

Independent Review of the Fredericton Police Force

Major Case Management – Major Crime Team

Conducted by:

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Submitted: December 5, 2025

In compliance with the Terms of Reference entitled "Terms of Reference – Independent Investigation" signed between Ian Scott - Independent Investigator, Gary Forward - Chief of the Fredericton Police Force (FPF) and Steven Hart - Chief Administrative Officer for the City of Fredericton on September 8, 2025, please accept this Report. While I received valuable assistance from senior members of the FPF, the Royal Canadian Mounted Police and Inspector Andrea Gallant (retired), the contents of this Report are solely my responsibility.

Respectfully submitted,

A handwritten signature in blue ink that reads "Ian Scott". The signature is written in a cursive style with a horizontal line above the first name.

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Major Case Management Review

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Executive Summary

On June 27, 2025, the Crown prosecutor with carriage of two homicide cases involving the intentional deaths of Mr. Corey Markey and Mr. Brandon Donelan entered a stay of proceedings in the Burton Courthouse against all five accused, effectively ending these proceedings on the basis of an “insurmountable evidentiary issue.” That day Fredericton Police Force (FPF) Chief Gary Forward apologised to the families of the deceased for this error, and promised to expedite an independent investigative review of the issue and the Force’s Major Case Management (MCM) toward determining what went wrong and what was needed to ensure such an error never happened again.

As a result, I was retained to conduct a review of the MCM of Major Crimes within the FPF with authority to recommend criminal charges to Crown counsel and police disciplinary charges to his Office. The Terms of Reference for this review may be found attached to this Report.

The Report begins by examining the background of the stays ending these prosecutions. It discusses why the Crown prosecutor then, and this Report now, cannot disclose the substance of the evidentiary issue that brought this prosecution to an end. The bulk of the Report then focuses on nineteen recommendations aimed at improving the Major Case Management of the Force’s Major Crime Team (MCT).

These recommendations, if adopted, will:

- Implement a formal oversight framework for these recommendations;
- Ensure all members - sworn or civilian - involved in MCM files take the ‘Introduction to Major Case Management Course’;
- Ensure additional members of the MCT take the Major Crime Team Commander Course;
- Migrate all MCM files to the Versaterm software platform;
- Establish clear criteria for MCM File Designation;
- Enforce MCT file prioritization;
- Establish two civilian positions to be MCM Information System Specialists;
- Update MCM business rules;
- Formalize early and sustained engagement with the Office of the Crown Attorney;
- Re-exam and realign the Intelligence Officer role;
- Reinforce immediate file privatization upon MCM Designation;
- Review major case investigations, including unsolved historical files;
- Integrate the Crime Analyst and re-align the Intelligence Officer Roles into the Investigative Command Structure;
- Create an additional Staff Sergeant position to administratively oversee implementation of these recommendations;
- Maintain open status and annual reviews of unsolved files;
- Flag complex major case files and establish inter-agency support agreements;
- Conduct an executive review of major case investigations by the Deputy Chief of Police of Operations;

- Explore an Integrated Homicide Investigation Model; and
- Explore and Procure of Effective and Efficient Major Case Management Records System.

In my view, implementation of these nineteen recommendations will create a more effective structure designed to meet future challenges.

The Terms of Reference also asked me whether my review disclosed any conduct by FPF officers giving me reasonable grounds to believe a criminal offence has been committed or whether disciplinary charges are warranted. For reasons explained in the Report, I did not find any substantiated criminal misconduct by any officer associated with these investigations, nor substantiated disciplinary misconduct against any current members of the FPF.

Finally, the impact upon the Fredericton community, and in particular the families of Corey Markey and Brandon Donelan, cannot be adequately expressed in words when these murder charges were stayed. The entry of the stay shook the public confidence in the criminal justice system and deprived everyone, especially the family members, of a public trial. It is my sincere belief that Chief Forward will oversee the timely completion of these recommendations to ensure this situation never repeats itself.

I thank the Fredericton Police Force and the City of Fredericton for the opportunity to write this Report, and present its findings in a public forum.

Introduction

On December 21, 2021, Corey Markey (Markey) was shot on Paul Street in Sitansisk (St. Mary's) First Nation on Fredericton's north side; he died in hospital eight days later. In January 2022, Brandon Patrick Donelan (Donelan) was reported as missing. His body was found in a wooded area off a snowmobile trail between Minto and Chipman on March 31, 2022.

The Fredericton Police Force (FPF) was the lead investigative agency in the *Markey* case and the Royal Canadian Mounted Police (RCMP) in the *Donelan* matter. Their investigations led to three sets of homicide related charges:

- Joshua John McIsaac (McIsaac) and Travis James Snowsell (Snowsell) were jointly charged on June 29, 2023, with the second-degree murder of Mr. Markey;
- McIsaac and Erica Lea Ann Blyth (Blyth) were also jointly charged on a separate indictment with the first-degree murder in the death of Mr. Donelan; and
- On a separate indictment, Devon Mark Hood (Hood) and Matthew David LeBlanc (LeBlanc) were also charged with first-degree murder in the death of Mr. Donelan.

All of the accused were in pre-trial custody until Friday June 27, 2025. On that day, Crown prosecutor Jeremy Erickson entered a stay of proceedings against all accused on all counts before Court of King's Bench Mr. Justice Richard Petrie at the Burton Courthouse, effectively ending these proceedings.¹

On the same day, FPF Chief Gary Forward issued a statement taking responsibility for the stays ending the three court cases. He wrote, "the reason for the stay of proceedings is the result of an 'insurmountable evidentiary issue' linked directly to an error initiated, discovered and subsequently reported to the Crown by the Fredericton Police Force." He continued, "our error has further detrimentally impacted on a similar major crime investigation by a partner agency" referring to the RCMP investigation of the *Donelan* murder. He ended by apologising to the Markey and Donelan families.

The Chief also promised an independent investigative review to understand how and why the reported error occurred in an effort to ensure it never happens again. On July 7, 2025, Chief Forward retained me to conduct a review of the practices, policies, and procedures relating to the Major Crime – Major Case Management services.²

Shortly after July 7th, I went to Fredericton and met with members of Senior Command about this upcoming review. I also met with members of the Markey family to discuss my involvement. I did

¹ S. 579 of the *Criminal Code* confers upon the prosecutor the unfettered right to stay proceedings at any point up to judgment. Proceedings may be recommenced up to one year after the entry of the stay. However, the prosecution office has expressed no interest in recommencing any of these proceedings.

² My resume is attached as Appendix 'B'.

not meet with a member of the Donelan family at that time but spoke to the deceased's sister on a later date.

In September, the Force and I signed Terms of Reference defining the parameters of this independent investigation, a complete copy which may be found at Appendix 'C'. Briefly, the Terms mandate me to conduct a review of the Major Case Management of Major Crimes within the FPF, with authority to recommend disciplinary charges to the Chief and criminal charges to Crown counsel. The conclusion date of the review was set for end of this year. This Report is the result of that review.

Insurmountable Evidentiary Issue

Before discussing the recommendations of this review, I would like to say a few words about the reason why these charges were stayed. As mentioned, the reason for this extraordinary termination of three homicide prosecutions against five accused for their involvement in two murders was due to an "insurmountable evidentiary issue". No other reasons were given by the prosecutor. I have been a lawyer for over forty years, much of my career as a prosecutor, and for five years the Director of Ontario's Special Investigations Unit - I have never heard of such a singular event. It goes without saying that the action of staying these prosecutions would only occur after the most careful assessment by, not only the prosecutor in court, but his superiors in the provincial Office of the Attorney General. In other words, this action was an institutional decision endorsed at the highest levels of that Office. The prosecution's office would have been well aware of the deleterious impact such a decision would have on public confidence in the administration of criminal justice in New Brunswick.

By way of background, criminal charges are only laid in New Brunswick after the police have completed their investigation and believe, on reasonable grounds, that a suspect or suspects have committed a criminal offence *and* the Crown Attorneys' office has approved the laying of those charges. The reviewing prosecutor has a duty to apply a two-fold test "consisting of an evidential test and a public interest one". With respect to the first criterion, he or she "must be satisfied that there is evidence to provide a reasonable prospect of a conviction against each alleged offender on each charge". With respect to the public interest factor, as stated in the Public Prosecutions Operational Manual, "the more serious the offence, the less likely that the public interest will support a disposition other than prosecution."³

Here, until shortly before June 27, 2025, the charges against these five former accused satisfied the two part pre-charge criteria of the Crown's office, there was sufficient evidence to provide a reasonable prospect of a conviction and there were no public interest factors that would support not prosecuting; quite the opposite – two members of the local community were murdered and five individuals were facing the most serious charges in our *Criminal Code*.

³ New Brunswick Office of Attorney General, Public Prosecutions Operational Manual, 'Pre-Charge Screening'.

How could these charges against five individuals be stayed on the basis of an “insurmountable evidentiary issue” which cannot be shared with the public?

The Crown Prosecutor with carriage of a case remains under a duty to assess the reasonable prospect of conviction after charges are laid. In these cases, when faced with knowledge of an evidentiary issue that undermined the integrity of the continued prosecutions, the Office of Attorney General did what it had to do – stayed the charges. We can only surmise that whatever the evidentiary issue was, it was of such paramount importance to these prosecutions that they could not continue. And, further, we can assume there was no other way to bring sufficient evidence to present in court to justify the prosecution.

While it is cold comfort for the family members of the deceased, as well as the public at large, that the accused in these matters will not face a public trial for these allegations, there are certain evidentiary rules which transcend the importance of bringing accused in a specific case to justice. The staying of these prosecutions is an example of this.

As painful as it is for the families and larger community, I cannot provide the kind of explanation I would like to clear the air on these issues of public importance. I am bound by the same rules as the investigators and prosecutors involved in this case. The *Canada Evidence Act* and related case law prevent me from disclosing information involving national security issues, communications between government investigators and Crown counsel, the identity of police informers, the disclosure of police investigative techniques, ongoing police investigations, internal police communications and intelligence, surveillance locations, and material that would affect the safety of individuals.

When I am impressed with knowledge, disclosure of which would breach my professional obligations, I am duty and legally bound not to say anything. The situation here is, regrettably, one of those examples.

Major Case Management Review

As mentioned, the Terms of Reference mandated me to conduct a review of the Major Case Management (MCM) of Major Crimes within the FPF. MCM files are typically those involving homicides, suspicious deaths, missing persons and serious injuries to the person.

Before turning to the MCM review and recommendations, I would like to take a step back, and comment briefly on the overall efficacy of the FPF to address issues of violent crime in the Fredericton community. Relying on the Statistics Canada Crime Severity Index (CSI) comparing crime rates in Fredericton in relation to those of the province, Fredericton has a slightly higher CSI than that of the province (90% v. 84%). However, when one compares the 2024 clearance rate for violent crimes, the kind that would fall under the mandate of the FPF’s Major Crime Team, the FPF had a clearance rate slightly better than the province as a whole (50% v. 47%).⁴ These

⁴ Crime severity index and weighted clearance rates, police services in the Atlantic provinces, StatsCan Table 35-10-0186-01, released July 22, 2026; <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510018601>

comparisons suggest that, overall, the Fredericton community is adequately served by its Force's Major Crime Team. These recommendations are an attempt to make it better.

I was greatly assisted in this review by retired RCMP Inspector Andrea Gallant. During her tenure as a member of the RCMP, she held senior leadership roles in operational oversight, and critical incident command. Following her retirement in 2022, she served in a leadership role within the province's Policing Standards and Contract Management Branch of Justice and Public Safety. In that capacity, she oversaw the Quality Assurance Process for all municipal and regional police forces in New Brunswick, ensuring consistent compliance with Adequacy Standards in Policing, including assessing the FPF in 2023.

(a) Methodology

For this review, Ms. Gallant analyzed twenty-six MCM and thirty-seven High-Risk Files investigated by the Major Crime Team (MCT) spanning the time period 2021 to 2025. It was conducted using a structured framework aligned with New Brunswick Policing Standards, national policing standards, and Major Case Management principles, and combined policy and process discovery, file review using a standardized checklist, as well as stakeholder and subject matter expert interviews.

The standardized checklist was designed to capture consistent markers across all files, ensuring that investigative thoroughness, documentation standards, and supervisory effectiveness were evaluated uniformly. These markers covered:

- Investigative structure and planning;
- Disclosure and evidentiary management;
- Training and oversight;
- Analytical and intelligence practices;
- Victim and public communication; and
- File completeness and quality assurance

All of the files under review are sensitive in nature. Some involve ongoing investigations, and some led to charges currently before the courts. Disclosure of any part of them could reveal police investigative techniques; one of the heads subject to protection under the *Canada Evidence Act* and related case law. Other files contain confidential and privileged information. For these reasons, the recommendations listed below do not have background information so they cannot be linked to any specific file, which could potentially lead to breaches of the law.

As well, part of this review included an analysis of Major Case Management surrounding the Insurmountable Evidentiary Issue, and I have made a series of recommendations in this area. They are not part of this Report because their inclusion risks disclosing confidential and privileged information that would be in conflict with the *Canada Evidence Act*.

(b) Summary of Findings

Overall, Ms. Gallant's review of the files demonstrated that investigators approached their work with professionalism, perseverance, and a clear focus on advancing their cases. The investigative effort that was evident across these files reflects a strong sense of responsibility and determination. The investigations were generally well managed until the point where cases became more complex, at which stage limited exposure to complex case demands as well as limitations in structure and support began to surface. The inconsistencies in the application of Major Case Management principles and gaps in supervisory oversight and competency further compounded these limitations. These challenges reflect less on the effort of individual investigators than on the need for stronger systems, standardized practices, and enhanced oversight to support them in navigating complex investigations.

I adopt her findings for this Report. In my view, based upon them and my own interviews, there is clear evidence of commitment, diligence, and investigative effort by members assigned to these cases. Investigators have demonstrated a genuine dedication to their roles, often working under challenging conditions with limited resources. However, this review also identified a lack of consistency in the application of MCM principles across files, variability in the use of the command structure, and gaps in oversight and competency in key areas. These inconsistencies have the potential to impact investigative integrity, disclosure readiness, and operational accountability.

Here, then, are nineteen recommendations aimed at improving investigations that fall under Major Case Management at FPF. They are listed in order of their priority and, as an added step toward transparency, include the rationale for each recommendation. A consolidated list of recommendations may be found at Appendix 'A'.

Recommendations

Recommendation #1 - Implementation of Formal Oversight Framework for These Recommendations

The FPF establish a formal Implementation Oversight Framework, led by a Subject Matter Expert, to monitor, coordinate, and report on the timely execution of these review recommendations.

This framework should:

- Establish clear timelines for each recommendation, categorized by urgency and impact;
- Assign leads for each action item, with defined responsibilities and authority;
- Provide monthly progress reviews chaired by the Deputy Chief of Operations or Officer in charge of MCT, with updates submitted to the Chief of Police; and
- Consider releasing public summary reports every quarter to reinforce transparency and community trust.

Rationale:

This recommendation will ensure:

- **Accountability and Clarity** – assigning ownership and timelines prevents recommendations from being deprioritized or lost in operational churn. It also ensures that internal leadership and external stakeholders can track progress with confidence;
- **Timelines** – a structured framework will help FPF prioritize high-risk or high-impact recommendations, ensuring they are addressed before vulnerabilities escalate; and
- **Transparency and Trust** – quarterly public summaries demonstrate FPF's commitment to continuous improvement and reinforce public confidence.

Recommendation #2 - Introduction to Major Case Management Course

All members - sworn or civilian - involved in any MCM file within the MCT be required to complete the Introduction to Major Case Management course offered through the Canadian Police Knowledge Network or equivalent.

Rationale:

Major Case Management is a structured legally accountable investigative framework designed to ensure the integrity, transparency, and effectiveness of complex investigations. While operational command roles carry distinct responsibilities, the success of any MCM file depends on the coordinated efforts of all contributors—uniformed, plainclothes, and civilian alike.

Mandating the Introduction to Major Case Management course or equivalent for all MCT members will:

- **Establish a Common Operational Language:** The course provides foundational knowledge of MCM principles, roles, and workflows. This shared understanding reduces miscommunication, clarifies expectations, and enhances team cohesion across disciplines;
- **Strengthen File Integrity and Disclosure Readiness:** Civilian analysts and support staff play a critical role in documentation, intelligence handling, and disclosure preparation. Training ensures they understand the legal and procedural standards that govern their contributions, reducing the risk of omissions, inconsistencies, or procedural errors;
- **Mitigate Risk in High-Stakes Investigations:** Inconsistent training across team members can lead to fragmented decision-making, gaps in continuity, and diminished accountability—particularly in cases subject to judicial scrutiny, public interest, or external review;
- **Support Professional Development and Role Confidence:** Civilian and junior members often operate in high-pressure environments without formal exposure to the investigative frameworks guiding their work. This training empowers them to contribute meaningfully and confidently within their scope; and
- **Align with National Standards and Audit Expectations:** Embedding this requirement in policy demonstrates a proactive commitment to best practices, transparency, and continuous improvement—key pillars in both internal quality assurance and external oversight.

By institutionalizing this training requirement, the organization affirms that every role within an MCM file is integral to investigative success and subject to the same standard of professionalism and accountability.

Recommendation #3 - Major Crime Team Commander Course

Additional members of the Major Crime Team complete the MCT Team Commander Course offered by the Canadian Police College.

Rationale:

The MCM Team Commander Course is a nationally recognized standard for those tasked with leading complex, multi-jurisdictional, or high-risk investigations. While the course is traditionally associated with the Team Commander role, its curriculum equips members with a shared understanding of investigative standards, decision-making frameworks, and legal obligations. This common training baseline enhances operational cohesion, improves file integrity, and ensures that more team members can contribute meaningfully to case strategy, documentation, and disclosure.

Importantly, the Team Commander role demands operational fluency across the command triangle—including the Primary Investigator, File Coordinator, and Major Case Manager

functions. Prior experience in these roles fosters informed leadership, anticipatory decision-making, and a practical understanding of investigative interdependencies. Supporting broader participation in the Team Commander Course helps cultivate that cross-functional insight, strengthens succession planning, and ensures that future Team Commanders are equipped to lead with confidence and accountability.

Inconsistent training across MCT roles risks fragmented decision-making, procedural gaps, and diminished accountability—particularly in high-stakes investigations subject to judicial scrutiny.

Expanding the number of Team Commanders within the Major Crime Team will yield the following operational and strategic benefits:

- **Enhanced Investigative Integrity:** The course reinforces the principles of lawful, accountable, and methodical investigations, ensuring that team leaders are equipped to meet judicial scrutiny and public expectations of transparency;
- **Operational Resilience:** Increasing the pool of Team Commanders mitigates risk associated with personnel shortages, succession gaps, or prolonged investigations. It ensures continuity of leadership during critical incidents or parallel major case files;
- **Standardization and Interoperability:** The MCM framework promotes consistent investigative practices across agencies. Greater internal capacity in this area strengthens inter-agency collaboration and aligns with law enforcement best practices;
- **Leadership Development:** The course cultivates strategic thinking, decision-making under pressure, and command presence—skills essential for those assuming greater responsibility within the organization; and
- **Audit and Oversight Readiness:** With growing emphasis on documentation and information management, Team Commanders trained in MCM are better positioned to uphold disclosure obligations and withstand external review.

Investing in this training is not only a proactive measure to safeguard investigative outcomes but also a commitment to professional excellence and public trust.

Recommendation #4 - Migration of all Major Case Management files to Versaterm

All MCM files generated by the FPF between 2020 and 2025, as well as all open unsolved files, be migrated into the Versaterm Records Management System.⁵

Rationale:

This review has confirmed that FPF has demonstrated proficient use of the Versaterm system in recent MCM files, effectively leveraging its capabilities to structure investigative documentation, track tasking, and maintain audit-ready records aligned with major case management principles.

⁵ Versaterm Inc. is a Canadian company that develops records management systems for police, fire, and other public safety agencies.

However, the ongoing reliance on decentralized storage methods for earlier major case files significantly compromises both the integrity and continuity of those investigations. Fragmented or inaccessible records hinder the ability to reconstruct investigative timelines, validate decision-making, and meet disclosure obligations—particularly in cases subject to judicial scrutiny or historical reassessment. Without centralized, auditable systems, the risk of procedural gaps and accountability failures increases over time.

Migration into Versaterm will:

- **Ensure Disclosure Readiness and Legal Compliance:** Centralized documentation within a secure Records Management System is essential for meeting disclosure obligations under the *Criminal Code* and the *Charter*. Decentralized storage risks omissions, version control issues, and audit failure;
- **Protect Investigative Integrity and Chain of Custody:** Versaterm provides structured workflows, access logs, and linkage capabilities that are critical for maintaining evidentiary standards and investigative transparency;
- **Mitigate Security and Access Risks:** Shared drives and hard drives—even with restricted access—are vulnerable to unauthorized access, data loss, and procedural breaches. Versaterm offers role-based access and secure data retention protocols;
- **Support Oversight and Quality Assurance:** Centralizing files enables supervisory review, performance monitoring, and internal audits—none of which are reliably possible with fragmented storage; and
- **Align with Best Practices and Future Modernization:** Migrating legacy files now lays the foundation for potential future integration with more robust MCM platforms and supports consistency and standardization.

Recommendation #5 - Establish Clear Criteria for Major Case Management File Designation

The FPF update their file investigation categorization ‘Policy and Criminal Investigation Division – Service Delivery’ and ‘Workload Allocation Model Policy’ and develop a formal policy outlining the specific types of investigative files that require application of the MCM model.

Rationale:

Currently, there is inconsistent application of policy guiding when MCM should be applied, resulting in operational ambiguity, uneven investigative practices, and potential risk to public trust and prosecutorial integrity. The absence of clear thresholds for MCM designation has led to:

- **Inconsistent activation of the Command Triangle,** with some serious files being managed informally or without qualified oversight;
- **Risk of *Charter* breaches, disclosure failures, and compromised evidence continuity,** particularly in complex investigations involving multiple suspects, victims, or jurisdictions;

- Reduced prosecutorial confidence in file integrity and investigative decision-making, especially where Crown pre-charge advice is not sought early; and
- Operational inefficiencies and resource misallocation, as files are either over-managed or under-managed relative to their complexity.

An updated Policy should articulate:

- A list of offence types and investigative scenarios that automatically trigger MCM (e.g., homicide, sexual assault by unknown offender, human trafficking, organized crime, and missing persons under suspicious circumstances);
- A discretionary clause allowing supervisors to apply MCM based on complexity, risk, or public interest; and
- A requirement that any file designated for MCM must be led by a Team Commander and supported by a Primary Investigator and File Coordinator.

Recommendation #6 - Enforcement of File Prioritization for Major Crime Team

The FPF ensure the MCT is not assigned files outside this scope, unless exceptional circumstances arise.

Rationale:

Recommendation #5 will provide a strong foundation for prioritizing investigations falling within MCM's jurisdiction. This recommendation focuses on consistent enforcement of those priorities.

This recommendation will:

- Ensure operational alignment with policy, reinforcing the strategic intent behind MCT specialization;
- Protect investigative capacity, allowing MCT personnel to dedicate appropriate time, resources, and expertise to complex files;
- Reduce risk of investigative delay or oversight, particularly in cases with significant legal, public safety, or reputational implications;
- Support audit integrity and decision-making, by demonstrating that resource allocation is guided by documented priorities; and
- Promote transparency and accountability both internally and externally with stakeholders such as Crown prosecutors and the public.

Implementation Considerations include:

- Developing a case assignment matrix that clearly defines which file types fall within MCT's mandate;

- Requiring supervisory sign-off for any file assigned to MCT that falls outside that matrix;
- Conducting quarterly workload audits to assess adherence to prioritization policy; and
- Including prioritization compliance as a standing item in MCT performance reviews and annual reporting.

Recommendation #7 - Establishment of Civilian Positions to be Major Case Management Information System Specialists

The FPF create two dedicated civilian positions—MCM Information System Specialists—to support investigative teams in the technical and administrative management of these files.

Rationale:

The increasing complexity of major case investigations, coupled with the reliance on digital case management platforms such as Versaterm, demands specialized technical and administrative support to maintain investigative integrity, streamline disclosure, and uphold public and prosecutorial confidence. Currently, sworn members tasked with File Coordinator duties are often overextended, lacking the time or technical expertise to manage the full scope of digital file responsibilities.

The creation of two civilian MCM Information System Specialists would:

- Enhance data quality and auditability by performing ongoing reviews of Versaterm files to ensure proper linkage, accuracy, and document completeness;
- Support timely disclosure by assisting in the vetting, formatting, and packaging of electronic disclosure materials in accordance with Crown expectations and legal standards;
- Provide technical expertise in converting, organizing, and linking multimedia files, transcripts, and investigative documents within Versaterm and related systems;
- Reduce operational strain on sworn personnel, allowing investigators and File Coordinators to focus on investigative strategy and evidence development;
- Improve consistency and compliance with MCM principles;
- Offer support to other units managing large or sensitive files, ensuring continuity of standards and reducing risk across the organization; and
- Align with law enforcement best practices, which have integrated civilian specialists into investigative support roles to improve efficiency and reduce risk.

Key Responsibilities of the Role are to:

- Assist the File Coordinator in organizing and maintaining Versaterm case files;
- Perform regular audits of file structure, document linkage, and data quality;

- Convert and integrate multimedia and external documents into the case file;
- Support the creation of electronic disclosure packages, ensuring completeness and legal compliance;
- Provide technical troubleshooting and training to investigative teams on Versaterm functionality;
- Liaise with Crown prosecutors to ensure disclosure formatting meets expectations; and
- Offer consultative support to other units managing large-scale or sensitive investigations, ensuring consistent application of digital file management standards.

Recommendation #8 - Update and Formalize Major Case Management Business Rules

The FPF complete and update its MCM Business Rules to ensure alignment with current investigative standards, provincial adequacy requirements, and operational best practices. In order to complete this task, the Force should consider engaging a qualified Subject Matter Expert in MCM to support the review and revision process.

Rationale:

This review has identified inconsistencies in MCM application, unclear thresholds for file designation, and fragmented disclosure practices. These gaps have contributed to operational inefficiencies and reputational risk.

The absence of comprehensive MCM business rules presents a risk to investigative integrity, disclosure compliance, and operational accountability. As policing standards evolve in response to legislative amendments, judicial rulings, and emerging operational demands, it is essential that municipal forces maintain clear, consistent protocols for managing major cases.

Updating the business rules with expert guidance is a critical step toward addressing these vulnerabilities and ensuring transparent investigative practices. These rules must be treated as a living document subject to periodic review and refinement to reflect current best practices and legal expectations. At the outset of any major investigation, the business rules should be reviewed collectively by all personnel assigned to the file. This practice reinforces consistency in application, ensures shared understanding of investigative expectations, and provides a measurable level of accountability both to the investigator and to the integrity of the investigation itself.

Engaging a recognized SME with proven experience in business rule development and MCM instruction will ensure the updated framework is:

- Legally sound and operationally practical, supporting both front-line personnel and supervisory oversight;
- Consistent with law enforcement best practices, including those adopted by the RCMP and Ontario Provincial Police;

- Responsive to inter-agency coordination needs, facilitating smoother collaboration with Crown prosecutors, external experts, and partner agencies; and
- Strategically aligned with modernization goals, reinforcing public confidence and prosecutorial trust in the investigative process.

Recommendation #9 - Formalize Early and Sustained Engagement with the Office of the Crown Attorney

The FPF formally incorporate the requirement to request early and sustained engagement with Crown prosecutors into its MCM Business Rules, and to ensure and maintain ongoing collaboration throughout the investigative lifecycle. This requirement should be embedded as a core operational expectation within the MCM framework and reinforced through supervisory oversight and periodic review.

Rationale:

While current policy references “prosecution management”, it lacks a structured, operational approach to ensure consistent and timely engagement with Crown Counsel during major investigations. In homicide cases—where legal complexity, public scrutiny, and disclosure obligations are heightened—early and sustained collaboration with Crown Counsel is essential. This recommendation, if agreed to by the Office of the Crown Attorney, will:

- Ensure legal oversight from the outset, allowing investigators to align evidence collection and strategies with prosecutorial expectations;
- Support proactive problem identification, including *Charter* risks, disclosure vulnerabilities, and evidentiary gaps that could compromise the case;
- Improve disclosure quality and trial readiness, reducing delays and enhancing prosecutorial confidence in the integrity of the file; and
- Demonstrate a commitment to transparency and accountability, reinforcing public trust in the investigative process and judicial outcomes.

Implementation Considerations include:

- Developing a formal protocol within the MCM business rules requiring a request of Crown Counsel for all homicide files;
- Defining roles, expectations, and communication pathways between the Command Triangle and the Crown;
- Including provisions for early case conferences, legal briefings, and ongoing consultation throughout the investigation; and
- Coordinating with the regional Crown office to identify qualified counsel and establish availability procedures.

Recommendation #10 - Re-examination and Strategic Realignment of the Intelligence Officer Role

The FPF undertake a formal review of the Intelligence Officer position to address current role ambiguity and operational inefficiencies. The existing scope of duties includes tasks that could be effectively performed by a civilian member, thereby underutilizing the specialized expertise expected of this role. It is further recommended that the position be restructured to prioritize the timely and secure sharing of source and intelligence information, and to formalize collaboration with the Crime Analyst in support of the MCT and other investigative units. The revised role should be clearly defined within organizational policy and embedded in the operational planning framework.

Rationale

The Intelligence Officer role is critical to the integrity and effectiveness of intelligence-led policing. However, the current configuration of the position within FPF includes administrative and data-handling tasks that could be reassigned to a civilian member, allowing the Intelligence Officer to focus on high-value strategic functions. A realignment of this role would:

- **Strengthen Source and Intelligence Sharing:** By dedicating the role to managing and disseminating intelligence and source information, the organization can reduce silos and improve investigative responsiveness;
- **Strengthen coordination and deconfliction with external agencies and enhance the timely sharing of intelligence.** Designating this position as the formal point of contact for inter-agency information exchange ensures that intelligence is centralized, validated, and disseminated appropriately. This alignment supports operational clarity, reduces duplication of effort, and mitigates risks associated with fragmented or conflicting intelligence streams;
- **Enhance Collaboration with Crime Analysts:** A clearly defined partnership between the Intelligence Officer and Crime Analyst ensures that analytical insights are grounded in validated intelligence, supporting proactive targeting and investigative planning;
- **Support MCT and Broader Investigative Units:** Embedding the Intelligence Officer into the operational planning of MCT and other units ensures that intelligence is not reactive but strategically leveraged from the outset;
- **Improve Role Clarity and Resource Efficiency:** Separating civilian-appropriate tasks from intelligence functions allows for better use of personnel and clearer expectations, reducing duplication and operational drift; and
- **Align with Best Practices in Major Case Management:** Codifying the role within policy and MCM Business Rules reinforces accountability, audit readiness, and inter-agency interoperability.

This recommendation supports broader modernization efforts and ensures that intelligence functions are purpose-built, strategically deployed, and aligned with investigative priorities.

- Restore operational integrity, ensuring timely and accurate dissemination of intelligence across relevant units;
- Support major case investigations, particularly those involving organized crime, homicide, missing persons, and suspicious deaths, where intelligence is often pivotal;
- Improve source management practices, including vetting, documentation, and risk assessment, in alignment with provincial standards and legal obligations;
- Facilitate inter-agency coordination, enabling seamless sharing with RCMP, provincial intelligence units, and national databases;
- Enhance strategic planning and threat assessment, allowing FPF leadership to make informed decisions based on reliable intelligence inputs and
- Align with national best practices, where intelligence roles are staffed by personnel with specialized training, operational experience, and access to secure systems.

Implementation Considerations:

- Conduct an internal audit of current intelligence workflows, breakdown points, and role clarity;
- Define minimum qualifications for the Intelligence Officer, including prior experience in intelligence operations, source handling, and secure information systems;
- Establish clear reporting lines and integration protocols with MCT, Patrol, and Executive Operations;
- Ensure access to relevant intelligence platforms; and
- Include the Intelligence Officer in strategic briefings, case conferences, and operational planning sessions.

Recommendation #11 - Reinforce Immediate File Privatization Upon Major Case Management Designation

While the FPF currently requires immediate file privatization at the onset of any MCM designation, this measure should be embedded as a mandatory procedural step within the MCM framework.

Rationale:

The review of MCM files revealed inconsistent application of file privatization protocols. Immediate privatization is a foundational safeguard that limits access to sensitive investigative content and preserves the integrity of early-stage decision-making.

Embedding this requirement into policy and/or Business Rules will ensure that:

- Access to MCM files is restricted from the outset to authorized personnel directly involved in the investigation or oversight;
- A defensible audit trail is established, enabling clear tracking of file access and investigative actions; and
- Investigative integrity is preserved, particularly in cases where premature access or disclosure could compromise outcomes.

Recommendation #12 - Strategic Reporting and Review of Major Case Investigations, including Unsolved Historical Files

The Crime Analyst be tasked with compiling and submitting a recurring report to the Chief of Police and/or Deputy Chief of Operations detailing Major Case investigations initiated or updated during the reporting period. This report should include a comprehensive review of all current and historical unsolved major case files, as well as:

- The number of new MCT investigations initiated during the period, with a breakdown by type of offence or incident, categorized using Uniform Crime Reporting rules based on the most serious offence; and status of each investigation at the time of reporting;
- The number of investigations referred to a Team Commander, Primary Investigator, or File Coordinator for assessment;
- A summary of all unsolved Major Case files, including the year of initiation and offence type; current status and investigative activity within the past twelve months; and whether the file has been reviewed or reassessed by a Command Triangle; and
- Recommendations from the Crime Analyst identifying investigative gaps, delays, or inconsistencies in MCM applications; files that warrant reassessment or escalation for executive review; and opportunities for inter-agency collaboration, intelligence integration, or resource reallocation.

The frequency of this report shall be submitted by the crime analyst to the Chief of Police and/or Deputy Chief of Operations on a quarterly basis.

Rationale:

A more structured reporting framework will provide the FPF with the ability to assess compliance with Major Case Management protocols, increase transparency and strategic planning as well as:

- Enhance accountability through timely documentation of investigative activity, command assignments, and unsolved cases;
- Support continuous quality assurance and audit integrity, allowing for early identification of procedural gaps or operational risks;

- Enable responsive trend analysis across offence types, investigative outcomes, and command utilization, informing policy, training, and resource planning;
- Promote sustained historical case review and renewal, ensuring historical files remain active priorities;
- Empower the Crime Analyst to play a proactive role in identifying strategic concerns and recommending files for executive attention; and
- Align with law enforcement best practices, which emphasize documentation, reassessment, and oversight of major case processes.

Implementation Considerations include:

- Developing a standardized reporting template aligned with Uniform Crime Reporting Survey codes, MCM role definitions, and cold case review criteria;
- Configuring the records management system to support automated data extraction and task generation for recurring reporting;
- Requiring submission by a designated deadline, with provisions for review and feedback by the Chief and/or designate; and
- Establishing a process for executive review of flagged files, including reassessment protocols and inter-agency consultation where appropriate.

Recommendation #13 - Integration of Crime Analyst and Re-aligned Intelligence Officer Roles into Investigative Command Structure

Building on Recommendation #10, the roles of both the Crime Analyst and the re-aligned Intelligence Officer be integrated into the investigative process from the onset of all MCM investigations, with clearly defined functions within the Command Triangle. These roles should be codified within the MCM Business Rules. Both positions should be included in the initial call-out of the Command Triangle to ensure early engagement and sustained intelligence support throughout the investigation.

Rationale:

The Crime Analyst and Intelligence Officer should play complementary and critical support roles in enhancing investigative effectiveness, particularly in complex and evolving major case files. Early integration into the Command Triangle—alongside the Team Commander, Primary Investigator and File Coordinator—ensures that analytical and intelligence insights inform decision-making from the outset. This proactive involvement enables:

- **Strategic Targeting and Prioritization:** The Analyst and Intelligence Officer can identify emerging patterns, linkages, and priority targets based on intelligence holdings, data trends, and inter-agency inputs, guiding resource allocation and investigative focus;

- **Timely Intelligence Support:** Real-time analysis and intelligence coordination support dynamic investigative adjustments, helping the Command Triangle respond to new developments with agility;
- **Enhanced File Integrity and Review Readiness:** Structured input from both roles contributes to verifiable documentation, audit preparedness, and periodic reassessment of files;
- **Reduction of Investigative Blind Spots:** The Analyst and Intelligence Officer help surface overlooked connections, investigational gaps, or anomalies that may not be immediately apparent to operational personnel;
- **Support for Risk Assessment and Source Validation:** Both roles assist in evaluating the credibility of information sources, identifying systemic vulnerabilities in data handling, and ensuring secure intelligence sharing protocols; and
- **Inter-agency Coordination and Deconfliction:** The Intelligence Officer serves as the designated point of contact for external agencies, facilitating secure information exchange, deconfliction, and collaborative targeting efforts.

By embedding both roles within the MCM Business Rules, FPF would reinforce a culture of intelligence-led policing and ensure that analytical and intelligence expertise are foundational components of major case strategy. This integration supports transparency, audit integrity, and continuous improvement across investigative practices, while also aligning with law enforcement best practices in major case oversight and inter-agency coordination.

Recommendation #14 - FPF Create Additional Staff Sergeant Position to Oversee Implementation of Recommendations

The FPF create a new staff sergeant position to administratively oversee the implementation of the recommendations in this Report. The position would have the mandate to: act as an Ombudsman to ensure MCT practices are consistent with the recommendations in this Report; conduct a comprehensive review of all active and historical MCM files to verify that investigative efforts are progressing as intended; monitor and report on the implementation of recommendations; and provide leadership on MCM standards and law enforcement best practices.

Rationale:

The creation of such a position would ensure full implementation of the Report's recommendations.

Recommendation #15 - Maintain Open Status and Annual Review of Unsolved Files

The Fredericton Police Force adopt a policy requiring that unsolved investigative files remain open within the records management system. Each unsolved file should include a minimum of one

active follow-up task assigned to the Officer in Charge, and require the completion of an annual status report. A criteria for file closure should be developed, and files not closed without a memo articulating the reasons for closure approved by a Team Commander.

Rationale:

The premature closure or administrative conclusion of unsolved files undermines investigative continuity, public trust, and the potential for future resolution. Maintaining open status ensures that:

- Investigative accountability is preserved, with clear ownership and oversight assigned to the Officer in Charge;
- Opportunities for new leads, forensic advancements, or inter-agency intelligence are not missed due to inactive file status;
- Annual reporting provides a structured mechanism for reassessment, resource allocation, and supervisory review;
- Transparency is reinforced, particularly in cases subject to public scrutiny or media attention; and
- The Force demonstrates a sustained commitment to justice for victims and their families.

Embedding this requirement into policy and Business Rules will ensure that unsolved files are treated as active investigative responsibilities, not administrative burdens. It also supports alignment with law enforcement best practices and emerging standards in cold case management and major case oversight.

Recommendation #16 - Flagging Complex Major Case Files and Establishing Inter-Agency Support Agreements

In addition to establishing clear criteria for MCM file designation, the FPF implement a protocol to identify and flag complex investigations that exceed internal capacity or require specialized expertise. It is further recommended that FPF pursue a formal agreement with a police agency that has the experience in managing complex major cases—such as the RCMP or another provincial or federal partner—to provide investigative support when required.

Rationale:

While defining thresholds for MCM designation is essential, it is equally critical to recognize when a file’s complexity surpasses the operational capacity of the police force. Without a mechanism to flag such files and access external support, the risk of investigative failure and disclosure errors increases. This recommendation ensures:

- Timely identification of high-risk or resource-intensive investigations, including those involving multiple jurisdictions, organized crime, serial offences, or sensitive public interest;

- Operational resilience, allowing FPF to manage workload fluctuations without compromising investigative integrity; and
- Strategic inter-agency collaboration, fostering knowledge transfer, mentorship, and shared investigative standards.

The recent review of FPF has highlighted gaps in MCM application, and limited internal resources for managing complex files. Larger agencies maintain specialized units and certified personnel trained in MCM, forensic coordination, and disclosure preparation. Formalizing access to these resources through a Memorandum of Understanding or operational protocol will strengthen FPF's investigative standing and reinforce public trust.

Implementation Considerations include:

- Developing internal criteria for flagging complex files based on investigative scope, risk level, and resource demands;
- Identifying suitable partner agencies with documented MCM capacity and certified personnel;
- Establishing a formal agreement outlining conditions for support, roles and responsibilities, and cost-sharing or reimbursement protocols; and
- Integrating the support protocol into FPF's updated MCM business rules and annual reporting framework.

Recommendation #17 - Executive Review of Major Case Investigations by Deputy Chief of Police of Operations

Upon receipt of the aforementioned report, the Deputy Chief of Operations conduct a strategic review to determine whether any investigations warrant further assessment. This may include: a secondary review by an uninvolved Subject Matter Expert with relevant investigative or prosecutorial experience; and/or a formal reassessment by a Command Triangle.

Rationale:

While reporting enhances transparency and operational tracking, it must be paired with executive-level scrutiny to ensure that unsolved or under-managed investigations are not inadvertently closed or neglected.

This recommendation:

- Strengthens oversight and accountability, ensuring that serious investigations receive appropriate follow-up regardless of age or status;
- Promotes investigative integrity, by enabling fresh, unbiased perspectives on files that may benefit from renewed attention or alternative strategies;

- Mitigates risk of missed opportunities, particularly in cases involving evolving forensic technologies, new witness information, or linkage to broader criminal patterns;
- Supports public trust and prosecutorial confidence, demonstrating that the organization remains committed to resolution and continuous improvement; and
- Aligns with law enforcement best practices, where executive review and Subject Matter Expert consultation are used to validate investigative completeness and identify systemic gaps.

Implementation Considerations include:

- Developing internal criteria to guide when Subject Matter Experts or Command Triangle reassessment is appropriate (e.g. time elapsed, lack of investigative activity, or public interest);
- Maintaining a roster of qualified SMEs, including prosecutors, retired investigators, or external experts with no prior involvement in the case; and
- Documenting outcomes of executive reviews and any resulting investigative actions or recommendations.

Recommendation #18 - Exploration of Integrated Homicide Investigation Model

The FPF initiate formal discussions with regional policing partners to explore the feasibility of a shared or integrated homicide investigation model. This initiative should include a capacity assessment, resource mapping, and identification of investigative gaps, with the goal of developing a collaborative framework for managing complex major case files.

Rationale:

FPF faces structural limitations in managing complex homicide investigations—particularly those requiring sustained resources, specialized expertise, and robust major case management infrastructure. While provincial coordination may be outside the agency’s direct control, proactive regional collaboration offers a practical alternative.

This recommendation supports:

- **Operational Readiness:** A shared model would allow the FPF to access experienced investigators, analysts, and support units/personnel during high-risk or resource-intensive cases without maintaining a full-time homicide unit;
- **Strategic Advocacy:** By initiating dialogue and documenting capacity gaps, the FPF can build a case for future provincial support or funding—without directly recommending it;
- **Inter-agency Cohesion:** Early collaboration fosters trust, shared protocols, and interoperability, which are essential during multi-jurisdictional investigations;

- Improved Case Outcomes: Access to broader expertise and investigative tools enhances the quality and integrity of homicide investigation; and.
- Professional Development: Joint investigations offer mentorship and skill-building opportunities for FPF investigators, strengthening internal capacity over time.

Recommendation #19 - Exploration and Procurement of Effective and Efficient Major Case Management Records System

Explore and implement a more purpose-built or advanced case management platform may offer long-term advantages—particularly as investigative demands evolve, disclosure expectations increase, and inter-agency coordination becomes more complex.

Rationale:

The current use of Versaterm reflects a commendable effort to document investigations and link relevant materials within the existing system. However, as the agency evolves and adopts the recommendations from this review—particularly those related to investigative integrity, disclosure readiness, and source handling—a more purpose-built MCM platform may become important.

A future-oriented system may offer:

- Enhanced functionality for managing complex investigative workflows;
- Greater adaptability to meet evolving legislative, judicial, and operational requirements; and
- Alignment with law enforcement best practices and emerging standards in digital evidence management and major case oversight.

Exploring these options proactively may ensure that the FPF remains positioned to meet future investigative challenges with confidence, efficiency, and accountability.

In my view, while the Major Crime Team currently works well largely due to its dedicated staff, implementation of these nineteen recommendations will create a more effective structure designed to meet future challenges.

Criminal or Disciplinary Charges?

I have considered the issue in this review of whether any conduct by FPF officers gave me reasonable grounds to believe a criminal offence has been committed or whether disciplinary charges are warranted as required by the Terms of Reference.

Criminal Charge(s) Considerations

First, regarding criminal charges, given the stays of proceedings in both the *Markey* and *Donelan* murder prosecutions, the most obvious criminal charge is the wilful attempt to obstruct the course of justice found in section 139 of the *Criminal Code*. While I agree that justice was denied to the families of the deceased and the public when these stays of proceedings caused these prosecutions to end without the calling of evidence in a public courtroom, in my view, there was no *wilful* attempt by any FPF officer to obstruct, pervert or defeat the course of justice in these judicial proceedings, as required by this section of the *Criminal Code* – the ‘insurmountable evidentiary issue’ which caused these stays of proceedings was a regrettable confluence of events unintended by any officers involved in these investigations. It is my expectation that these circumstances will never repeat themselves, pending adoption of the recommendations found in this Report.

Disciplinary Charge(s) Considerations

The ‘Code of Professional Conduct’ is set out in Regulation 2007-81 to New Brunswick’s *Police Act* and is binding upon all sworn officers in the province. The Code sets out conduct which would constitute a breach. In my view, there was conduct that could amount to neglect of duty, in the sense that one member arguably neglected his or her duty by failing “to work in accordance with official police force policies and procedures”, contrary to section 37 of the *Police Act’s* Code of Conduct. However, that member is no longer a member of the Fredericton Police Force and thus cannot be the subject of the province’s *Police Act* or internal disciplinary matters. And, further, the official police force policies and procedures were, at the relevant time, unclear. The adoption of these recommendations will clarify the FPF’s policies and procedures.

To conclude, on this point, I do not have reasonable grounds to believe any member of the FPF engaged in criminal activity in relation to the events leading to the stays of proceedings on June 27, 2025. Nor do I believe any disciplinary charges are substantiated against any current member of the FPF.

Conclusion

The impact upon the Fredericton community, and in particular the families of Corey Markey and Brandon Donelan, cannot be adequately expressed in words when these murder charges were stayed – in effect ended by Crown counsel in charge of these prosecutions, thereby depriving the families and society of a public trial. It is very unlikely that anyone will be brought to justice for the intentional deaths of Mr. Markey and Mr. Donelan; a bitter pill to swallow, but one unavoidable based upon the laws of this country.

However, the Fredericton Police Force immediately accepted responsibility for the stay of proceedings in these cases and is taking concrete steps to ensure this situation never happens again. Chief Forward's commitment to this process has already been demonstrated through the Force's recognition of its failure in these matters, a public apology to the Markey and Donelan families, and expedited action toward an independent investigative review.

In my review, I found the officers and staff to be deeply committed to their public safety mandate and to serve with integrity, compassion, and professionalism. While recent events have tested public confidence in the police force, they have also reinforced the Force's resolve to accept responsibility, learn, adapt, and lead. The founder of modern policing, Sir Robert Peel, famously wrote, in his *Nine Principles of Policing*, "the police are the public and the public are the police". By that, he meant the basic goal of policing is to prevent crime by maintaining a relationship of trust and cooperation between the police and the community they serve. I have every confidence that the Fredericton Police Force will fulfill this Peelian principle of fostering community safety and building upon its existing public trust by overseeing the timely completion of all recommendations made in this Report.

Appendix ‘A’

Consolidated List of Recommendations

Recommendation #1 - Implementation of Formal Oversight Framework for These Recommendations

The Fredericton Police Force establish a formal Implementation Oversight Framework, led by a Subject Matter Expert, to monitor, coordinate, and report on the timely execution of these review recommendations.

Recommendation #2 - Introduction to Major Case Management Course

All members - sworn or civilian - involved in any Major Case Management file within the Major Crime Team be required to complete the Introduction to Major Case Management course offered through the Canadian Police Knowledge Network or equivalent.

Recommendation #3 - Major Crime Team Commander Course

Additional members of the Major Crime Team complete the MCT Team Commander Course offered by the Canadian Police College.

Recommendation #4 - Migration of all Major Case Management files to Versaterm

All Major Case Management files generated by the Fredericton Police Force between 2020 and 2025, as well as all open unsolved files, be migrated into the Versaterm Records Management System.

Recommendation #5 - Establish Clear Criteria for Major Case Management File Designation

The Fredericton Police Force update their file investigation categorization ‘Policy and Criminal Investigation Division – Service Delivery’ and ‘Workload Allocation Model Policy’ and develop a formal policy outlining the specific types of investigative files that require application of the Major Case Management model.

Recommendation #6 - Enforcement of File Prioritization for Major Crime Team

The Fredericton Police Force ensure the Major Crime Team is not assigned files outside this scope, unless exceptional circumstances arise.

Recommendation #7 - Establishment of Civilian Positions to be Major Case Management Information System Specialists

The Fredericton Police Force create two dedicated civilian positions—Major Case Management Information System Specialists—to support investigative teams in the technical and administrative

management of these files.

Recommendation #8 - Update and Formalize Major Case Management Business Rules

The Fredericton Police Force complete and update its Major Case Management Business Rules to ensure alignment with current investigative standards, provincial adequacy requirements, and operational best practices. In order to complete this task, the Force should consider engaging a qualified Subject Matter Expert in MCM to support the review and revision process.

Recommendation #9 - Formalize Early and Sustained Engagement with the Office of the Crown Attorney

The Fredericton Police Force formally incorporate the requirement to request early and sustained engagement with Crown prosecutors into its Major Case Management Business Rules, and to ensure and maintain ongoing collaboration throughout the investigative lifecycle. This requirement should be embedded as a core operational expectation within the MCM framework and reinforced through supervisory oversight and periodic review.

Recommendation #10 - Re-examination and Strategic Realignment of the Intelligence Officer Role

The Fredericton Police Force undertake a formal review of the Intelligence Officer position to address current role ambiguity and operational inefficiencies. The existing scope of duties includes tasks that could be effectively performed by a civilian member, thereby underutilizing the specialized expertise expected of this role. It is further recommended that the position be restructured to prioritize the timely and secure sharing of source and intelligence information, and to formalize collaboration with the Crime Analyst in support of the Major Crime Team and other investigative units. The revised role should be clearly defined within organizational policy and embedded in the operational planning framework.

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While the Fredericton Police Force currently requires immediate file privatization at the onset of any Major Case Management designation, this measure should be embedded as a mandatory procedural step within the MCM framework.

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The Crime Analyst be tasked with compiling and submitting a recurring report to the Chief of Police and/or Deputy Chief of Operations detailing Major Case investigations initiated or updated during the reporting period.

Recommendation #13 - Integration of Crime Analyst and Re-aligned Intelligence Officer Roles into Investigative Command Structure

Building on Recommendation #10, the roles of both the Crime Analyst and the re-aligned Intelligence Officer be integrated into the investigative process from the onset of all Major Case Management investigations, with clearly defined functions within the Command Triangle. These roles should be codified within the MCM Business Rules. Both positions should be included in the initial call-out of the Command Triangle to ensure early engagement and sustained intelligence support throughout the investigation.

Recommendation #14 – Fredericton Police Force Create Additional Staff Sergeant Position to Oversee Implementation of Recommendations

The Fredericton Police Force create a new staff sergeant position to administratively oversee the implementation of the recommendations in this Report. The position would have the mandate to: act as an Ombudsman to ensure Major Crime Team practices are consistent with this Report's recommendations; conduct a comprehensive review of all active and historical Major Case Management files to verify that investigative efforts are progressing as intended; monitor and report on the implementation of recommendations; and provide leadership on MCM standards and law enforcement best practices.

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The Fredericton Police Force adopt a policy requiring that unsolved investigative files remain open within the records management system. Each unsolved file should include a minimum of one active follow-up task assigned to the Officer in Charge, and require the completion of an annual status report. A criteria for file closure should be developed, and files not closed without a memo articulating the reasons for closure approved by a Team Commander.

Recommendation #16 - Flagging Complex Major Case Files and Establishing Inter-Agency Support Agreements

In addition to establishing clear criteria for Major Case Management file designation, the Fredericton Police Force implement a protocol to identify and flag complex investigations that exceed internal capacity or require specialized expertise. It is further recommended that FPF pursue a formal agreement with a police agency - such as the RCMP or a provincial partner - that has the experience in managing complex major cases to provide investigative support when required.

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Upon receipt of the aforementioned report, the Deputy Chief of Operations conduct a strategic review to determine whether any investigations warrant further assessment. This may include: a secondary review by an uninvolved Subject Matter Expert with relevant investigative or prosecutorial experience; and/or a formal reassessment by a Command Triangle.

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Recommendation #19 - Exploration and Procurement of Effective and Efficient Major Case Management Records System

Exploring and implementing a more purpose-built or advanced case management platform may offer long-term advantages—particularly as investigative demands evolve, disclosure expectations increase, and inter-agency coordination becomes more complex.

Appendix 'B'

Ian Scott – Resume

Résumé of Ian Scott

EMPLOYMENT HISTORY

Present	Private Practice, Toronto
September 2017- May 2018	Visiting Professor, Faculty of Law, University of Western Ontario, London
October 2013- September 2017	Private Practice, Toronto
October 2008- October 2013	Director, Special Investigations Unit
January 2006 - September 2008	General Counsel Ministry of the Attorney General, Toronto
September 2001 – January 2006	Crown Counsel Crown Law Office- Criminal Ministry of the Attorney General, Toronto
December 1997- September 2001	Private Practice, Toronto
June 1994 - November 1997	Chief Counsel- Justice Prosecutions Crown Law Office- Criminal Ministry of the Attorney General, Toronto
March 1985 - March 1990	Assistant Crown Attorney Judicial District of York, Toronto
August 1984 - March 1985	Litigation Lawyer Stikeman, Elliott, Toronto
1983 - 1984	Law Clerk to the Chief Justice of the High Court of Ontario Osgoode Hall, Toronto

EDUCATION

1983	Called to the Ontario Bar
1981	LL.B. University of Western Ontario
1978	Honours B.A. University of Toronto

BOOKS

- *Community Safety and Policing Act, 2019 & Special Investigations Unit Act, 2019, An Annotated Guide*, Thomson Reuters, 2024
- *Who Polices the Police? The Role of Independent Agencies in Criminal Investigations of State Agents*, Open Society Foundations, (with Masha Lisitsyna), May 2021, available in English, French, Spanish, Portuguese, Russian, Georgia, Ukrainian, and Nepali: <https://www.justiceinitiative.org/uploads/888326d8-77c9-4bfc-b0f2-db908fc345fe/osji-who-polices-the-police-5-7-2021.pdf>
- *Salhany's Police Manual of Arrest, Seizure & Interrogation*, (with Joesph Martino), (11th ed.), Thomson Reuters, 2015
- *Issues in Civilian Oversight of Policing in Canada*, Thomson Reuters, 2014; cited as an authority at para 78 of *Martin v. Ontario Civilian Police Commission*, 2020 ONSC 1116 (Div. Ct.)
- *Police Services Act of Ontario – An Annotated Guide*, (3rd ed.), Canada Law Book, 2014; (2nd ed. – 2012); (1st ed. – 2009)

ARTICLES & PAPERS

- Chapter 8.2 of the Convention Against Torture Initiative's *Practical Police Resource Toolkit for Professional, Human Rights-Compliant Policing* entitled 'Independent Investigation Procedures and Oversight Mechanism', released May 15, 2024, available in English, French and Spanish: <https://cti2024.org/resource/pr-toolkit-resource-note-8-2-independent-investigation-procedures-and-oversight-mechanisms/>
- Blog on Policing the Police for World Organization Against Torture, April 1, 2022 (with Masha Lisitsyna): <https://www.omct.org/en/resources/blog/who-polices-the-police>
- Blog on Police Accountability for Open Society Justice Initiative, May 10, 2021 (with Masha Lisitsyna): <https://www.justiceinitiative.org/voices/how-independent-agencies-can-begin-to-hold-police-accountable>

- 'The RCMP Must Be More Responsive to the Communities They Serve', June 18, 2020 Op-Ed in the *Globe & Mail*, (with Professor Kent Roach)
- *Reforming Ontario's Special Investigations Unit* (2013), 60 *Crim. L.Q.* 210
- *Legal Framework of Use of Force by Police in Ontario* (2008), 53 *Crim. L. Q.* 331; translated into Chinese and published in (2010), 4 *Journal of National Prosecutors College*, Vol 18, p. 188
- *Crown Crib Sheet for Rebutting Defence of Non-mental Disorder Automatism*- Paper presented to Crown Law Office- Criminal Office Meeting, October 20, 2006
- *Limits on Crown Cross-Examination of the Accused* – Paper prepared for 30th Annual Institute of CLE, Ontario Bar Association Criminal Law Section – February 5th, 2005
- *Addressing Police Excessive Use of Force- A Proposal to Amend the Mandate of the Special Investigations Unit* (2004), 49 *Criminal Law Quarterly* 351
- *Taking Statements from Police Officers Suspected of Criminal Misconduct: A Proposed Protocol* (2004), 49 *Crim. L.Q.* 166
- *To Plead or Not to Plead- Implications of a Criminal Record under the Police Services Act Disciplinary Regime*, University Education Program Materials, Ontario Court of Justice, June 2003
- *Can Documents Smoke? An Inquiry into the Relationship between the R. v. Murray decision and Documents characterised as Evidence of Crime* (2003), 47 *Crim. L.Q.* 157
- *Subpoenas and Medical Records*, The Canadian Medical Legal Conference Papers and Abstracts, Interactive Learning Continuum, June 1997
- *Calder - The Charter Trumps the Truth-Seeking Tool of Impeaching the Accused with a Prior Inconsistent Statement* (1996), 46 *C.R.* (4th) 161

SPEAKING ENGAGEMENTS

- *Panelist – Dialogue on Police Modernization and Professionalization in Bangladesh* – United Nations Office on Drugs and Crime – Dhaka, BANGLADESH - June 2025
- *Speaker – Police and Inequality Seminar* – Osgoode Hall Law School – October 2024
- *Speaker – Civilian Oversight of Policing* – Criminal Process Course -University of Toronto Law School- February 2024
- *Speaker – Issues of Racism, Bias and Discrimination in Police Oversight, Inquests and Commission Contexts* – Crown Summer School – London ON, July 2023 & 2022
- *Panelist – Investigating Suspected Crimes Against Police Officers* – Law of Policing Conference – The Canadian Institute – Toronto ON – May 2023
- *Panelist – What’s the Role of Ontario’s Watchdog?* – TVO The Agenda — Toronto ON - March 2023: <https://youtu.be/k9DDr-C-yIM>
- *Panelist – Investigation of Torture: The Need of Independent Mechanism* – Asia Alliance Against Torture – Katmandu NEPAL (remote), June 2022: <https://www.youtube.com/watch?v=gL2fs1OMPLg>
- *Independent Investigative Mechanisms in Georgia – Achievements and Existing Challenges*, Open Society Georgia Foundation, Tbilisi GEORGIA, (remote) July 2021
- *Who Polices the Police?* Events with Open Society Foundations, NYC, (remote) June 2021: <https://www.opensocietyfoundations.org/events/who-polices-the-police>
- *Who Polices the Police?* Ukrainian’s Just Talk World, Kiev UKRAINE, (remote), June 2021: <https://www.youtube.com/watch?v=eZJy94sJffw>
- *Accountable and Effective Law Enforcement*, United Nations 30th Session of the Commission on Crime Prevention and Criminal Justice, Vienna AUSTRIA, (remote), May 2021
- *Oversight Powers within the Comprehensive Ontario Police Services Act*, Canadian Institute, Toronto ON, (remote), May 2021
- *Representing Victims and Their Families in Special Investigations Unit Proceedings*, Ontario Bar Association, Toronto ON (remote), October 2022

- *Wrongful Convictions*, Humber Valley United Church Men's Group, Toronto ON, August 2020
- *Canadian Policing in Crisis?* University of Toronto Faculty of Law Webinar with Professor Kent Roach, Toronto ON, (remote) June 2020
- *Police on Trial* – Panel Discussion - Canadian Institute, Law of Policing Conference, Toronto ON, May 2019
- *Oversight Overview*, 'Policing the Detectives', Ontario Bar Association, Criminal Justice Section, Toronto ON, February 2019
- *Preparing for an Ontario Review Board Hearing*, Crown Attorneys' Summer School, London ON, August 2017
- *Writing Reasons*, Ontario Review Board Legal Education Conference, Toronto ON, October 2016
- Prosecuting at *Police Services Act* Hearings - Adjudication and Prosecution Seminar, Orillia ON, November 2016, 2015, 2014 & 2013
- *What can the SIU Model offer to the Inquiries Complaints & Reports Committee of the College of Physicians & Surgeons of Ontario*, CPSO, Toronto ON, October 2016
- *Police Accountability*, Black Law Students Association Western Law School, London, ON, October 2016
- *Civilian Oversight of Policing in Ontario*, Ontario Justice Education Network Summer Institute, Toronto ON, August 2016
- *Liability for Positional Asphyxia and Excited Delirium for Those in Authority over Young Persons*, Office of the Provincial Advocate for Children and Youth, Toronto ON, July 2016
- *What Happens After a Finding of 'Not Criminally Responsible'*, CACOLE Annual Conference, Saskatoon, SASK, May 2016
- *Civilian Oversight of Policing in Ontario*, Vidhi Centre for Legal Policy, New Delhi, INDIA, April 2016
- *Legal Decisions Impacting Oversight*, Challenges and Benefits of Oversight Bodies Conference, Port of Spain, TRINIDAD, March 2016
- *Civilian Oversight of Policing in Ontario*, Open Society Foundations, Tbilisi, REPUBLIC OF GEORGIA, February 2016

- *Effective Models of Independent Investigation of Torture and Ill-Treatment*, Open Societies Institute Budapest Foundations, Yerevan ARMENIA, May 2015
- *Legal Updates*, CACOLE Annual Conference, Ottawa ON, May 2015
- *SIU in Ontario*, Sommet interdisciplinaire sur l'usage de la force, Nicolet QUEBEC, April 2015
- *Police Body Worn Cameras*, Canadian Civil Liberties Association Panel Discussion, Toronto ON, March 2015
- *Use of Force by Police*, CACOLE Annual Conference, Victoria BC, May 2014
- *Preventing Torture: Investigation, Accountability, Monitoring*, Open Society Foundations, Bishkek KRYGYZSTAN, April 2014
- *Self-Defence and Use of Force Conference*, Osgoode Professional Development, Toronto ON, March 2014
- *Automatism and Toxic Psychosis*, National Symposium on Mental Disorder and Criminal Justice, Toronto ON, February 2014
- *Reforming the Special Investigations Unit*, Association of Law Officers of the Crown Conference, Niagara-on-the-Lake ON, November 2013
- *What's New at the SIU*, Law of Policing Conference, Toronto ON, September 2013
- *Improving the Independence & Effectiveness of Ontario's Special Investigations Unit*, CACOLE Annual Conference, Charlottetown PEI, May 2013
- *SIU Components*, Professional Standards Conference hosted by Ontario Association of Chiefs of Police, Toronto ON, October 2012
- *Civilian Oversight of the Police in Ontario*, Venezuelan National Conference of the General Council of Police, Caracas VENEZUELA, September 2012, sponsored by Global Affairs Canada
- *Police Officers' Duty to Co-operate in Light of the Schaeffer Decision*, CACOLE Annual Conference, Toronto ON, May 2012
- *Police Oversight Issues- What's Ahead?*, Ontario Association of Police Services Boards, Ottawa ON, April 2012
- *Intersection of Administrative Tribunal and Criminal Investigations involving Police Misconduct*, CACOLE Annual Conference, Canmore AB, June 2011

- *G20 and Civilian Oversight of Policing*, Law Union of Ontario Annual Conference, Toronto ON, February 2011
- *Police Officers' Notes and Police Association Lawyers*, CACOLE Annual Conference, Fredericton NB, June 2010
- *Current Issues at the Ontario Special Investigations Unit*, Law of Policing Conference, Toronto ON, June 2010
- *Investigating Complaints against Police: Models, Options and Issues*, David and Cecilia Ting Forum on Police Justice, Vancouver BC, November 2009
- *What's New at the SIU?*, Police Employment Conference, Toronto ON, February 2009
- *Investigating Police Misconduct*, Professional Standards Investigators Course, Orillia ON, October 2008
- *Presenting a Fraud Case*, Law Society of Upper Canada White Collar Crime Conference, Toronto ON, March 2008
- *Managing Serious Police Misconduct Issues*, 4th Annual Police Adjudicators and Prosecutors Course, Orillia ON, December 2006
- *The "Art" & Limits of Cross-Examination in a Sex Crime Trial*, Ontario Bar Association, Toronto ON, February 2005
- *Relationship between Civilian Oversight and Community Interests*, CACOLE Annual Conference, Toronto ON, June 2004
- *Lawyers in the Dock*, International Bar Association Conference, San Francisco CA, September 2003
- *Police and the Courts: How We See Each Other*, University Education Program, Ontario Court of Justice Judges, London ON, June 2003
- Television talk show on lawyers' ethics with Alan Dershowitz, on *Open for Discussion*, Toronto ON, December 2002
- *Evidence & Ethics since R. v. Murray*, Advocates Society's Conference, Miami FL, November 2000
- *Search of Law Offices and Turning the Client In*, Toronto Lawyers Association, Toronto ON, January 2000

OTHER ACTIVITIES

- Expert opinions provided to the former Ontario Civilian Police Commission and law firms on policing matters
- Disciplinary Prosecutor for Nishnawbe Aski Police Service & Treaty Three Police Service
- Adjunct Professor at Western Law School 2015 – 2018
- Alternate Chair for the Ontario Review Board – 2014 – 2022, 1998 - 2001
- Investigative Counsel for the Ontario Judicial Council and the Justices of the Peace Review Counsel
- External Counsel to the former Ontario Civilian Police Commission
- Law Society of Ontario Referee on Solicitor-Client Issues
- Instructor for Workplace Institute on conducting investigations and preparing for hearings
- Past president 2012-13, past vice-president 2011-12, past secretary 2010-11, Canadian Association for Civilian Oversight of Law Enforcement
- Former disciplinary prosecutor for Peel Regional Police Service 1999-2001
- Former member of the Centre for Forensic Sciences Advisory Committee

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October 2025

Appendix 'C'

Terms of Reference – Independent Investigation

see next page



Office of the Chief of Police - Fredericton Police Force
311 Queen Street, Fredericton NB – E3B 1B1
(506) 460-2343

TERMS OF REFERENCE - INDEPENDENT INVESTIGATION

MANDATE DETAILS

Lead Investigator: Mr. Ian D. Scott (hereinafter referred to as “Scott”) will be the lead investigator and assume responsibility for file management consistent with Major Case Management principles, and these Terms of Reference. Upon the signing of these Terms of Reference by Scott and the investigating agency, being the City of Fredericton Police Force (hereinafter referred to as the “FPF”), Scott will commence an investigation/audit with respect to Major Case Management-Major Crime.

Independent Investigation: Scott will conduct an investigation independent to the FPF, with only those reporting obligations set out in the section entitled “Reporting Process” below. Scott will consult and liaise with the designated contact member appointed by the Chief of Police of the FPF or designate. For the purposes of clarity, the Chief of Police of the FPF appoints A/Staff Sergeant Rick Mooney, or designate, as the liaison (hereinafter referred to as the “designated contact member”).

Solicitor/Client Relationship: Scott is retained by the FPF as an independent investigator who will have a solicitor/client relationship with the FPF and will, in his capacity as a solicitor, have access and receive documents and information from the FPF that he deems appropriate to conduct the investigation.

Access to Resources: Scott will have access to FPF resources (e.g., identification, clerical support staff, records management) required for his investigation, and upon request through the designed contact member.

Charges and Prosecution: If Scott concludes there are reasonable grounds to believe any criminal charges are appropriate, he may recommend criminal charges to Crown Counsel. Further, if Scott believes any police disciplinary charges are appropriate, he may recommend disciplinary action to the Chief of Police of the FPF.

July 17, 2025

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Policy and Procedures: Scott will consult with the designated contact member for the definition and interpretation of FPF policy and procedures.

Expenses: Scott will submit all expenses to the City of Fredericton Director of Corporate Services, Mr. Mike Baldwin, or designate, each month for reimbursement.

INVESTIGATION TIMELINE

Start Date: The investigation will commence on **July 17th, 2025**.

Conclusion Date: The investigation is anticipated to be completed by **December 31, 2025**.

REPORTING PROCESS

To Chief of Police: Scott will provide regular updates and a final report to the Chief of Police of the FPF. These updates will include progress reports, preliminary findings, and any immediate concerns that need to be addressed.

To City of Fredericton CAO: Scott will also provide updates to the CAO. These updates will be less frequent but will include key milestones and significant findings.

CONFIDENTIALITY CLAUSE

Canada Evidence Act Compliance: Any information gleaned during the investigation that, if exposed, would, in Scott's view, breach any provisions of the *Canada Evidence Act*, disclose any information which is legally protected from disclosure, or breach his professional duties as a licensed lawyer, will be kept strictly confidential. Scott will ensure that such information is not disclosed in any public or private reports.

Public Disclosure: All other information gleaned from the investigation will be publicly disclosed to ensure transparency and maintain public trust. This includes findings, recommendations, and any systemic issues identified during the investigation.

SCOPE of the INDEPENDENT INVESTIGATOR'S ROLE

In Scope:

- Full management of the investigation file consistent with Major Case Management principles and these Terms of Reference.
- Direct oversight and direction of investigative actions related to the assigned matter, including evidence gathering, interviewing, and analysis.
- Access to and utilization of FPF resources such as identification services, clerical support, and records management as required for the investigation.
- Authority to recommend criminal charges related to his mandate to Crown Counsel for court proceedings.

Authority to recommend disciplinary action to the Chief of Police of the FPF for any identified potential breaches of the *Police Act* and its regulations, including specifically the *Code of Professional Conduct Regulation*. Liaise and consult exclusively with the designated contact member appointed by the Chief of Police of the FPF or designate (currently A/Staff Sergeant Rick Mooney or their designate).

Out of Scope:

- Routine operational oversight or direction of the FPF beyond the parameters of the assigned investigation and these Terms of Reference.
- Engagement in matters or investigations outside the specific mandate or file assigned.
- Making or implementing policy decisions for the FPF.
- Direct involvement in unrelated discipline, administration, or internal matters of the FPF.
- Reporting to or being managed by the FPF except as specifically outlined in these Terms of Reference.
- Utilization of FPF police resources for purposes unrelated to this investigation.
- Commenting on the relationship between the FPF and Crown Counsel.

PUBLIC COMMUNICATIONS STRATEGY

Initial Announcement: A public announcement will be made to inform the community about the commencement of the investigation, the appointment of Scott, and the Terms of

Reference through the FPF Public Information Officer (PIO) and Corporate Communications for the City of Fredericton.

Final Report: The final report and its findings will be publicly disclosed, INCLUDING ALL RECOMMENDATIONS, apart from any information that would otherwise violate the *Canada Evidence Act*, applicable case law, and/or disclose any information which is legally protected from disclosure. A press conference will be held to present the findings and answer any questions from the media and the public. While participants in the press conference will respond as fully and transparently as possible, they will be bound to not disclose information determined to be protected from disclosure.

Transparency and Accountability: The FPF will commit to transparency and accountability throughout the investigation and the implementation of recommendations. All relevant information will be made available to the public to maintain trust and confidence in the process.

DATA SECURITY and CONFIDENTIALITY

Data Security: All data collected during the investigation will be stored securely using encryption and access controls to prevent unauthorized access.

Confidentiality Agreements: All personnel involved in the investigation will sign confidentiality agreements to ensure that sensitive information is not disclosed.

Data Minimization/Maximization: The investigator shall determine the amount of data necessary for the investigation to be collected and processed, but shall not include information that is categorized as "Protected C."

Access Control: Access to sensitive data will be restricted to authorized personnel only, and access logs will be maintained to track data access and usage.

Managerial Review - Major Case Management Services: The Investigator, or designate, shall conduct, and be afforded, all information with respect to a managerial review of the force's major case management policies, procedures, and protocols.

Data Retention: Data retention will follow the Municipal Records Authority and the *Provincial Archives Act*. Data will be retained only for as long as necessary to complete the investigation and fulfill legal obligations. Afterward, data will be securely deleted or anonymized.

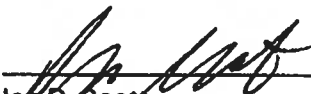
Compliance with Laws: The investigation will comply with all relevant data protection laws and regulations, including the *Canada Evidence Act* and the Personal Information Protection and Electronic Documents Act (PIPEDA) and the Right to Information and Protection of Privacy Act (RTIPPA). This includes safeguarding personal information, respecting individuals' privacy rights, and ensuring that disclosure of data during or after the investigation complies with applicable RTIPPA requirements.

Solicitor/Client Relationship: The investigator will have a solicitor/client relationship with the Fredericton Police Force and, in that capacity, will have access to information and documents in the possession and control of the client.

Incident Response: A protocol will be established for responding to data breaches or other security incidents, including notification of affected individuals and authorities as required by law.


THE UNDERSIGNED ACKNOWLEDGE AND AFFIRM that they have reviewed, understood, and agreed to the data protection measures outlined above. By signing below, they confirm their commitment to uphold the requirements for data security and confidentiality throughout the course of the investigation.

By signing below, the parties also confirm their agreement to these Terms of Reference.



Ian D. Scott
Investigator

August 28, 2025
Date



Gary Forward
Chief of Police – Fredericton Police

Sept 08, 2025
Date



Steve Hart
Chief Administrative Officer

Sept 5 2025
Date