

Royal Newfoundland Constabulary Public Complaints Commission

Annual Report 2014-15

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, 2014 to March 31, 2015. 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

Table of Contents

Message from the Commissioner	i
Overview	1
Mandate.....	1
Vision.....	2
Year in Review Highlights.....	2
Report on Performance	3
Opportunities and Challenges.....	4
Financial Statement	5

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 Public Safety 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 and the Regulations made thereunder; 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 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.

Vision

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

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	46
Complaints filed during 2014-15	47
Total active public complaints as of March 31, 2015	56
Files concluded	37
Appeals filed ¹	11
Appeals carried forward from previous years	1
Appeals concluded ²	11
Total active appeals as of March 31, 2015	1
Public hearings in progress as of March 31, 2015	0
Referrals to Chief Adjudicator to conduct a public hearing	0
Appeals to the Trial Division of the Supreme Court of NL ³	4

¹ An appeal of a Decision of the Chief of Police to the Commissioner was filed outside the legislated time limit and not accepted.

² An appeal of the Decision of the Chief, and under investigation by the Commission, was withdrawn by the Complainant who requested no further action on the file.

³ An appeal to the Trial Division of the Supreme Court of Newfoundland and Labrador Court in 2013-14 was deemed abandoned by the complainant.

Summary of Complaints by Type of Alleged Misconduct

Conduct <i>(provided by Regulations 3.1)</i>	Number	% of Allegations
3.1.a Unlawful Arrest	2	4.3%
3.1.b Unnecessary Force	8	17.0%
3.1.c Discourtesy	18	38.3%
3.1.d Lack of Service	11	23.4%
3.1.f Release of Information	2	4.3%
Complaints against Policy	1	2.1%
Other	5	10.6%
TOTAL	47	100.0%

Report on Performance

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 objective and the associated measure and indicators will be reported on again in 2015-16 and 2016-17 fiscal years.

Objective: By March 31, 2015, the RNC 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 47 complaints filed during this period were reviewed to ensure compliance with the <i>Act</i> .
Number of compliant complaints registered;	47 complaints were registered.
Registered complaints investigated or delegated, as required	Seven of the registered complaints were deemed to be outside the Commission's jurisdiction. The Complainant, the named Officer and the Chief of Police are notified when a complaint is deemed outside the Commission's jurisdiction. Forty new complaints were investigated, in addition to 46 files carried forward from the previous year. During this reporting period, one complaint carried forward was deemed, by the Trial Division of the Supreme Court of NL, to be outside the Commission's jurisdiction and, thus, was closed.
All appeals investigated	Eleven appeals were filed with one rejected which was outside the time limits imposed by legislation. The remaining 10 appeals were investigated.
Decisions on appeals rendered	One Appeal was withdrawn by the complainant before the Commission's investigation concluded. Ten other decisions were rendered by the Commissioner including one decision from an appeal carried over from the previous reporting 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.

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.

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 2015* (unaudited).

	Actual \$	Estimates	
		Amended \$	Original \$
01. Salaries.....	109,097	110,400	110,400
02. Employee Benefits.....		400	400
03. Transportation and Communications.....	2,691	6,900	6,900
04. Supplies.....	570	1,500	1,500
05. Professional Services.....	121,938	132,800	95,800
06. Purchased Services.....	83,396	86,800	88,800
07. Property, Furnishings and Equipment.....		600	600
Total: Public Complaints Commission.....	317,692	339,400	304,400

Note: This financial information is inclusive of approximately \$2,500 of expenditures by the Royal Newfoundland Constabulary Public Complaints Commission Panel of Adjudicators.

Contact Us

RNC Public Complaints Commission

689 Topsail Road, Box 8700, St. John's, NL, A1B 4J6

Telephone: (709) 729-0950

Fax: (709) 729-1302

E-mail: RNCComplaintsCommission@gov.nl.ca

Web Page: www.gov.nl.ca/rncpcc