

ANNUAL ACTIVITY REPORT

ROYAL NEWFOUNDLAND CONSTABULARY
PUBLIC COMPLAINTS COMMISSION

APRIL 1, 2009 – MARCH 31, 2010

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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, I hereby submit the 2009-10 Annual Activity Report of the Commission which details its activities from April 1, 2009 to March 31, 2010. In accordance with the *Transparency and Accountability Act* my signature below is indicative of the Commission's accountability for the results reported.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Felix Collins
Minister of Justice and
Attorney General

Who Are We?

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 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.

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
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.nl.ca/rncpcc
E-mail: RNCComplaintsCommission@gov.nl.ca

Our Mandate

The mandate of the Commission is dictated by statute, Part III of the *Royal Newfoundland Constabulary Act, 1992*, as amended, and the Regulations made under that Act, the decisions of the panel of adjudicators, and decisions of the law courts arising directly from appeals of the decisions of the Commission and its adjudicators, as well as 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 RNC which is liable to discredit the force and bring it into public disrepute. A second equally important role is to process appeals made by RNC 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.

Our Primary Clients

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

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

Our Vision

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

Our 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.

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	19
Complaints filed during 2009-10	40
Total active Public Complaints as of March 31, 2010	21
Files Concluded	38
Appeals filed	5
Appeals carried forward	5
Appeals concluded	6
Total active appeals as of March 31, 2010	4
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	0

Ten complaint forms were mailed out to persons requesting forms in order to file complaints, however, only five of these mail-outs were returned.

General Inquiries

Commission staff responds to all inquiries concerning public complaints. Staff does its best to assist all persons who need information or redirection regarding their concerns. There were sixteen inquiries to the Commission that were handled without a formal complaint process.

Activities

By March 31, 2010 the RNC Public Complaints Commission had committed to enhancing awareness of its role to the police and to the public.

Measure: Enhanced Awareness

Indicator	Results
Updated Information Brochure	A review of information contained in the brochure indicated that all information is still current, making updates unnecessary.
Distributed brochure to key locations	Key locations maintained a supply of brochures from the initial distribution and did not need additional copies. Brochures were distributed to ten individuals requesting information on filing a public complaint or the public complaint process.
Delivered information sessions to RNC recruits	During July 2009 the Commissioner gave a presentation to RNC recruits on the role and responsibilities of the Commission.
Number of participants at information sessions	Approximately 25 recruits were available to attend this session.

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

In consideration of Government's strategic directions and those of the Department of Justice, the Royal Newfoundland Constabulary Public Complaints Commission will continue its focus on enhancing access by the public to the Commission.

In keeping with this focus, the Commission maintains a long standing association with other national and international oversight agencies who also share the same commitment of advancing the concept, principles and application of oversight of law enforcement.

- **Canadian Association for Civilian Oversight of Law Enforcement (CACOLE)**
CACOLE is a national non-profit organization of individuals, commissions and agencies involved in the oversight of law enforcement of federal, provincial, municipal and First Nations police officers in Canada. This office maintains an annual membership with CACOLE and the Commission's Manager is a long time member of the Board of Directors of CACOLE. For more information, please visit CACOLE's website at www.cacole.ca.
- **Federal/Provincial Meetings** of civilian oversight agencies are hosted annually by the Commission for Public Complaints (CPC) against the Royal Canadian Mounted Police. At the September 2009 meeting, the Assistant Commissioner of the RCMP delivered a presentation concerning the security composition for the 2010 Winter Olympic Games in Vancouver, British Columbia. During this meeting it was agreed in principle that the Commission for Public Complaints Against the RCMP (CPC) would play a coordinating role with respect to complaints regarding the conduct of a police officer from outside BC as well as all RCMP members. Non-RMCP police from outside of BC were appointed pursuant to the RCMP Act in order to perform policing duties within BC. Each province was requested to submit information regarding the way its enabling legislation dealt with criminal, discipline and public complaint issues arising when officers are both on and off duty. This information was used to define a process which would centralize and coordinate complaints against police stemming from the Games.

Opportunities and Challenges

The Commission will continue to be guided by its mandate to provide for greater public accountability by police.

Maintaining public confidence in an independent oversight process while the office is without a Commissioner has proved challenging, however, staff remain committed to providing an objective, impartial office to accept and process public complaints.

Financial Statements

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 2010 (unaudited).

4.1.03. PUBLIC COMPLAINTS COMMISSION

	Estimates		
	Actual	Amended	Original
	\$	\$	\$
01. Salaries.....	96,074	98,700	86,300
02. Employee Benefits.....	975	3,100	400
03. Transportation and Communications.....	6,233	7,900	7,900
04. Supplies.....	2,050	2,500	1,500
05. Professional Services.....	101,930	107,200	140,000
06. Purchased Services.....	41,849	44,400	44,600
07. Property, Furnishings and Equipment.....	3,748	4,000	700
Total: Public Complaints Commission.....	252,859	267,800	281,400