

ANNUAL ACTIVITY REPORT

ROYAL NEWFOUNDLAND CONSTABULARY  
PUBLIC COMPLAINTS COMMISSION

APRIL 1, 2012 – MARCH 31, 2013



## *CONTENTS*

Message from the Commissioner.....	i
<b>OVERVIEW .....</b>	<b>1</b>
<b>The Royal Newfoundland Constabulary Public Complaints Commission.....</b>	<b>1</b>
<b>To Reach Us.....</b>	<b>1</b>
<b>Mandate .....</b>	<b>1</b>
<b>Primary Clients .....</b>	<b>2</b>
<b>Vision.....</b>	<b>2</b>
<b>Values.....</b>	<b>2</b>
<b>YEAR IN REVIEW .....</b>	<b>3</b>
<b>Complaints and Appeals .....</b>	<b>3</b>
<b>General Inquiries .....</b>	<b>5</b>
<b>Activities .....</b>	<b>5</b>
<b>Opportunities and Challenges .....</b>	<b>6</b>
<b>FINANCIAL STATEMENT .....</b>	<b>6</b>



## Message from the Commissioner

I am pleased to present the Annual Activity Report on behalf of the Office of the Royal Newfoundland Constabulary Public Complaints Commission for the period April 1, 2012 to March 31, 2013. This activity report was prepared under my direction, and I accept accountability for the actual results achieved.

A handwritten signature in black ink, appearing to read 'John Rorke', with a long horizontal line extending to the right.

John Rorke  
Commissioner



## OVERVIEW

### **The Royal Newfoundland Constabulary Public Complaints Commission**

Part III of the *Royal Newfoundland Constabulary Act, 1992* established the Royal Newfoundland Constabulary Public Complaints Commission which began operating in May 1993. Its purpose is to provide members of the public with an independent forum for their complaints against Royal Newfoundland Constabulary officers.

The Royal Newfoundland Constabulary Public Complaints Commission functions independently of both the Department of Justice and of the Royal Newfoundland Constabulary, reporting directly to the people of Newfoundland and Labrador through the Speaker of the House of Assembly. The role of the Commissioner, under powers conferred through the *Royal Newfoundland Constabulary Act, 1992*, is to receive and maintain a registry of complaints made by members of the public against police officers. The Commissioner ensures that complaints are dealt with in accordance with the provisions of Part III of the *Act* which provides a framework for investigating, hearing and deciding complaints and handling appeals. Additionally, it is open to the Commissioner to make recommendations to appropriate authorities respecting matters of public interest related to police services.

An essential component of a civil society is an effective police service in which citizens have implicit confidence. Civilian oversight of police actions, like that carried out by this Commission, helps to maintain this public confidence.

The Commission is comprised of a part-time Commissioner, full-time manager, half time administrative support, contractual investigators and a panel of adjudicators.

### **To Reach Us**

We can be reached by mail, email, telephone, or in person at:

RNC Public Complaints Commission  
689 Topsail Road  
Box 8700  
St. John's, NL  
A1B 4J6

Telephone: (709) 729-0950  
Fax: (709) 729-1302

E-mail : [RNCComplaintsCommission@gov.nl.ca](mailto:RNCComplaintsCommission@gov.nl.ca)  
Web Page: [www.gov.nl.ca/rncpcc](http://www.gov.nl.ca/rncpcc)

### **Mandate**

The mandate of the Commission is dictated by statute, Part III of the *Royal Newfoundland Constabulary Act, 1992*; the Regulations made under that *Act*; the decisions of the panel of adjudicators; decisions of the law courts arising directly from appeals of the decisions of the Commission and its adjudicators; and decisions affecting the governance of administrative bodies generally.

The Commission's mandate is to investigate, hear and decide complaints from the public alleging unbecoming conduct on the part of members of the Royal Newfoundland Constabulary which is liable to discredit the force and bring it into public disrepute. A second equally important role is to process appeals made by Royal Newfoundland Constabulary members who have been subjected to internal discipline as the result of a public complaint and are themselves dissatisfied with the decision made or the punishment meted out by the Chief of Police or his delegate.

The role of the Commission is to receive and maintain a registry of all complaints received and to ensure that they are all advanced and concluded appropriately and in a timely manner.

### **Primary Clients**

The Commission serves members of the public who are affected by the conduct of members of the Royal Newfoundland Constabulary by providing them with a public avenue to voice their dissatisfaction about improper conduct of Royal Newfoundland Constabulary members of all ranks that is liable to discredit the force.

In turn, we provide to those same police officers an opportunity to appeal decisions made and disciplinary measures meted out by the Chief of Police or his delegate in response to the public complaints.

### **Vision**

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

### **Values**

The Commission strives for excellence in providing high standards of professional service to all persons engaged in its process.

At the core of our activities are these guiding values:

*Transparency:* Each person communicates openly to ensure a fair and just process.

*Independence:* Each person ensures the independence of this office by acting in an unbiased, neutral manner in the delivery of duties.

*Fairness:* Each person strives for consistency in approach to clients.

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

## YEAR IN REVIEW

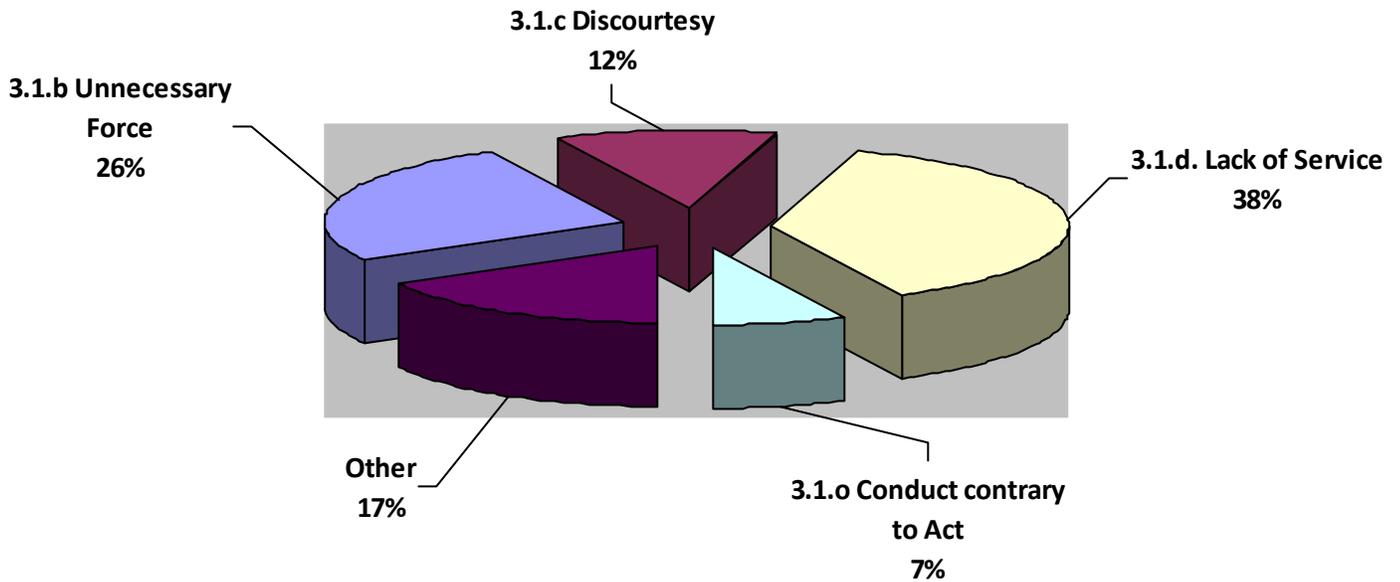
### Complaints and Appeals

The following table provides an overview of operational activities of the Commission during this review period.

Activity	Total
Complaints carried forward from previous years	16
Complaints filed during 2012-13	42
Total active public complaints as of March 31, 2013	27
Files concluded	33
Appeals filed	4
Appeals carried forward from previous years	0
Appeals concluded	3
Total active appeals as of March 31, 2013	1
Public hearings in progress	1
Referrals to Chief Adjudicator to conduct a public hearing	0
Appeals to the Trial Division of the Supreme Court of NL (see note)	2 (One has been withdrawn by the complainant)

NOTE: In the prior Activity Report, 2011-2012, under ‘Appeals to the Trial Division of the Supreme Court of Newfoundland (TDSCNL),’ we reported on two files before the Court. One file was returned by the Court to this Office for investigation of Appeal during this reporting period. Following the investigation, the Commissioner upheld the Decision of the Chief of Police in dismissing the complaint. The complainants have now gone back to the TDSCNL on further appeal of the Commissioner’s Decision to dismiss the complaint that is currently before that Court. The other file, while still before the Court, has not been pursued further by the complainant.

CONDUCT (provided by Regulations)	NUMBER	% OF ALLEGATIONS
3.1.b Unnecessary Force	11	26
3.1.c Discourtesy	5	12
3.1.d Lack of Services	16	38
3.1.o Conduct contrary to Act	3	7
Other	7	17
<b>TOTAL</b>	<b>42</b>	<b>100</b>



Thirteen requests to have a complaint form mailed were received. Of the thirteen forms distributed, only two completed complaint forms were returned.

## General Inquiries

Commission staff respond to all inquiries concerning public complaints and assist all persons who need information or redirection regarding their concerns.

## Activities

### Issue: Complaints as per Part III of the *Royal Newfoundland Constabulary Act, 1992*

As required by its enabling legislation, the Commission serves as an avenue of redress for members of the public wishing to complain about the conduct of an officer or the operational policies or procedures governing the manner in which a police officer discharges his or her duties.

The focus of the Royal Newfoundland Constabulary Public Complaints Commission will be consistent over the next year. This means it will report on the results of these indicators again in 2013-14.

**Objective:** By March 31, 2013 the Royal Newfoundland Constabulary Public Complaints Commission will have responded to complaints from the public as per Part III of the *Royal Newfoundland Constabulary Act, 1992*.

**Measure:** Complaints responded to as per Part III of the *Royal Newfoundland Constabulary Act, 1992*

Indicator	Results
Complaints reviewed to ensure compliance with Part III of the <i>Royal Newfoundland Constabulary Act, 1992</i>	Forty-two complaints were received and reviewed to ensure compliance.
Compliant complaints registered	Forty-one complaints were registered. One complaint was outside the time lines as prescribed by governing legislation and was therefore rejected.
Registered complaints investigated or delegated, as required	All forty-one complaints were investigated or delegated as per Section 24(4) of the <i>Act</i> .
All appeals investigated	There were a total of three appeals filed and all three were investigated.
Decisions on appeals rendered	Decisions were rendered for two of the appeals during the fiscal year. The decision on the third and final appeal was still pending at the end of the fiscal year.

## Opportunities and Challenges

An ongoing challenge when conducting formal investigations is maintaining public trust and confidence. It is important that all parties to a complaint perceive that the investigative process is neutral and unbiased. This can be challenging, as decisions rendered may not be the desired outcome of all those involved.

This also provides an opportunity to communicate effectively with all parties to a complaint so that they understand the process and the reasons decisions are made. The Royal Newfoundland Constabulary Public Complaints Commission will continue to ensure appropriate transparency and confidentiality in the process in order to foster understanding and trust in the process.

## FINANCIAL STATEMENT

Expenditure and revenue figures included in this document are based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for Fiscal Year ended 31 March 2013 (unaudited).

### 4.1.03. PUBLIC COMPLAINTS COMMISSION

	Estimates		
	Actual	Amended	Original
	\$	\$	\$
01. Salaries.....	87,338	89,200	91,000
02. Employee Benefits.....	1,300	1,300	400
03. Transportation and Communications.....	6,259	7,000	69,000
04. Supplies.....	1,345	1,500	1,500
05. Professional Services.....	143,563	169,000	140,000
06. Purchased Services.....	53,898	55,600	44,600
07. Property, Furnishings and Equipment.....	259	600	600
Total: Public Complaints Commission.....	293,962	324,200	285,000