

PROVINCE OF NEW BRUNSWICK

IN THE MATTER OF AN ARBITRATION PURSUANT TO THE *POLICE ACT* R.S.N.B. 1973, Ch. P-9.2 and SECTION 4 THE *INQUIRIES ACT*, R.S.N.B. 2011, c. 173

Between:

NEW BRUNSWICK POLICE COMMISSION

(the "Commission")

- and -

CONSTABLE LACEY JOHNSON

(the "Member")

DECISION

WHEREAS Chief William Reid filed a conduct complaint against the Member for removing evidence (being a small quantity of marijuana) from a crime scene she was guarding for the purpose of destroying that evidence (the "Complaint");

AND WHEREAS the Complaint alleges that the Member engaged in discreditable conduct as described in section 36(1)(a)(ii) and neglect of duty as described in section 37(a)(i) and (ii) of the *Code of Professional Conduct Regulation - Police Act* (the "Code") in violation of subsections 35(a) and (b) of the *Code*, thereby breaching the *Code*;

AND WHEREAS the New Brunswick Police Commission took over the processing of the Complaint;

AND WHEREAS I was appointed pursuant to section 33.03 of the *Police Act*, R.S.N.B. 1973, Ch. P-9.2 as Arbitrator to hear the Complaint, being Arbitration file 9000-C-14-08;

AND WHEREAS the parties have provided a Joint Submission dated March 31, 2015 (a copy of which is attached hereto) wherein the Member admits the allegations as set out in the Joint Submission and the Investigator's Report dated May 30, 2014, and agrees to proposed sanctions as described in the Joint Submission;

IT IS HEREBY FOUND THAT:

1. Pursuant to section 27 of the *Code of Professional Conduct Regulation - Police Act*, the Member is guilty of violating sections 35(a) and (b) of the *Code* and therefore in breach of the *Code* by engaging in:

(a) discreditable conduct under subparagraph 36(1)(a)(ii) of the *Code of Professional Conduct Regulation - Police Act*; and



- (b) neglect of duty under subparagraph 37(a)(ii) of the *Code of Professional Conduct Regulation - Police Act*.

IT IS HEREBY ORDERED THAT:

- 2. The Member:
 - (a) Undertake training at Atlantic Police College with respect to exhibit handling and processing within 60 days from the date of this Decision;
 - (b) Continue any medical treatment for PTSD and provide periodic and frequent status updates to the Chief of Police until such time as treatment is concluded; and
 - (c) Work under direct supervision of her shift sergeant with respect to any and all exhibits seized and processed by her.

DATED this 17th day of April, 2015.



Donald MacLean
LL.B., C. Arb.
Arbitrator

JOINT SUBMISSION
Arbitration file 9000-C-14-08
Respecting Cst. Lacey Johnson (the "Member")

Allegations:

On February 22, 2014 the Member removed evidence from a crime scene (marihuana) for purposes of destroying same as follows:

1. On February 22, 2014 the Member was assigned to guard a crime scene at 325 Duke Street, Saint John, New Brunswick, being the scene of an alleged sexual assault commencing at approximately 12:55 a.m. on February 22, 2014.
2. A small amount of marihuana was located on a coffee table at the scene, the Member was instructed to guard the scene to keep continuity of evidence and remained at the scene alone.
3. The Member had not received any instructions with regard to the marihuana except to guard the scene.
4. The Member seized the marihuana without instructions to do so, removed the marihuana from the scene and at the end of her shift at approximately 7:20 a.m., at the central station at Peel Plaza, the Member flushed the marihuana down a toilet.

Charges:

That the Member by the above conduct:

1. engaged in discreditable conduct under subparagraph 36(1)(a)(ii) of the *Code of Professional Conduct Regulation - Police Act*;
2. engaged in neglect of duty under subparagraph 37(a)(ii) of the *Code of Professional Conduct Regulation - Police Act*.

Proposed Sanctions:

1. Training at Atlantic Police College with respect to exhibit handling and processing within 60 days from arbitration conclusion;
2. Continue any medical treatment for PTSD and provide periodic and frequent status updates to the Chief of Police until such time as treatment is concluded; and
3. To work under direct supervision of her shift sergeant with respect to any and all exhibits seized and processed by her.

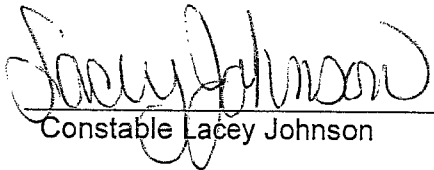
JOINT SUBMISSION
Arbitration file 9000-C-14-08
Respecting Cst. Lacey Johnson (the "Member")

I, **CONSTABLE LACEY JOHNSON**, of Saint John, New Brunswick, a police officer of the Saint John Police Force, admit the allegations set out above and in the Investigator's Report dated May 30, 2014 and agree that my conduct constitutes:

- a) discreditable conduct under subparagraph 36(1)(a)(ii) of the *Code of Professional Conduct Regulation - Police Act*; and
- b) neglect of duty as described above under 37(a)(ii) of the *Code of Professional Conduct Regulation - Police Act*.

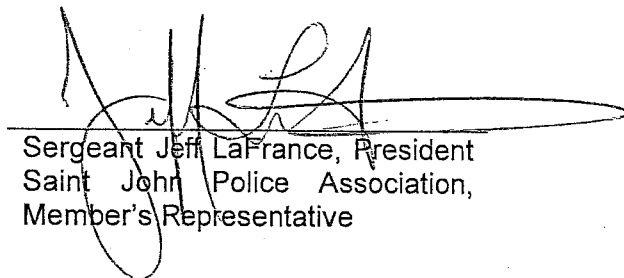
I further agree to the proposed sanctions as set out above in settlement of this matter.

DATE: March 31, 2015.



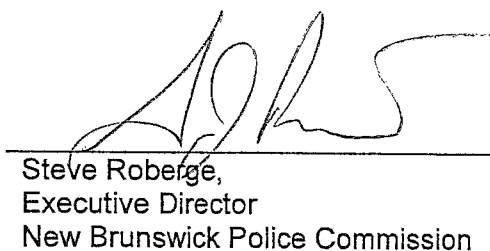
Constable Lacey Johnson

I, the undersigned representative of Constable Lacey Johnson concur with this Joint Submission.



Sergeant Jeff LaFrance, President
Saint John Police Association,
Member's Representative

The New Brunswick Police Commission concurs with this Joint Submission.



Steve Roberge,
Executive Director
New Brunswick Police Commission