




ROYAL NEWFOUNDLAND CONSTABULARY
PUBLIC COMPLAINTS COMMISSION

Royal Newfoundland Constabulary
Public Complaints Commission
Annual Report
2020-21

Message from the Commissioner

In keeping with the requirements of a Category 3 Entity under the **Transparency and Accountability Act**, I am pleased to present the Annual Activity Report on behalf of the Royal Newfoundland Constabulary Public Complaints Commission for the period April 1, 2020 to March 31, 2021.

This Annual Report was prepared under my direction, and I accept accountability for the actual results reported.

A handwritten signature in black ink, reading "Twila Reid". The signature is written in a cursive style with a small "s" above the "i" in "Reid".

Twila Reid
Commissioner

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Overview

Part III of the **Royal Newfoundland Constabulary Act, 1992** (the Act) established the Royal Newfoundland Constabulary Public Complaints Commission (RNCPPC), 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 role of the Commissioner, under powers conferred through the Act, is to receive and maintain a registry of complaints made by members of the public against police officers. This includes complaints concerning the operational policies or procedures of the constabulary, which govern the manner in which police officers discharge their duties. The Commissioner ensures that complaints are dealt with pursuant to 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 the RNCPPC, helps to maintain this public confidence.

The RNCPPC is comprised of a part-time Commissioner, full-time manager, half-time administrative support, contractual investigators and a Panel of Adjudicators.

Complaints Process

Chief of Police Investigation and Reports:

After a complaint is received by the RNCPPC, a copy is sent to the Chief of Police of the Royal Newfoundland Constabulary. The subject of the complaint is then informed of the substance of the complaint. A complaint may also be submitted at any Royal Newfoundland Constabulary detachment office. The detachment office will forward such complaints to the RNCPPC.

The Chief of Police then designates a member of the Royal Newfoundland Constabulary Professional Standards Section to conduct an investigation into the complaint.

Upon completion of the Professional Standards Section investigation, an investigative report will be forwarded to the Chief of Police within three months of the complaint being filed or received, not including the time during which the complaint may have been suspended.

The Chief or Deputy Chief of Police shall consider the complaint and they may:

- (a) With the agreement of all parties, reach an informal resolution to the complaint;
- (b) Dismiss the complaint;
- (c) If the complaint concerns the policies or procedures of the Constabulary, the Chief, or Deputy, take whatever action is considered appropriate, if any; or
- (d) Discipline the police officer(s) who is/are the subject of the complaint.

The complainant and the police officer(s) who is/are the subject of a complaint shall be informed in writing of the dismissal of the complaint, or of the discipline imposed and the reasons for that dismissal or discipline.

Review by the RNCPPC:

A complainant or police officer who is not satisfied with any of the foregoing decisions may contact the RNCPPC to request a review of the decision of the Chief of Police. The parties have 15 days from the date of the decision to file an appeal.

The Commissioner will review the matter, and staff has broad powers to investigate. Documents must be made available upon request and individuals can be required to answer questions.

Following a review by the RNCPPC, the Commissioner may:

- (a) Dismiss the complaint and confirm the decision of the Chief of Police; if the Commissioner does not confirm the decision of the Chief of Police, but is satisfied that the subject matter is frivolous or vexatious, the complaint has been abandoned or withdrawn, or that there is insufficient evidence supporting the complaint to justify a public hearing, the Commissioner shall decline to take further action on the complaint;
- (b) With the consent of the parties, effect an informal resolution of the complaint; or
- (c) Refer the matter to a hearing before an independent Adjudicator.

Adjudicator's Hearing:

When a hearing before an Adjudicator is ordered, the complainant and the officer(s) involved will be notified in writing of the date and place of the hearing. Each party has a right to attend and take part in the hearing and to be represented by counsel. The hearing will be open to the public unless the Adjudicator otherwise determines. All parties will receive a copy of the Adjudicator's decision.

A Complaint against the Chief of Police:

When a complaint has been made against the Chief of Police, the complaint shall be immediately taken up by the Commissioner as if that complaint were an Appeal to the Commissioner as outlined above.

Highlights and Partnerships

Professional Association:

The RNCPCCC is a proud member of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE). CACOLE is a national non-profit organization of individuals and agencies involved in the oversight of police officers in Canada. CACOLE is dedicated to advancing the concept, principles and application of civilian oversight of law enforcement throughout Canada and abroad. The RNCPCCC has been involved since the establishment of CACOLE in 1997. Being a member of CACOLE keeps the RNCPCCC apprised of the latest trends in civilian oversight, both in Canada and abroad.

CACOLE members represent diverse organizations - municipal and provincial police boards and commissions, First Nations, provincial and federal oversight agencies, ombudsman offices, police associations and professional standard bureaus individuals. Additionally, CACOLE members work with organizations in justice, rights, and advocacy agencies and representatives of community agencies and police services from Canada, the United States, Great Britain, Northern Ireland, Portugal and other European countries.

For more information please visit CACOLE's website at: www.cacole.ca.

Activities:

On September 21, 2020, Twila Reid was appointed as the new Commissioner for the RNCPCCC.

On September 24, 2020 the RNCPCCC launched a new website www.rncpcc.ca. The website reflected the new branding and promotion for the Commission.

On October 19, 2020, a representative from the RNCPCCC met virtually with Canada's Heads of Police Oversight Agencies. Meetings provided a forum for police oversight and review agencies to learn from one another, discuss mutual challenges and share best practices. Speaker topics focused on Systemic Racism (Racialized Communities and Populations in Canada) as well as Systemic Racism for Indigenous Communities in Canada.

On November 25, 2020, members of the RNCPCCC met with Chief of Police, Joe Boland, of the Royal Newfoundland Constabulary. Topics related to the RNCPCCC complaints process and policing were discussed. This was an introductory meeting for Commissioner Reid.

On November 25, 2020 and January 5, 2021, members of the RNCPCCC met with members of both the Professional Standards Section of the Royal Newfoundland Constabulary as well as the Royal Newfoundland Constabulary Association. Topics related to the overall complaint process were discussed.

The Commission received a total of 229 phone and e-mail inquiries from the public regarding how to make a complaint, as well as information on policing, during fiscal years 2020-21.

CACOLE 2020 Conference

- The 2020 CACOLE Conference was scheduled to be held in Victoria, British Columbia May 11-13, 2020. However, due to the COVID-19 global pandemic, the conference was cancelled.

Complaints and Appeals

The following table provides an overview of operational activities of the Commission during this reporting period.

Activity	Total
Complaints carried forward from previous years	43
Complaints filed during 2020-21	41
Total active public complaints as of March 31, 2021	49
Files concluded	18
Appeals filed to RNCPCCC	2
Appeals concluded	1
Appeals carried forward from previous years	11*
Total active appeals as of March 31, 2021	12*
Public hearings in progress as of March 31, 2021	1
Referrals to Chief Adjudicator to conduct a public hearing	0
Appeals to the Trial Division of the Supreme Court of NL	1
Complaints transferred from Chief of Police for Investigation	2

***Ten of these appeals pertain to the same interrelated matter.**

Summary of Complaints by Type of Alleged Misconduct

Conduct (provided by Regulations 3.1)	Number	%
3. (1) Conduct		
3. (1)(a) Improper/Unlawful Arrest	1	2
3. (1)(b) Unnecessary Force	2	5
3. (1)(c) Discourtesy	1	2
3. (1)(d) Lack of Service	10	24
3. (1)(e) Lack of Investigation	11	27
3. (1)(g) Contravention of Policy	7	18
3. (1)(j) Conduct Unbecoming	9	22
TOTAL	41	100

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 file a complaint about the conduct of an officer or the operational policies or procedures governing the manner in which a police officer discharges their duties. The Objective for the Commission is consistent for the 2020-2023 planning period and the associated indicators will be reported on for each year of the planning period.

Objective: By March 31, each year, the RNC Public Complaints Commission will have responded to complaints from the public as per Part III of the **Royal Newfoundland Constabulary Act, 1992**.

Indicator	Results
Complaints reviewed to ensure compliance with Part III of the Royal Newfoundland Constabulary Act, 1992	All 41 complaints filed during this period were reviewed to ensure compliance with the Act.
Number of complaints accepted	All 41 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 remaining 34 new complaints were investigated, in addition to 43 files carried forward from previous years
All appeals investigated	Two appeals were received and were investigated in fiscal year 2020-2021.
Decisions on appeals rendered	Two appeals were received in fiscal year 2020-2021. A decision was rendered on 1 of the appeals. One appeal remains outstanding with additional investigative processes that would inform the decision having not yet concluded.
Complaints Withdrawn	Five complaints were withdrawn in fiscal year 2020-2021.
Complaints Dismissed by Commissioner	Seven complaints were dismissed by the Commissioner in in fiscal year 2020-2021.

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 are sometimes viewed by the officers they investigate 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 only to the complainant but also to the police agency which, hopefully, will remediate the misconduct so as not to tarnish the reputation of the agency as a whole.

Since March 2020, the COVID-19 global pandemic necessitated that the work of the Commission shift from regular operations to a focus on delivering critical services in an effort to reduce the spread of the virus. This meant that the Commission could not hold any in person meetings or hearings. Instead, the Commission used virtual meetings to ensure that the work of the Commission continued. This proved to be a useful tool that the Commission is considering using into the future.

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 2021 (unaudited).

4.1.03 RNC Public Complaints Commission

	Actual \$	Estimates Amended \$	Original \$
01. Salaries.....	101,767	101,800	100,100
Employee Benefits.....	475	500	1,300
Transportation and Communications.....	3,044	3,000	4,100
Supplies.....	1,076	700	700
Professional Services.....	212,135	212,100	97,800
Purchased Services.....	803	800	1,700
Property, Furnishings and Equipment.....	-	-	300
02. Operating Accounts.....	217,533	250,700	105,900
Total: RNC Public Complaints Commission	319,300	318,900	206,000

Contact Us

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