

# Estevan Police Service Inquiry Final Report

Saskatchewan Police Commission

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# Message From the Chair



In the spring of 2021 concerns were raised about the quality of policing in Estevan that led to this Saskatchewan Police Commission inquiry.

In the administration of an inquiry, the Commission must objectively establish what occurred but, perhaps more importantly, our duty is to determine what tangible and decisive steps can be implemented to ensure that necessary change occurs. Positive advancements for the future of the Estevan Police Service, and the community it serves, are the ultimate focus and goal of the Commission and this inquiry.

The Commission does not simply walk away upon submission of this final report. We will continue to lend support and guidance to the leadership and members of the Estevan Police Service in the coming months as the recommendations are adopted and implemented.

However, I also feel confident that a large part of our work is, in fact, complete. It has become increasingly apparent that the Estevan Police Service has worked cooperatively to develop a much more positive and respectful workplace and that internal issues are no longer affecting the quality of policing in the community.

I would like to acknowledge everyone who generously shared their experiences, points of view and emotions throughout the inquiry process. Your participation was crucial to the insights and outcomes of the investigation. On behalf of the Saskatchewan Police Commission, I offer my most sincere gratitude.

I would also like to acknowledge Mr. Aaron A. Fox, K.C., for conducting the inquiry. It takes a unique set of skills to undertake such important work. Thank you for your professionalism, objectivity, compassion and proficiency in carrying out this significant task.

Pursuant to section 89 of *The Police Act, 1990*, I respectfully present the final report of the Estevan Police Service Inquiry.

A handwritten signature in black ink that reads "T. Sikora". The signature is fluid and cursive.

Treena Sikora  
Chairperson  
Saskatchewan Police Commission

# Abbreviations and Acronyms

Act	<i>The Police Act, 1990</i>
Association	Estevan Police Association
Board	Estevan Board of Police Commissioners
Commission	Saskatchewan Police Commission
EPA	Estevan Police Association
EPS	Estevan Police Service
Police Service	Estevan Police Service
PTSD	Post traumatic stress disorder
SFPO	Saskatchewan Federation of Police Officers
WCB	Workers' Compensation Board
WPS	Weyburn Police Service

# Part I

## Introduction

Estevan is a city in southeast Saskatchewan less than 20 kilometres from the United States border. Home to a population of 10,851<sup>1</sup>, it is the eleventh largest city in the province.

The Estevan Police Service (EPS) is the fifth largest municipal police service in Saskatchewan. The EPS is made up of a total of thirty-five sworn and civilian police personnel and is governed locally by the Estevan Board of Police Commissioners (the Board).

Saskatchewan's municipal and First Nations police services operate under the authority of *The Police Act, 1990* (the Act). The Saskatchewan Police Commission (the Commission) serves as the primary agency for the independent oversight of municipal and First Nations police services subject to the Act; this includes the EPS and the Board.

The Commission's mandate is prescribed in section 19 of the Act. Under the Act the Commission is obliged to promote adequate and effective policing, the preservation of peace, the prevention of crime, the efficiency of police services, and the improvement of police and community relationships within Saskatchewan.

To fulfill its mandate, the Commission has broad jurisdiction within the Act, including, subject to the approval of the minister, the authority under section 89 to conduct inquiries and take any action it considers appropriate.

With the approval of the Minister of Corrections, Policing and Public Safety, the Commission conducted an inquiry pursuant to subsection 89(1) of the Act into matters relating to the standard of policing and law enforcement provided by the EPS. Mr. Aaron A. Fox, K.C., was appointed by the Commission to conduct the inquiry pursuant to subsection 89(2) of the Act.

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<sup>1</sup> Based on 2021 Statistics Canada census data.

# Summary of Events

## Background

Various requests were made in the spring of 2021 for an inquiry that would investigate operations at the EPS. Though the intent of this inquiry was to examine the quality of policing in Estevan, it is necessary to discuss certain events which predated the requests.

In March 2017, EPS Constable Jay Pierson was diagnosed with a post-traumatic stress disorder (PTSD) because of a work-related psychological injury. He was unable to work and sought workers' compensation benefits. Prior to his diagnosis, senior EPS police leaders had legitimate and serious concerns about his work performance. This led to a lengthy benefits dispute which ultimately culminated in a hearing before the Court of Queen's Bench. On May 13, 2020, the Court ruled in favour of the constable's entitlements to workers' compensation benefits.

On March 5, 2021, Constable Pierson died of natural causes. Some people outwardly expressed views that his lengthy dispute for PTSD benefits with the EPS and the WCB contributed to his death. His passing became a flashpoint within the EPS and the city of Estevan.

One of the requests for an inquiry came to the Commission in April 2021 from a family member of Constable Pierson who shared the impact PTSD had on Constable Pierson's life and those close to him. This included stressors he experienced and his feeling that he lacked support in relation to his psychological injury. The letter advocated a need for police organizations to continually improve their response for police officers with PTSD, and the critical importance of ensuring that well-being supports and services are readily accessible to all police personnel.

On April 6, 2021, Sergeant Casey Ward, President of the Saskatchewan Federation of Police Officers<sup>2</sup> (SFPO), wrote to the Honourable Christine Tell, Minister of Corrections, Policing and Public Safety, requesting she conduct a leadership review of the Estevan Police Service's Chief of Police and Deputy Chief of Police. Sergeant Ward cited challenges that members of the Estevan Police Association (EPA) had experienced in working with Chief Paul Ladouceur and Deputy Chief Murray Cowan since 2016. He reported ongoing bullying and harassment as well as concerns with media coverage that highlighted how the Estevan Chief of Police responded to Constable Pierson's efforts to obtain benefits through the WCB.

According to the SFPO, the death of Constable Pierson had reportedly compromised the organizational well-being and deeply affected other EPA members who did not want to come forward due to concern of similar treatment. The SFPO further reported that a vote of confidence in the Chief indicated none of the EPA membership had confidence in his

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<sup>2</sup> The SFPO represents over 1300 municipal and First Nations police officers in Saskatchewan including those serving within the EPS. Police members serving within the EPS are also locally represented by the EPA.

leadership. Additionally, the EPA said they were unsuccessful in their attempts to address and resolve matters with senior leadership and the Board.

On April 9, 2021, Estevan Mayor and Chairperson of the Board, Roy Ludwig, also wrote a letter to Minister Tell requesting she order a special inquiry into the EPS pursuant to section 88 of the Act. Mayor Ludwig cited a significant environment of discontent between members of the EPA and the EPS Chief and Deputy Chief after the recent death of Constable Pierson. Mayor Ludwig further indicated that allegations directed towards senior leaders from within the police service and the community resulted in significant organizational turmoil including the Chief's decision to resign, and the Deputy Chief requiring time away from work. Mayor Ludwig suggested that the desired outcome from an inquiry should be to identify issues that can be addressed to create a healthier organizational environment for senior leaders and members.

The issues mentioned in all letters described a long-standing, fractured relationship between senior police leaders and EPA members. The death of Constable Pierson amplified the conflict to the point where the internal matters within the EPS were playing out actively on social media and other forums.

On April 16, 2021, around the time requests were received seeking intervention into these matters, the Chief resigned and the Deputy Chief had taken extended leave. An EPA member was appointed as the acting Chief in the interim.

## Creation of Inquiry

On May 10, 2021, the Honourable Christine Tell, Minister of Corrections, Policing and Public Safety, requested the Commission conduct an inquiry to hear matters regarding the EPS. The Commission directed that an inquiry be convened pursuant to 89(1) of the Act.

On June 30, 2021, under section 89(1) of the Act, Minister Tell approved an inquiry into the EPS. Mr. Fox was appointed by the Commission to conduct the inquiry, pursuant to subsection 89(2) of the Act. His full report is available in [Part II](#).

Mr. Fox was advised by the Commission to focus on the present situation within the police service. He conducted several interviews with a cross-section of people from throughout the police service and the Board. He reviewed current and proposed policies, a past workplace survey, and spoke to mental health practitioners with expertise relating to public safety personnel.

Mr. Fox's mandate from the Commission did not include a determination of the history of the relationship between the former Chief and the police service or to analyze and determine what transpired with the Constable Pierson matter. However, some review of that history was necessary to better understand the present situation and determine future changes.

## Commission Response

Mr. Fox reported the results of his investigation to the Commission on September 23, 2021. For reasons that will be discussed further in Part III, the Commission deemed it necessary to take time to work with the EPS and the Board before submitting a final report.

The Commission has determined that it is important to relay the bulk of Mr. Fox's investigation and findings as part of the final report before detailing the follow-up steps it has taken since the investigation took place. Part II is an edited version of Mr. Fox's report of September 23, 2021. It is edited with a view to avoiding, to the extent possible, conveying personal information that is not already public in nature, as well as for purposes of continuity. The Commission appreciates the candour of those interviewed in sharing their experiences with Mr. Fox, which assisted him, and the Commission, in understanding the circumstances as they were at that time and in seeing the path forward. However, as is to be expected, the content of those interviews included matters of some sensitivity, as well as personal opinions, which will not be shared below except to the extent necessary to convey the state of affairs as it was.

The Commission's full response to Mr. Fox's final report is available in [Part III](#) of this report.

## Part II

### In the Matter of an Inquiry Under Section 89 of *The Police Act, 1990* Concerning the Estevan Police Service: Inquiry Report

By Aaron A. Fox, Q.C.

Requests were received by the Saskatchewan Police Commission (the “Commission”) to conduct an Inquiry into the operations of the Estevan Police Service (the “Police Service”). The Chair of the Saskatchewan Police Commission, Vaughn Solomon Schofield, SOM SVM CD, with the approval of the Minister of Corrections, Policing and Public Safety, directed that an Inquiry be conducted pursuant to section 89(1) of *The Police Act, 1990* concerning the following matters relating to the standard of policing and law enforcement within the City of Estevan:

1. (a) Does the Estevan Police Service (the “Police Service”) have a respectful and professional workplace culture with appropriate conflict resolution practices?  
(b) If not, how has this impacted the quality of policing in the municipality and what actions should be taken to restore or create a positive workplace culture?
2. (a) Does the Police Service have the resources, competencies, and the genuine willingness to recognize, respond to, and support the health and well-being of its members?  
(b) If not, how has this impacted the quality of policing in the municipality and what actions should be taken in order to support the health and well-being of members of the Police Service?
3. Do the Estevan Board of Police Commissioners (the “Board”) and the Chief of the Police Service each have a clear understanding of their respective roles and responsibilities and how they are distinct, so as to ensure delivery of an adequate and effective standard of policing and law enforcement?
4. What is the state of the relationship between the Police Service and the Estevan Police Association (the “Association”) and has the quality of policing in the municipality been affected in any way by that relationship?
5. Any other matter related to the standard of policing and law enforcement providing by the Police Service as required by the circumstances and determined by the Commission.

I was appointed by the Commission to conduct the Inquiry pursuant to subsection 89(2) of *The Police Act, 1990* under the terms outlined above. Upon receipt of my report the

Commission, pursuant to section 89(3)(a) shall make a report to the Minister and the affected Board and pursuant to (b) may in its report made pursuant to clause (a) make any recommendations to the Board that the Commission considers appropriate.

After completing my investigation the following is my response to the questions outlined in the Notice of Inquiry:

1. (a) The Police Service does not have a respectful and professional workplace culture with appropriate conflict resolution practices. Having said that, there was a desire expressed by all parties to improve that workplace culture and to establish the trust and respect required for an effective police service.  
  
(b) I cannot comment with precision as to how this has impacted the quality of policing but it is not too difficult to conclude that where there is a lack of trust and respect work performance will be impacted. We do know that there have been work absences because of stress and at least two members left the Police Service to work elsewhere. A number of the recommendations contained herein are directed towards restoring a positive workplace culture.
2. (a) The Police Service does now have a genuine willingness to recognize, respond to and support the health and well-being of its members. The list of recommendations includes suggested policies and procedures that should be put in place in order to provide the resources and competencies to address this issue.  
  
(b) When the health and well-being of members is not supported, it impacts policing, both in performance as well as financially because of absence from work, inability to carry out tasks, etc. Providing mental health support is a challenge for every employer and the Police Service is no different. There is a genuine desire to provide those supports and hopefully the recommendations that I have outlined will be of assistance.
3. The Board does not have a clear understanding of their role and responsibilities. There is a desire on the part of the Board to acquire that understanding and to put in place effective policies and procedures.
4. Both the Police Service and the Association, as well as the Board, are desirous of improving the relationship between all three. The negative relationship has undoubtedly affected policing in the past. The desire of each to improve that relationship bodes well for the changes that are required.
5. In the course of the investigation there were a number of other issues identified (for example the relationship between members and civilian employees). Some of the recommendations are directed towards these additional matters.

In this report I have focused on the present situation as I was able to identify it and prepared a list of recommendations to improve the quality of policing in the Police Service. My mandate did not include a determination of the history of the relationship between former Chief Paul Ladouceur and the Police Service or to analyze and determine what transpired with the former Constable Jay Pierson matter. However, some review of the history is necessary in order to better understand the present situation and what changes are needed.

I initially met with representatives of the Board, including the Chair, Mayor Roy Ludwig, members of the Police Service senior management, Acting Chief Warren Morrical and, Deputy Chief Murray Cowan, and Sergeant Kevin Reed and Constable Mike Hamel of the Association. All of the parties expressed their willingness to fully cooperate with the Inquiry and a desire to continue moving ahead in a positive fashion. I am pleased to report that all of the parties approached the Inquiry on that basis and I am appreciative of the cooperation provided by them in assisting me in gathering the relevant facts and information, and ultimately preparing the list of recommendations contained herein.

## Background

The Board, chaired by Mayor Ludwig, during the tenure of former Chief Del Block, was very concerned that the budget of the Police Service had gotten out of control and that there was little accountability on the part of the members. Specifically, Mayor Ludwig felt that the members were routinely working overtime without having to account for or justify it and that because Chief Block was a former President of the Association there was a lack of discipline of the members. It was against this background that the Board hired former Chief Paul Ladouceur. His mandate was to make the necessary changes, increase accountability, bring the budget under control and reduce the amount of overtime.

Chief Ladouceur, who was from Ontario, commenced his duties with the Police Service in 2014. It has been universally acknowledged in my investigation that he made a number of positive changes to the Police Service, primarily dealing with equipment, securing additional sources of funding for the Police Service and putting in place formal operational units. However, he also significantly restricted the ability to claim overtime. Some alleged that he was excessive in his discipline of members and overly controlling. My job was not to determine the validity of these complaints but there is no question that many members and employees of the Police Service eventually lost confidence in Chief Ladouceur.

Concerns had existed for some time about the support, or lack of support, of the members of the Police Service by senior management and the Board. The focal point appeared to be the relationship between the former Chief and the members. This led to considerable anxiety and animosity, which eventually involved the Board as well. The concerns came to a head with the case of Constable Jay Pierson and his battle to obtain benefits through the Workers Compensation Board (the "WCB").

Constable Pierson suffered from various medical problems as well as mental health issues relating to his policing duties. There were legitimate concerns about his work performance. In February 2017, Constable Pierson was directed by his medical provider to take time off from work. This issue arose after he was advised that he was facing possible disciplinary action as a result of a failure to complete a large number of files in a timely fashion. At this point in time, he no longer had any sick time available to him and he eventually applied for benefits with the WCB. He was initially denied WCB benefits. On appeal, the WCB ruled, based on the extensive medical information that it had, that the mental health issues being displayed by Constable Pierson were triggered by the confrontation about discipline for failure to attend to his files but the underlying problem was PTSD related to his police duties. As a result he was awarded WCB benefits.

Chief Ladouceur felt that the WCB did not have all of the relevant information in coming to its decision. He obtained a legal opinion which supported his view that the decision should be appealed. At this time Saskatchewan had adopted legislation that provided if a worker was suffering from a mental health issue such as PTSD it was presumed that this was the cause of any work-related job performance issues. Notwithstanding this presumption, and perhaps because of the relatively short time the legislation had been in place, the former Chief was of the view that Constable Pierson was not eligible for WCB benefits. He recommended an appeal to the Board and the Board approved. Chief Ladouceur argued that Constable Pierson's problems were not because of work-related PTSD and that he was not entitled to WCB benefits.

The WCB appeal was allowed and Constable Pierson was denied benefits. He applied for judicial review of this decision to the Court of Queen's Bench. Constable Pierson was ultimately successful in having the appeal decision of the WCB overturned.

Unfortunately Constable Pierson passed away in the spring of 2021. His battle, and ultimately his passing, created a firestorm of social media commentary. What is clear is that the membership almost unanimously had lost confidence in senior management, and especially former Chief Ladouceur. Mayor Ludwig and some of the other members of the Board were still supportive of Chief Ladouceur. He however decided that it would be in the best interest of the Police Service if he resigned, and he did so in the spring of 2021.

The Board, through its Chair, Mayor Ludwig, the Association through the Saskatchewan Federation of Police Officers and the family of the late Constable Pierson all approached the Saskatchewan Police Commission with a request that it conduct an inquiry as to the present state of affairs and make recommendations as to what could be done to improve the situation. It is against this background that the Inquiry was directed.

## Initial Steps

I initially met separately with Mayor Ludwig and some members of the Board, Acting Chief Morrival and Deputy Chief Cowan, and Sergeant Kevin Reed and Constable Mike Hamel of the Association. All of them confirmed their desire to fully cooperate with the Inquiry. They noted that after former Chief Ladouceur had resigned some steps had been taken to address the unsatisfactory state of affairs and all agreed that matters were improving. All parties indicated their willingness to cooperate with the Inquiry with a view to improving the standard of policing in the City of Estevan.

I also spoke with the family of Constable Pierson, who also had requested the Inquiry be conducted. They confirmed their willingness to assist and to provide whatever relevant information they could with a view to ensuring members of the Police Service received the necessary mental health and well-being support.

Following this initial meeting I then scheduled meetings with a representative of each of the three main stakeholders in order to obtain an overview of what had transpired to date, what the present situation was, what their thoughts were about areas of improvement, and to discuss who could be interviewed in conducting the Inquiry.

On July 29, 2021 I attended Estevan and met with:

- Mayor Ludwig, Chair of the Board;
- Acting Chief Warren Morrival; and
- Sergeant Kevin Reed, President of the Association.

A brief summary of the information obtained from them and my conclusions are as follows:

### i) **The Board**

The two main areas of concern for the Board were discipline and the budget. The new Chief had to get the budget under control. It was felt that the Estevan budget was far more than it should be compared to, for example, the Weyburn Police Service budget.

### ii) **The Police Service Executive**

A/Chief Morrival provided a great deal of history of policing in Estevan. He outlined the different management styles of former Chief Del Block and former Chief Ladouceur who succeeded him.

Former Chief Ladouceur was extremely hands-on and came in with the intention of making changes. Murray Cowan was appointed Deputy Chief.

Concerning the late Constable Pierson, he went off work in 2017 when he had been advised that he was far behind in dealing with a number of files and that it was possible he could face

discipline for this. There is no question he was far behind in completing his tasks, including on some very serious investigations. This would not have been the first time that this issue had been raised with Constable Pierson.

It was known that Cst. Pierson had a variety of medical problems. At the time he went off work in 2017 he had no sick benefits left available to him. One of the issues when Constable Pierson had his problems was the ability to assess whether this was a mental health issue or simply a discipline/performance issue. Former Chief Ladouceur immediately dealt with it as a discipline issue and did not take any steps to have a mental health assessment or fitness for duty assessment done to see whether or not there was an underlying problem.

It did not seem the Police Service had in place any procedure to deal with this situation or have a fitness for duty assessment carried out.

Chief Ladouceur did accomplish many positive things while he was with the Police Service. This included:

- 1) Establishment of specialty sections;
- 2) Established a CID Sergeant's position;
- 3) Created a full-time Ident position;
- 4) Appointed a Community Services Officer;
- 5) Securing carbines for the Police Service;
- 6) Took the lead in expanding the Police Service's building;
- 7) Established special project work (for example dealing with drug matters);
- 8) Installed video cameras;
- 9) Found additional sources of financing for various police programs; and
- 10) Generally worked to modernize the Police Service.

Chief Ladouceur also was responsible for contracting the services of Dr. Jody Burnett in order to facilitate the provision of mental health services for the members. Unfortunately this initiative came after he had actively opposed Constable Pierson's diagnosis of PTSD. While the appointment of Dr. Burnett was a very good step forward in dealing with the mental health of the members and staff of the Police Service, it was viewed by many as too little too late and by others with skepticism.

A/Chief Morrical mentioned the word "trust" a number of times. It was clear to him that there was no trust between Chief Ladouceur and the members. The lack of trust with Chief Ladouceur meant that there was similarly a lack of trust with the Board. This lack of trust also impacted the situation of Deputy Chief Cowan. While he appeared to have little say in what

was going on, he ultimately was part of the group that was viewed with distrust by the members.

iii) **The Association**

Sergeant Reed had been President of the Association previously. It was proposed to have a non-confidence vote some years ago. He discouraged the membership from doing so as he felt it could not result in any positive outcome. As a result it was not proceeded with.

There was then a survey conducted in 2017. It was very negative and also contained a number of anonymous comments which were not professional and were not vetted in any way. As expected, it made it a bad situation with former Chief Ladouceur worse and impacted the relationship with the Board as well.

There was then a confidence vote which expressed an overwhelming lack of confidence in former Chief Ladouceur and Deputy Chief Cowan.

The feeling was that the Board and the Executive did nothing in response to the survey. It was a very poor working atmosphere. Morale was low. It felt like every mistake resulted in discipline or the threat of discipline.

The Association was concerned about a confidential leak that originated from the Board. They felt the lives and safety of the members were put at risk as a result of it.

Things came to a head with the Constable Pierson case. Looking back now, the Association knew Constable Pierson was off sick a lot and when the PTSD was diagnosed it was clear there were red flags indicating this for many years.

There was a Labour Liaison Committee in place prior to 2020 but it did not meet or function. The Committee consisted of representatives of the Board, the Chief, and the Association. He acknowledges that the Association should have been pushing harder for those meetings to take place.

They now meet with the Acting Chief on a regular basis. It does not necessarily mean that things change, but it is reassuring for the members to know that at least there is a vehicle for their concerns to be expressed.

Similarly, the Liaison meetings are now taking place on a regularly scheduled basis. It is correct that often times not a lot is being discussed but what is important is that the meetings are there and there is an avenue to bring concerns to the attention of the Chief and the Board.

Sergeant Reed also spoke about “trust” and the importance of having it. It is recognized that senior management has to manage, but at the same time must be trusted. It is important as

well that when appropriate senior management will stand up for the members publicly.

Concerning the existing programs, they have seen improvements. Dr. Burnett being the contact for members with mental health issues is a big improvement and she is gaining the confidence of the members.

There are other things that need to be done. For example, if there are serious incidents debriefing has to be done in order to ensure the members involved are being properly looked after.

iv) **Kelly Pierson and Amanda Guenther**

I spoke with Kelly Pierson, Constable Pierson's sister, and Amanda Guenther, Constable Pierson's ex-wife. They acknowledge that Constable Pierson had been experiencing problems for some time and was reluctant to obtain assistance. Their disappointment is with the fact that once he did seek assistance and it was determined that he suffered from PTSD, the Board and the former Chief took such a hard line in opposing the receipt of the WCB benefits, especially in light of the fact that the WCB initially determined, based on the fairly comprehensive medical information, that he suffered from PTSD. They felt that how Constable Pierson was treated will have a negative impact on others coming forward to seek the help they need.

## Interviews

Based on the information I received from the parties, invitations were sent to a number of individuals explaining my role, including a copy of the Notice of Inquiry, and asking if they wished to speak with me about the subject matter of the Inquiry.

I interviewed a total of 27 people. This included a cross-section of members, civilian employees, Executive members and Board members. I also spoke with former Chief Ladouceur. Finally, I reviewed the question of the provision of mental health services for frontline emergency personnel with Dr. Nicholas Carleton of the University of Regina and Dr. Jody Burnett. My discussion with Dr. Burnett was in general terms as to how the present arrangement was working and any suggestions she had for improvements.

At the outset of my interviews I advised the person of my role. I pointed out that I was not being asked to determine historically what had taken place or to provide a report concerning the death of Constable Pierson. While the history was relevant, my focus was on the following:

- 1) Determining what the present state of affairs was with the Estevan Police Service; and
- 2) Preparing a list of recommendations that might be of assistance going forward.

I advised the people that I was meeting with that my notes of their interviews would not be shared with the public. I wanted to have a frank and full discussion with them about what had transpired. For a number of the people that I spoke to the discussion of what took place was emotionally very upsetting and it was clear that the events of the past years and their association with the Police Service has had a significant impact upon them. All of the people that I interviewed were willing to discuss recommended changes going forward and I was impressed with the good faith in which they outlined the recommendations that they felt might be helpful.

I do not believe much would be gained by reviewing in detail the information that I received from each individual that I spoke to, however I will set out in some detail some of the history as I have ascertained it and my conclusions as to what the present state of affairs are.

Finally, I have prepared a list of recommendations which I would respectfully suggest the Commission review and consider and then discuss with the Board as it sees fit.

## History

### i) **The Board**

The Board and specifically Mayor Ludwig, the most senior member of the Board, had determined that significant changes had to be made with the Police Service, including:

- 1) Reducing the budget, which by definition meant addressing the significant overtime demands of members of the Police Service; and
- 2) Increasing the accountability of the members.

Mayor Ludwig felt strongly that they bring in a Chief from outside of Saskatchewan who was not beholden to the Association. There was a view that the new Chief had to get these matters under control and to do so would require an “iron fist”.

At this point it might be useful to mention a little bit about the Board. The Board consists of three members of Council, being the Mayor and two other appointed councillors who may not necessarily be on the Board for the full duration of their Council-elected term. There are also two members at large who are appointed by Council. Their appointment is only for one year at a time. As a consequence, there is a considerable rotation of members on the Board. Their terms are very short and often by the time they become somewhat familiar with what their roles and duties are they are no longer on the Board.

I interviewed a number of past and present Board members. They were unclear as to what their duties and responsibilities were. They could not point to a document or policy that outlined their duties and responsibilities. I was advised they were all given a copy of “The Police Commission’s Handbook: A Guide to Police Governance in Saskatchewan”, but many

had no recollection of this. While some of them had attended the mandatory police board training dictated by the Saskatchewan Police Commission at the Saskatchewan Police College, most of them found that it did not help them very much in understanding what exactly their role was in practical terms. Because of COVID a number of the current Board members have not yet attended a training session.

As a consequence of this circumstance, Mayor Ludwig has significant influence with the Board. Although he only is one vote, the lack of experience and training of the Board members makes it difficult for some of them to speak up. This undoubtedly was the case with the hiring of former Chief Ladouceur and, similarly, with the decision to appeal the WCB decision involving Constable Pierson.

While the level of insight varied from member to member, generally the Board displayed a failure to realize the impact of some of their decisions, and those of former Chief Ladouceur.

For example:

- 1) The hard line that was taken by Chief Ladouceur and ultimately by the Board concerning the receipt of WCB benefits by Cst. Pierson and the challenge of his, what now appears to be a fairly well-documented, medical condition had a significant impact on members and employees of the Police Service. The message was that if you were sick or were suffering from a mental health problem you could expect that it would be challenged. This undoubtedly discouraged members and staff from seeking help. This also had a very negative effect on morale. It does not appear that the Board identified this or addressed how it should be combatted at the time;
- 2) There was an incident where former Chief Ladouceur had shared confidential information with the Board about an ongoing investigation. This information was leaked by a Board member prior to an anticipated police action. In discussing it with the Board members who were involved at the time, they did not see a particular issue because the Chief had sworn them to secrecy. They did not display any understanding of how members would feel where their safety, and indeed their lives, were jeopardized by this leak. The failure on the part of the Board to acknowledge this displayed a serious lack of understanding of the seriousness of the breach;
- 3) The Labour Liaison Committee meetings have now been reinstated. Comments were made by some Board members that very little is discussed at these meetings and they wondered why they have them. There was a failure to recognize the importance of the institution of the meetings in helping maintain a level of communication and trust; and

The Board likely was correct that increased accountability and budget controls were required. Examples were provided to me where overtime appeared to be abused. One of the problems however was that when you have a practice in place for a number of years your employees

come to expect to receive that compensation and to suddenly remove it will cause backlash and, in some cases, hardship. For example, the practice had been that all members of a platoon would report for duty on a statutory holiday and be paid overtime accordingly. Former Chief Ladouceur directed that it was not necessary for the full platoon to report and that some of the members could be given the day off. This would mean they would receive their regular pay for the statutory holiday but no overtime would be paid. The members had come to expect to earn overtime on statutory holidays and this was an example of a fairly dramatic change in the pay that they were receiving. This is not to say that the Chief did not appropriately make this determination (although there is some suggestion this is in breach of the Collective Bargaining Agreement). The issue is how you communicate the change to the members. This was only one of the examples that were cited to me.

ii) **Former Chief Ladouceur**

I have outlined previously that Chief Ladouceur was hired with a specific mandate to deal with accountability and the budget. There is evidence that accountability had to be addressed and that there were budget issues, including excessive overtime.

Chief Ladouceur faced significant hurdles in addressing these problems. First of all, he was hired from outside the province thus raising some question of whether or not he as an outsider should be trusted. Secondly, he had no previous experience as a Chief. Finally, the changes were going to, in some instances, be painful and pushback could be expected. In speaking with former Chief Ladouceur he stated that when he took the job as Chief this was the worst possible job, while the Chief who is coming to replace him will have the best possible job because of the heavy lifting that had already been done by him. There is undoubtedly some truth to this statement.

While some staff found him supportive and good to work with, many found him very difficult. There was described by various people as him insisting that it was his way or no way, imposing change without any discussion or dialogue, an inability to address issues through a consultation process and at times losing his temper in face-to-face dealings with members and staff. Examples of petty and what some might consider vindictive demands were provided. As I indicated, a number of people that I spoke to became extremely emotional in discussing what had gone on. This included people who had left the Police Service because of their relationship with former Chief Ladouceur. His management style did ultimately have a negative impact on the morale of the Police Service and the quality of policing.

**Deputy Chief Cowan**

There was a great deal said in the interviews about former Chief Ladouceur's management style. Words like controlling and micromanaging were heard a lot. Members and employees of the Police Service lost trust in the former Chief. This also impacted on Deputy Chief Murray Cowan, who was appointed shortly after Chief Ladouceur assumed office.

Deputy Chief Cowan was a long-serving member of the Police Service and was appointed

Deputy Chief by Chief Ladouceur. It became apparent to me that he held that position in title only. He was excluded from the budgeting process, he had no decision-making ability and was essentially expected to toe the company line as put forward by the Chief. Further, he was expected to be the front man for a number of the Chief's decisions. For example, while he questioned the decision to appeal the WCB ruling that Constable Pierson was entitled to WCB benefits he was expected to assist in assembling the material in support of the appeal and as a result his name appears prominently in the appeal decisions even though he had very little say in what was taking place. His opinion on the merits or lack of merits of the appeal had no weight.

Some expressed the view that as Deputy Chief he should have taken steps to challenge the Chief. I am not sure how realistic that was. The events had a significant impact on Deputy Chief Cowan. I do not think many realized what he did do to challenge the Chief. He was described by many as being located between a rock and a hard place and that would be my assessment of the situation. He was however one of the two "white shirts" which when members saw them they knew it meant trouble.

### iii) **The Survey**

The dissatisfaction with the Chief arguably should have come to a head when the survey was done by the Association and delivered to the Board outlining significant dissatisfaction of the members with senior management. The survey was not particularly well done. Also, it included anonymous comments made by a number of members which accused the Chief of a variety of things. In some instances, the comments were extremely inflammatory I have not determined the accuracy of the survey or the comments and do not suggest that the Board should have accepted the survey results or the comments at face value. Notwithstanding this, the survey should have been a red flag to the Board (and the Chief) that something was seriously wrong and its attention was required.

I have not been able to find anywhere that the Board seriously considered the survey or took any steps as a result of same. A number of the Board members at the time only vaguely recall the survey being discussed and were not sure if they even saw a copy of it, including the comments contained in it. This, in my view, would be a dereliction in the duty of the Board in meeting its overall management responsibilities of the Police Service. A Board should not become involved in the day to day operations of a police service but a survey of this nature called for the Board to investigate the situation and take steps to remedy any deficiencies. That was not done.

### iv) **Constable Jay Pierson**

The case of Constable Pierson was not an easy matter for the Police Service to deal with. Constable Pierson had been experiencing performance problems for some years. He had a variety of health issues. When he was advised to go off work by his doctor in February of 2017 he at that time had no sick days left in his sick time bank. It was not readily clear to me why he applied for WCB benefits.

By the time the initial WCB decision was reached there was a fair bit of medical information supporting the conclusion that he suffered from PTSD. In Saskatchewan the presumption is that if there is a mental health diagnosis that it is work related.

After the WCB decision was received the Chief was concerned that all of the information about Constable Pierson's history was not before the Board and that if they had that information they would likely determine that the cause of his problems was the advice that he was facing possible disciplinary action rather than work-related PTSD. The Chief obtained a legal opinion that there was an arguable appeal. He recommended the decision be appealed to the Board and the Board, with little discussion or consideration, agreed.

The fact is that the WCB Appeal Board did allow the appeal suggesting there was at least an arguable case on the part of the Chief. However on further application to the Court of Queen's Bench it was determined that the WCB Appeal Board was in error, that the medical evidence overwhelmingly established the PTSD and that the presumption that his mental health issue affected his employment had not been rebutted.

The Pierson case became a focal point of the dissatisfaction of the Association and some of the civilian employees with the Chief and the Board. There was a feeling that their mental health wellbeing was not a priority or frankly a concern at all. The situation became significantly exacerbated when Constable Pierson passed away. Although he died of natural causes the impression that was left with the public was that the mental health issues and the battle he faced with the WCB contributed to his death.

Following Constable Pierson's death there was a firestorm of social media commentary directed at former Chief Ladouceur, the Board and also Deputy Chief Cowan. While the Mayor thought the Chief should remain on, the Chief recognized that remaining in office would not allow the Police Service to move on and he made the decision to resign. While a number of parties thanked him for that, and some of them probably did so in a sarcastic fashion, there were a number of members who made that comment fully recognizing that the Chief had resigned with the intention of doing what was best for the Police Service itself versus any personal reasons. I have no doubt that the best interests of the Police Service were Chief Ladouceur's motivation in resigning.

Chief Ladouceur agreed to meet with me, which I very much appreciated. He was clear that he at all times had the best interest of the Police Service in mind. In retrospect he realizes that many of the changes that he was implementing were quite dramatic and that he perhaps should have taken more time in trying to move ahead with them. I agree that he was given a very difficult task and it may be that no matter who was appointed Chief at the time would have faced significant backlash in making the changes that were required.

Concerning Constable Pierson, I am not sure why Chief Ladouceur took such a hard line or why the Board would support it. Chief Ladouceur explained that he felt ethically that it was necessary to ensure that the WCB had all of the relevant information. The WCB had the

power and ability to gather all relevant medical data and employment history in assessing the merits of Constable Pierson's claim. There was a lack of understanding on the part of Chief Ladouceur and the Board as to the impact their position would have on the members and staff. It was noted in the Queen's Bench decision that the appeal was based largely on the opinion evidence of Chief Ladouceur and ignored the medical evidence which unequivocally established the diagnosis of Constable Pierson's PTSD.

The feeling, however, was very clear amongst many that if you sought help with a mental health issue you would be challenged. At a time when as a society we are trying to remove the stigma attached to seeking help this was a very serious problem within the EPS that had to be addressed.

v) **The Staff**

Finally, the Notice of Inquiry generally refers to the three main parties involved with the Police Service, that being the Board, the Executive, and the members. There is a fourth group, and that is the civilian employees and the Special Constables who are not part of the Association (Special Constables who handle dispatch duties are members of the Association while a Special Constable bylaw officer, for example, is not a member of the Association). This fourth group of individuals are unrepresented and from time to time were lumped in with the Executive. Some of them got along extremely well with former Chief Ladouceur, though most did not.

The staff were put in a difficult situation. Some of them were negatively affected by Chief Ladouceur's management style. While you do not expect the same level of comradery between staff and members as between, for example, platoon members, the problem in Estevan was exacerbated by the fact that a number of members viewed the civilian staff as part of the Chief's team. The negative feelings that they had for the Chief dictated how they dealt with the staff.

I did have an opportunity to interview a number of the staff and their comments were helpful in getting a handle on the present situation and identifying recommendations going forward.

## Situation Today

It was against that background that the request was made for the Inquiry. Below is a list of the findings that I made as to the situation at the present time:

- 1) Notwithstanding the dissatisfaction with the former Chief, virtually everyone I interviewed noted that he also made a number of positive contributions to the Police Service;
- 2) The present Board remains largely in the dark as to its role in overseeing the Police Service and specifically the Chief and its Executive members;

- 3) Former Chief Ladouceur put in place a program by which members and employees could contact Dr. Jody Burnett, a psychologist in Regina, Saskatchewan, with experience in dealing with PTSD and frontline emergency personnel. The members can contact Dr. Burnett and she can give them some preliminary advice. If it was felt that they needed to receive counselling or the like she could direct them accordingly. This counselling would be provided anonymously and the identity of the member would not be disclosed to management;
- 4) There is general approval of the arrangement that was put in place concerning Dr. Burnett. Although there was some indication of hesitancy to utilize her services in large part because the contract with her had been arranged by former Chief Ladouceur, all indications are that she is gaining the confidence of the Police Service members and employees;
- 5) There have been some educational programs conducted to encourage members to seek assistance when needed and outlining what assistance is available. There was limited take-up on these educational programs, again in part because of reluctance on the part of the members based on what had gone on in the past, as well as the general stigma associated with seeking mental health assistance;
- 6) While almost everyone has assumed some responsibility for what happened with Constable Pierson (i.e. the members for failing to help Constable Pierson get the assistance he needed, the Executive for not having the appropriate programs in place to get Constable Pierson assistance, and the Board for not insisting that the mental health issues be dealt with), there also is a fair bit of finger-pointing going on. It would be fair to say that this is not helping the situation;
- 7) There is a divide between the Association and the civilian employees. The civilian employees are out of scope. Some felt that the civilian employees were viewed as part of the former Chief's team and this may be why they are treated with little respect by a number of the members. Others felt that it is part of a longstanding culture that the civilian employees are second class citizens so to speak and as a result do not get the respect or consideration that would be appropriate. I was provided with a number of practical examples right up to the present time where this has been the case;
- 8) There are lacking policies giving clear direction as to how mental health issues should be dealt with in terms of availability of treatment, as well as how to address the problem when this impacts performance;
- 9) There is also lacking a number of policies dealing with a variety of things, all which have mental health impacts. These include:
  - i) Peer to peer counselling and support;
  - ii) Critical incident response;
  - iii) Reintegration after being off work for whatever reason;

10) I interviewed Special Constable Katia Bigney. She advised two policies had been developed and provided copies of the drafts to me. This included:

- i) CISM: Assisting Individuals in Crisis; and
- ii) Employee Wellness Program;

Both of these policies were developed at the request of former Chief Ladouceur and Deputy Chief Cowan. They were submitted to the Chief and to my knowledge they have not yet been implemented. In speaking with Deputy Chief Cowan there were a number of policies prepared and submitted to the Chief for approval. Former Chief Ladouceur confirmed that he had received them and that some had been approved and some still needed to be reviewed;

11) For a long time Labour Liaison Committee meetings, which were to take place involving the Association, the Chief's office and the Board, did not happen. Those have been reinstated. Some have questioned the value of them because not much is being discussed at these meetings. Unfortunately, the point is being missed, which is the value of having regularly scheduled meetings so that parties know there is an opportunity to raise issues. Generally across the board the reinstatement of regular Labour Liaison Committee meetings was viewed as a positive;

12) There is some ability to approach the Chief's office at this time. That also is viewed positively by the members. Simply knowing that their voice will be heard is a positive. I heard the word "trust" mentioned repeatedly during the course of the interviews. There is a need to re-establish trust between the members and employees and the Chief's office and the Board. To do so it was generally agreed that there is a requirement of respect and communication that has to occur. I observe that achieving respect generally means also showing respect to others, which is something all parties involved in this matter should do some self-examination of;

13) Some members raised the issue of whether or not there was an ability to complain about the conduct of a Chief. This stemmed from the fact that they felt when they voiced their concerns to the Board about the former Chief they fell on deaf ears. This appears now to be covered by *The Police Act, 1990*.

### **Dr. Burnett and Dr. Carleton**

Finally, I did speak with Dr. Burnett about the services she is providing and inquired about any suggested improvements or additions that she might have. I did not speak to Dr. Burnett about any individual contacts she had but only in general terms.

Chief Ladouceur had negotiated an agreement with Dr. Jody Burnett of J. Burnett Consulting to provide readily accessible mental health services to someone who was outside of the community of Estevan. The members were advised of the resources outlined in the agreement. They were provided with business cards containing Dr. Burnett's contact information. They also were advised of her involvement in the PSPNET. PSPNET is a clinical

research unit located at the University of Regina in partnership with the Canadian Institute for Public Safety, Research and Treatment (“CIPSRT”) that delivers and conducts research on various aspects of internet-delivered cognitive behaviour therapy (“ICBT”) for public safety personnel (“PSP”), including police officers. This program can be accessed by members of the Police Service without charge.

In my discussions with Dr. Burnett she identified the concern about the stigma attached generally to an individual seeking mental health assistance. That problem is exacerbated when you are dealing with a frontline worker like a police officer and further exacerbated when there has been trust issues between frontline workers and management, as exists with the Police Service.

It is important that the confidence of the employees be obtained and that they know that something more is going to happen than just having a box checked off that they spoke to somebody. The program has to be:

- 1) Consistent;
- 2) Accessible; and
- 3) Protect the anonymity of the party seeking the help.

The present arrangement in Estevan is that an employee can contact Dr. Burnett who then in turn can refer them to a therapist or counsellor who can provide assistance. There are two benefits with this arrangement:

- 1) Dr. Burnett resides in Regina and, because she is outside the community, is better able to maintain their anonymity; and
- 2) Dr. Burnett is aware of the therapists who are immediately available to provide assistance and also have training and experience in dealing with frontline workers like police officers.

There are a couple of concerns that she has with the present arrangement:

- 1) She emphasizes that it is extremely important that an employee contacting her has to know that the fact of that contact will not get back to management. Right now she understands the contact is coordinated by the Human Resources department of the City of Estevan. It might be better if there was an online way of contacting her directly; and
- 2) There is a cap on the amount of assistance that is initially available for counselling. There was an indication that additional funds are available if requested but it is not clear how much is available or what has to be done in order to make that request. She does not want a situation where people are

worried that making the request will reveal their identify or a situation where they decline to obtain help because of this.

Dr. Burnett believes the present arrangement generally works well. She is working on establishing the trust that the employees need in order to call her. The message has to come from management that they support the program, that they encourage members to seek assistance and that they will respect the member's anonymity.

There are a number of resiliency workshops with the Police Service that she has been involved in. These are education programs that are put in place as part of the training involving both members and staff. The resiliency workshops have a two-fold benefit:

- 1) First of all, it educates the employees as to what is available, but also the steps that they can take to deal with their own mental health and monitor and decide when they need assistance; and
- 2) It helps build a rapport and trust with her, which is extremely important because if that trust does not exist people will not seek assistance.

She is also working on developing workshops that deal with the impact of mental health on family. It is an education program so that employees can become aware of how their own mental health can impact their family and the steps that they can take to deal with that.

She emphasizes being proactive rather than reactive. It is far better to avoid the problems than to try and throw everything at the problem once it comes to the forefront. Teaching people to personally assess, gauge and know what to do is the answer. Again, education, training, awareness, accessibility and anonymity are the keys. The reality is that addressing mental health issues early means less time off later on, which ultimately is of economic benefit to the Board.

There are a number of other areas that should be pursued with appropriate policies and procedures, including:

- 1) Reintegration;
- 2) Peer to peer support; and
- 3) Response to critical incidents.

You need policies for these programs but it is also good if you can have people who are part of the Police Service who are trained and can help. Not everyone will turn to them for help but many will and it is important to have those trained people available. Again, there is a cost to be incurred in having the training conducted but ultimately if an employee's health and well-being is looked after this will mean you have a member who is providing better service and

less likely to be absent from work.

Leadership is extremely important. Leadership style and role models will result in modeling behaviour on the part of the employees. Leadership style has to include trust, respect and honesty. Open dialogue and meetings where people are kept in the loop are important. It does not mean that employees will always agree with what management is doing but the response will be much better if they at least are informed of what is happening and why. Communication between management, between members, between civilian staff and members are all important. That starts with leadership but also involves having the necessary procedures in place for that communication to take place.

I also spoke to Dr. Nicholas Carleton. He is the Scientific Director for CIPSRT. He is working in the area of prevention and treatment of post-traumatic stress injuries among public safety personnel, including police. It is useful to review briefly some of the comments that he made. First of all, he notes that there remains a general public stigma about seeking assistance for mental health. This is that much worse when it comes to police officers. For a long time it was felt that police were more resilient and should be able to deal with traumatic incidents better than the general public. Seeking assistance was viewed as a sign of weakness and there was a concern that management would judge them accordingly so it was better to suffer in silence.

The reality is that police officers are ordinary people who are subject to PTSD the same as anyone else. In the case of police however, the exposure is that much greater. For example, an individual who was subject to a sexual assault could very definitely suffer from PTSD but the police are exposed to numerous events that they deal with regularly which can cause PTSD. Dr. Carleton made reference to the “forty foot walk” that every officer has to make from their vehicle to the vehicle that they have stopped not knowing what is going to greet them when the occupant of the vehicle rolls down their window.

There are now a number of programs and studies in place dealing with PTSD as it relates to police officers. The RCMP are conducting a pilot project overseen by CIPSRT where officers do a self-assessment daily. Monthly their overall condition is assessed and they are provided counselling and assistance as needed. This is being done with the support and encouragement of management in order to eliminate the stigma associated with getting assistance.

Many mental health problems will have an impact on performance. Therefore, when there is a mental health issue the solution is to deal with that problem as opposed to trying to address it as performance or discipline.

Gaining the confidence of individuals to seek help will take time, just as it does for the rest of society, but all the more so in the case of police officers. There are some basic requirements:

- 1) A confidential program;
- 2) One that the members feel they trust and their rights will be respected;
- 3) There will be no employment repercussions as a result of seeking assistance; and
- 4) Management will not make a decision about how to deal with an employee until all of the medical information is in and, if need be, a fitness assessment is done.

It is his view that a provincial program administered by the Saskatchewan Police Commission for all municipal police services would be better than having each municipal police service administer its own individual program. This would help address issues about confidentiality and comfort on the part of the members to participate in such a program.

I was also referred to an article prepared by Irene Barath, Instructor, Ontario Police College, Resilience and Wellness Training Coordinator, Canada. It is titled, *The Role of Supportive Leadership Practices in Maintaining the Health and Wellness of Law Enforcement Personnel and Organizations*. In her article she emphasizes the importance of supportive leadership. She notes how much stress was reduced by personnel who reported to supportive leaders and how this positively affected the bottom line in multiple ways.

The research also went on to identify characteristics of supportive leaders. This included:

- Overall job competence;
- Emotional intelligence;
- Strong communication; and
- Situational leadership skills.

These findings are consistent with the comments of Dr. Burnett and Dr. Carleton and illustrate the importance of competent and supportive leadership going forward.

## Recommendations

Against this background I have prepared a list of my suggested recommendations. Some of them are general in nature. A number of them will require work to be done to draft the policies that are required. I was advised that a number of policies were prepared by the former Chief, some of them were approved and some of them still remain to be approved. Those should be located and a decision made to either approve them, amend them as required, or reject them and begin from scratch.

It is important to note the respective roles of the three main parties as set out in *The Police Act, 1990*.

### **Board responsible for police**

**31(1)** Where a municipality has established a police service pursuant to section 26, the board is responsible:

- (a) for the delivery of policing services within the municipality; and
- (b) for:
  - (i) providing general direction, policy and priorities; and
  - (ii) developing long-term plans; for the police service.

### **Chief of police**

**35(2)** Subject to the general direction of the board and to this Act and the regulations, the chief is responsible for:

- (a) the management, administration and operation of the police service;
- (b) the maintenance of law and order in the municipality; and
- (c) the maintenance of discipline within the police service.

**(3)** To carry out the responsibilities imposed on a chief of police by this Act and the regulations, the chief may:

- (a) appoint any personnel to positions designated by the board and assign their duties;
- (b) delegate to any member or civilian member any authority vested in the chief that, in the opinion of the chief, is required to properly manage the police service; and
- (c) make directives necessary to carry out the daily administration and operations of the police service.

### **Members**

**36(2)** Unless otherwise indicated in his or her appointment, a member has the power and the responsibility to:

- (a) perform all duties that are assigned to constables or peace officers in relation to:
  - (i) the preservation of peace;
  - (ii) the prevention of crime and offences against the laws in force in the municipality; and
  - (iii) the apprehension of criminals, offenders and others who may lawfully be taken into custody.

Each of the members of the Board, the Chief, and the officers are required to take an appropriate oath of office. Finally, our Saskatchewan Court of Appeal in *Bruton v Regina City Policeman's Association*, [1945] 2 WWR 273 at 285, 286 and 296 described the independent role of an individual officer.

“This does not make them servants or agents of the city or of the police commissioners; they are appointed to perform a public service in which the city has no corporate interest; their duties are derived from the law and not from the city or the police commissioners, and in performing these duties they act not in the interests of the city but of the public at large.”

There are a number of specific recommendations that were suggested to me. I have incorporated many of them into my list herein. A number of them are practical and call for development of appropriate policies and procedures. I do not have the expertise to draft those policies and procedures. In many instances there are ample precedents available, both from the Saskatchewan Police Commission and other police services in Saskatchewan. The important thing is to sit down and have them put in place.

I did reference earlier the two policies that Special Constable Bigney was involved in preparing. It should be relatively easy to identify what draft policies are with the Chief's office now which have been approved or which still need to be reviewed. This would seem to be a logical starting point.

There are however a few general changes that are required. Almost across the board with every interview that I conducted I heard the words “trust” and “respect” mentioned. While having effective policies and procedures in place can help establish that trust and respect, for true trust and respect to exist all of the parties, beginning with the Board and continuing with the Chief and the Executive, the members, and the staff, have to work to achieve that. You cannot expect there to be respect extended to you if you are not prepared to extend respect to others.

The trust and respect has to exist between the Chief and the Police Service employees, and vice versa. Similarly, the trust and respect has to exist between the Board and the Chief and the employees, and vice versa. Finally, and this is also significant, the trust and respect must exist between the members and staff. Leadership should establish an environment of trust and respect but ultimately the onus is upon each individual to work to achieve that. As I mentioned, almost universally everyone that I spoke to emphasized the importance of trust and respect and I took it as a sign of good faith that everyone I spoke to was interested in establishing that. This is extremely important.

Because of what has transpired in the past, it is important to address the significance of trust and respect in leadership. The primary leader is the Chief and he or she must be viewed as someone who can be trusted, is respected, and is honest. Open and honest dialogue and

communication is important. The Chief must manage the police service. By definition that means at times things like discipline or budget constraints will have an impact on the members and staff. Being open, honest and up front about matters like that will not necessarily diminish the pain of change but it will allow leadership to maintain the trust that is required. Secondly, it is important that the Chief be seen to represent the members and will have their backs when need be. Even good members will occasionally make mistakes and will have to be held accountable. At the same time, the members and staff have to know that the Chief recognizes and values their contributions and will support them when dealing with the Board.

The major focal point of this Inquiry has been on the provision of mental health services to the Police Service. There are a number of challenges. The first is the general stigma that the public has about seeking mental health services. As pointed out by the experts, this is a significant problem in all walks of life and one that will not be quickly resolved. It however is a particular problem with frontline public safety workers such as police officers. There is a perception that they are tough, can handle trauma, and that seeking help can be viewed as a sign of weakness or an inability to do their work. Nothing could be further from the truth. For this reason all programs, policies and procedures need to work hard to overcome that stigma. Three elements were identified as being required:

- 1) The response to the need for mental health services has to be consistent. A member has to know what they can expect if they seek assistance;
- 2) The services have to be accessible. Often times when the decision is made to seek help it is incumbent that the help be provided as soon as possible. The employees have to know how to access the help they need; and
- 3) Anonymity is important. They have to know that their issues will be treated in confidence and will not somehow be conveyed back to management without their consent and used against them or result in some negative impact on their employment.

With that in mind, below are the specific recommendations that I would suggest:

**1) Continuation of the program involving Dr. Jody Burnett**

Former Chief Ladouceur entered into a contractual arrangement with Dr. Burnett, who is an experienced counsellor dealing with frontline workers, including police officers. The contract provides that a member may contact Dr. Burnett, who is located in Regina. The contact would be kept anonymous. She could provide some initial direction and if counselling or therapy was needed direct the member to a therapist or counsellor who is both immediately available and experienced in dealing with frontline workers.

While there may have been some initial hesitancy to contact Dr. Burnett because she was contracted by the former Chief, the people I spoke to generally had confidence in her and the arrangement that had been established. Certainly in speaking with Dr. Burnett she fully

understands the importance of the three requirements of consistency, accessibility and anonymity and I have no doubt works very hard to ensure that takes place. The continuation of this program is essential.

Dr. Burnett is involved in the continuing education of the members. She was quick to point out that this is not something that she has to do and others could be retained to do it but she is pleased to continue providing that service. The education relates to:

- i) Accessibility to mental health services as needed;
- ii) Self-assessment and lifestyle direction in order to minimize the risk of mental health problems.

These training programs have to be regular and members have to feel comfortable attending. Right now it is my understanding that it is done through block training of members and that would seem to be appropriate. Staff must be invited to attend as well.

Dr. Burnett emphasized the importance of the program being anonymous. At the present time, because it is established through Human Resources at the City of Estevan, there may be some reluctance to contact the program for fear it will not be anonymous. It may be that a direct online access would be better.

She also pointed out that right now there is some confusion as to the amount of assistance that is available. A number of members mentioned this as well. The dollar amount that is approved was reduced. It is not clear what has to happen to increase the dollar amount in a particular case and whether or not that increase would result in the anonymity being lost. This has to be addressed.

Going forward, there should be workshops dealing with training in:

- i) Resiliency;
- ii) Accessibility; and
- iii) The impact of mental health concerns on family and the assistance that they may need.

Finally, there are a number of programs that can assist members and staff where peers are trained to provide assistance. Not everyone is comfortable going to a peer for help but in many cases they are and it is important to ensure that there are personnel trained and available to provide the appropriate peer support.

## **2) Policies**

It is recommended that appropriate policies and procedures be put in place to cover the following:

- i) Access to mental health services or what is sometimes referred to as a wellness program. This will spell out in detail what an employee can expect and the conditions surrounding the access. This also will clarify the steps that will be taken to ensure that the access to treatment will be anonymous. There are times when a member's performance will call for the attention of management. At that time if the member identifies a mental health issue the focus should be on receiving treatment. This should not be interpreted to mean that management should not deal with performance. It has to deal with performance. The issue is that if it appears that performance is affected by a mental health issue the first step is to address that issue and see if performance improves. It may be that a fitness for duty assessment will have to be carried out in determining whether the member is able to return to work. The importance of a clear, concise policy so that all parties know what can be expected is imperative;
- ii) A critical incident response procedure. The definition of a critical incident would be quite broad-based and include everything from a serious motor vehicle accident, a murder, or officer-involved shooting or use of force. The importance of having a critical incident procedure is that everyone will know immediately what will happen and what their roles and responsibilities are. The failure to have the procedure spelled out in detail will often result in uncertainty of how best to proceed and the risk that eventually nothing is done. The policy provided by Special Constable Bigney should be reviewed to determine if it addresses this issue;
- iii) Employees will be absent from work for extended periods of time for a variety of reasons. This could be anything from maternity leave to sabbatical to absence due to a serious illness or injury, or because of a mental health issue. A re-integration program should be in place to assist that member in returning to work. A re-integration plan should be established before the member returns;
- iv) The establishment of a peer to peer counselling program. Individuals should be trained in this regard. Members and staff should know who those people are, how to access them and what the terms and conditions would be;
- v) Leadership – dialogue. It is important that employees feel free to, either through their Association or directly, speak to a Chief or Deputy Chief about a particular concern on an informal basis. Formal avenues for dialogue should be put in place as well. Some of them already are in place. The Labour Liaison Committee meetings which are held monthly involving the Association, the Chief, and the Board should continue. Even if very little is discussed at these meetings from time to time, the mere fact that they exist and are held regularly keeps the line of communication open and helps ensure members know that their feelings, thoughts and concerns are being respected and considered;
- vi) A suggestion that came from a number of individuals was that when it came to discipline, because the Police Service was small and did not have a dedicated professional standards section, serious discipline matters should be investigated by the

PPC. It would still rest with the Chief to decide how to proceed but the investigation would be conducted by someone independent rather than forcing this upon a member who has to work side by side with the member being investigated;

- vii) There was a concern raised about whether certain areas of the police station were being audio recorded. The Chief can make the decision as to whether or not he wants an area audio recorded. This can be done for investigation and disclosure purposes. However, members should be advised of what areas are being audio recorded. This is just an example of open communication that should occur regularly;
- viii) Finally, when major changes are being made it generally is helpful if those are communicated in advance to the parties affected so that they have an opportunity to perhaps respond but, at the very least, prepare.

### **3) Relationship between members and members and staff**

There often is a divide between members and staff in a police service. Members are part of a platoon while most staff members work regular day shifts and so there is not that same level of interaction or comradery. At the same time, both are essential to effective policing and each deserves the respect of the other.

In Estevan there is no civilian side of the Collective Bargaining Agreement. The practice generally is that what is agreed to in the Association contract will be applied to the staff as well. Going forward I would suggest the following:

- i) Before the Association commences collective bargaining they arrange a meeting with the staff to see if they have any issues or concerns that they would like to see raised during the collective bargaining process;
- ii) The staff should be invited to have a representative attend one or two of the labour liaison meetings each year, at which time they similarly could raise any concerns they have;
- iii) The Association Executive meet with the staff once a year to address any concerns that they might have; and
- iv) To the extent possible, joint activities involving the staff and the members, which would create some better intermingling of the group as a whole, is desirable.

A comment that I heard on more than one occasion is that members “eat their own”. In other words, members can be critical and disrespectful of each other. In this report I have addressed the need for respect and how that can develop and grow. It is important for the members to recognize that there is an obligation on them to show respect to others as well. Increased mental health awareness and education will assist all members of the Police Service in understanding how their behaviour can impact others.

#### **4) Role of the Board**

It was clear to me that many of the Board members were uncertain as to what their role was. There was a survey conducted which was a troubling indictment of management yet most members only had a passing knowledge of it. I would recommend the following:

- i) The term for which the members are on the Board is very short. It takes a while to get up to speed on their duties and responsibilities. I would suggest that the term be expanded;
- ii) While they are expected to attend the half-day training session sponsored by the Saskatchewan Police Commission at the Saskatchewan Police College, the attendees feel it does not provide them with much guidance and direction as to what their actual areas of responsibility are or what they should be doing. The curriculum should be expanded and reviewed;
- iii) There should be a policy in place spelling out the role of the Board. It might exist now but the existing Board members are not aware of it nor have they seen it. The former Chief said he had delivered a policy to the Board. It should be located, reviewed and updated;
- iv) While the Board is involved in the collective bargaining process it may be of benefit to consider retaining an outside third party. This removes some of the personal aspects of the negotiations and sometimes makes it easier to discuss and deal with the various issues;
- v) The Board members are all interested in having an effective Police Service. Right now they feel like they are wandering around in the dark a bit and are looking for guidance and direction as to what they should be doing. This must be provided to them;
- vi) The Board ultimately has the task of approving the budget for the Police Service. However in doing so it is important that the budget not negatively impact the provision of adequate and safe police services. It was reported for example that a sergeant could not authorize overtime and approval for it had to be obtained from the Chief's office. There are times, for example in the case of an armed standoff, when having to go through that process in order to obtain adequate personnel to deal with a dangerous and developing situation would put both the members and public at risk. In other words, budget constraints have to be carefully analyzed to ensure that this is not happening;
- vii) Finally, a member of the Board expressed a desire to meet with and intermingle with the members in order to improve relations between the Board and the Police Service.

## Conclusion

There will be pushback from some of the parties involved however, as I indicated previously, I was impressed with the overall willingness and desire of the people I interviewed to move ahead in a positive way. While the survey was troubling, it did reflect that the members were proud to be part of the Police Service. This was reflected in the comments made by Sergeant Reed, President of the Association, when he forwarded his letter of concern to the Board. There were improvements made in the Police Service as a result of the initiatives put in place by former Chief Ladouceur. Now is the time to address the negatives and the work that still needs to be done.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

DATED at Regina, Saskatchewan, this 23 day of September, 2021.

A handwritten signature in black ink, appearing to read 'A. Fox', written over a horizontal line.

AARON A FOX, Q.C.

## Part III

# Saskatchewan Police Commission Response

After Mr. Fox delivered his September 23, 2021 report, the work of the inquiry needed a pause. The Board had quickly and effectively responded to the April 2021 resignation of former Chief Paul Ladouceur and by September 20, 2021, had appointed a new Chief. Opportunities for organizational transformation are often present at the onset of a leadership change. It was critical to give the new Chief time to understand and respond to the needs of the organization.

The new Chief of Police, Richard Lowen, had previously served as a superintendent with the Winnipeg Police Service. Chief Lowen quickly demonstrated critical transitional leadership skills for the EPS. Once instated it was evident that Chief Lowen's experience and leadership abilities were playing a key role in delivering quality police services and re-establishing a positive workplace culture. He began building upon the previously established mental health and well-being supports, assisting the Board with role clarification, and re-setting an organizational tone and relationship between his office and the police service's personnel.

### Request to Estevan Board of Police Commissioners

The Commission wanted to consider additional information from the Board and Chief Lowen prior to making final recommendations pursuant to subsection 89(3) of the Act and providing a report to the Minister and the Board.

On February 4, 2022, Mr. Fox's responses to inquiry questions were provided to the Board and the Chief. The findings and recommendations were summarized within four categories:

- workplace well-being;
- communication;
- mental health support and services; and
- board governance.

The Commission requested detailed written responses from the Board in relation to the findings and questions posed in the Notice of Inquiry. Specifically, the Commission wanted the Board to describe any organizational changes made or details of changes planned for, and the corresponding timelines proposed for implementation within the police service. This was an important step and an opportunity for the Board to demonstrate how they have responded, and intended to respond, to needed changes. The responses are addressed at a later point in this report.

Additionally, on February 16, 2022, Commission representatives met in Estevan with the Board, Chief Lowen, Deputy Chief Murray Cowan, and Sergeant Warren Morrical who served as the interim Chief from April until September 2021. That productive and cordial meeting established deliverable timelines for the above requested responses and allowed an opportunity for discussion.

The four categories noted previously are expanded on below. The information presented here summarizes what the Board was required to respond to in reference to the Commission's request.

### **Workplace Well-Being**

The Board was advised there is a need to restore and build a respectful, positive, and professional workplace culture. In summary, this includes, but is not limited to the future, prioritized establishment of more responsive policies and practices within the police service in the areas of:

- workplace wellness;
- critical incident response supports for involved employees;
- return to work strategies for those returning after a long absence;
- peer-to-peer counselling;
- formal and informal mechanisms to regularly speak with leaders;
- structuring and maintaining formal meetings to ensure connection and communication with police leadership and the Board;
- independent investigative practices with respect to discipline matters;
- managing police service building surveillance; and
- stakeholder consultation relating to significant change.

### **Communication**

The Board was advised that a continual focus on organizational communication must be maintained to develop an environment of trust and respect. A steady effort is required to build trust and respect between the Chief and the employees, between the Board and the Chief, and between the police members and civilian police personnel.

Improving the relationship between association and non-association employees with related considerations when preparing for collective bargaining was identified as a notable area of concern.

Improving relationship-building initiatives and practices requires leadership development across the organization. Leadership is extremely important and must consistently reflect trust, respect and honesty. Open dialogue and meetings where people are kept informed are important. It does not mean that employees will always agree with what management is doing, but the response will be much better if they at least are informed on what is happening and

why. Communication between management, between members, between civilian staff and members are all important. This starts with leadership, but also involves having the necessary demonstrated practices and organizational processes in place for that appropriate communication to occur.

### **Mental Health Support and Services**

The Board was advised that the inquiry examined the EPS' policies relating to the accessibility and provision of mental health services for all police personnel. Areas of concern and positive current practices were both noted.

The present agreement with a psychologist was reported to generally be working well. It was noted that the psychologist was establishing trust with employees, management was conveying support for the program, and employees were being encouraged to seek assistance. Resiliency workshops have been conducted with more being developed to include support for employees' families.

As of September 2021, confidentiality was raised as a concern. It became apparent that employee mental health services are being coordinated by the Human Resources department in the city of Estevan. Consideration for direct online contact was suggested.

There is a cap on the amount of assistance that is initially available for counselling. There was an indication that additional funds are available if requested but it was not clear how much is available or what steps would need to occur to make that request. A remaining concern centred on employees being worried that making the request would reveal their identity or otherwise result in a situation serious enough for them to refrain from obtaining help.

Other aspects of mental health services have been identified that should be pursued with appropriate policies and programs, including workplace reintegration, peer-to-peer support, and response protocols to critical incidents.

Providing consistent, accessible and anonymous mental health services is critical. With respect to reducing the stigma associated with seeking mental health services, all programs, policies, and organizational practices need to reflect efforts in overcoming stigmatization. Continuing education for employees about mental health is important.

### **Board Governance**

Recommendations relating to board governance, policies, practices, and board member training have been made.

The Board members did not have a clear understanding of their collective role and responsibilities, but they did have a collective desire to acquire a better understanding and put more effective policies and procedures in place.

The Board members demonstrated that they needed assistance in better understanding their duties and responsibilities including their role in human resource stewardship. Past examples illustrated this lack of understanding:

- Having previously received the results of an internal survey which indicated a troubling indictment of the EPS senior leadership, they appeared uncertain as to what to do with this information. Some Board members only had a passing knowledge of it.
- As a Board, they did not fully understand the impact of their decisions. The position taken by the Chief and the Board in challenging Constable Pierson's medically evidenced PTSD diagnosis, left police personnel with a pervasive feeling of distrust. Many EPA members came to believe that if they were suffering from a mental health issue, it would be challenged.

Board members were only appointed to serve one-year terms<sup>3</sup>. By the time a member became somewhat familiar with the roles and responsibilities required of them, their term was ending. Past and present Board members were unclear about their duties and responsibilities, and it appeared there was little to no professional development support for them. Some members participated in provincial boards of police commissioners training, but most felt it was unhelpful. During the COVID-19 pandemic, board training was not readily accessible. Many Board members deferred to the experienced chairperson, who reportedly had significant influence.

## Estevan Board of Police Commissioners Response

On March 17, 2022, the Board and Chief Lowen provided a detailed written response to the Commission's request.

What was evident was the positive impact of Acting Chief Morrical's brief tenure and Chief Lowen's leadership. The EPS had prioritized an organizational focus on improvement within the four categories of workplace well-being, communication, mental health support and services and board governance. The police service and Board had taken significant steps to address the concerns Mr. Fox identified. As a foundation to the renewed organizational focus, Board Chairperson, Mayor Ludwig, wrote:

*The principle utilized to address the concerns of the Estevan Police Service workplace was that of inclusion. Inclusion through information sharing, opportunities to communicate and provide feedback and then action on the feedback provided to build*

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<sup>3</sup> Pursuant to subsections 27(4) and 27(7) of *The Police Act, 1990*, board members must be appointed annually and if provided for in a (local) bylaw, they may be reappointed for a further term in accordance with the bylaw.

*trust. All of these were with the intention of creating internal legitimacy between all members of the Police Service including management, union and non-union members.*

The following summary highlights the work done within the EPS as of March 2022 to improve workplace well-being, communication, mental health support and services, and board governance.

### **Workplace Wellbeing**

Several examples of established, comprehensive organizational communication practices were provided. There now appears to be clear accessibility to senior leaders and consistent collaboration amongst all police service personnel, including the EPA.

It was communicated that senior leadership has membership and participation with a national return-to-work committee that develops organizational re-integration strategies for employees. Executive members have completed reintegration training, and an EPS return-to-work program is in advanced development stages.

Matters relating to operations, equipment, the police station, the promotion process, discrepancies in pay and regular consultation with the EPA were noted as being actively addressed through inclusive stakeholder processes.

### **Communication**

The Board noted significant efforts to improve organizational communication which is resulting in more personnel having a voice. There is now a focus on providing all police personnel with more decision-making autonomy. Offering more inclusive involvement in budget matters, in the interest of raising organizational awareness surrounding costs, identifying needed efficiencies and providing a better sense of collective ownership was also noted as a focus. Further important collaborative efforts were also noted in relation to resolving a range of labour matters within the collective bargaining agreement.

The Board reported on a renewed workplace culture with consistent, wide-ranging organizational communication practices; prioritization of information sharing; and an understanding of the importance of regularly sharing positive employee and team recognition and encouragement throughout the organization.

### **Mental Health Support and Services**

The Board noted that the existing agreement and contract with the police service's psychologist remains in place. In addition to providing accessible mental health services, the psychologist has also led resiliency training throughout the entire police service. This training was completed in March 2022.

The Board communicated that police personnel can make direct contact with the psychologist in a way that does not require notification to senior police leaders. This provides an enhanced measure of confidentiality for employees seeking assistance. Current compensation for claims is provided through direct insurance recovery which does not require notification to the employer.

The Board shared with the Commission that peer-to-peer counselling programming supports are being structured in collaboration with the nearby WPS. This is intended to provide members with a greater degree of privacy and accessibility when compared to sole reliance on a small police service like Estevan's.

Work has begun to develop further support networks that will enable well-being supports for the family members of Estevan police personnel through an independent national organization. It was noted that the EPS and WPS have committed to financially backing the program which can provide both online and in-person support resources.

The Board shared that policy development and related communication planning is underway in relation to health and wellness, and critical incident responses. The police service is also preparing for policy development and training as it relates to new provincial legislation that will guide the often-stressful investigative process of serious incidents involving police officers. The Saskatchewan Serious Incident Response Team is an independent, civilian-led unit responsible for investigating serious incidents involving municipal police officers; it is in the preliminary stages of operation.

To acknowledge the critical importance of confidentiality, the police service has undertaken an information privacy review. Annual training as it relates to *The Local Authority Freedom of Information and Protection of Privacy Act* has also occurred.

### **Board Governance**

In 2021, given the challenges of appointing and training new board members, the Board passed amendments to appoint new commissioners for two-year instead of one-year terms. In the past, Board members were often left uncertain throughout much of their tenure. The Board has now aligned new appointments to the Commission's revised 'Boards of Police Commissioners Training'<sup>4</sup> schedule.

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<sup>4</sup> Beginning in 2022, as directed by the Saskatchewan Police Commission, the Saskatchewan Police College began delivering training to members of boards of police commissioners on an annual basis versus a previous biennial basis. The training schedule was also changed to the first quarter of the year versus the last quarter to better align with new board member appointments.

The Board quickly and effectively responded to the April 2021 resignation of the Chief and by September 2021 had appointed a new Chief who has demonstrated critically important transitional leadership skills for the EPS.

A strategic and collaborative budgeting process between the Chief and the Board was communicated, as well as the development and completion of a strategic plan.

The Board has actively participated in professional development efforts by attending recent province-wide boards of police commissioners training, and a workshop on better understanding police use of force.

## Governance Support: Estevan Board of Police Commissioners and the Chief of Police

As established in the Act, the Board is ultimately responsible for the delivery of policing services within the city of Estevan and providing general direction, policy and priorities as well as long-term plans. To achieve this, the Board can demonstrate leadership by establishing and maintaining the police service's vision, mission and strategic plan while ensuring congruence with stakeholders and the strategic direction<sup>5</sup>.

During Mr. Fox's investigation, he noted challenges the Board faced in understanding its role in overseeing the police service. He further identified that many past and present Board members were unclear as to what their duties and responsibilities were.

A clear priority for the Commission was to structure appropriate follow up with the Board to ensure future supportive governance practices translate into an improved and enduring professional and supportive workplace.

In May 2022, a board governance expert, Mr. Ken Acton, Executive-in-residence at the Johnson Shoyama Graduate School of Public Policy, was contracted by the Commission to provide training to the Board. For over 28 years, Mr. Acton served with the Saskatchewan Public Service and held numerous senior leadership positions, including Deputy Minister. Throughout his career, he also served on and chaired a variety of committees and boards. In 2017, he received the Institute of Public Administration of Canada's Lieutenant Governor's Gold Medal for Excellence in Public Administration.

On May 27 and May 30, 2022, Mr. Acton provided training to the Board. All members of the Estevan Board of Police Commissioners and Chief Lowen were in attendance on May 27<sup>th</sup>. On May 30<sup>th</sup> Deputy Chief Cowan joined the discussion as well.

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<sup>5</sup> Governance: The Board's Role Setting Direction, Johnson Shoyama Graduate School of Public Policy, November 2021 Saskatchewan Police Commission Board Training material

On May 27<sup>th</sup>, the basic components of governance in a municipal police board context were covered and included:

- Context setting based on Sir Robert Peel's 'Principles of Law Enforcement' and the need to develop a strategic plan with the engagement of the community.
- The role of the Board to set policies to guide the work of the police service and the role of the Chief of Police to set procedures to implement those policies.
- Establishing terms of reference that outlines the role of a board of police commissioners and the role of the Chief of Police to assist in clarifying roles and responsibilities, and on-boarding future members of the Board.
- Strategies to remain connected with the community and report on key components of the strategic plan.
- Establishing policies and procedures for community members or out-of-scope police members to raise concerns with the Board.
- The Board's role in financial oversight, recognizing that the Board is a separate legal entity.
- The Board's role in human resource stewardship recognizing that the Board is the employer of the staff and is accountable to provide a safe, respectful work environment free from harassment and bullying.

On May 30<sup>th</sup>, after reviewing the previous discussions, the following additional board concepts were covered:

- Fiduciary duty, duty of care and conflict of interest, specifically for the need of Estevan City Council members serving as Board members to recognize the distinction between their role as a city councilor and their role as a member of the Board.

# Key Actions Required by the Estevan Board of Police Commissioners

With the board training topics serving as a foundational basis, Mr. Acton facilitated a discussion with the Board and senior leadership to identify key actions that need to be taken in the coming months to improve their oversight responsibilities. These include establishing policies, procedures and practices that would strengthen their governance structure, now and into the future.

The Commission is directing the Board to take the following key actions:

- Develop an interim strategic plan that will guide the Board's work over the next eight to ten months while they contract an individual or organization to guide the engagement process and assist in developing a more comprehensive strategic plan. The EPS has already done work to identify its proposed mission, vision and values for the Board's consideration and approval.
- Consider for approval proposed organizational goals, actions and measures to be developed by Chief Lowen as part of a complete interim plan.
- Begin development of a full strategic plan in the fall of 2022, targeting completion and approval of the plan in April 2023.
- Clarify the Board's roles and responsibilities by developing terms of reference for the Board and for committees established by the Board (For example: the liaison committee and negotiating committee). The terms of reference must also clearly acknowledge the Chief's operational oversight and confidentiality responsibilities with respect to day-to-day operations and specific operational decisions.
- Develop a board calendar to list key items for discussion and approval throughout the fiscal year. (For example, estimates development and recommendation for council, reviewing human resource policies, and completing a board evaluation).
- Recognizing the Board's role in developing high-level policies and the Chief's role in establishing procedures that operationalize the policies. The Board will review existing policies over the coming months, taking into consideration the direction set by the Commission's Policy Manual for Saskatchewan Municipal Police Services, and the needs and expectations from stakeholders within the police service and the city of Estevan.
- Explore implementing policies that provide guidance for out-of-scope employees who wish to raise concerns or file a complaint with the Board (originally referred to as a whistle blower policy). There may be a potential to adopt, with minor amendments, a

process similarly in place within the City of Estevan. It was noted that the EPA already has a process in place.

In addition to these key actions, the Board identified the need to:

- Develop a media strategy to facilitate information sharing with community members on a regular basis to recognize the great work of EPS members and staff, share information with the community regarding police activity levels and total staffing compliment year-over-year, and highlight work such as the recently established Police and Crisis Team.
- Consider opportunities to engage with various community organizations throughout the year by attending their meetings or inviting them to attend a portion of a Board of Police Commissioners' meeting (the Estevan Chamber of Commerce being one suggestion).

# Estevan Police Association

Throughout the inquiry, Commission representatives had regular contact with the Board, the Chief, the former Chief, the executive members of the EPA and Constable Jay Pierson's family.

As previously noted, once Richard Lowen became the new Chief, the Commission felt it was important to pause the work of the inquiry and give him time to understand and respond to the needs of the organization. Having said that, during the initial months of his new tenure, he and the Commission had frequent contact on a range of matters.

On February 14, 2022, Commission representatives, including the Chairperson, went to Estevan and met with stakeholders, including EPA members. General themes within the inquiry were discussed and it became evident that progress in rebuilding the trust of the police personnel was occurring. During that visit, Commission representatives heard first-hand accounts from a cross-section of employees about the past challenges within the police service. What was evident about the progress being made was the police service's overall efforts to better address the well-being and mental health of its members.

On May 17, 2022, the Commission's Chairperson and Executive Director met with the SFPO and the EPA executive members at the SFPO annual meeting in Regina. The EPA members said that the workplace within the Estevan Police Service had improved immensely, and they had a very good working relationship with Chief Lowen.

On June 21, 2022, Commission representatives, including the Chairperson and Executive Director, went to Estevan to meet again with the EPA executive members.

The EPA executive shared their desire to read this final report once completed and cited a history of being excluded from information such as this, involving the police service and its members. The Commission answered general questions relating to the scope of the inquiry and provided a general timeline of when the report would be completed. The Commission again heard that the overall workplace environment within the EPS had improved immensely. Members are becoming more comfortable and there appears to be more of an inclusive environment where people are consulted with and know what is going on. There is a sense of gratitude within the police service for the struggle that Constable Pierson went through and how he paved the way to build improvements and inspired others to seek help.

There was recognition that mental health support services had been established by the former Chief, but the EPA described those supports as being put in place too late in an already troubled environment. The membership did not initially have trust in the program because the relationship with the former Chief and the membership was strained. The membership associated that support system as being part of the former Chief's structure and were distrustful in accessing it when they saw him simultaneously appealing Constable Pierson's

access to WCB benefits.

Today there is a comfort level with the current Chief whereby his openness to support the membership is in turn providing more confidence in seeking support services when needed. The EPA were not aware of anyone not being fully supported by the services and say access to the psychologist is very straight forward and accessible.

The existing support program is responsive, with contact in a day and the EPA has not heard any complaints about it. They pointed out that there remains a measure of guardedness amongst the membership. The EPA said that, for some, it will take more time to become comfortable in accessing help if needed.

The EPA repeatedly described having a positive relationship with the new Chief and commented that their trust is growing. Simple gestures, such as the Chief signing his name as "Rich" instead of "Chief," were noted as positive changes in communication style that appear to be meaningful to the membership. By contrast, some of the members take the view that their level of trust in the new Chief will be determined after they see how he responds once organizational conflict inevitably arises. These members would prefer to see how Chief Lowen manages significant conflict before fully trusting his leadership.

The EPA executive acknowledged that for some of its members, it was troubling that the Deputy Chief remained with the service but cited no current concerns. To some, it was troubling that the mayor was still the Chairperson of the Board. Some still see both as being part of the former Chief's concerning influence on the police service. Having said this, the EPA also stated they recognize there is an entirely new Board in place, and that the Board's Chairperson is reaching out to them, which is appreciated. They stated this was not allowed under the previous Chief. They have trust that if similar past concerns about the Deputy Chief were to develop, the Chief would intervene appropriately.

Collectively, the membership is reportedly doing well and community confidence in the police service is evident to them. Everyone is coming to work, and it is a source of enjoyment for most as there is presently no significant workplace conflict.

Lastly, the EPA were appreciative of the Commission for appointing Mr. Fox to conduct the inquiry. Many felt his approach was exactly what was needed and by being heard, most felt the interviews and interactions with him were therapeutic.

# Conclusion

In response to the call for an inquiry, the Commission sought to objectively establish what was happening within the EPS, assist with needed changes and ensure the availability of adequate and effective policing in the city of Estevan. In 2023, the Commission will conduct an audit and review to ensure progress established during the inquiry continues.

In response to the questions that were posed in the Notice of Inquiry which commenced this process, the Commission has determined the following:

1.
  - (a) There has been a demonstrated collective effort by all involved parties to improve the workplace culture and establish the needed trust and respect required for an effective police service. The EPS is now demonstrating it has a respectful and professional workplace culture. A 2023 audit will seek to determine if an enduring professional and supportive workplace remains in place and assess how workplace conflict resolution practices are being managed.
  - (b) Although the quality of policing in the municipality may have been previously impacted, it now appears that the workplace culture within the EPS is not negatively impacting service delivery. The Commission notes through its regular contact with the police service and close monitoring of media coverage that the EPS is demonstrating itself as competent and responsive to the community it serves.
2.
  - (a) Over the course of the inquiry, the police service has demonstrated that it has the resources, competencies, and the genuine willingness to recognize, respond to and support the health and well-being of its members. Recognizing the time often required for impactful organizational change, a 2023 audit will seek to ensure needed policies and procedures identified through the inquiry have been put, or remain, in place.
  - (b) The police service is demonstrating meaningful progress to better support the health and well-being of police personnel. Through its overarching mandate, the Commission will continue to assist the EPS (and in turn other police services subject to the Act) in enabling ongoing improvements to how police officers with occupational stress injuries are responded to.
3. During the inquiry, the Commission provided training and direction to the Board where the basic components of governance in a municipal police board context were conveyed. The Board is tasked through the inquiry to undertake the key actions previously identified in this report throughout the coming months to improve their oversight abilities. This includes establishing policies, procedures and practices that would strengthen their governance structure, now and into the future. As the Board embarks on this process, the Commission will remain supportive and is confident in

the Board's ability to make governance improvements.

The Commission will conduct a follow up audit and review in 2023 pursuant to subsection 19(2)(e) of the Act. The scope of this follow up will:

- Seek assurances of the continued adequacy and effectiveness of police governance and in turn that policing services in Estevan continue to meet the requirements of the Act.
  - Recognizing the time often required for sustained organizational change, seek to ensure needed policies and procedures identified through the inquiry have been put or remain in place.
  - Assess the key actions undertaken by the Board to ensure supportive governing practices translate into an enduring professional and supportive workplace.
4. The inquiry concludes with all involved parties having made significant, constructive efforts in establishing trusting and respectful relationships between the Board, police service leaders and police personnel. The quality of policing in the municipality does not appear to be negatively affected by the current relationships.
  5. Mr. Fox had identified a strained relationship between the members and civilian police personnel. The police service and the Board have demonstrated significant steps to address these identified concerns.

This inquiry is now concluded.

Dated this 26 day of September 2022, at Regina in the province of Saskatchewan.



Treena Sikora,  
Chairperson, Saskatchewan Police Commission