

ANNUAL ACTIVITY REPORT

**RNC PUBLIC COMPLAINTS COMMISSION
PANEL OF ADJUDICATORS**

April 1, 2008 – March 31, 2009

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Message from the Minister

As Minister of Justice and Attorney General and the Minister with responsibility for the Royal Newfoundland Constabulary Public Complaints Commission Panel of Adjudicators, I hereby submit the 2008-09 Annual Activity Report of the Panel which details its activities from April 1, 2008 to March 31, 2009. In accordance with the *Transparency and Accountability Act*, my signature below is on behalf of the Panel. This report was prepared under the direction of the Panel, which is accountable for the results reported.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Marshall', written in a cursive style.

THOMAS W. MARSHALL, Q.C.
Minister of Justice and
Attorney General

Background

The Royal Newfoundland Constabulary Public Complaints Commission was established by legislation in May 1993 and operates pursuant to Part III of the *Royal Newfoundland Constabulary Act, 1992*. Its purpose is to provide members of the public with an independent forum for their complaints against Royal Newfoundland Constabulary officers.

Section 29 of the *Royal Newfoundland Constabulary Act, 1992*, provides for the appointment of a panel of twelve lawyers to serve the Commission as adjudicators with one being named as chief adjudicator.

As per Section 28 of the *Act*, the Commissioner will forward matters to the chief adjudicator when a public hearing is deemed necessary. The chief adjudicator will hear the matter himself/herself or assign it to another adjudicator. Hearings are considered public; however, all or part of the hearing may be held in private if an adjudicator determines that it meets the reasons outlined in Section 32 of the *Act*.

Mandate

The mandate of the panel of adjudicators is contained in the *Royal Newfoundland Constabulary Act, 1992*. Hearings are to be conducted without delay giving full opportunity to all parties to present evidence and make representations. It is the responsibility of the Commissioner of the Royal Newfoundland Constabulary Public Complaints Commission to determine which matters are referred to the adjudicators for hearing.

Values

Independence: Each adjudicator ensures independence through unbiased neutral manner in the delivery of their duties.

Fairness: Each adjudicator strives for consistency in approach to proceedings.

Confidentiality: Each adjudicator is committed to safeguarding the confidentiality of private information obtained in the conduct of work.

Primary Clients

The primary clients for the panel of adjudicators are the parties to a proceeding before an adjudicator. This includes the Commissioner who shall have carriage of the matter; the complainant; the named officer; the Chief of Police when the appeal is by an officer who is the subject of a complaint; or any other person who satisfies the adjudicator that he or she has a substantial interest in the complaint.

Vision

An environment where the public and police have access to established reputable mechanisms of review of complaints concerning police conduct.

Activity

During this reporting period there were no public hearings held. One reference to an Adjudicator under Section 28(2) of the *Act* was received from the Commissioner to conduct a hearing into a matter. This hearing will take place in the forthcoming year and it will be reported on at the close of that period.

Objective: Upon referral of a matter, the Adjudicator shall hold public hearings to inquire into all matters referred to him or her and give full opportunity for the presentation of evidence.

Measure: Hearings held

Indicator	Results
Hearings held as required by the <i>Royal Newfoundland Constabulary Act, 1992</i>	There was one matter referred by the Commissioner to the Chief Adjudicator. This hearing will be held at the earliest opportunity in the forthcoming fiscal year.
Decisions issues within three months of Hearings	No hearings held, therefore, there was no requirement for decisions to be issued.

As stated in the 2008-11 Activity Plan of the Royal Newfoundland Constabulary Public Complaints Commission Panel of Adjudicators, the Panel will report on this objective and indicators again in 2009-10 and 2010-11.

Financial Report

The Panel of Adjudicators does not have a separate budget and is not required to provide a separate audited statement. Expenses are captured under the budget of the Royal Newfoundland Constabulary Public Complaints Commission.