

**ROYAL NEWFOUNDLAND CONSTABULARY
PUBLIC COMPLAINTS COMMISSION
PANEL OF ADJUDICATORS**

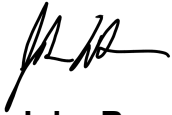
**ACTIVITY PLAN
2023-26**

Message from the Chief Adjudicator:

I am pleased to present the Activity Plan for the Royal Newfoundland Constabulary Public Complaints Commission Panel of Adjudicators (the Panel of Adjudicators) which outlines the objective for three fiscal years commencing April 1, 2023 and ending March 31, 2026. This Activity Plan was prepared under my direction and in accordance with the provisions of the **Transparency and Accountability Act**.

The Panel of Adjudicators is appointed in accordance with the **Royal Newfoundland Constabulary Act, 1992** and is classified as a Category 3 Government Entity under the **Transparency and Accountability Act**. The Panel of Adjudicators must prepare an Activity Plan taking into consideration the strategic directions of the Provincial Government as communicated by the Minister of Justice and Public Safety. Those strategic directions have been taken into account in the development of this Activity Plan.

As the Chief Adjudicator, and on behalf of the entire panel, I accept accountability for the preparation of this plan and the achievement of its objective.



John Raymond Whelan
Chief Adjudicator

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Overview

Section 29 of the **Royal Newfoundland Constabulary Act, 1992** (Act), provides for the appointment of a panel of 12 lawyers to serve on the Royal Newfoundland Constabulary Public Complaints Commission (RNCPC) as a panel of adjudicators, with one being named as Chief Adjudicator.

As per Section 28 of the Act, the Commissioner will forward matters to the Chief Adjudicator when a public hearing is deemed necessary. The Chief Adjudicator may hear the matter or may assign it to another Adjudicator. Hearings are open to the public. If, however, it is considered by the adjudicator that the conditions set out in Section 32 of the Act apply, all or part of the hearing may be held in private. The Panel of Adjudicators does not have a separate budget. Expenses are captured under the budget of the RNCPC.

As of April 1, 2023, the Panel of Adjudicators was comprised of the following persons:

- John Raymond Whelan, Chief Adjudicator;
- Raymond Critch;
- Colleen Anne Hanrahan;
- Kimberley R. Horwood;
- Kimberly Mackay;
- Kathryn Mercer-Oliver;
- David A. Mills, K.C.;
- Mark Mills;
- Greg Noseworthy;
- John V.B. O'Dea, K.C.; and,
- Jacqueline Penney, K.C.; and,

Mandate

The mandate of the Panel of Adjudicators is contained in the Act. It states that hearings are to be conducted without delay giving full opportunity to all parties to present evidence and make representations. It is the responsibility of the Commissioner of the Royal Newfoundland Constabulary Public Complaints Commission to determine which public complaints made under Section 22 of the Act are referred to an adjudication hearing. Section 22 provides for public complaints to be made regarding the conduct of a police officer or the operational policies and procedures of the RNC. The Panel of Adjudicators does not present separate Lines of Business as they are reflected in the Mandate.

Vision

An environment where the public and police have access to established reputable mechanisms for the review of complaints concerning police conduct.

Primary Clients

The primary clients of an adjudicator are defined in Section 30(1) of the Act as parties to a proceeding. They are:

- (a) the commissioner
- (b) the complainant
- (c) the subject officer(s)
- (d) the Chief (in the case of an appeal by the police officer)
- (e) a person who satisfies the adjudicator that they have a substantial interest in the complaint.

Strategic Issue

Issue 1: Inquiring into Complaints

The strategic directions of Government have been considered. The following objective has been identified as the key priority of the Panel of Adjudicators for 2023-26. Over the next three years, the Panel of Adjudicators will discharge the specific mandate directed by the Act. An adjudicator has the powers of a Commissioner appointed under the **Public Inquiries Act, 2006** when holding a hearing. These powers require that hearings be held without delay and given full opportunity to all parties to present evidence and make representations in person or through counsel. This objective and associated indicators will be utilized for 2023-26. Each year, the Panel of Adjudicators will report on the results of its objective in its annual report.

Objective: By March 31, each year, all referred matters shall be assigned to an adjudicator who will administer the matter in a timely fashion.

Indicators:

- Number of hearings held as required by the Act.
- Number of decisions issued within three months of hearings in accordance with subsection 28(2) of the **Royal Newfoundland Constabulary Public Complaints Regulations**.
- Number of referrals from prior year where a hearing has not yet commenced.