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Message from the Commissioner

As a civil society, we need police services. For our police to be effective, they need our trust. That trust is established through public confidence that police officers are carrying out their responsibilities properly, and in accordance with our laws. The Royal Newfoundland Constabulary Public Complaints Commission, through its public complaints process, helps achieve that confidence by providing members of the public with a fair and impartial forum for civilian review of police conduct.

I cannot state the case for the Commission more eloquently than Former Chief Justice of Canada the Right Honourable Antonio Lamer P.C., C.C., C.D., who made the following statement in his review of federal legislation enabling oversight of Canadian Military police:

*"I cannot emphasize enough the importance of independent oversight of the Military police. Oversight is essential to promote confidence in the investigative process and to ensure that both complainants and members of the military police are dealt with impartially and fairly."*¹

This civilian oversight standard applies in equal measure to our provincial police force, the Royal Newfoundland Constabulary. I and the Commission staff work hard and in good faith to apply it. Reflecting back over the past twelve years since the Commission was established, I am confident that the Commission's efforts have contributed to the respect in which Royal Newfoundland Constabulary policing is held by Newfoundlanders and Labradorians.

Lois Hoegg, Q.C.
Commissioner

¹Excerpt from "The First Independent Reveiw by the Right Honourable Antonio Lamer P.C., C.C., C.D of the provisions and operations of Bill C-25. *An Act to amend the national Defence Act and to make consequentila amendments to other Acts*, as required under section 96 of Statues of Canda 1998, c.35, submitted to the Minster of national Defence, September 3, 2003".

The Commission and Its Role

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.

The Commission's mandate is to investigate, hear and decide complaints from the public alleging misconduct by RNC members in carrying out their duties.

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, and to ensure that they 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.

The Commission has jurisdiction over Royal Newfoundland Constabulary officers of all ranks in the province of Newfoundland and Labrador with respect to complaints alleging improper exercise of police power, or of police misconduct in the exercise of their duties.

The Commission must receive a signed complaint to conduct an investigation. It cannot commence an investigation on its own initiative. Neither can the Minister of Justice direct the Commissioner to undertake an investigation or review. Complaints from third parties can only be accepted by the Commissioner with the consent of the person subjected to the misconduct.

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 RNC Public Complaints Commission believes that in carrying out its mandate, it has made a positive contribution to the public trust of our protection of the rights and privileges of our citizens and thereby to our fair and democratic society. Our goal is to continue to do so in future.

Who Are We?

Commissioner
Lois Hoegg, Q.C.

Manager
Lorraine Roche

Administrative Support
Gerry Peach

Contractual Investigator
Robert Cuff, M.A.

Chief Adjudicator
James Kean, LLB,

Adjudicators:
Paul Althouse
David Andrews, Q.C.
John Barrett
Annette Bennett
Reginald Brown, Q.C.
David Eaton, Q.C.
William Morrow, Q.C.
Joan Myles
Ian Kelly, Q.C.
Linda Rose, Q.C.
Robert Sinclair, Q.C.

To Reach Us

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

RNC Public Complaints
Commission
Suite E160, Bally Rou Place
280 Torbay Road
St. John's, NL
A1A 3W8

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

Web Page www.gov.nf.ca/rncpcc
e-mail: lorraineroche@gov.nl.ca
gerrypeach@gov.nl.ca

Highlights and Accomplishments

Canadian Association for Civilian Oversight of Law Enforcement

In June 2004 the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) held its annual conference in Toronto, Ontario. The theme *"Many Voices- Communities and Civilian Oversight,"* attracted more than one hundred delegates and speakers from across Canada and beyond. Both the Commissioner and the Manager, Lorraine Roche, attended this conference. Ms. Roche, who serves on the Board of Directors of CACOLE, was re-elected as Secretary at the Annual General Meeting following the Five public hearings took place during this reporting period. All emanated from complaints filed in previous years. Statistical data respecting the status of the matters heard is provided in Appendix C.

Three Adjudicator's Decisions were received during this period; one of these decisions concluded a Hearing that took place during the reporting period of 2003-2004. These adjudicator's decisions, along with previous Commission decisions, can be found on our website www.gov.nf.ca/rncpcc.

Appeals to the Trial Division of the Supreme Court

During this reporting period there were three appeals to the Trial Division of the Supreme Court of Newfoundland and Labrador initiated by complainants pursuant to Section 36 of the *Act*. One

conference.

Complaints and Appeals

During the reporting year, the Commission received 41 public complaints alleging misconduct against RNC members. (See Appendices A and B for a summary of complaints.) Eleven files were also concluded from the period covering 2003-04. Additionally, there was one appeal to the Commission from a decision of the Chief of Police in relation to a public complaint registered during the previous year.

Public Hearings

One appeal was of an adjudicator's decision dismissing a complaint. This appeal, although filed, has not been pursued by the complainant. Another appeal was of the Commissioner's decision to uphold the determination of the Chief of Police to dismiss the complaint. This Appeal, although filed, has not been pursued by the Complainant.

Another appeal was of the Commissioner's determination that a complaint was outside the jurisdiction of the Royal Newfoundland Constabulary Public Complaints Commission.

The Supreme Court of Newfoundland and Labrador Trial Division found that this complaint was within the jurisdiction of the Commission and remitted the matter back to the Commission for determination on its merits. The Commission has appealed this decision

to the Supreme Court of Newfoundland and Labrador Court of Appeal. The matter has not yet been heard.

General Enquiries

Commission staff responds to all inquiries concerning public complaints. As public servants, staff do their best to assist all persons who need information or redirection regarding their concerns. No statistical data is maintained on inquiries which do not result in a complaint to the Commission.

FINANCIAL REPORT

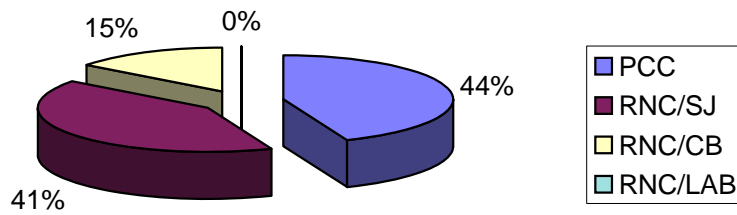
According to the Public Accounts Statement of Expenditure and Related Revenue, the Financial Report for the Public Complaints Commission is as follows:

ACTIVITY	BUDGET	ACTUAL
Salaries	66,400	62,048
Employee Benefits	800	750
Transportation and Communications	7,900	6,950
Supplies	1,500	552
Professional Services	125,000	139,935
Purchased Services	45,000	39,510
Property, Furnishings & Equipment	700	479
TOTAL	247,300	250,224

Appendix A Public Complaints Registered

PUBLIC COMPLAINTS REGISTERED

	PCC	RNC/SJ	RNC/CB	RNC/LAB	TOTAL COMPLAINTS
TOTALS	18	17	6	0	41



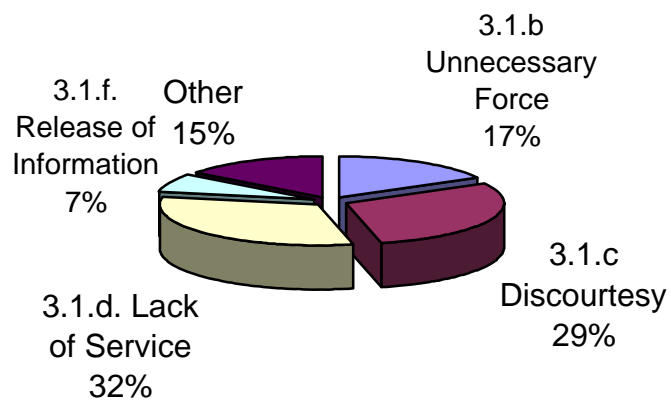
Disposition of Public Complaints

Withdrawn by Complainant	4
Resolved	4
Dismissed by Chief; Insufficient Evidence	14
Suspended (at close of reporting period)	5
Appealed	0
Remainder still active at close of reporting period.	

Appendix B Summary of Complaints by Type of Alleged Misconduct

Summary of Complaints by Type of Alleged Misconduct

CONDUCT (provided by Regulations)	NUMBER	% OF ALLEGATIONS
3.1.b Unnecessary Force	7	17%
3.1.c Discourtesy	12	29%
3.1.d. Lack of Service	13	32%
3.1.f. Release of Information	3	7%
Other	6	15%
TOTAL	41	100%



Appendix C Adjudicator's Report

Adjudicator's Report
April 1, 2004 - March 31, 1005

Party	Date of Complaint	Adjudicator	Hearing Dates	Decision Date	Adjudicator's Order
Thompson vs. Oates	8-Aug-01	David Eaton	April 22, 23, 04	28-Jun-04	Dismissed
Fowler vs. Adams	27-May-02	William Morrow	March 04 (previous reporting period)	30-Aug-04	Dismissed
Wall vs. Davis	8-Jan-02	David Andrews	17-Jun-04	17-Sep-04	Dismissed
Tee vs. McGrath & Thistle	1-May-96	James Kean	Dates for 2004: January 16, March 22 - 26; October 22.	10-Dec-04	Dismissed
Cox-Fitzpatrick vs. Motty	Decmeber 6, 2002	John Barrett	March 15, 16, 17, 18, 2005	not concluded by end of Reporting Period	