



ROYAL NEWFOUNDLAND CONSTABULARY
PUBLIC COMPLAINTS COMMISSION

COMPLAINT FORM

Under the authority of the Royal Newfoundland Constabulary Act, 1992 personal information is collected for the purpose of investigating your complaint. This information is kept confidential and is not disclosed to third parties without your consent or unless required or authorized by law. The information will not be used for any other purpose except as indicated. If you have any questions about the collection of this information, please contact the Manager of the RNC Public Complaints Commission at 709-834-6171 or email rnccomplaintscommission@gov.nl.ca.

Pursuant to section 22 of the *Royal Newfoundland Constabulary Act, 1992*:

- (6) **A complaint made under subsection (1) shall be made within 6 months after**
- (a) the alleged misconduct occurs; or
 - (b) the date the policy or procedure complained of affected the complainant.
- (7) Notwithstanding subsection (6), where a complaint made under subsection (1)
- (a) concerns a case of continuing misconduct by an officer, a complaint shall be made within 6 months after the last incidence of the alleged misconduct; or
 - (b) concerns a case where the policies or procedures of the constabulary are directly affecting the complainant in a continuous manner, a complaint shall be made within 6 months after the last date the policy or procedure complained of affected the complainant.
- (8) Notwithstanding subsections (6) and (7), the 6 month time limit referred to in those subsections shall not begin to run against a complainant until he or she knows or, considering all circumstances of the matter, ought to know that he or she has a right of complaint concerning the conduct of a police officer or the policies or procedures of the constabulary and the burden of proving a postponement of the running time under this subsection is upon the complainant claiming the benefit of that postponement.
- (9) Where the postponement of filing a complaint is claimed under subsection (8), the matter of that postponement shall be referred to the commissioner who shall determine whether or not the complaint may be filed.

DATE COMPLAINT FILED (for office use only)	DATE OF INCIDENT
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FIRST NAME	MIDDLE NAME	LAST NAME	DOB
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MAILING ADDRESS	E-MAIL ADDRESS	PHONE NUMBER (s)
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<p>DETAILS OF INCIDENT (use separate sheet of paper if required)</p>

<p>NAMES OF MEMBER(S) – SUBJECT OF COMPLAINT (INCLUDE RANK AND REGIMENTAL NUMBER IF KNOWN)</p>

<p>COMPLAINT REC'D BY: <input type="checkbox"/> RNC PCC <input type="checkbox"/> POLICE DEPARTMENT</p>

I CERTIFY THAT THE INFORMATION GIVEN HERE IS TRUE

SIGNATURE OF COMPLAINANT

DATE

DISTRIBUTION: COMMISSIONER, CHIEF OF POLICE, NAMED POLICE OFFICER(S),
COMPLAINANT

PUBLIC COMPLAINT PROCEDURES AND RIGHTS OF A PERSON MAKING A COMPLAINT

This statement briefly sets out the procedures that will be followed upon receipt of a complaint from a member of the public against a member of the Royal Newfoundland Constabulary and their rights under the *Royal Newfoundland Constabulary Act, 1992 and Regulations*.

WHO SEES THE COMPLAINT

1. No matter where the complaint is received, a copy will be sent to the Royal Newfoundland Constabulary Public Complaints Commission and the Chief of Police of the Royal Newfoundland Constabulary.
2. The police officer(s) concerned will be informed of the substance of the complaint.

CHIEF OF POLICE: INVESTIGATION AND REPORTS

3. The complaint will be forwarded to the Office of the Chief of Police who will designate a member of the RNC to conduct the investigation.
4. The Act allows for the suspension of a public complaint if a criminal investigation is being conducted, or a prosecution is commenced relating to the subject-matter of the complaint, pending a decision on that prosecution.
5. The investigating officer will interview the complainant, the police officer(s) concerned and any other relevant witnesses, and review any relevant documents.
6. The Chief or the Deputy Chief shall consider the complaint and he or she may:
 - (a) with the agreement of all parties, reach an informal resolution to the complaint;
 - (b) dismiss the complaint;
 - (c) if the complaint concerns the policies or procedures of the Constabulary either the Chief or Deputy Chief may take whatever action is considered appropriate; if any, or
 - (d) discipline the police officer(s) who is the subject of the complaint.
7. Upon completion of the investigation, an investigative report will be forwarded to the Chief

of Police. This Report must be submitted within three months of the date the complaint was filed or received, not including the time during which the complaint may have been suspended.

8. The complainant and the police officer(s) who is/are the subject of a complaint shall be informed in writing of the dismissal of the complaint or of the discipline imposed and the reasons for that dismissal or discipline.

REVIEW BY THE COMMISSION

9. A complainant or police officer who is not satisfied with any of the foregoing decisions may contact the Royal Newfoundland Constabulary Public Complaints Commission to request that the Commission review the decision of the Chief of Police.
10. Complainants, who wish to have the Commission review the decision of the Chief, must complete an Appeal Form and forward it to the Commissioner, Royal Newfoundland Constabulary Public Complaints Commission, PO Box 8700, St. John's, NL A1A 4J6; location: Suite 114, 120 Conception Bay Highway, Villa Nova Plaza, Conception Bay South, NL. This form must be received by the Commission within **15 (fifteen) days** from the date the report of the decision of the Chief of Police is received by the complainant.
11. Upon receipt of the Appeal Form, the Commissioner will review the matter, and his/her staff has broad powers to investigate. Documents must be made available upon request and individuals can be required to answer questions.
12. Following a review by the Commission, the Commissioner may
 - (a) dismiss the complaint and confirm the decision of the Chief, or if the Commissioner does not confirm the decision of the Chief, but is satisfied that the subject matter is frivolous or vexatious; the complaint has been abandoned or withdrawn; or that there is insufficient evidence supporting the complaint to justify a public hearing, the commissioner shall decline to take further action on the complaint; or
 - (b) with the consent of the parties, effect an informal resolution of the complaint; or
 - (c) refer the matter to a hearing before an independent adjudicator.

ADJUDICATOR'S HEARING

13. When a hearing before an Adjudicator is ordered, the complainant and the officer(s) involved will be notified in writing of the date and place of the hearing. Each party has a right to attend and take part in the hearing and to be represented by counsel. The hearing will be open to the public unless the adjudicator otherwise determines. All parties will receive a copy of the Adjudicator's Decision.

A COMPLAINT AGAINST THE CHIEF

14. When a complaint has been made against the Chief of Police that complaint shall be immediately taken up by the Commissioner as if that complaint were an Appeal to the Commissioner as outlined in Paragraph 11.