



ROYAL NEWFOUNDLAND CONSTABULARY
PUBLIC COMPLAINTS COMMISSION

COMPLAINT FORM

Under the authority of the Royal Newfoundland Constabulary Act, 1992 personal information is collected for the purpose of investigating your complaint. This information is kept confidential and is not disclosed to third parties without your consent or unless required or authorized by law. The information will not be used for any other purpose except as indicated. If you have any questions about the collection of this information, please contact the Manager of the RNC Public Complaints Commission at 709-834-6171 or email rnccomplaintscommission@gov.nl.ca.

Pursuant to section 22 of the *Royal Newfoundland Constabulary Act, 1992*:

- (6) **A complaint made under subsection (1) shall be made within 6 months after**
- (a) the alleged misconduct occurs; or
 - (b) the date the policy or procedure complained of affected the complainant.
- (7) Notwithstanding subsection (6), where a complaint made under subsection (1)
- (a) concerns a case of continuing misconduct by an officer, a complaint shall be made within 6 months after the last incidence of the alleged misconduct; or
 - (b) concerns a case where the policies or procedures of the constabulary are directly affecting the complainant in a continuous manner, a complaint shall be made within 6 months after the last date the policy or procedure complained of affected the complainant.
- (8) Notwithstanding subsections (6) and (7), the 6 month time limit referred to in those subsections shall not begin to run against a complainant until he or she knows or, considering all circumstances of the matter, ought to know that he or she has a right of complaint concerning the conduct of a police officer or the policies or procedures of the constabulary and the burden of proving a postponement of the running time under this subsection is upon the complainant claiming the benefit of that postponement.
- (9) Where the postponement of filing a complaint is claimed under subsection (8), the matter of that postponement shall be referred to the commissioner who shall determine whether or not the complaint may be filed.

DATE COMPLAINT FILED (for office use only)	DATE OF INCIDENT January 12, 2021
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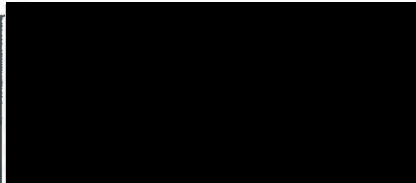
FIRST NAME Andrew	MIDDLE NAME Thomas	LAST NAME Abbass	DOB [REDACTED]
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MAILING ADDRESS [REDACTED]	E-MAIL ADDRESS [REDACTED]	PHONE NUMBER (s) [REDACTED]
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<p align="center">DETAILS OF INCIDENT (use separate sheet of paper if required)</p> <p>See attached document.</p>
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<p align="center">NAMES OF MEMBER(S) – SUBJECT OF COMPLAINT (INCLUDE RANK AND REGIMENTAL NUMBER IF KNOWN)</p> <p>Chief Joe Boland Supt. Tom Warren</p>

COMPLAINT REC'D BY: <input type="checkbox"/> RNC PCC <input type="checkbox"/> POLICE DEPARTMENT

	STATEMENT GIVEN HERE IS TRUE
	January 15, 2021
SIGNATURE OF COMPLAINANT	DATE

DISTRIBUTION: COMMISSIONER, CHIEF OF POLICE, NAMED POLICE OFFICER(S), COMPLAINANT
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PUBLIC COMPLAINT PROCEDURES AND RIGHTS OF A PERSON MAKING A COMPLAINT

This statement briefly sets out the procedures that will be followed upon receipt of a complaint from a member of the public against a member of the Royal Newfoundland Constabulary and their rights under the *Royal Newfoundland Constabulary Act, 1992 and Regulations*.

WHO SEES THE COMPLAINT

1. No matter where the complaint is received, a copy will be sent to the Royal Newfoundland Constabulary Public Complaints Commission and the Chief of Police of the Royal Newfoundland Constabulary.
2. The police officer(s) concerned will be informed of the substance of the complaint.

CHIEF OF POLICE: INVESTIGATION AND REPORTS

3. The complaint will be forwarded to the Office of the Chief of Police who will designate a member of the RNC to conduct the investigation.
4. The Act allows for the suspension of a public complaint if a criminal investigation is being conducted, or a prosecution is commenced relating to the subject-matter of the complaint, pending a decision on that prosecution.
5. The investigating officer will interview the complainant, the police officer(s) concerned and any other relevant witnesses, and review any relevant documents.
6. The Chief or the Deputy Chief shall consider the complaint and he or she may:
 - (a) with the agreement of all parties, reach an informal resolution to the complaint;
 - (b) dismiss the complaint;
 - (c) if the complaint concerns the policies or procedures of the Constabulary either the Chief or Deputy Chief may take whatever action is considered appropriate; if any, or
 - (d) discipline the police officer(s) who is the subject of the complaint.
7. Upon completion of the investigation, an investigative report will be forwarded to the Chief

of Police. This Report must be submitted within three months of the date the complaint was filed or received, not including the time during which the complaint may have been suspended.

8. The complainant and the police officer(s) who is/are the subject of a complaint shall be informed in writing of the dismissal of the complaint or of the discipline imposed and the reasons for that dismissal or discipline.

REVIEW BY THE COMMISSION

9. A complainant or police officer who is not satisfied with any of the foregoing decisions may contact the Royal Newfoundland Constabulary Public Complaints Commission to request that the Commission review the decision of the Chief of Police.
10. Complainants, who wish to have the Commission review the decision of the Chief, must complete an Appeal Form and forward it to the Commissioner, Royal Newfoundland Constabulary Public Complaints Commission, PO Box 8700, St. John's, NL A1A 4J6; location: Suite 114, 120 Conception Bay Highway, Villa Nova Plaza, Conception Bay South, NL. This form must be received by the Commission within **15 (fifteen) days** from the date the report of the decision of the Chief of Police is received by the complainant.
11. Upon receipt of the Appeal Form, the Commissioner will review the matter, and his/her staff has broad powers to investigate. Documents must be made available upon request and individuals can be required to answer questions.
12. Following a review by the Commission, the Commissioner may
 - (a) dismiss the complaint and confirm the decision of the Chief, or if the Commissioner does not confirm the decision of the Chief, but is satisfied that the subject matter is frivolous or vexatious; the complaint has been abandoned or withdrawn; or that there is insufficient evidence supporting the complaint to justify a public hearing, the commissioner shall decline to take further action on the complaint; or
 - (b) with the consent of the parties, effect an informal resolution of the complaint; or
 - (c) refer the matter to a hearing before an independent adjudicator.

ADJUDICATOR'S HEARING

13. When a hearing before an Adjudicator is ordered, the complainant and the officer(s) involved will be notified in writing of the date and place of the hearing. Each party has a right to attend and take part in the hearing and to be represented by counsel. The hearing will be open to the public unless the adjudicator otherwise determines. All parties will receive a copy of the Adjudicator's Decision.

A COMPLAINT AGAINST THE CHIEF

14. When a complaint has been made against the Chief of Police that complaint shall be immediately taken up by the Commissioner as if that complaint were an Appeal to the Commissioner as outlined in Paragraph 11.

On January 12, 2021 I received a call from Supt. Tom Warren regarding Tim Buckle, the subject of several previous complaints I've submitted to the Commission. During that conversation, I was informed that the Crown had recommended no criminal charges for Buckle. I asked why the charges of perjury, criminal defamation and criminal harassment weren't being considered. No reasons for the lack of charges were offered, but Supt. Warren did inform me that the criminal defamation and on-going harassment was never being actively considered.

This is contrary to a previous discussion I'd had with Chief Boland where he informed me those particular criminal charges were being examined. I emailed him following the call with Supt. Warren and Chief Boland went on to inform me that no opinion of the Crown would be released and that he would issue a detailed report in six weeks.

The lack of charges and explanation for that causes me grave concern. Buckle's statement under oath to the Don Dunphy Inquiry is a matter of public record. During his testimony, when asked who gave him the evidence that authorized my detainment (since ruled unlawful by the Supreme Court), he indicated that my family gave him evidence. He went on to state that my brother, a RNC officer in the same detachment, specifically gave him evidence that I had a mental health disorder.

My entire family has since been interviewed by Supt. Warren and they've all stated clearly they've never spoken with Buckle on the issue, which would make his statements false and perjurious. I also believe his statement meets the grounds for a charge of criminal defamation. He's placed a falsehood against my family on a permanent public record, a vicious lie intended to generate hatred, contempt and ridicule. A lie that also derailed the Commission's line of questioning. That no criminal charges should arise from this matter seems absurd.

Which brings me to the second issue, a deep conflict of interest. Since the beginning of this investigation I have been requesting that an outside police force be involved in the investigation to avoid issues of conflict. As of December of 2018, I have filed a civil suit claiming damages and charter breaches against the province, including the RNC, the Government and the Health Authority.

According to the July 2020 ruling [\[2020 NLCA 27 \(CanLII\) | John Doe \(G.E.B. #25\) v The Roman Catholic Episcopal Corporation of St. John's\]](#), organizations can be held liable for the actions of those in their employ. Buckle indicated during his testimony to the Dunphy Inquiry that when he orchestrated my detainment, he was acting as not only a RNC officer, but also as a member of the Premier's security detail. Should his actions be considered criminal, vicarious liability for his actions would not only extend to senior RNC officers, it would also apply to the Premier's office itself.

As it stands, the RNC and the Department of Justice have been allowed to write their own narrative on this matter, largely exempt from oversight. There is an ASIRT report that was released last year that still hasn't been made public. The entire investigation has been

conducted as an internal investigation and the liable party's own employees have been permitted to make the ultimate decision to not pursue charges.

Alongside this conflict there is other recent evidence that has come forward through RCMP investigations and the media that shows the Chief has been making undue deference to political interests. When launching an investigation into a Cabinet Minister, the Chief met with then-Premier Dwight Ball with concerns the investigation may take down a minority government. This seems to be in conflict with the RNC's code that requires officers to remain neutral in political activity.

There are also text messages released through the course of the RCMP investigation that indicated Attorney General Andrew Parsons was exerting political influence on a case involving one of the officers of my outstanding complaints, Joe Smyth. That matter has since been referred to the Nova Scotia RCMP for investigation. Both the Chief and the AG have come out in public to state that there is no political interference with the judicial system, despite how the situation appears.

Finally, it has come to my attention through [REDACTED] and from Tim Buckle's online discussion that there is a previously existing relationship of animosity from Supt. Tom Warren towards Buckle. This is hearsay, but a past incident occurred between them where Warren threatened to assault Buckle with a bottle. Buckle has made the allegation publicly and I'm told he commented on it during his taped interview with Warren. These kinds of bias that can poison an investigation would have been avoided by employing outside police investigators.

One of the principles of fundamental justice is '*nemo iudex in causa sua*,' literally that no man is the judge of his own case. This is strongly relevant in this matter. The liability for these torts does not end with the subject officer. According to John Doe (G.E.B. #25) v The Roman Catholic Episcopal Corporation of St. John's, 2020 NLCA 27 (CanLII), vicarious liability exists for the entire organizational structure that employed him, in this case, as a member of the RNC and as a seconded member of the Premier's security detail. They should not be permitted to continue constructing a narrative that excludes themselves from future liability.

In closing, considering:

- The falsehoods I've been told by the Chief regarding the charges under consideration,
- The apparent disregard for witness statements and the severe impact of the crime on the people involved,
- The on-going harassment and public criminal defamation by one of the subject officers of an earlier complaint, and
- The deep conflicts of interest that arise from the RNC being allowed to conduct this investigation internally and the Department of Justice's influence on this process,

I respectfully request you accept this complaint against these two officers, Chief Joe Boland and Supt. Tom Warren, and fully investigate this matter.

[REDACTED]