

ANNUAL ACTIVITY REPORT

ROYAL NEWFOUNDLAND CONSTABULARY
PUBLIC COMPLAINTS COMMISSION

APRIL 1, 2011 – MARCH 31, 2012

CONTENTS

Message from the Commissioner.....	i
OVERVIEW	1
The Royal Newfoundland Constabulary Public Complaints Commission.....	1
To Reach Us.....	1
Mandate	1
Primary Clients	2
Vision.....	2
Values.....	2
YEAR IN REVIEW	3
Complaints and Appeals	3
General Inquiries	3
Activities	4
Opportunities and Challenges	5
FINANCIAL STATEMENT	5

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, 2011 to March 31, 2012. This activity report was prepared under my direction, and I accept accountability for the actual results achieved.

A handwritten signature in blue ink, appearing to read 'John Rorke', is positioned above the printed name.

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
Suite E160, Bally Rou Place
370 Torbay Road
St. John's, NL A1A 3W8

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

E-mail : RNCComplaintsCommission@gov.nl.ca
Web Page: 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 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	9
Complaints filed during 2011-12	34
Total active public complaints as of March 31, 2012	17
Files concluded	26
Appeals filed	10
Appeals carried forward from previous years	15*
Appeals concluded	25**
Total active appeals as of March 31, 2012	0
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	4

*Seven of the 15 complaints were concerning the same matter.

**Seven of the 25 appeals were concerning the same matter.

Fourteen requests to have a complaint form mailed were received. Of the 14 forms distributed, only six completed complaints were returned.

General Inquiries

Commission staff responds to all inquiries concerning public complaints and assists 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 two years. This means it will report on the results of these indicators again in 2012-13 and 2013-14.

Objective: By March 31, 2012 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>	Thirty-four complaints were received and reviewed to ensure compliance with provisions of the <i>Act</i> .
Compliant complaints registered	Nine complaints were rejected as non-compliant. One was deemed frivolous and eight were outside our jurisdiction as defined by the <i>Act</i> .
Registered complaints investigated or delegated, as required	Twenty-five complaints were registered and investigated during this reporting period plus nine were carried over from the last reporting year.
All appeals investigated	Twenty-five appeals were investigated and all were concluded.
Decisions on appeals rendered	Decisions for all appeals were completed and transmitted to parties involved. All 25 appeals were dismissed by the Commissioner.

Opportunities and Challenges

The nature of the work of the Royal Newfoundland Constabulary Public Complaints Commission is reactive. Police supervisors have to rely primarily on complaints from members of the public to receive information about misconduct or abuse of power by their officers. Public complaint commissions provide a vital link between the community and the police, with their role being to balance the requirements of public accountability and those of the police in carrying out their public protection role. Given this environment, a key challenge continues to be ensuring that individuals in the community are aware of the role of the commission and of their right to complain should they feel aggrieved by the conduct of a police officer.

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 2012 (unaudited).

4.1.03. PUBLIC COMPLAINTS COMMISSION

	Estimates		
	Actual	Amended	Original
	\$	\$	\$
01. Salaries.....	110,343	110,400	90,900
02. Employee Benefits.....	1,025	1,100	400
03. Transportation and Communications.....	5,685	7,200	7,900
04. Supplies.....	1,554	2,200	1,500
05. Professional Services.....	174,933	188,300	140,000
06. Purchased Services.....	41,560	44,600	44,600
07. Property, Furnishings and Equipment.....	659	700	700
Total: Public Complaints Commission.....	335,759	354,500	286,000