

THE ROYAL NEWFOUNDLAND CONSTABULARY PUBLIC COMPLAINTS COMMISSION

November 15, 2017

IN THE MATTER OF A PUBLIC COMPLAINT FILED MARCH 23, 2017

BETWEEN: A. A. APPELLANT

AND: J. S. AND T. B. RESPONDENTS

INTERIM DECISION:

On March 23, 2017, this Commission received a Public Complaint from A. A. alleging unprofessional conduct on the part of RNC members J. S. and T. B. leading to his detention under the Mental Health Act as evidenced by their subsequent text conversations.

The Public Complaint was divided by this Commission because the matter of the legality of the detention was currently under review in the Supreme Court.

Accordingly, the Professional Standards Division was tasked to immediately investigate the propriety of the text conversations, while the investigation of the detention was suspended until the Court decision was known.

On August 24, 2017, the Chief of Police filed his written decision regarding the text conversations.

On September 5, 2017, A. A. filed an appeal of that decision with this Commission.

This Commission immediately tasked a private investigator to conduct a fresh and independent review of A. A.'s Public Complaint relating to the text conversations.

On November 2, 2017, that investigation was completed and a report filed with this Commission.

That report has been thoroughly reviewed by the Commission.

The companion question of the legality of the detention is still before the Court. The investigation of that aspect of the Public Complaint cannot proceed until the legal proceedings have concluded.

In his grounds of appeal, A. A. questions in paragraphs 1., 2., and 15 whether the Chief of Police erred in deciding the propriety of the text messages without waiting for the context which will be revealed following the completion of the suspended investigation into the legality of the detention.

It would be nonsensical for this Commission to review the appropriateness of the Chief's decision to decide the matter without waiting for the results of the suspended portion of the Public Complaint, unless the Commission itself waits for the Chief's decision following completion of the investigation of the suspended portion of the Public Complaint.

Accordingly, it is the decision of this Commission to delay filing of a decision on this Appeal until the Commission has had the benefit of reviewing the Chief's eventual decision in the suspended portion of the Public Complaint.

Respectfully Submitted.



John Borke
Commissioner



cc. A. A.; J. S.; T. B.; Chief of Police; Inspector i/c Professional Standards Division