IN THE MATTER OF a Public Complaint by G.G. against Cst. S.W., made under the *Royal Newfoundland Constabulary Act 1992*

-and-

IN THE MATTER OF an Appeal by Cst. S.W. dated 9th September 2022, made under the *Royal Newfoundland Constabulary Act 1992*

BETWEEN:		
	Cst. S.W.	**APPELLANT**
AND:		
	Royal Newfoundland Constabulary Public Complaints Commission	**RESPONDENT**
AND:		
	Chief of Police, Royal Newfoundland Constabulary	**INTERVENOR**

Hearing Date:	9th April 2026
Decision Date:	28th October 2026
Counsel for the Cst. S.W.:	John Drover
Counsel for the RNC PCC:	James Strickland
Counsel for the Chief of the RNC:	Erin Matthews
Adjudicator:	Kimberley Horwood

DECISION

OVERVIEW

1. The complainant, G.G., was injured in a house fire at her partner's home on 30th June 2019. G.G. suspected that her partner's ex, M.W., deliberately set the fire. Upon receiving her complaint, the Royal Newfoundland Constabulary ["RNC"] began an investigation.

2. Cst. S.W., who was at that time a fire investigator with the RNC's General Investigation Unit ["GIU"], was assigned the file on 2nd July 2019.

3. Investigators with the St. John's Regional Fire Department were also involved in the investigation, and concluded that they could not determine the cause of the fire.

4. Cst. S.W. completed his investigation in March 2020. There were no charges laid as a result of the investigation.

5. On 11th September 2020, G.G. filed a public compliant against Cst. S.W., alleging that Cst. S.W. failed to conduct a proper and complete investigation into the fire, and that he closed the investigation prematurely.

6. On 23rd November 2020, the Chief of Police assigned Sgt. K.R. to investigate G.G.'s complaint against the RNC officer, Cst. S.W..

7. On 12th January 2021, the RNC PCC investigation was suspended after the criminal investigation was re-opened to resume further investigations into the house fire.

8. During the RNC PCC investigation, Sgt. K.R. alleged the Cst. S.W. neglected his "duty of due inquiry" by failing to investigate alternative possibilities for the cause of the fire and by not diligently pursuing leads after learning that the fire's cause was undetermined.

9. Sgt. K.R. also identified that Cst. S.W. failed to take contemporaneous notes in his police notebook during the course of his investigation.

10. Cst. S.W. acknowledges that the RNC has a clear policy on police notebooks and that he did not adhere completely to that policy.

11. Following Sgt. K.R.'s investigation, the Chief of Police issued a Notice of Public Complaint Disciplinary Proceedings and convened a hearing on 30th June 2021. Cst. S.W. pleaded not guilty to the allegations of police misconduct at his disciplinary hearing, and the Chief of Police found Cst. S.W. guilty of police misconduct on the following charges:

> Count #1
> Between July 2, 2019 and September 11, 2020 Constable S.W. conducted himself in a manner unbecoming to a police officer and liable to bring discredit upon the

Royal Newfoundland Constabulary by neglecting or omitting to promptly and diligently perform his duties as a police officer in relation to RNC file # 2019-34838;

Count #2

Between July 2, 2019 and September 11, 2020 Constable S.W. conducted himself in a manner unbecoming to a police officer and liable to bring discredit upon the Royal Newfoundland Constabulary by carrying out his duties in a manner contrary to the Royal Newfoundland Constabulary Policy and Procedures Manual

12. Following the hearing, the Chief of Police imposed upon Cst. S.W. a 14-day suspension without pay.

13. For the purposes of this appeal. Cst. S.W. does not dispute the findings of misconduct, but does dispute the penalty imposed. Cst. S.W. seeks to have the 14-day suspension with pay substituted with a written reprimand and mandatory training on investigative techniques and documentation.

ISSUE

14. What is an appropriate disposition in the circumstances of this matter?

EVIDENCE

15. As the facts are not in dispute, there was no evidence led at the appeal hearing.

ARGUMENTS

16. Cst. S.W. did not dispute the findings of deficiency in his conduct. The only issue on appeal was the disposition.

17. It was agreed by the parties that the applicable legal framework to be applied is as set out by Paul Ceyssens in *Legal Aspects of Policing*.[1] Decision-makers must consider the five

[1] Paul Ceyssens, *Legal Aspects of Policing* (Earlscourt Legal Press Inc, 1999)

principles applicable to police discipline: (1) compliance with the purposes of the police discipline process; (2) corrective dispositions should prevail, if possible; (3) presumption of the least onerous disposition; (4) proportionality; (5) higher standard applicable to the constabulary.

18. Decision-makers also have a duty to provide adequate reasons for their decisions. Dispositions may be directed at general or specific deterrence, and at the protection of the public. However, dispositions that are purely retributive or denunciary are not appropriate. Cst. S.W. asserts that, where possible, the decision-maker should seek to correct the behaviour of the officer and update the policies and procedures of the police force, not to punish the individual officer unless deterrence is absolutely necessary to effect that result.

19. Cst. S.W. also asserts that dispositions must be proportionate to the offence, and accord with dispositions in similar cases.

20. It was acknowledged by all parties that, at the time of the hearing, Cst. S.W. had been employed with the Royal Newfoundland Constabulary as a police officer since 2007, and that he would soon be entering his 19th year of service. During that time, Cst. S.W. received no prior discipline and was the recipient of multiple commendations related to his work, including both formal awards and public and internal recognition. In the 7 years since the house fire investigation, no other allegations of misconduct relating to Cst. S.W. have arisen.

21. Cst. S.W. argued that there was no deliberate misconduct in his investigation; his poor judgment was an isolated incident, and not the product of malice. He asserts this is relevant at the discipline stage, where his moral blameworthiness ought to be considered.

22. Both the RNC PCC and the Chief of Police argue that the penalty imposed was not unreasonable.

ANALYSIS

23. There is virtually no dispute on the facts that relate to the within complaint and appeal. What is in issue is the disposition as it relates to Cst. S.W. and whether the original

decision by the Chief of Police to impose a penalty of a 14-day suspension without pay was appropriate in the circumstances.

24. An appropriate disposition must be implemented in line with the guiding principles relating to police discipline. All parties agree that these guiding principles are set out by Ceyssens[2].

25. There is substantial relevant authority on the topic of police discipline, particularly within this jurisdiction. In considering this jurisprudence, there is ample guidance for this matter as it relates to disposition.

26. In analyzing the core disposition principles, the following are considered as it relates to Cst. S.W.:

Compliance with Purposes of the Police Discipline Process

27. This principle relates to the balance that must be struck between officer-specific discipline, general regulation of the profession, and public confidence in the police system.

28. The public does indeed have an interest in ensuring that police investigations are undertaken responsibly and pursuant to the high level of integrity expected from any police investigation. This is particularly important when the subject matter of the investigation not only caused significant property damage, but where a serious personal injury occurred.

29. At the same time, the officer is entitled to have the matter handled fairly and in line with previous discipline decisions. It is also appropriate to consider the officer's own professional background and employment performance. In this case, Cst. S.W. had been a police officer since 2007, with an exemplary record including commendations and no prior discipline. He also has not had any allegations of misconduct in the seven (7) years since this incident. This does suggest that the current situation was unusual for Cst. S.W..

[2] Ibid

Corrective Dispositions Should Prevail, if Possible

30. Punitive dispositions that seek only to punish an officer rather than improving the police force are to be avoided. The primary focus should be on addressing the root cause of any deficiency, along with a rehabilitative function. This does not mean, however, that all matters requiring discipline ought to be focused on corrective measures alone.

31. In the context of Cst. S.W., the allegations are that he was deficient in his note-taking. This is a fundamental tenet of police investigation that cannot be ignored.

32. Also to be considered was Cst. S.W.'s judgment in making conclusions in his investigation without conducting a fulsome investigation.

33. Cst. S.W. does acknowledge that his conduct did not meet the professional standards of a police officer in this instance. However, there is no suggestion that his shortcomings were either deliberate or showed any malice or deceit.

Presumption of Least Onerous Disposition

34. As with most matters of misconduct, there is a spectrum of remedies. An appropriate remedy should be aimed at the particular individual, to avoid any recurrence of unwanted behaviour, it should be aimed at general deterrence within the profession, and it should satisfy the public's confidence in the policing system, in that mistakes will be properly addressed.

35. In assessing what is meant by the least onerous disposition, it means that where there is a range of possible dispositions that would suffice as a reasonable manner of discipline, the least restrictive of them ought to be imposed.

36. There is also an opportunity within this guiding principle, to ensure the most effective means of rehabilitation for a particular officer are imposed. There is a balance to strike here between what is specifically appropriate to Cst. S.W. for rehabilitative purposes, and what would be perceived as a reasonable result to the public.

Proportionality

37. It is a fundamental proposition that any punishment for any wrongdoing should be proportionate to the offence. This is equally true in the context of police discipline.

38. In assessing a fit disposition for Cst. S.W., it must be considered whether there are particularly mitigating factors, and also where there are any aggravating factors to be weighed. These are also analyzed against the often competing notions of moral blameworthiness and gravity of misconduct.

39. Even if Cst. S.W. had a sincere and good faith belief that he conducted an appropriate investigation; it must be assessed whether a reasonable observer would agree that his discretion was exercised within the standards expected of a competent police officer.

40. The accepted proportionality factors are:

a. Public Interest

Police officers must conduct thorough, fair, and diligent investigations. Public confidence in policing begins and ends with the perception that an investigating officer will act as any other reasonable and competent police officer in the course of any and all investigations, particularly where there are individuals who were harmed in the course of the event.

b. Seriousness of the Misconduct

In this incident, there was significant property damage, and serious personal injuries.

c. Recognition of the Seriousness of the Misconduct

Cst. S.W. was deficient in a very fundamental investigative technique in that he failed to take any notes, contemporaneous with his investigative work, in his notebook. It was also alleged that he did not explore all investigative avenues which showed poor investigative discretion. With that said, there was also evidence that the cause of the fire could not be determined, regardless of Cst. S.W.'s investigative deficiencies.

d. Handicap and Other Relevant Personal Circumstances

There was nothing advanced under this consideration as it relates to Cst. S.W..

e. Provocation

Similarly, there was nothing advanced under this consideration that relates to Cst. S.W..

f. Procedural Fairness Considerations

It appears as though Cst. S.W. was afforded every procedural opportunity to have his matter assessed fairly.

g. Employment History

In the time prior to this event and in the 7 years since, Cst. S.W. has not had any other discipline whatsoever. To the contrary, he has had several commendations over the course of his policing career, spanning almost 20 years.

h. Potential to Rehabilitate

Cst. S.W. has expressed remorse for his conduct and has not had any such incidents of discipline since this event. This suggests a favourable rehabilitation.

i. Effect on Police Officer and Police Officer's family

No information was provided relating to this other than the argument that his personal and professional reputation is affected.

j. Consistency of Disposition

I would consider this to be a paramount consideration in deciding upon any discipline disposition. It is an accepted premise that all members of the police force should be treated equally and that any instances of misconduct ought also to be treated equally.

k. Specific and General Deterrence

It is of no use to effect discipline on Cst. S.W. if it will not also send a message to the police force as a whole. Both objectives must be achieved.

l. Systemic Failure and Organizational/Institutional Context

It was asserted that the Royal Newfoundland Constabulary had shortcomings in their policies. It was also argued that Cst. S.W. was tasked with managing an excessive workload, which might have contributed to his misconduct on this matter.

m. Damage to the Reputation of the Police Force

While there must be a deterrence factor for the offending officer and the police force as a whole, it must also be a disposition that would be perceived by the public as an appropriate penalty in the circumstances.

41. These proportionality factors should be examined as a whole, consistent with the overarching examination of what constitutes a fit disposition in this particular matter.

42. I am guided by the decision of *Maloney v. Royal Newfoundland Constabulary Public Complaints Commission*[3] wherein the adjudicator was tasked to address disposition for an officer's failure to conduct a proper investigation. In *Maloney*, the investigation centered around an allegation of assault causing bodily harm. The investigating officer was deficient in his investigation, the result of which was that an individual was improperly detained for 3 days. Cst. Maloney was charged with two offences that:

> Cst. Maloney conducted himself in a manner unbecoming a police officer and liable to bring discredit upon the Royal Newfoundland Constabulary by:
>
> (i) without good and sufficient cause, making an arrest or detaining a person contrary to Section 3(1)(a) of the *Royal Newfoundland Constabulary Public Complaints Regulations,* CNR 970/96, thereby committing an offence contrary to Section 3(2) of the Regulations; and
>
> (ii) neglecting or omitting to promptly and diligently perform his duties as a police officer contrary to Section 3(1)(d) of the *Royal Newfoundland Constabulary Public Complaints Regulations,* CNR 970/96, thereby committing an offence contrary to Section 3(2) of the Regulations.

Cst. Maloney was found guilty of both by the Adjudicator. His disposition, which was upheld on appeal to the Supreme Court of Newfoundland and Labrador, was that Maloney was given a 4-day suspension without pay on each offence, to be served concurrently.

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[3] *Maloney v. Royal Newfoundland Constabulary Public Complaints Commission,* 2002 CanLii 54073 (NLTD - General)

This amounted to a total of 4 days suspension without pay. I note that this matter did involve the improper detention of an individual.

43. In *Harris v. Royal Newfoundland Constabulary Public Complaints Commission*[4], the complaint was regarding an incident whereby Cst. Harris and Cst. Priddle wrongfully detained a disabled young person, used discourteous language, and unnecessary force. They were accused of wrongful detention of an individual and breaches of the RNC regulations.

44. Cst. Harris faced five charges and was found guilty of all of them, with penalties imposed by the Chief Adjudicator, as follows:

a. Cst. Harris shall be suspended for a period of three (3) days without pay for the arrest and detention of an individual contrary to S. 3(1)(a) of the RNC regulations and pursuant to S. 33 of the RNC Act;
b. Cst. Harris shall be suspended for a period of one (1) day without pay for the discourtesies towards an individual contrary to S. 3(1)(c) of the RNC regulations and pursuant to S. 33 of the RNC Act;
c. Cst. Harris shall be suspended for a period of two (2) days without pay for her failure to comply with the provisions of the RNC Policy and Procedures Manual contrary to S. 3(1)(j) of the RNC regulations and pursuant to S. 33 of the RNC Act;
d. Cst. Harris shall be suspended for a period of one (1) day without pay for her failure to perform her duties as an RNC Officer in a prompt and diligent manner contrary to S. 3(1)(d) of the RNC regulations and pursuant to S. 33 of the RNC Act; and
e. Cst. Harris shall be suspended for a period of one (1) day without pay having conducted herself in a manner contrary to the RNC Act, 1992 S. 8(1)(g) and pursuant of S. 33 of the RNC Act.

This amounts to a total of eight (8) days of suspension without pay. The dispositions ranged from 1-3 days suspensions without pay per offence. I am cognizant that these charges also involved detention of a vulnerable person, and discourteous treatment of this vulnerable person, along with several procedural failings.

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[4] *Harris v. Royal Newfoundland Constabulary Public Complaints Commission*, 2017 Carswell314 (NLTD - General)

45. In respect of the same incident, Cst. Priddle was also charged with three offences and was found guilty of all three. The summary of his disposition is as follows:

a. Cst. Priddle shall be suspended for a period of two (2) days without pay for the arrest and detention of an individual contrary to S. 3(1)(a) of the RNC regulations and pursuant to S. 33 of the RNC Act;
b. Cst. Priddle shall be suspended for a period of one (1) day without pay for the discourtesies towards an individual contrary to S. 3(1)(c) of the RNC regulations and pursuant to S. 33 of the RNC Act; and
c. Cst. Priddle shall be suspended for a period of one (1) day without pay for his failing to promptly and diligently perform his duties as a Police Officer pursuant to S. 33 of the RNC Act.

Cst. Priddle's dispositions ranged from 1-2 days suspension without pay, and formed a total of a 4-day suspension. Again, as with Cst. Harris, it was the same aggrieved individual, who was a young and vulnerable person.

46. The parties presented other jurisprudence from outside Newfoundland and Labrador. While it was instructive to a degree, where there exists case law within our own jurisdiction, our own precedent dispositions ought to be preferred.

47. Cst. S.W. was found guilty of:

Count #1

Between July 2, 2019 and September 11, 2020 Constable S.W. conducted himself in a manner unbecoming to a police officer and liable to bring discredit upon the Royal Newfoundland Constabulary by neglecting or omitting to promptly and diligently perform his duties as a police officer in relation to RNC file # 2019-34838;

Count #2

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48. These charges are not dissimilar to those adjudicated upon in *Maloney* and *Harris*. It is noteworthy that they were both also upheld by our Supreme Court. These matters are instructive in determining a fit disposition for Cst. S.W. as it relates to his offences of: neglecting or omitting to promptly and diligently perform his duties as a police officer; and failing to carry out his duties in a manner contrary to the RNC Policy and Procedures Manual.

49. In assessing the appropriate specific disposition for Cst. S.W., it must serve to personally inform, educate, and rehabilitate the police officer, while also working to denounce and deter investigative failures across the police force generally. The disposition must also be in line with precedent discipline, ideally within our own jurisdiction.

50. I therefore find that a complement of suspension without pay, and additional training, is appropriate in these circumstances.

ORDER

51. The Adjudicator concludes that the 14-day suspension without pay is lifted, and pursuant to s. 33 of the *Royal Newfoundland Constabulary Act*, the following disposition is imposed for Cst. S.W.:

    a. two (2) days suspension without pay in respect of each count where misconduct was found, for a total of four (4) days suspension without pay (s. 33(1)(vi));
    b. mandatory training in investigative techniques and documentation (s. 33(1)(vi)).

52. As there is a mixed result in the appeal, pursuant to s. 33 of the *Royal Newfoundland Constabulary Act*, the parties will each bear their own costs.

DATED at the City of St. John's, in the Province of Newfoundland and Labrador, this 28th day of October, 2026.

Kimberley Horwood
Adjudicator