

Royal Newfoundland Constabulary Public Complaints Commission

Annual Report 2013-14

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, 2013 to March 31, 2014. This activity report was prepared under my direction, and I accept accountability for the actual results reported.

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

John Rorke
Commissioner

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Overview

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.

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, the Commission provides 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 Highlights

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	27
Complaints filed during 2013-14	54
Total active public complaints as of March 31, 2014	46
Files concluded	35
Appeals filed	4
Appeals carried forward from previous years	1
Appeals concluded	4
Total active appeals as of March 31, 2014	1
Public hearings in progress as of March 31, 2014	1
Referrals to Chief Adjudicator to conduct a public hearing	1
Appeals to the Trial Division of the Supreme Court of NL (<i>see note</i>)	1

Note: There was one new appeal to the Trial Division of the Supreme Court of Newfoundland and Labrador in 2013-14. The two appeals filed in 2012-13 were both dismissed, as the Court deemed them abandoned by the complainants.

Office of the Citizens Representative

A complaint filed with the Office of the Citizens Representative during this period was dismissed by that Office.

Summary of Complaints by Type of Alleged Misconduct

Conduct (provided by Regulations 3.1)	Number	% of Allegations
3.1.b Unnecessary Force	10	18.52%
3.1.c Discourtesy	9	16.67%
3.1.d. Lack of Service	14	25.93%
3.1.f. Release of Information	7	12.96%
3.1.o Conduct contrary to Act	7	12.96%
Complaints against Policy	2	3.70%
Other	5	9.26%
TOTAL	54	100%

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.

Objective: By March 31, 2014 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>	All 54 complaints received during the fiscal year were reviewed to ensure compliance with Part III of the <i>Royal Newfoundland Constabulary Act, 1992</i> .
Compliant complaints registered	Of the 54 complaints received, 50 were deemed to be compliant and were registered.
Registered complaints investigated or delegated, as required	All 50 registered complaints were delegated for investigation.
All appeals investigated	There were three appeals received and investigations were undertaken for all three.
Decisions on appeals rendered	There were four decisions on appeals rendered during the fiscal year.

Opportunities and Challenges

Investigations of citizen complaints concerning police conduct present challenges not found in other kinds of regulatory investigations. Police officers exercise exclusive rights to the use of non-negotiable force. The general public views police officers as protectors deserving of respect. However, victims of police misconduct may feel violated because they expect police to behave protectively, professionally, and fairly, and now believe the officer behaved in an unfair or unprofessional way.

Individuals who file complaints against police officers can be highly emotional. Our investigators are, by definition, impartial, neutral, and fact gatherers. The investigator must balance being sympathetic and reassuring to the complainant while not offering an opinion or judgment on their allegations. This can be difficult as few complainants understand the nature of a conduct investigation and the laws and regulations controlling it.

The investigators are not law enforcement professionals and therefore are often viewed by the officers he or she investigates as unable to fully appreciate what police officers do and the conditions under which they work.

To both parties, the investigator cannot guarantee anything more than a thorough investigation, by being fair and by focusing on how the Commission’s independence counters favoritism or bias and supports impartiality. This professional approach will reassure the public (even if there is no finding of fault) that the public complaints process is fair, independent and thorough and their allegations were investigated.

If the allegations are substantiated, the benefit comes not directly to the complainant but to the police force which, hopefully, will remediate the misconduct so as not to tarnish the reputation of the force as a whole.

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 2014* (unaudited).

	Estimates		
	Actual \$	Amended \$	Original \$
01. Salaries.....	95,460	95,600	88,000
02. Employee Benefits.....	475	500	400
03. Transportation and Communications.....	2,337	3,600	6,900
04. Supplies.....	616	1,500	1,500
05. Professional Services.....	161,727	167,100	95,800
06. Purchased Services.....	83,445	83,800	88,800
07. Property, Furnishings and Equipment.....	-	-	600
Total: Public Complaints Commission.....	344,060	352,100	282,000

Note: This financial information is inclusive of approximately \$23,200 of expenditures by the Royal Newfoundland Constabulary Public Complaints Commission Panel of Adjudicators.

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