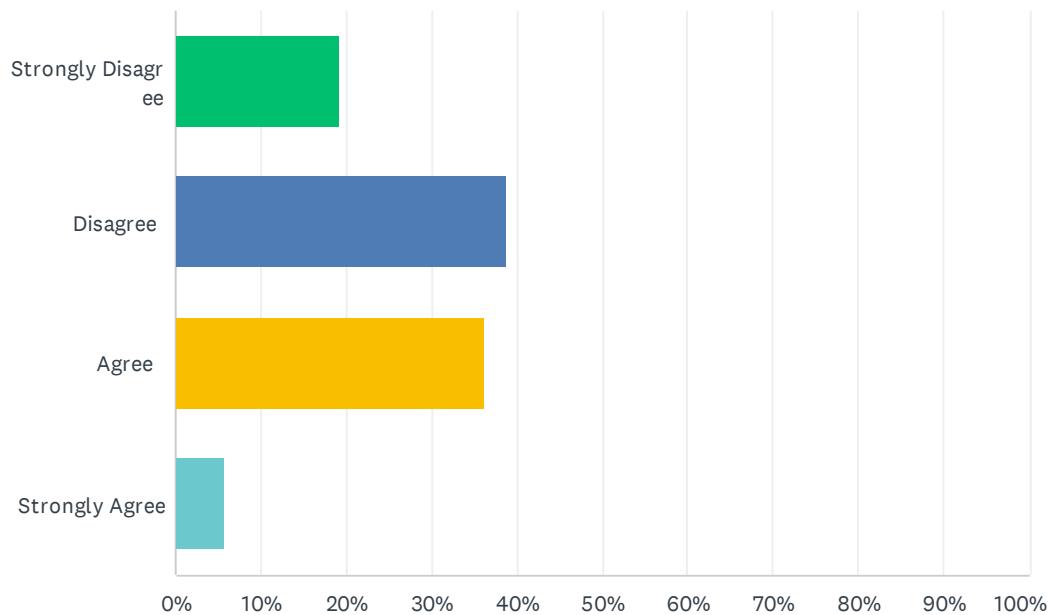
Answered: 187 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly Disagree	19.25%	36
Disagree	29.41%	55
Agree	43.85%	82
Strongly Agree	7.49%	14
TOTAL		187

Q12 Our unit morale is good.

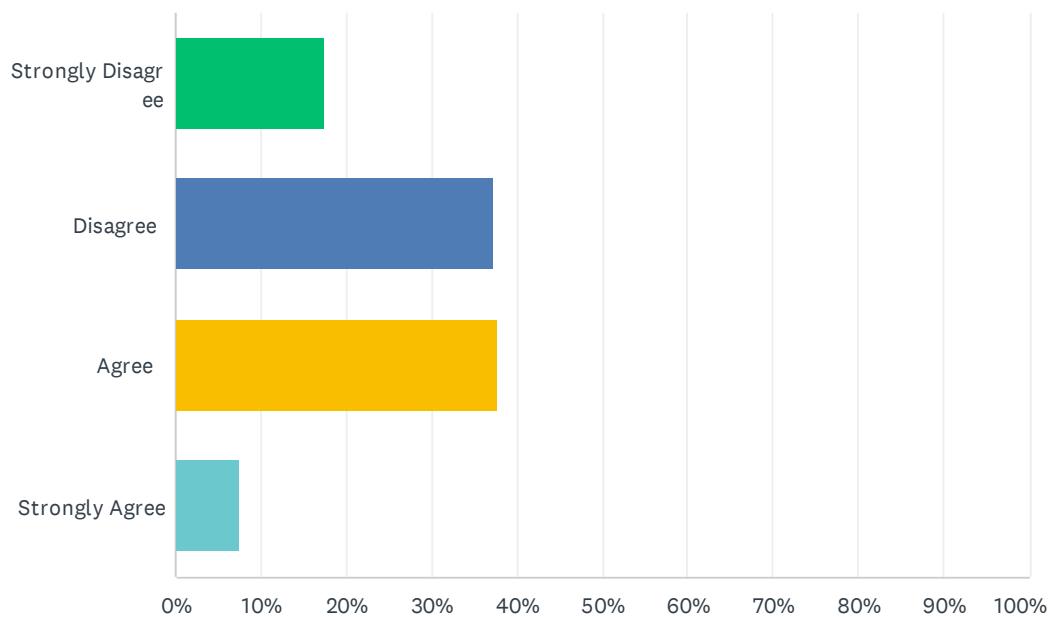
Answered: 188 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Disagree	19.15%	36
Disagree	38.83%	73
Agree	36.17%	68
Strongly Agree	5.85%	11
TOTAL		188

Q13 I have high job satisfaction.

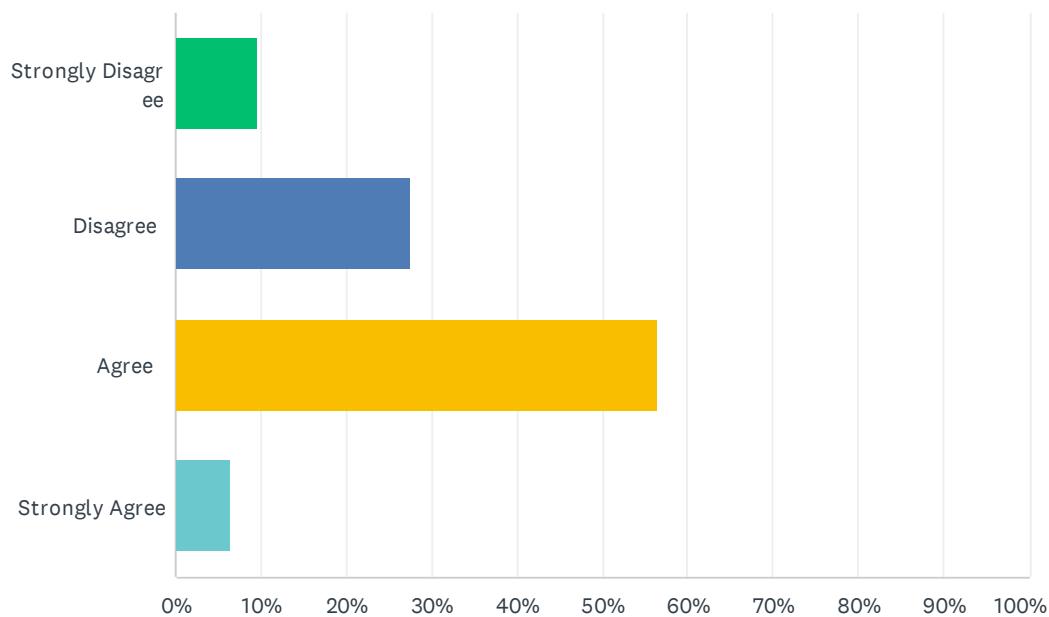
Answered: 188 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Disagree	17.55%	33
Disagree	37.23%	70
Agree	37.77%	71
Strongly Agree	7.45%	14
TOTAL		188

Q14 My work environment is respectful.

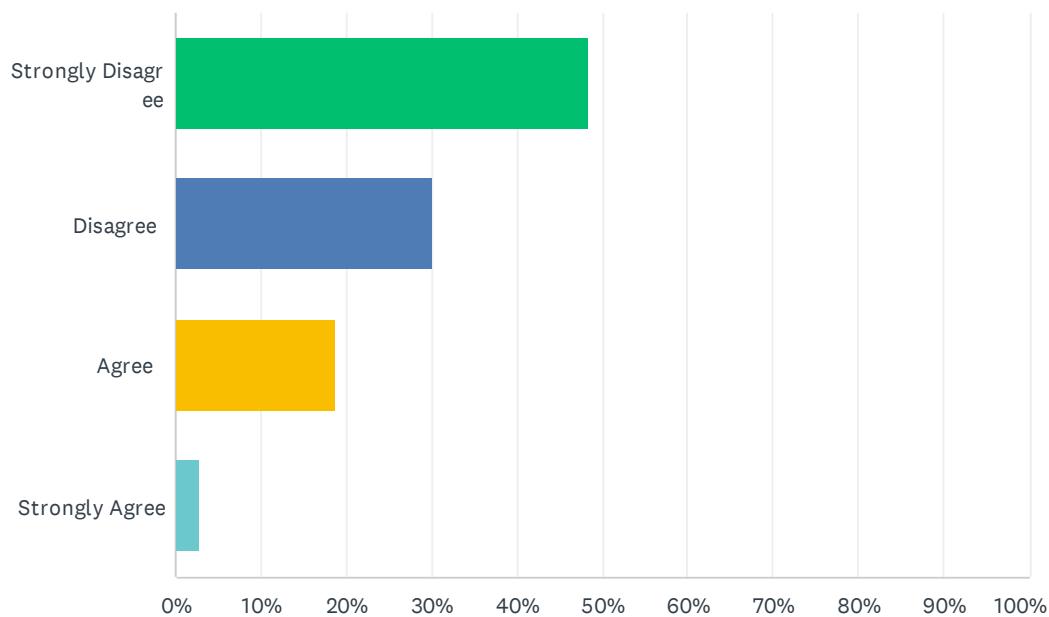
Answered: 186 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly Disagree	9.68%	18
Disagree	27.42%	51
Agree	56.45%	105
Strongly Agree	6.45%	12
TOTAL		186

Q15 My work environment is free of favouritism.

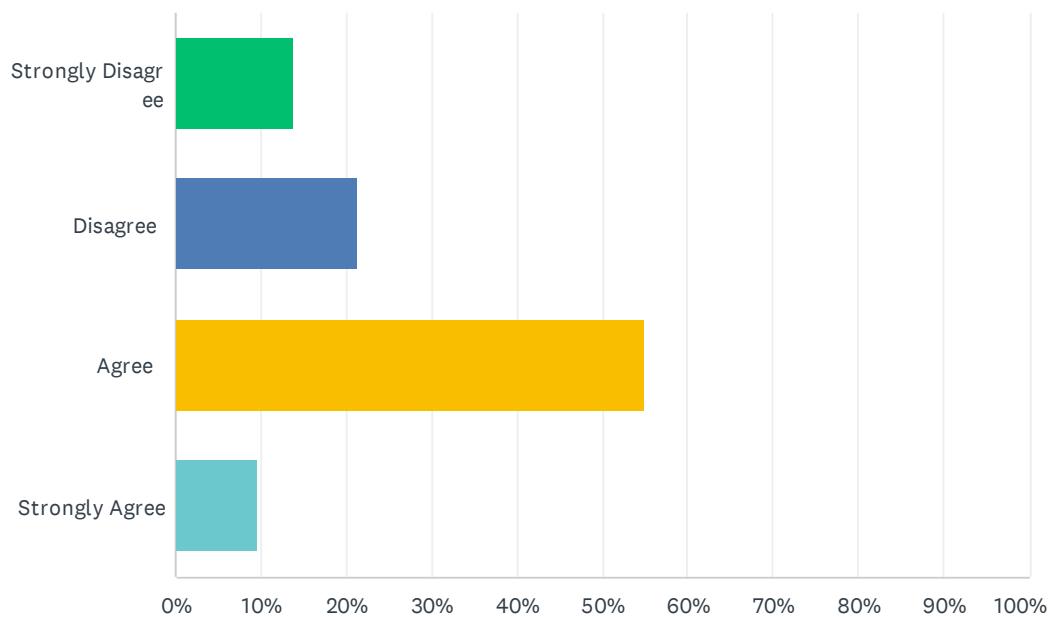
Answered: 186 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly Disagree	48.39%	90
Disagree	30.11%	56
Agree	18.82%	35
Strongly Agree	2.69%	5
TOTAL		186

Q16 My work environment is free of discrimination.

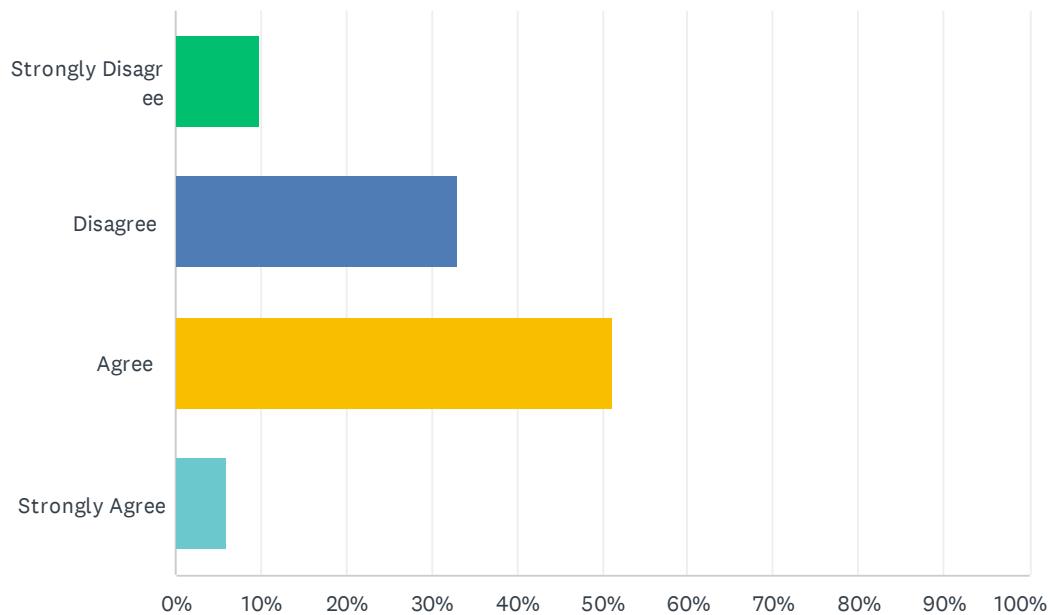
Answered: 187 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly Disagree	13.90%	26
Disagree	21.39%	40
Agree	55.08%	103
Strongly Agree	9.63%	18
TOTAL		187

Q17 My work environment is free of behaviour that offends an employee.

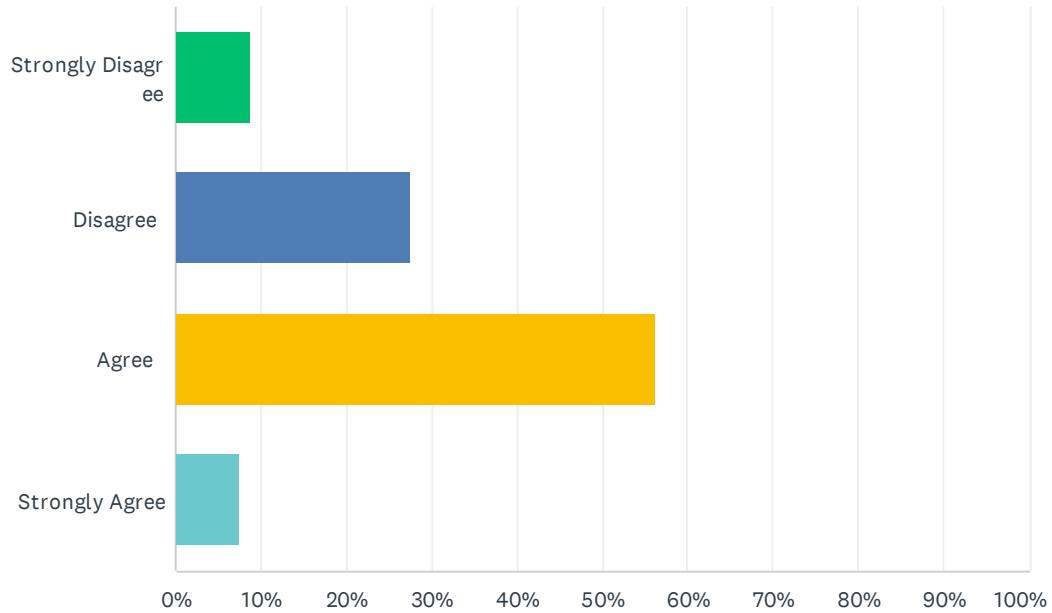
Answered: 184 Skipped: 4



ANSWER CHOICES	RESPONSES	
Strongly Disagree	9.78%	18
Disagree	33.15%	61
Agree	51.09%	94
Strongly Agree	5.98%	11
TOTAL		184

Q18 My work environment is free of behaviour that degrades or humiliates an employee.

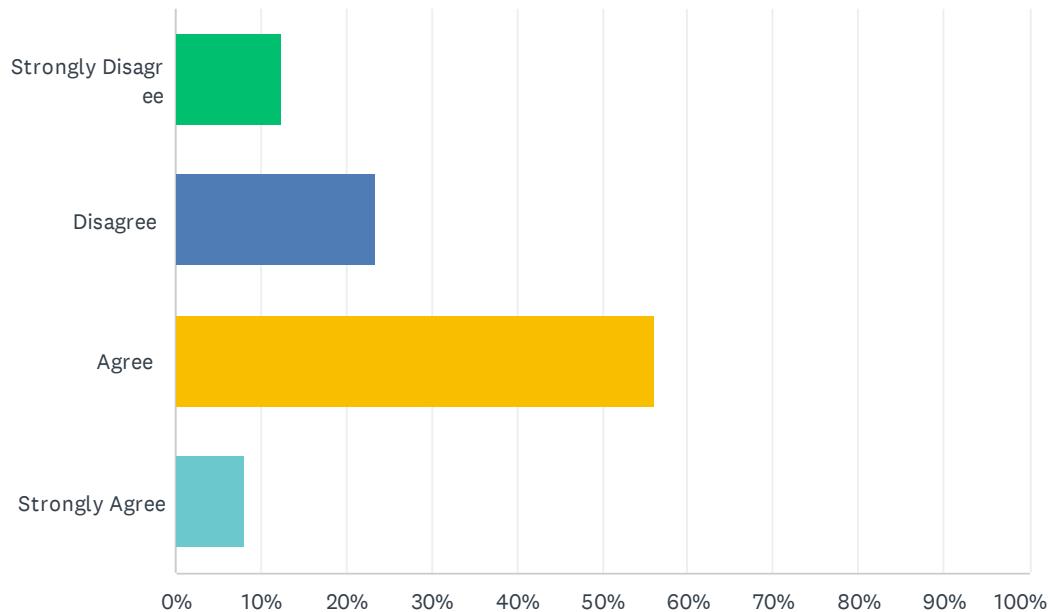
Answered: 185 Skipped: 3



ANSWER CHOICES	RESPONSES	
Strongly Disagree	8.65%	16
Disagree	27.57%	51
Agree	56.22%	104
Strongly Agree	7.57%	14
TOTAL		185

Q19 I know where to express my concerns about harassment or a disrespectful workplace.

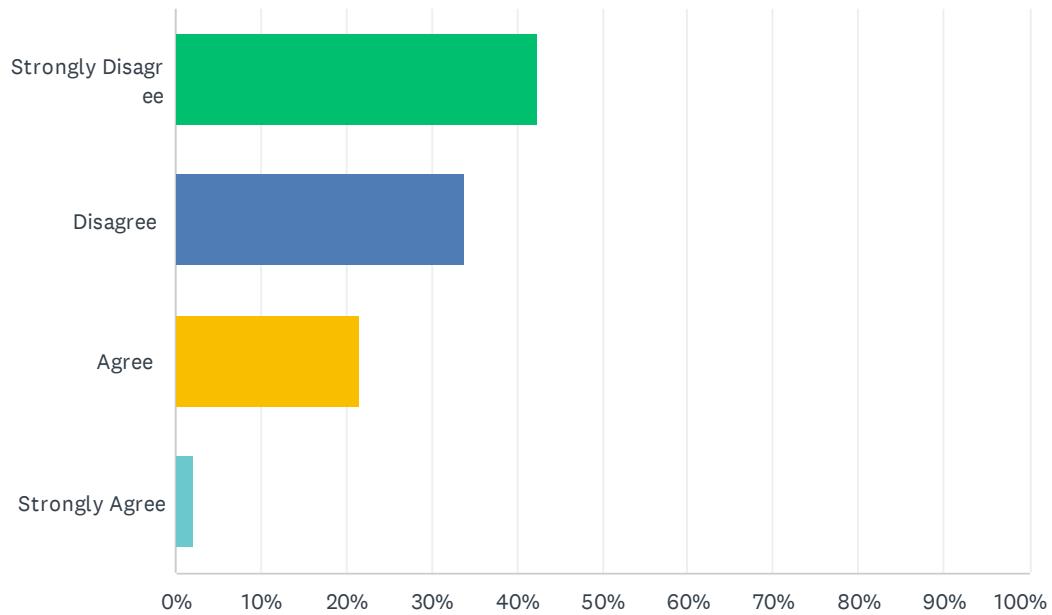
Answered: 187 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly Disagree	12.30%	23
Disagree	23.53%	44
Agree	56.15%	105
Strongly Agree	8.02%	15
TOTAL		187

Q20 I am not concerned about intimidation or reprisals should I make a complaint about someone in my workplace.

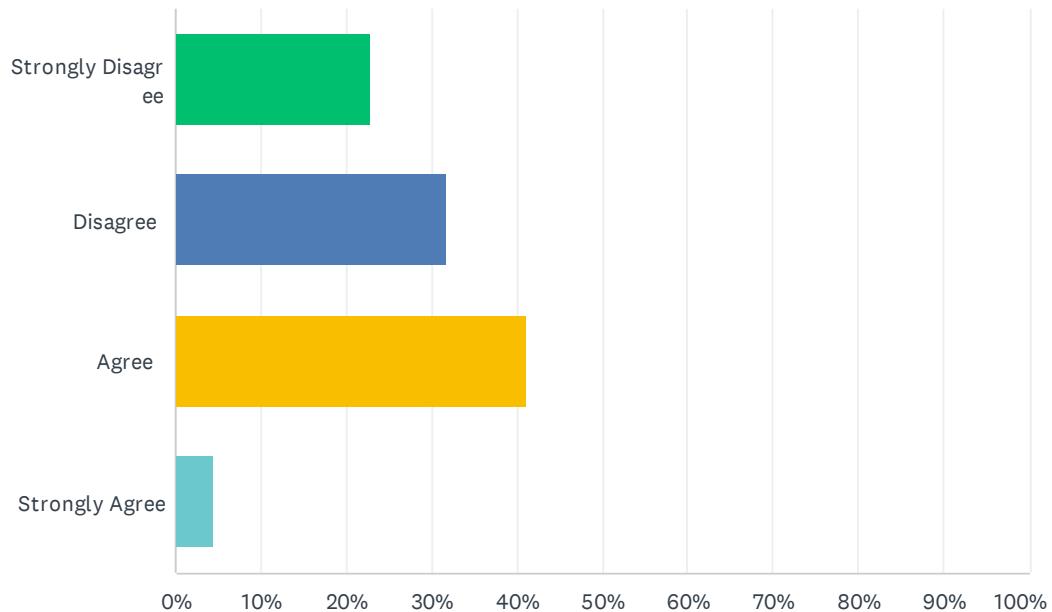
Answered: 186 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly Disagree	42.47%	79
Disagree	33.87%	63
Agree	21.51%	40
Strongly Agree	2.15%	4
TOTAL		186

Q21 I am satisfied with the importance given to occupational health and safety in my unit.

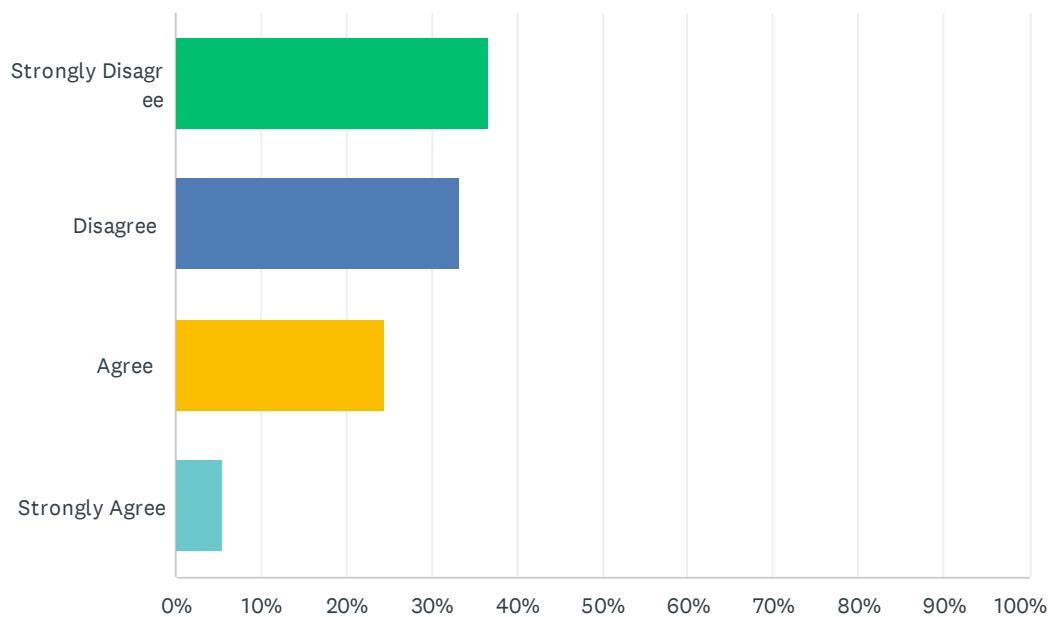
Answered: 180 Skipped: 8



ANSWER CHOICES	RESPONSES	
Strongly Disagree	22.78%	41
Disagree	31.67%	57
Agree	41.11%	74
Strongly Agree	4.44%	8
TOTAL		180

Q22 There are no challenges in taking annual leave.

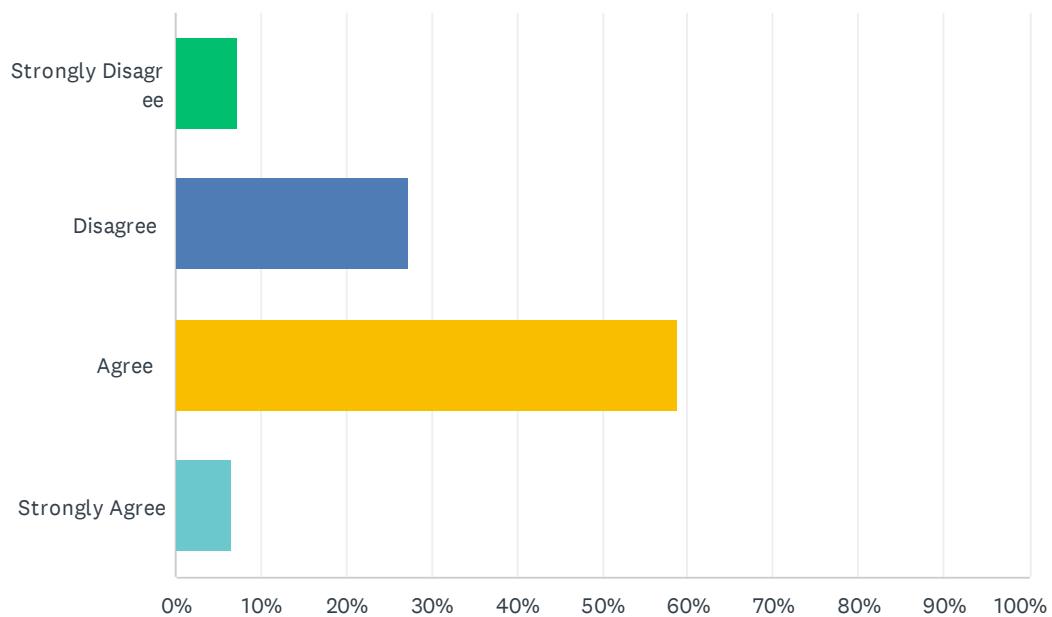
Answered: 180 Skipped: 8



ANSWER CHOICES	RESPONSES	
Strongly Disagree	36.67%	66
Disagree	33.33%	60
Agree	24.44%	44
Strongly Agree	5.56%	10
TOTAL		180

Q23 I am able to maintain a balance between work and my personal life.

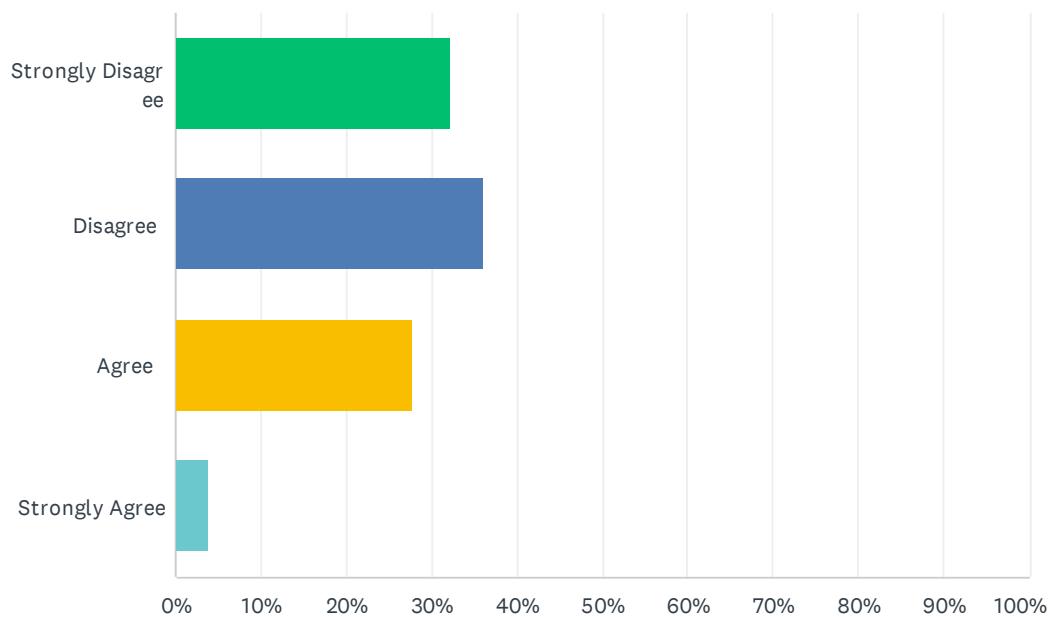
Answered: 180 Skipped: 8



ANSWER CHOICES	RESPONSES	
Strongly Disagree	7.22%	13
Disagree	27.22%	49
Agree	58.89%	106
Strongly Agree	6.67%	12
TOTAL		180

Q24 I feel valued as an employee.

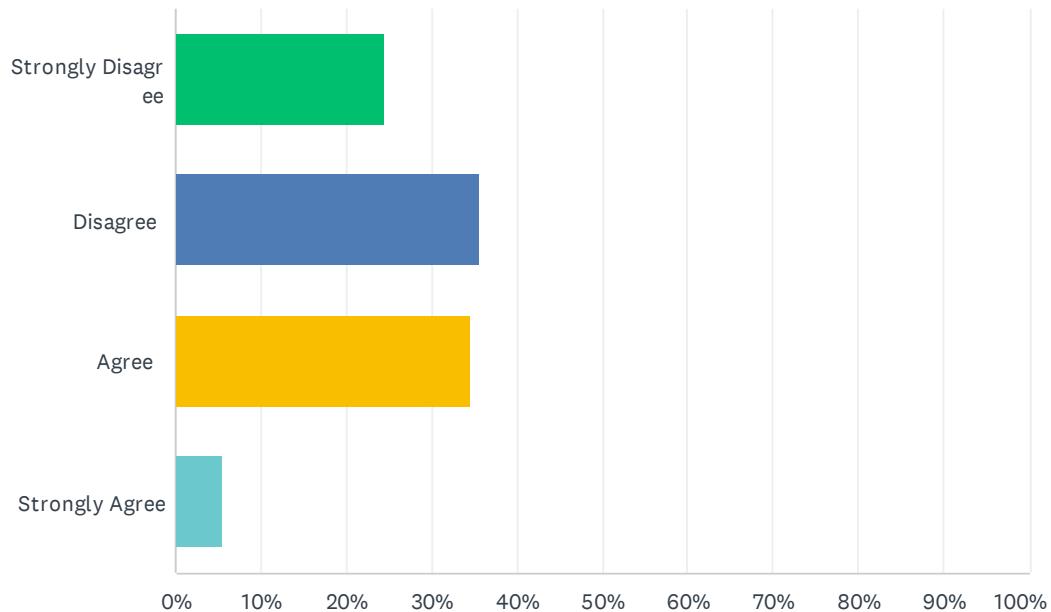
Answered: 180 Skipped: 8



ANSWER CHOICES	RESPONSES	
Strongly Disagree	32.22%	58
Disagree	36.11%	65
Agree	27.78%	50
Strongly Agree	3.89%	7
TOTAL		180

Q25 My supervisors are committed to improving mental health in my workplace.

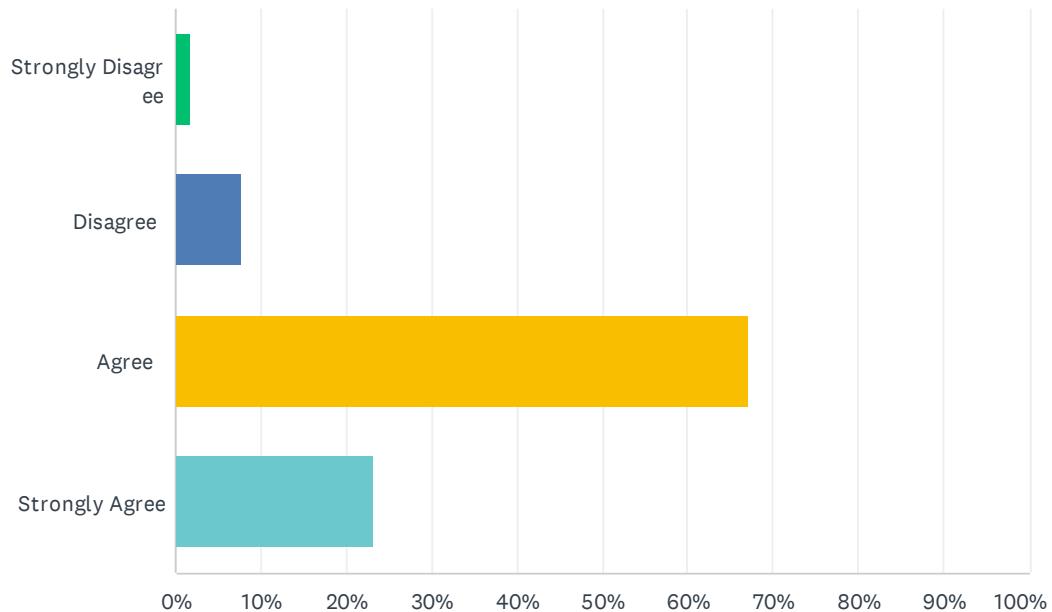
Answered: 180 Skipped: 8



ANSWER CHOICES	RESPONSES	
Strongly Disagree	24.44%	44
Disagree	35.56%	64
Agree	34.44%	62
Strongly Agree	5.56%	10
TOTAL		180

Q26 I know where and how to access the Employee Assistance Program (EAP) for myself or another person.

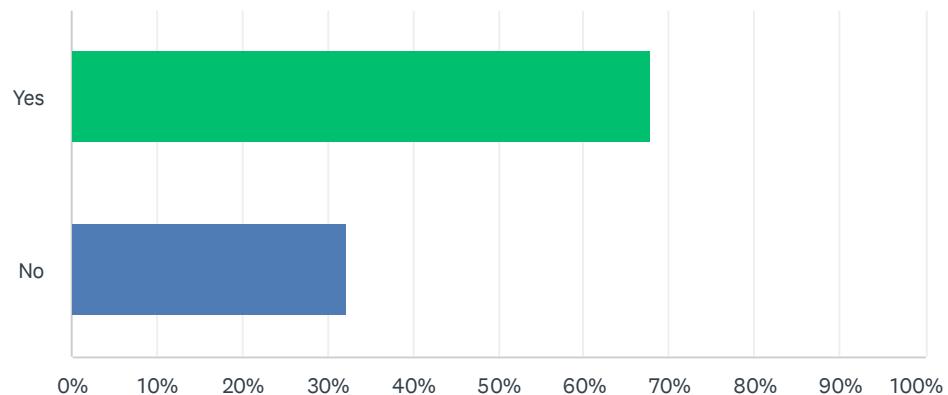
Answered: 180 Skipped: 8



ANSWER CHOICES	RESPONSES	
Strongly Disagree	1.67%	3
Disagree	7.78%	14
Agree	67.22%	121
Strongly Agree	23.33%	42
TOTAL		180

Q27 Is there anything you would change in your unit?

Answered: 180 Skipped: 8



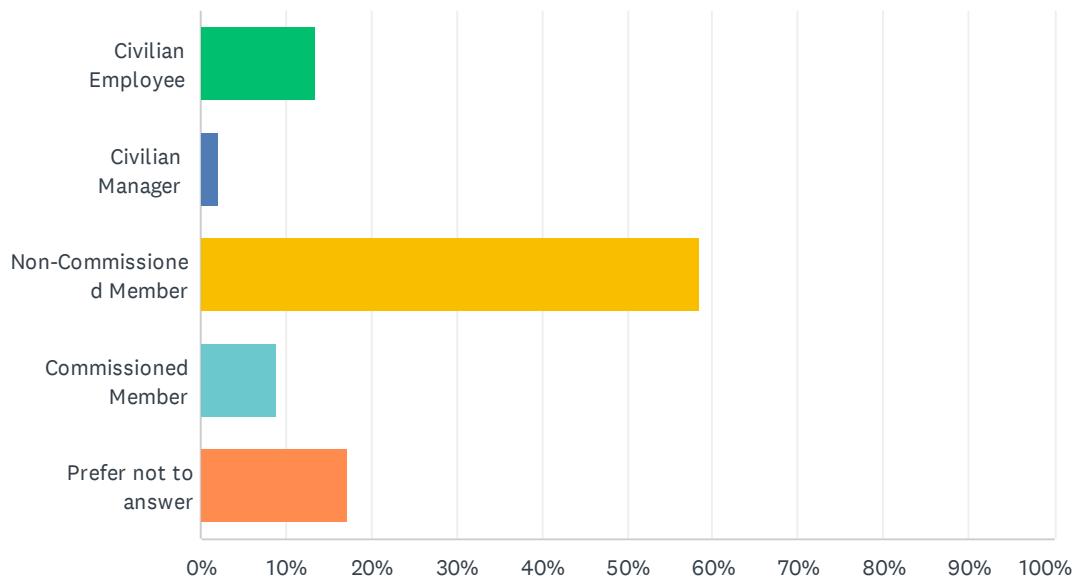
ANSWER CHOICES	RESPONSES	
Yes	67.78%	122
No	32.22%	58
TOTAL		180

Q28 Is there anything else you want to add?

Answered: 77 Skipped: 111

Q29 What is your current employment level within the RNC?

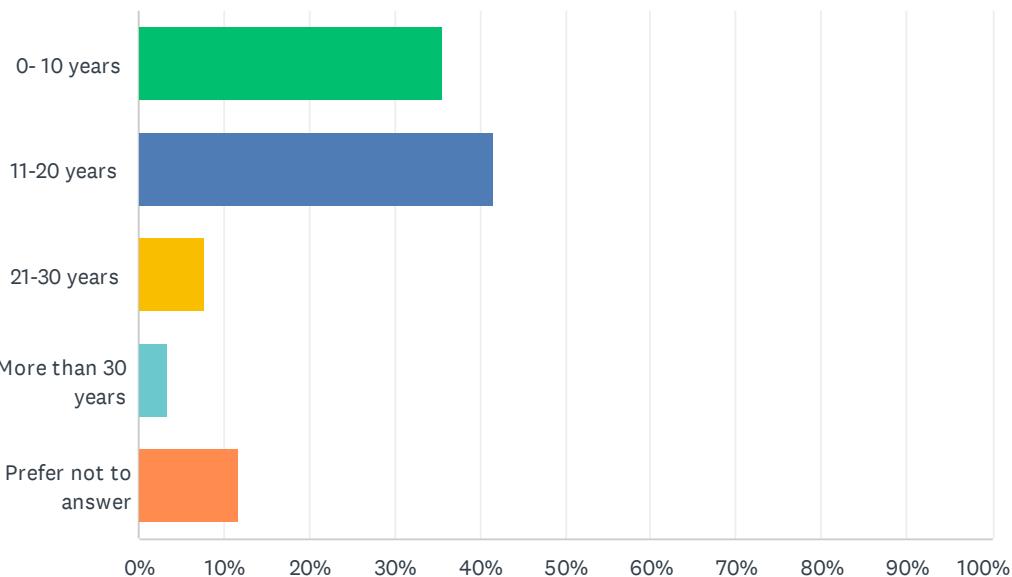
Answered: 180 Skipped: 8



ANSWER CHOICES	RESPONSES	
Civilian Employee	13.33%	24
Civilian Manager	2.22%	4
Non-Commissioned Member	58.33%	105
Commissioned Member	8.89%	16
Prefer not to answer	17.22%	31
TOTAL		180

Q30 What is the current amount of time you have been with the RNC?

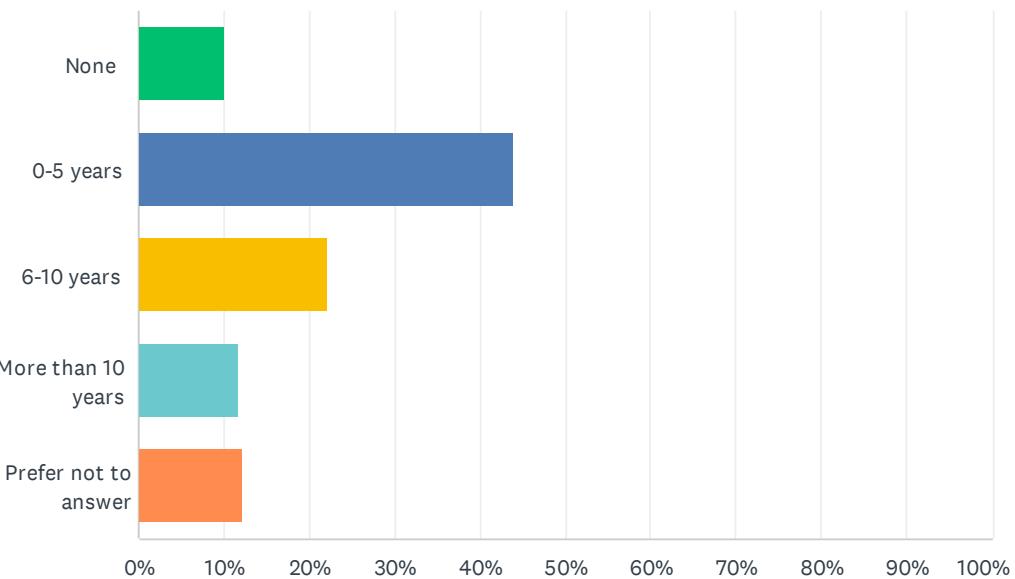
Answered: 180 Skipped: 8



ANSWER CHOICES	RESPONSES	
0- 10 years	35.56%	64
11-20 years	41.67%	75
21-30 years	7.78%	14
More than 30 years	3.33%	6
Prefer not to answer	11.67%	21
TOTAL		180

Q31 Do you have previous full-time work experience outside the RNC?

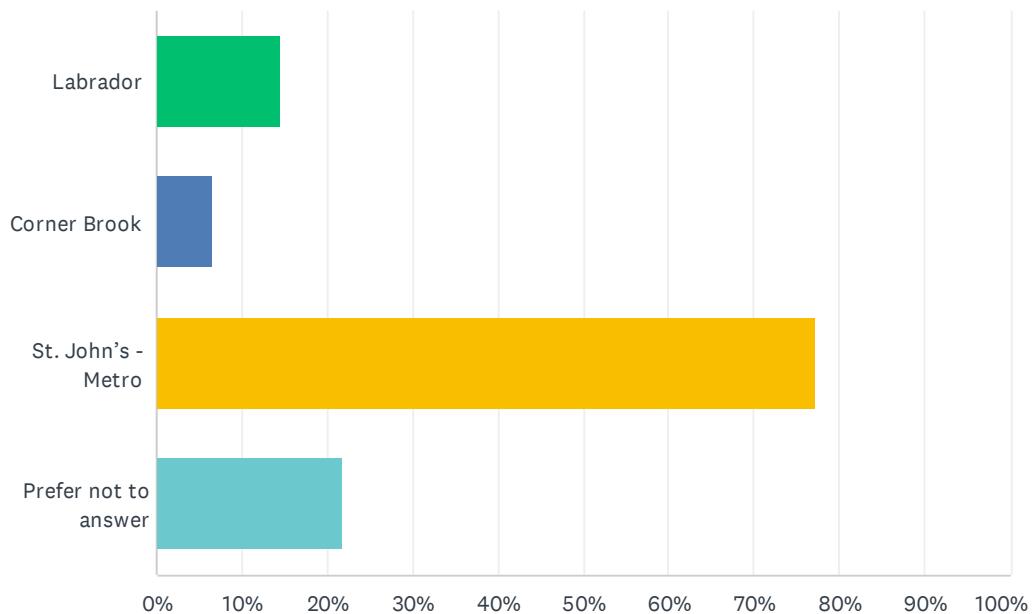
Answered: 180 Skipped: 8



ANSWER CHOICES	RESPONSES	
None	10.00%	18
0-5 years	43.89%	79
6-10 years	22.22%	40
More than 10 years	11.67%	21
Prefer not to answer	12.22%	22
TOTAL		180

Q32 Where have you worked while in the RNC? Please check all that apply.

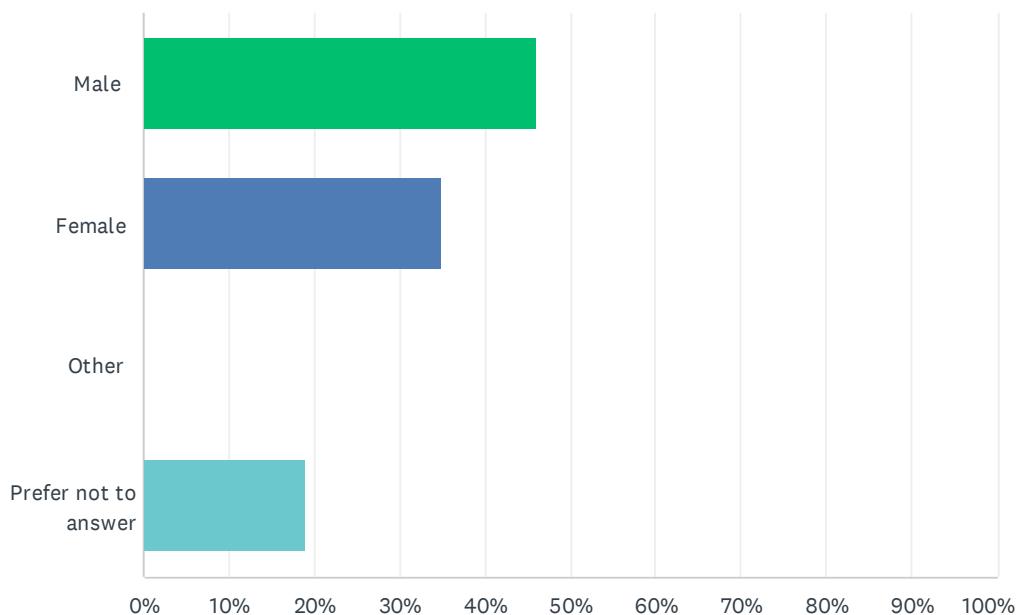
Answered: 180 Skipped: 8



ANSWER CHOICES	RESPONSES	
Labrador	14.44%	26
Corner Brook	6.67%	12
St. John's - Metro	77.22%	139
Prefer not to answer	21.67%	39
Total Respondents: 180		

Q33 Please indicate your gender:

Answered: 180 Skipped: 8



ANSWER CHOICES	RESPONSES	
Male	46.11%	83
Female	35.00%	63
Other	0.00%	0
Prefer not to answer	18.89%	34
TOTAL		180