

**Royal Newfoundland Constabulary
Public Complaints Commission**

**Annual Activity Report
April 1, 2008 – March 31, 2009**

Table of Contents

<i>Message from the Minister</i>	<i>i</i>
<i>Overview</i>	<i>1</i>
<i>To Reach the Commission:</i>	<i>1</i>
<i>Mandate:</i>	<i>2</i>
<i>Primary Clients:</i>	<i>2</i>
<i>Vision:</i>	<i>2</i>
<i>Values:</i>	<i>3</i>
<i>Highlights and Accomplishments</i>	<i>3</i>
Complaints and Appeals	<i>3</i>
Canadian Association for Civilian Oversight of Law Enforcement (CACOLE).....	<i>3</i>
General Inquiries	<i>4</i>
Activities	<i>4</i>
Opportunities and Challenges	<i>5</i>
<i>Financial Statements</i>	<i>5</i>
<i>Appendix A</i>	<i>6</i>
<i>Appendix B</i>	<i>7</i>
<i>Appendix B</i>	<i>7</i>

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 2008-09 Annual Activity Report of the Commission which details its activities from April 1, 2008 to March 31, 2009. In accordance with the *Transparency and Accountability Act*, my signature below is on behalf of the Commission. This report was prepared under the direction of the Commission, which is accountable for the results reported.

Sincerely,

A handwritten signature in black ink, appearing to read 'T Marshall', written in a cursive style.

THOMAS W. MARSHALL, Q.C.
Minister of Justice and
Attorney General

Overview

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 the Commission:

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: RNCCComplaintsCommission@gov.nl.ca

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.

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.

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.

Highlights and Accomplishments

Complaints and Appeals

During this reporting year 2008-09, we registered twenty-six public complaints alleging misconduct against RNC members. (See Appendices A and B for a summary of complaints). There were six appeals to the Commission of decisions of the Chief of Police, three stemming from a complaint filed in the prior reporting year. One file was referred to the Chief Adjudicator under section 28(2) of the *Act* to hold a public hearing.

Thirteen Complaint Forms were mailed out to persons requesting forms in order to file complaints, however, only three of these mail-outs were returned. During this time there were sixteen files concluded which were filed in prior reporting years. There were also twenty-seven inquiries which were handled without utilizing the formal complaint process.

Canadian Association for Civilian Oversight of Law Enforcement (CACOLE)

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. The office participated in a national meeting held in Ottawa and hosted by the Commission for Public Complaints for the RCMP concerning common issues surrounding civilian oversight of policing issues in Canada.

General Inquiries

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

Activities

Public awareness had been identified as a key focus issue for this Commission.

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

Objective: By March 31, 2009 the RNC Public Complaints Commission will have enhanced awareness of its role to the police and to the public.

Measure: Enhanced awareness.

Indicator	Results
Updated information brochure	Brochure was updated to remove redundant information and 300 copies were printed.
Distributed brochure to key locations	Twenty locations were identified as potential information sites for public access. This included Courts, penitentiary, Legal Aid, Crown Attorney's offices, Emmanuel House as well as all RNC offices across the province. These, as well as other sites, have now received these brochures.
Delivered information sessions to RNC recruits.	On July 30, 2008 Commissioner Rorke gave a presentation to RNC recruits on the role and responsibilities of the Commission.
Number of participants at information sessions	Full class participation – 28 recruits.

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 2009-10 and 2010-11.

Opportunities and Challenges

The Commission will continue to be guided by its mandate to provide for greater public accountability by police. The professional working relationship with the Office of the Chief of Police and the members of the Royal Newfoundland Constabulary is vital to the effectiveness of the Commission's work. The Commission will work to identify opportunities where its processes may still be further improved to even better meet the expectations of both the public and the police.

The Commission will continue to modernize and renew its operations by streamlining processes and demonstrating respect and accountability for the public resources entrusted to the Commission to support service delivery. The Commission remains committed to efficiency and effectiveness in carrying out its role to promote and ensure the highest standards of conduct of police in the performance of policing duties, and to discourage interference in any police investigation.

Financial Statements

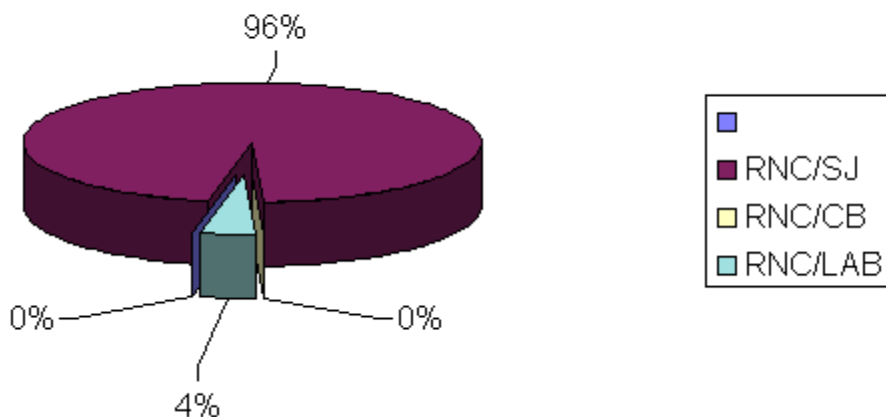
Expenditure and revenue figures included in this document are based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for Fiscal Year Ended 31 March 2009 (unaudited). The Royal Newfoundland Constabulary Public Complaints Commission is not required to provide a separate audited financial statement.

4.1.03. PUBLIC COMPLAINTS COMMISSION

	Actual \$	Estimates	
		Amended \$	Original \$
01. Salaries.....	80,701	80,800	73,300
02. Employee Benefits.....	700	700	400
03. Transportation and Communications.....	4,922	7,900	7,900
04. Supplies.....	1,230	1,500	1,500
05. Professional Services.....	86,090	97,500	140,000
06. Purchased Services.....	42,138	44,600	44,600
07. Property, Furnishings and Equipment.....	129	700	700
Total: Public Complaints Commission.....	215,910	233,700	268,400

PUBLIC COMPLAINTS REGISTERED

	RNC/SJ	RNC/CB	RNC/LAB	TOTAL COMPLAINTS
TOTALS	25	0	1	26



Disposition of Public Complaints

Resolved	3
Concluded by Chief; Insufficient Evidence	12
Appealed	3
Outside Jurisdiction	5
Remainder still active at close of reporting period.	
Additional files registered in prior reporting years	
Concluded during this reporting period:	18
Appeals to the Commission of these files:	3

Summary of Complaints by Type of Alleged Misconduct

CONDUCT (provided by Regulations)	NUMBER	% OF ALLEGATIONS
3.1.b Unnecessary Force	6	23%
3.1.c Discourtesy	7	27%
3.1.d. Lack of Service	5	19%
Outside Jurisdiction	5	19%
Other	3	12%
TOTAL	26	100%

