



**Serious Incident Response Team**

**Annual Report  
2023-24**

## Message from the Director



As Director, I am pleased to submit the inaugural Serious Incident Response Team – Newfoundland and Labrador (SIRT-NL) annual report. This report covers the period from April 1, 2023 to March 31, 2024.

I have prepared this annual report pursuant to the **Transparency and Accountability Act**, which classifies the Serious Incident Response Team as a Category 3 Entity.

In preparing this annual report, I have considered the strategic directions of the Provincial Government as communicated by the Minister of Justice and Public Safety. As Director of the Serious Incident Response Team, I hereby acknowledge my accountability for the preparation of this report, pursuant to the **Transparency and Accountability Act**, and the achievement of the objective and indicators set out herein.

The Serious Incident Response Team of Newfoundland and Labrador, established in 2019, became fully operational in March 2021. Following my appointment as Director in September 2019, I took the necessary steps to build the team. These have included: designing the team's structure, hiring staff, developing memoranda of understanding with stakeholders; developing the SIRT-NL Policies and Procedures Manual; developing a website and branding; and engaging in extensive community outreach to build relationships and create awareness of SIRT-NL's mandate and practices.

Throughout its initial years, as awareness of SIRT-NL rose, we saw our notifications rise from 22 notifications in 2020 to 66 notifications in 2022. As required by the provisions of the **Serious Incident Response Team Act**, I published an Investigative Summary (Director's Report) at the conclusion of each full investigation. Each report was released to the key stakeholders in that file. In the interest of transparency, each report was made available to the public via our website.

After a challenging but productive first few years, the members of SIRT-NL are honoured to have the opportunity to work on behalf of the people of Newfoundland and Labrador by investigating serious incidents arising from the actions of police in the province. We look forward to building on the team's early successes.



**Michael NR King**  
Director

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## Overview

The **Serious Incident Response Team Act** (the Act) established the Serious Incident Response Team of Newfoundland and Labrador (SIRT-NL). The Act was proclaimed on March 26, 2021.

SIRT-NL is a civilian-led police oversight agency responsible for conducting investigations into incidents involving death, serious injury, sexual offence, domestic violence or any matter of significant public interest that may have arisen from the actions of a police officer in Newfoundland and Labrador.

In September 2019, Michael King was appointed for a five-year term as the first director of the Serious Incident Response Team. The Team consists of the director, a civilian investigator, an investigator seconded from the Royal Newfoundland Constabulary (RNC), an investigator seconded from the Royal Canadian Mounted Police (RCMP), and an administrative assistant. All investigators report to the director, who must never have been a police officer.

The director and investigators of SIRT-NL have authority under the **Serious Incident Response Team Act** to lay criminal charges against police officers when the evidence gathered during an investigation provides grounds to believe a criminal offence has been committed. All investigative decision-making and the decision to issue a public report, lay a charge or refer a matter to Crown counsel are the responsibility of the director.

SIRT-NL has jurisdiction over both policing agencies in Newfoundland and Labrador, the RCMP and the RNC.

SIRT-NL conducts its investigations to a criminal law standard. The team can receive allegations of wrongdoing from the police agencies, the Minister of Justice and Public Safety (JPS) or directly from the public. At the conclusion of each SIRT-NL investigation, the director reports on the results as transparently as practicable under the circumstances while respecting the integrity of the investigation and the privacy interests of those involved.

Upon receiving a notification of wrongdoing, SIRT-NL can take one or more of the following actions:

- conduct its own investigation;
- refer the matter to another agency to conduct an investigation;
- enter into an agreement to have an independent team from another province conduct an investigation;
- oversee, observe, monitor or review an investigation by an agency;
- appoint a community liaison or observer to work with SIRT-NL in the course of an investigation;

- refer the matter to the RNC Public Complaints Commission under the **Royal Newfoundland Constabulary Act**;
- refer the matter under the complaints process of the **Royal Canadian Mounted Police Act** (Canada); or
- determine that the matter is not within the mandate of SIRT-NL.

Where SIRT-NL determines there are grounds to lay a criminal charge, the director releases a public report which includes the subject officer's name and the nature of the charge(s). The matter is then referred to Public Prosecutions. The director may release a supplementary report at the conclusion of the prosecution. Where the director determines there are no grounds to lay a charge, a public report is released outlining all the relevant facts and reasons for the decision. This allows the public to understand the basis for the decision.

SIRT-NL is committed to providing equitable and gender affirming services in accordance with the Government of Newfoundland and Labrador's commitment to Gender-Based Analysis Plus (GBA+).

The budget of SIRT-NL is contained within the Department of Justice and Public Safety's budget and, as a result, SIRT-NL does not provide separate audited financial statements. According to the Estimates of the Program Expenditure and Revenue of the Consolidated Revenue Fund for 2023-24, SIRT-NL operates with a budget of \$483,600.

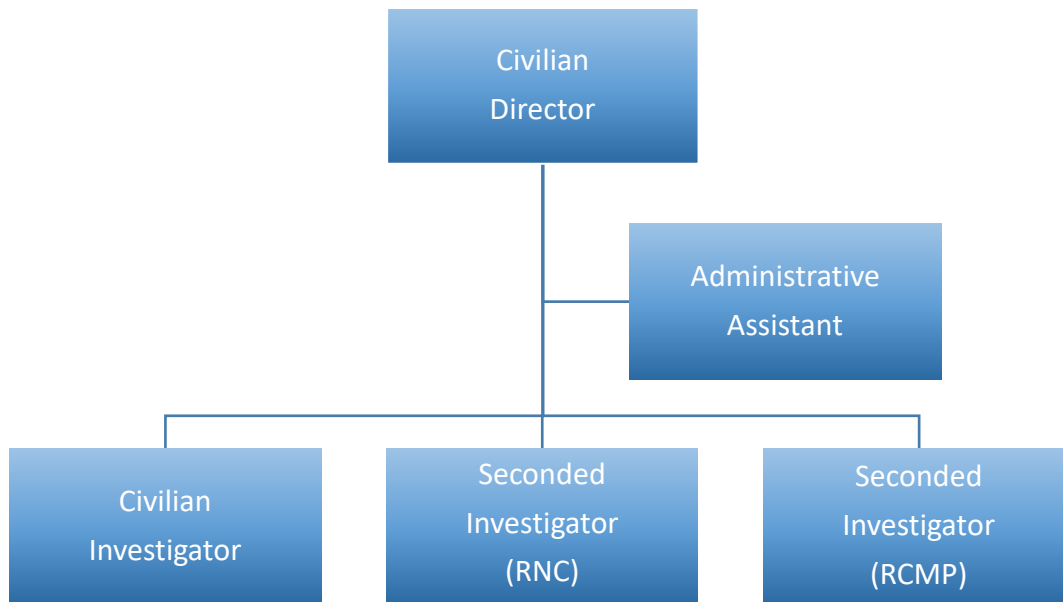
## Employees and Location

The SIRT-NL office is located at 26 Kyle Avenue, Mount Pearl, NL. As of March 31, 2024, SIRT-NL members were:

- Michael King - Civilian Director
- Tom Warren - Civilian Investigator
- William Miller - Investigator seconded from the RCMP
- Bill Rossiter - Investigator seconded from the RNC
- Joanne Kavanagh - Administrative Assistant

The Team operates independently of law enforcement agencies. Decision-making authority rests solely with the civilian director who, under the provisions of the **Serious Incident Response Team Act**, must never have been a police officer.

## Organizational Chart



## Mandate

SIRT-NL's mandate is to investigate serious incidents, which are defined in the **Serious Incident Response Team Act** as a death, a serious injury, a sexual offence, domestic violence or any matter of significant public interest that may have arisen from the actions of a police officer in the province. SIRT-NL does not present separate lines of business as they are reflected in the mandate.

## Primary Clients

The people served by SIRT-NL are those who are party to a serious incident notification. These are the Minister of Justice and Public Safety, the chief officer of the agency in which the police officer under investigation is or was employed, the police officer under investigation and the person directly affected by the serious incident or, where they are deceased, their family.

## Vision

To build public trust and confidence in policing in Newfoundland and Labrador through demonstrating independence, investigative excellence and transparency.

Additional information on SIRT-NL can be viewed at the following link:

<https://www.sirtnl.ca/>

## Highlights and Partnerships

SIRT-NL has focused on building relationships through extensive community outreach. The director has been active in speaking with community groups and organizations to build trust and create an awareness and understanding of SIRT-NL's mandate and practices. Speaking engagements have included presentations to:

- Memorial University, Criminology;
- The Law Society of NL;
- Bar Admissions Course;
- Crown Attorneys' Office;
- Victim Services;
- First Voice;
- Child Youth Advocate;
- Public Legal Information, NL (PLIAN);
- Status of Women's Council, St. John's;
- Royal Newfoundland Constabulary; and
- Royal Canadian Mounted Police.

This has led to the forming of important partnerships between SIRT-NL and those we serve. In 2023, SIRT-NL became a partner organization in the First Voice Indigenous Justice Action Circle (The Circle). The Circle brings together various justice stakeholders to collaborate on work in (i) developing and delivering justice-specific anti-racism training; (ii) expanding the availability and use of restorative justice programs; (iii) supporting the implementation of Gladue reports (considered by the court during sentencing and bail hearings, these reports contain information on the unique circumstances of indigenous people accused of an offence); and (iv) promoting greater understanding of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) within the legal profession.

The SIRT-NL Director also sits on the board of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE). CACOLE is a national non-profit

organization of individuals and agencies involved in the oversight of police officers in Canada and is dedicated to advancing the concept, principles, and application of civilian oversight of law enforcement throughout Canada and abroad.



## Strategic Issue

**Issue:** investigating serious incidents that have arisen from the actions of a police officer in Newfoundland and Labrador as defined in the **Serious Incident Response Team Act**.

As required by its enabling legislation, SIRT-NL conducts investigations into incidents involving death, serious injury, sexual offence, domestic violence or any matter of significant public interest that may have arisen from the actions of a police officer in Newfoundland and Labrador. SIRT-NL has jurisdiction over both policing agencies in Newfoundland and Labrador, the Royal Canadian Mounted Police and the Royal Newfoundland Constabulary.

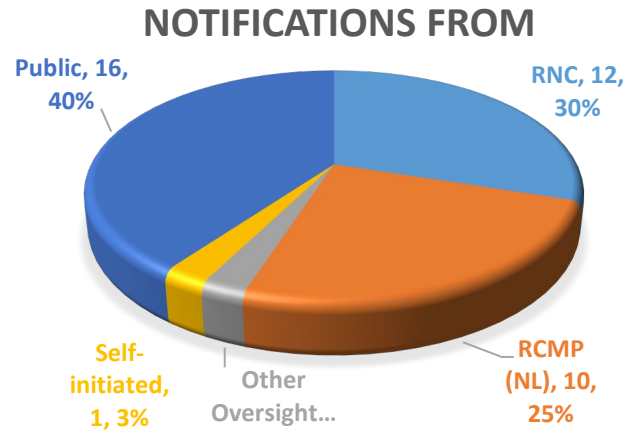
In accordance with the **Transparency and Accountability Act**, SIRT-NL will report on the results of its objective and indicators in the Annual Reports, which will be prepared for each of the 2023-26 fiscal years. SIRT-NL has considered the strategic directions of the Department of Justice and Public Safety in the development of this report and SIRT-NL will focus on achieving the below objective and indicators.

**Objective:** By March 31 of each year, SIRT-NL will respond to notifications of serious incidents as per the **Serious Incident Response Team Act**.

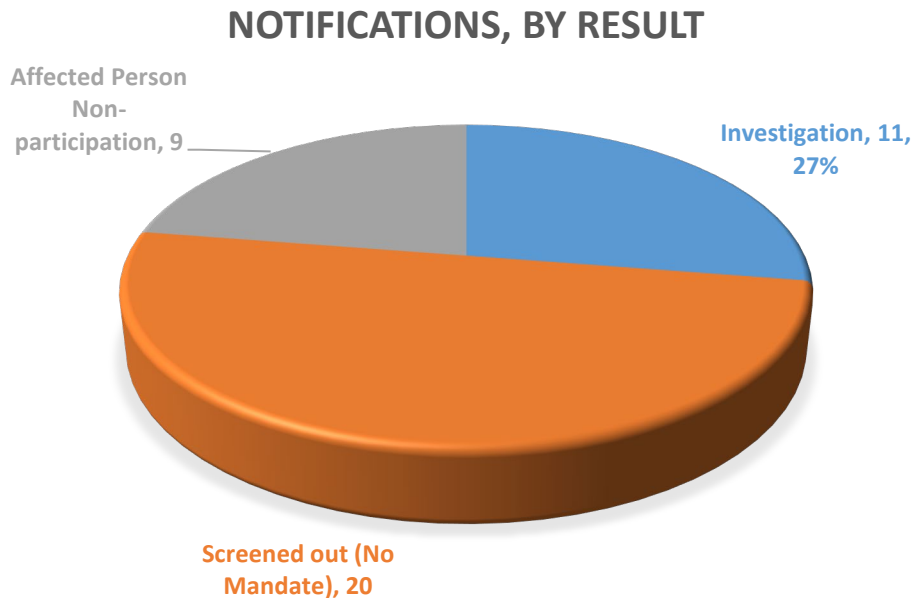
<b>Indicators</b>	<b>Results</b>
Number of investigations directed.	11 investigations were directed in 2023-24.
Number of investigations concluded.	18 investigations were concluded in 2023-24.
Number of investigation summaries released.	14 investigation summaries were released in 2023-24.

## Additional Breakdown of Activities

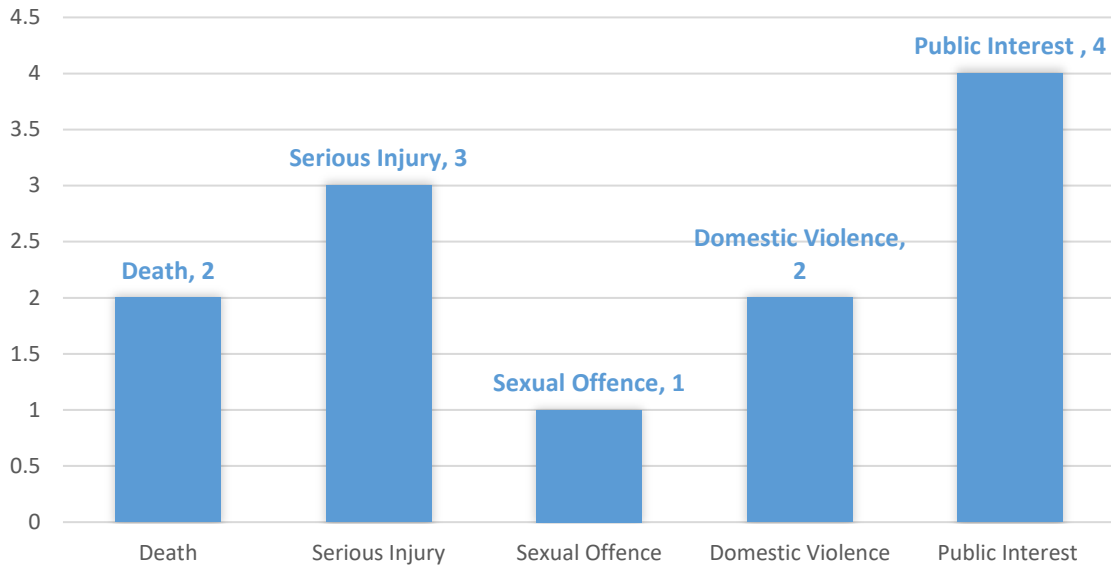
During the 2023-24 fiscal year, SIRT-NL received 40 notifications of potential serious incidents. Of these notifications, 12 were provided by the RNC while 10 were provided by the RCMP. Members of the public submitted 16 notifications. One notification was provided by another province's oversight agency (regarding an incident in another province) and one was self-initiated by SIRT-NL.



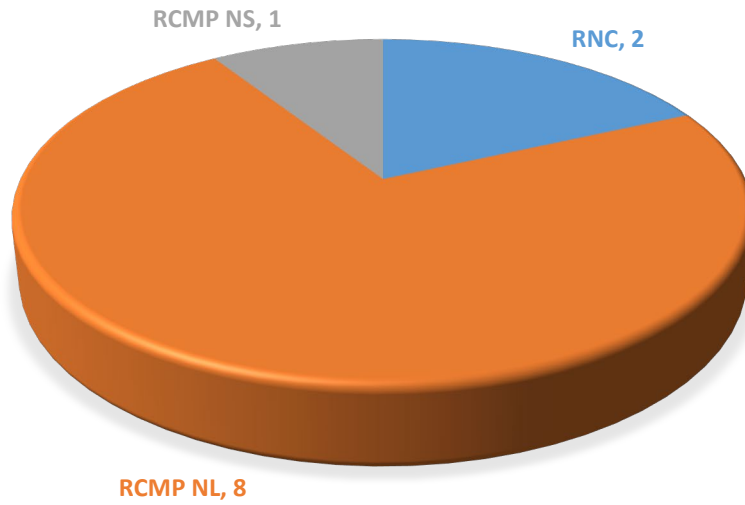
Of the 40 notifications received by SIRT-NL, 11 resulted in an investigation. Twenty notifications were screened out after preliminary fact gathering as they did not fall within SIRT-NL's mandate. Nine notifications resulted in file closure, without investigation, because the affected person did not want their complaint investigated.



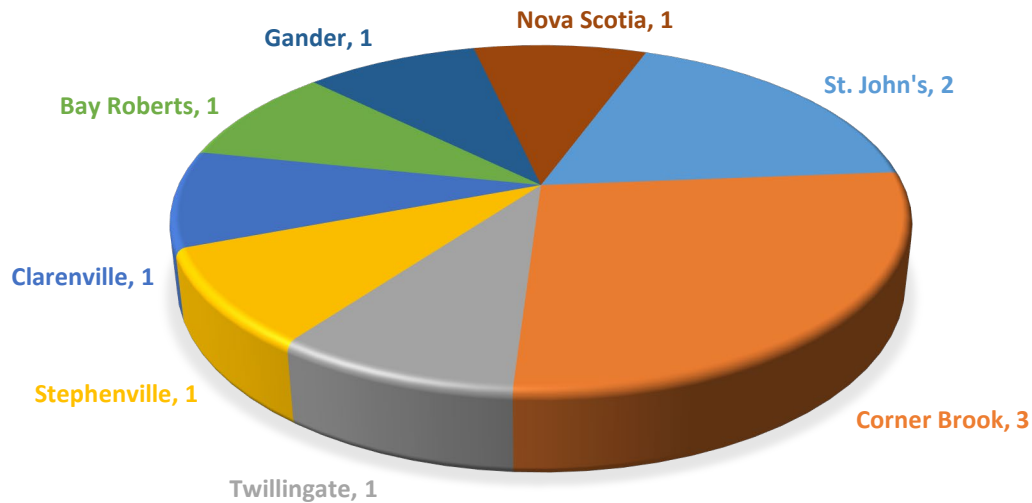
## INVESTIGATIONS BY TYPE



## INVESTIGATIONS BY POLICE AGENCY



## INVESTIGATIONS BY GEOGRAPHIC LOCATION



Four SIRT-NL investigations resulted in charges. All four investigations involved RCMP officers. In total, SIRT-NL laid seven charges:

- Sexual Assault (youth);
- Sexual Assault causing bodily harm;
- Breach of Trust;
- Assault;
- Perjury;
- Obstructing justice; and
- Careless Use of a Firearm

Officers were charged in connection with incidents that occurred in the following geographic locations:

- Corner Brook;
- North West River;
- Stephenville; and
- St. John's.

## Opportunities and Challenges

SIRT-NL has faced several challenges during 2023-24. As a relatively new agency, one challenge has continued to be creating awareness and understanding of SIRT-NL's mandate and protocols. In response, SIRT-NL initiated a wide-ranging marketing campaign and engaged extensively in community outreach. The director has taken part in numerous speaking engagements with key stakeholders like the RNC, RCMP, The Crown Attorneys' Office, Memorial University, the Law Society of Newfoundland and Labrador, the Status of Women's Council, First Voice and Public Legal Education of Newfoundland and Labrador. Over SIRT-NL's initial years of operation, notifications numbers rose from 22 in 2020 to 66 notifications in 2022. In 2023, SIRT-NL saw a reduction in files to 44. This is attributed to a better understanding of the organization's mandate amongst the public as well as an awareness amongst police officers that allegations of criminal conduct will be investigated.

SIRT-NL's outreach has also led to opportunities to collaborate with community partners on several key initiatives, such as the collection of race-based data. Race-based data collection is vital for the identification and monitoring of inequalities stemming from racism, bias and discrimination, and to inform interventions to improve equity in justice system access, quality, experience and outcomes. SIRT-NL will use this data to conduct an annual assessment of whether racism, bias and/or discrimination play a role in police interactions with members of the public. With the policy in place, SIRT-NL will begin collecting race-based data on every investigation in 2024.

SIRT-NL also experienced challenges with building trust amongst certain stakeholders and segments of the public in relation to our staffing complement. Two cornerstones of a successful police oversight agency are independence (from police) and investigative excellence. The challenge in adhering to these two values simultaneously is that individuals with extensive criminal investigating experience tend to be those with policing backgrounds, necessitating having those with policing backgrounds on staff. With a limited budget and an allocation for only one civilian investigator, the combination of a civilian investigator and seconded police officers is required to achieve a balance between independence and investigational excellence within the parameters of a small team. Nonetheless, certain segments of the public believe having police or former police on staff erodes our independence.

SIRT-NL has mitigated this concern in a number of ways, including (i) an interviewing process focused on ensuring any potential staff member is fair, impartial, objective and has a clear understanding of the need for police accountability; (ii) ensuring no officer on staff is the primary investigator in an investigation involving their home agency; (iii) ensuring the seconded officer's complete and long-term separation from their home agency; (iv) maintaining a practice in which the civilian director oversees, monitors and

makes all significant decisions on every investigation, including the decision whether to lay a charge.

## Financial Statements

Expenditure and revenue figures included in this document are based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for Fiscal Year ended March 31, 2024 (unaudited).

### 4.1.04. SERIOUS INCIDENT RESPONSE TEAM

		Estimates		
		Actual \$	Amended \$	Original \$
01. Salaries		313,166	330,600	330,600
Operating Accounts:	Employee Benefits	2,175	2,900	2,900
	Transportation & Communications	12,274	23,000	35,000
	Supplies	8,315	12,000	15,000
	Professional Services	13,286	56,400	81,400
	Purchased Services	7,593	9,200	9,200
	Property, furnishings, and equipment	12,729	12,500	9,500
02. Operating Accounts		56,371	116,000	153,000
<b>Total Serious Incident Response Team</b>		<b>369,537</b>	<b>446,600</b>	<b>483,600</b>

## Contact Us

### **Serious Incident Response Team (SIRT-NL)**

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