

## 3.24 Royal Newfoundland Constabulary - Firearms Review

### Introduction

The Royal Newfoundland Constabulary was established in 1871. The mission of the Royal Newfoundland Constabulary is to work with communities in Newfoundland and Labrador to foster safe communities by providing quality, professional, accessible, timely and fair police services to all. The Royal Newfoundland Constabulary is responsible for policing three regions of the Province - the North East Avalon, Corner Brook and Labrador West. The population of these regions is approximately 205,000 (1996 census). In providing these services, the Royal Newfoundland Constabulary currently employs 304 police members and 82 civilian staff.

On 2 December 1997, a Select Committee of the House of Assembly was appointed to enquire into the arming policy of the Royal Newfoundland Constabulary, and report its findings to the House of Assembly by 31 March 1998. The Select Committee conducted research, viewed presentations by interested parties and held public hearings. The Committee tabled its report to the House of Assembly on 31 March 1998 which recommended that the arming policy of the Royal Newfoundland Constabulary be amended to permit its members on operational duty to wear sidearms as part of their regular uniform.

The Committee further recommended that:

- the Chief of Police have discretion in the administration of the policy including discretion in assigning officers to operational duty;
- police officers' sidearms be stored in a secure locker at the station when they are not on duty;
- a firearms audit acceptable to the Minister of Justice be performed annually and submitted to the House of Assembly; and
- the arming policy be reviewed at the end of five years by a Select Committee of the House of Assembly.

As a result of the recommendations of the Select Committee on the Arming Policy of the Royal Newfoundland Constabulary, members on operational duty were permitted to wear sidearms commencing 14 June 1998. To provide specific direction to members on the control and usage of firearms, a revised Firearms Policy was also issued at this time. Figure 1 outlines the number of firearms maintained by the Royal Newfoundland Constabulary as of August 2001.

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Figure 1

### Royal Newfoundland Constabulary Number of Firearms

	St. John's	Corner Brook	Labrador West	Total
Handguns	334	49	24	407
Shotguns	40	6	8	54
Rifles	99	16	6	121
<b>Total</b>	<b>473</b>	<b>71</b>	<b>38</b>	<b>582</b>

Source: Royal Newfoundland Constabulary Inventory System

### Scope and Objectives

One of the recommendations of the Select Committee on the Arming Policy of the Royal Newfoundland Constabulary was that a firearms audit acceptable to the Minister of Justice be performed annually and submitted to the House of Assembly. To comply with this recommendation, the Chief of Police has again requested my Office to conduct an annual audit of firearms in 2001. In November 2001 we completed our third annual review. The objectives of the review were to:

- Determine whether the Royal Newfoundland Constabulary has adequate systems in place to record, monitor and secure its firearms inventory. This included determining, as recommended by the Select Committee, that sidearms be stored in a secure locker at the station when members are not on duty.
- Determine whether the revised Firearms Policy covered all relevant issues pertaining to the use and control of firearms.
- Determine whether the Royal Newfoundland Constabulary has adequate procedures to monitor members' compliance with the revised Firearms Policy and where appropriate, test compliance with this Policy.

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### Conclusions

#### Control over Firearms and Ammunition

In 1998, the Royal Newfoundland Constabulary were permitted to wear firearms as part of their regular uniform. The Select Committee of the House of Assembly which recommended the new arming policy also recommended that a firearms audit be performed annually and submitted to the House of Assembly. As a result, this is our third annual firearms audit.

In our two previous audits we reviewed the firearms policy of the Royal Newfoundland Constabulary and reported a number of issues which had to be addressed. Since the policy was new, we expected that deficiencies would be identified in the early years and that the Royal Newfoundland Constabulary would strengthen its processes in response to the deficiencies that we had identified. Given the serious repercussions that could result from the use of firearms, it is critical that the Royal Newfoundland Constabulary have adequate systems in place to protect the interests of both the Royal Newfoundland Constabulary members and the public.

The Royal Newfoundland Constabulary has established policies to provide for the management and control of its firearms and ammunition. The Constabulary has, for the most part, made improvements since 1998 regarding the management and control of its firearms and ammunition. However, our review for 2001 identified a number of issues which should be addressed. The most serious issues are as follows:

- We identified 10 members of the Royal Newfoundland Constabulary who had each others firearms stored in their firearm locker. These are very serious infractions. Should a firearm be discharged, there is a possibility that the discharging of the firearm could be associated with an incorrect Royal Newfoundland Constabulary member.
- Grips are being installed on firearms making it impossible to readily read the serial number. As a result, during inspections it is not possible to check serial numbers and agree it to Royal Newfoundland Constabulary records to ensure that the correct member is in possession of the correct firearm. For example, we removed a few of these grips and identified 1 instance (included in the 10 above) where the serial number on the firearm confirmed that a Royal Newfoundland Constabulary member did not have the firearm which has been signed out to them. It is a concern that members with a firearm other than that assigned to them could go undetected during monthly firearm locker inspections.

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- Although Royal Newfoundland Constabulary policy requires that all members receive, on an annual basis, a requalification for the use of firearms, we found that 114 members had not received the required training.

### Findings and Recommendation

#### Inventory Management

The Royal Newfoundland Constabulary has developed inventory control procedures to provide for the proper management of its firearms. These policies include such areas as the assignment of responsibility for control of weapons, the maintenance of a perpetual inventory system, the requirement for annual inventory counts and reports thereon, and procedures to update the inventory system for acquisitions, transfers, dispositions and any required adjustments.

In our 2000 review of inventory controls we concluded that there are still weaknesses in this area that require improvement. Our review of this area for 2001 indicated the following:

- Although the inventory system is a perpetual system (i.e. it is supposed to be continually updated), we determined that required adjustments, including additions, dispositions or internal re-assignments of firearms and ammunition, are not always made on a timely basis. As a result, information on firearms and ammunition inventory is not always accurate and up to date. For example, during our firearm locker inspections and an inventory count that we conducted in July/August 2001 we found errors in the assignment of firearms to members.
- We tested the accuracy of the inventory listings for firearms and ammunition in St. John's and Corner Brook by selecting almost all physical inventory items and comparing them to the inventory system. We also selected almost all of the items from the inventory system to ensure that the firearm was located where listed in the inventory system. During our review we found that the inventory system was not accurate as outlined by the following instances:
  - There were 6 instances where firearms were located in a different physical location than recorded in the system. These firearms were, however, located in secure areas within Royal Newfoundland Constabulary facilities.

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- There were 2 instances where members had firearms that were not on the inventory system. These firearms belong to the manufacturer but are being used by members of the Royal Newfoundland Constabulary while their assigned firearms are in for repairs.
- There are 13 types of ammunition in the inventory system and we reviewed all 13 at St. John's. We determined that 5 physical counts did not agree to what was recorded in the inventory system and the differences could not be readily accounted for.
- The ammunition transferred to the Corner Brook Division is not recorded in any inventory system at this location for control purposes. Although there is a record in St. John's of how much ammunition was transferred to this Division, there is no system to account for the ammunition that was received.

### Firearms Policy

The Royal Newfoundland Constabulary has a Firearms Policy to provide specific direction to its members on the control and usage of firearms. Our review included a comparison of this policy with policies of other Canadian police jurisdictions. These jurisdictions included Halifax, Toronto Metro, Winnipeg, Brandon, Edmonton, Calgary, Vancouver, and New Westminster. We also reviewed procedures used by the Royal Newfoundland Constabulary to monitor members' compliance with the Firearms Policy which include inspections of firearms and firearms storage areas, review of reports prepared by members who have drawn firearms, and internal quality reviews over firearms. Where appropriate, we also tested compliance with this policy. Our review of these areas indicated the following:

#### 1. Adequacy of Policy

Our review indicated that, in general, the revised Firearms Policy of the Royal Newfoundland Constabulary is comparable to that of the other Canadian police jurisdictions and covered similar issues pertaining to the use and control of firearms.

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### 2. Compliance with Policy

A review of documentation maintained by the Royal Newfoundland Constabulary in monitoring compliance with the Firearms Policy, discussions with Royal Newfoundland Constabulary officials and testing of compliance with this Policy by my Office indicated that members are not always complying with the Firearms Policy. For example:

- The Firearms Policy requires unloaded firearms to be secured in the members' personal firearms storage lockers at Royal Newfoundland Constabulary facilities or in other approved locations when the member is not on duty. To monitor compliance with this policy, the Inspections Officer or his designate at other detachments conducts a monthly inspection of the firearms storage lockers. Any infractions with this policy are reported to the District Inspectors or the Divisional Commanders to follow up with the members.

A review of these monthly inspection reports indicate infractions such as a firearm and/or ammunition not stored in the locker even though the member was not on duty, missing pepper spray, stored firearms which were loaded, and the storage of personal articles in the firearms storage locker. We were informed that, in instances where infractions were identified by the Inspections Officer, appropriate action was taken, including disciplinary action, where necessary.

As part of our review, we attended the July 2001 monthly inspection for the St. John's detachment and its district office in Mount Pearl. During this inspection, we observed 25 infractions of the firearms policy. For example:

- There were 10 members who had each others firearms stored in their lockers. These are very serious infractions and action should be taken immediately to ensure that members have the firearm which has been signed out to them.

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- During the audit we identified at least 25 firearms with a grip installed making it impossible to readily read the serial number. We removed a few of these grips during testing and found that in 1 instance (included in the 10 above) the serial number on the firearm confirmed that the member did not have the firearm which has been signed out to them. It is a concern that members with a firearm other than that assigned to them could go undetected during monthly firearm locker inspections.
- There was 1 member who had their loaded firearm stored in their firearm locker, contrary to policy.
- There was a member who had an illegal drug stored in their firearms locker. We were informed that the substance in question was taken from a suspect sometime before this member went on extended leave. An investigation has been completed by the Internal Review Division and the member disciplined. While this member was on leave there were two firearms locker inspections prior to our review; however, the substance was not detected.
- The amount of ammunition stored in the lockers of 5 members did not agree to the amount of ammunition assigned as indicated by the inventory system. In 4 of the 5 instances there was ammunition missing, while in 1 instance the member had more than the assigned amount.
- There were 6 members who did not have their pepper spray stored in the locker as required by policy.
- There were 2 members who had something (i.e. handcuffs and a water bottle) other than the permitted firearm, ammunition, holster, pepper spray or reloaders stored in the locker.
- We also attended an inspection of the firearms lockers in Corner Brook in August 2001. We observed 3 infractions. There were 2 members who did not have their pepper spray stored in their firearm locker and 1 member who had ammunition missing.

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- Royal Newfoundland Constabulary policy requires firearm storage lockers be inspected on a monthly basis. Our review indicated that for one month in the past year, this inspection was not done in St. John's (August 2001), Mount Pearl (August 2001), Corner Brook (July 2001) or Labrador West (August 2001).

Royal Newfoundland Constabulary policy also requires that firearms be inspected by the Inspections Officer per a schedule approved by the Chief of Police. The policy now requires that all personnel and equipment be inspected a minimum of twice per year by the Inspections Officer. Such inspections were carried out in the Fall of 2000 and again during the Summer of 2001. The report on the inspections completed during the summer of 2001 was not issued to the Executive until late November 2001.

- Use of force training consists of a basic one week use of force program plus four modules which are to be offered on a continual basis. Module 1 covers firearms, module 2 covers defensive tactics/handcuffing techniques/baton, module 3 covers tactical room entries/weapons retention and module 4 involves a lecture on the use of force continuum. Use of Force Policy requires that members complete module 1 annually and that the remaining three modules be completed on a cyclical basis over a three year period. During 2001, all members were required to complete modules 1 and 2.

The Royal Newfoundland Constabulary maintains a database to track training in use of force. We reviewed the information contained in this database as of 16 November 2001. Our review indicated the following:

- This database contained the names of 314 members of which 10 had left the Force leaving 304 current members.
- 18 of the 304 members in the database do not receive any sort of use of force training for medical reasons. None of these members have been issued a firearm. Of the remaining 286 members, 148 have completed module 1 in the required one year time frame, 24 are not yet due for training and the remaining 114 did not receive firearms training in the required one year time frame.



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- 3 of the 286 completed the basic one week use of force training with another police force (former employer). The Royal Newfoundland Constabulary has no documentation on file to support this.
- 235 of the 286 members had completed module 2 of the use of force training thus far in 2001.

As a result, the Royal Newfoundland Constabulary is not complying with its policy for the use of force training modules 1 and 2 and 114 members have therefore not requalified in the use of firearms.

- The Firearms Policy requires that one 12 gauge shotgun be contained in each of the 8 supervisory vehicles used by a Non-Commissioned Officer (Sergeant in charge of shift) and the Operational Supervisor (Staff/Sergeant in charge of a shift) for use in responding to certain threats. These firearms are to be removed at the end of each shift or during prolonged absences from the vehicle. Four vehicles used by the Non-Commissioned Officers in St. John's have been modified so that the shotgun can now be secured. However, the remaining 4 vehicles have not been modified to accommodate securing the shotgun. Therefore, in these instances the firearm will generally be transported from headquarters to the required site by a Non-Commissioned Officer.
- The Firearms Policy requires members to use loading/unloading ports that are located in firearms storage areas for the loading and unloading of firearms. During attendance at the inspection of firearms storage lockers, we observed one member loading their firearm without using this port.
- The Firearms Policy also requires that members be fully versed in the Use of Force Guidelines as outlined in the Use of Force Policy. These Guidelines provide guidance with respect to when it is appropriate to use force and the level of force required to be used in various situations. The Use of Force Policy requires that any time a member uses any type of force from simple restraint to discharging a firearm, a Use of Force Report must be filed.

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These reports are reviewed by the member's immediate supervisor, the District Inspectors and/or Divisional Commanders, and the Use of Force Review Board which has been established by the Royal Newfoundland Constabulary. Instances of force may also be reviewed by either the Public Complaints Commission or the Royal Newfoundland Constabulary's Internal Review Division upon the receipt of a complaint from a member or the general public.

Our review of this area indicated the following:

- We have been informed that there were no complaints received by the Public Complaints Commission regarding use of firearms by members during the period 1 November 2000 to 31 October 2001.
- There were three complaints received by the Internal Review Division during the period 1 November 2000 to 31 October 2001 resulting from firearm locker inspections. All three of these were internal and resulted from infractions of the Royal Newfoundland Constabulary policy on firearms. These included, repeated infractions of firearm policy, a firearm stored loaded and the presence of an illegal drug in a member's firearm locker that was supposed to be stored in the Property Room. All of these complaints have been investigated and two were found to be with merit resulting in discipline to the member.
- A review of the Use of Force Reports indicated that there were 268 reported incidents of force between 1 November 2000 and 31 October 2001. Of these 268 incidents, 19 related to firearms, all of which involved drawing and/or pointing a firearm at a person. However, the review of the Use of Force Reports was not complete since the Royal Newfoundland Constabulary have been unable to locate reports prepared by members in Patrol Division for November and December 2000.

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- In May 2001, the Royal Newfoundland Constabulary commenced using a modified Use of Force Report. The report now includes a separate place to indicate whether handcuffs were used and provides space for the member, supervisor and District Commander to sign. Most Use of Force Reports now include the approval of the supervisor and/or the District Commander. However, the District D in Mount Pearl continues to use the old form.
- Prior to December 2000 Royal Newfoundland Constabulary policy required that all Districts prepare monthly statistics on the use of force. The current policy now only requires an annual summary of use of force statistics although most Districts continue to prepare the monthly summaries. The monthly summaries provide useful information and should be prepared for all Districts.

### **Recommendation**

*The Royal Newfoundland Constabulary should take appropriate action to address the issues identified in this Report.*

### **Royal Newfoundland Constabulary's Response**

*The Royal Newfoundland Constabulary acknowledges the Auditor General's report and has taken appropriate actions to address the issues identified in this report.*

*The Royal Newfoundland Constabulary through research and development has established policy to ensure control over firearms and ammunition. This organization on a continuous basis through training, inspections, and reviews ensures that this policy is adhered to and when non-compliance is discovered appropriate corrective action is taken.*

*The Royal Newfoundland Constabulary continues to have a progressive attitude towards the Use of Force training and we will continue in the future to ensure all members are trained for their safety and the safety of the general public they serve.*

*The Royal Newfoundland Constabulary acknowledges the fact that there were no complaints received by the Royal Newfoundland Constabulary Public Complaints Commission regarding use of firearms by members during the period November 1st, 2000 to October 31st, 2001.*

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### ***Inventory Management***

*The Royal Newfoundland Constabulary concurs updates were not always made on a timely basis due to operational requirements; however, the Royal Newfoundland Constabulary will ensure the required adjustments are made in an appropriate time frame.*

*The findings that were identified by the Auditor General on the RNC Armory Inventory Tracking System and the firearms storage areas have been corrected. All Divisions within the Royal Newfoundland Constabulary now maintain an inventory tracking system to account for firearms inventory.*

### ***Firearms Policy - Compliance with Policy***

*As identified in the Auditor General's Report, the revised Firearms Policy of the Royal Newfoundland Constabulary is comparable to that of other Canadian Police jurisdictions and provides specific direction to its members on the control and usage of firearms. The Royal Newfoundland Constabulary conducts continuous inspections and where any non-compliance of policy is identified appropriate action is taken including disciplinary action where necessary.*

### ***Use of Force Training***

*The Royal Newfoundland Constabulary policy on Use of Force Training is being reviewed to ensure adequate training standards meet the needs of the Royal Newfoundland Constabulary and the general public. The current policy calls for training on an annual basis with its intent to be the calendar year from January to December of each year; however, the Auditor General interpreted the policy to be annually - twelve months from the previous training. The Executive of the Royal Newfoundland Constabulary is reviewing the current training schedule in an attempt to have all members trained within a twelve-month period allowing a smaller margin of time frame than the current calendar year.*

*Required Use of Force Training for the year 2001 was completed by all members.*