



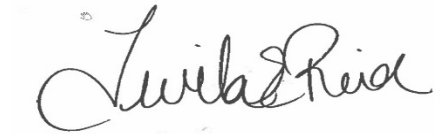
ROYAL NEWFOUNDLAND CONSTABULARY
PUBLIC COMPLAINTS COMMISSION

Royal Newfoundland Constabulary
Public Complaints Commission
Annual Report
2019-2020

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, 2019 to March 31, 2020.

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

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

Twila Reid
Commissioner

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Overview

Part III of the **Royal Newfoundland Constabulary Act, 1992** established the Royal Newfoundland Constabulary Public Complaints Commission (RNCPC), 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 RNCPC functions independently of both the Department of Justice and Public Safety and 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** (“Act”), 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 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 RNCPC, helps to maintain this public confidence.

The RNCPC 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 RNCPC, a copy is sent to the Chief of Police of the Royal Newfoundland Constabulary. The police officer(s) concerned are 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 RNCPC.

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 he or she 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 his/her 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 RNCPC 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 RNCPC has been involved since the establishment of CACOLE in 1997. Being a member of CACOLE keeps the RNCPC 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 May 21, 2019, members of the RNCPC met with Chief of Police, Joe Boland, and members of the Royal Newfoundland Constabulary. Topics related to the RNCPC complaints process were discussed.

On May 31, 2019, members of the RNCPC presented to the Royal Newfoundland Constabulary cadet recruits. The presentation, held at the RNC training facility in St. John's, provided the cadets with an overview of the RNCPC and forum for discussions related to oversight in this province and across Canada.

On June 5, 2019, members of the RNCPC met with members of the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police. Topics discussed included CACOLE initiatives, the RCMP complaints process and various trends in police oversight. The meeting focused on comparing the roles of various oversight offices and the RCMP complaints process.

On October 8 – 10, 2019, a representative from the RNCPC met with the Heads of Agency in Ottawa. Meetings provided a forum for police oversight and review agencies to learn from one another, discuss mutual challenges and share best practices.

On October 18, 2019, members of the RNCPCCC met with Mike King, Director of the province's new Serious Incident Response Team (SIRT). Topics included police oversight and the role of SIRT in police oversight.

On March 8, 2020, members of the RNCPCCC met with Chief of Police, Joe Boland and members of the Royal Newfoundland Constabulary. Police oversight was discussed.

The Commission received a total of 189 phone and e-mail inquiries from the public regarding how to make a complaint, as well as information on policing, during fiscal years 2019-20.

CACOLE 2019 Conference

The RNCPCCC participated in the 2019 CACOLE conference in Toronto, Ontario from May 26 – 29, 2019. Approximately 130 delegates and speakers from across Canada and internationally attended the conference. The conference – titled Experience, Challenges & Opportunities, included the following topics:

- Post-Traumatic Stress Disorder in Policing
- Excited Delirium, Conducted Energy Weapons, and Positional Asphyxia
- Missing and Murdered Indigenous Women and Girls – Indigenous Perspective
- Cannabis ‘A New Reality’
- Police Use of Video Technology: Limitations & Prospects
- De-Escalation and Strip Searches
- Independence
- Oversight and the Media

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	41
Complaints filed during 2019-20	48
Total active public complaints as of March 31, 2020	72
Files concluded	18
Appeals filed to RNCPCCC	1

Appeals carried forward from previous years	6
Appeals concluded	3
Total active appeals as of March 31, 2020	3
Public hearings in progress as of March 31, 2020	1
Referrals to Chief Adjudicator to conduct a public hearing	1
Appeals to the Trial Division of the Supreme Court of NL	1
Complaints transferred from Chief of Police for Investigation	14

Summary of Complaints by Type of Alleged Misconduct

Conduct (provided by Regulations 3.1)	Number	%
3. (1) Conduct		
3. (1)(a) Improper/Unlawful Arrest	2	4
3. (1)(b) Unnecessary Force	4	8
3. (1)(c) Discourtesy	4	8
3. (1)(d) Lack of Service	13	28
3. (1)(e) Lack of Investigation	15	32
3. (1)(g) Contravention of Policy	2	4
3. (1)(j) Conduct Unbecoming	8	16
TOTAL	48	100

Report on Performance

Issue: Complaints pursuant to 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 his or her duties.

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 48 complaints filed during this period were reviewed to ensure compliance with the Act.
Number of complaints registered	All 48 complaints were registered.
Registered complaints investigated or delegated, as required	One of the registered complaints was deemed to be outside the Commission's jurisdiction. The remaining 47 new complaints were investigated, in addition to 41 files carried forward from previous years.
Appeals investigated	One appeal was received and investigated by the RNCPC in fiscal year 2019-2020.
Decisions on appeals rendered	One appeal was received. A decision has not yet been rendered by the Commissioner as additional investigative processes that would inform the decision have not been concluded.

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 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 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.

In 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 2020 (unaudited).

4.1.03 RNC Public Complaints Commission

	Actual \$	Estimates Amended \$	Original \$
01. Salaries.....	96,483	96,500	96,500
Employee Benefits.....	-	800	800
Transportation and Communications.....	5,912	4,200	4,200
Supplies.....	1,332	800	800
Professional Services.....	133,903	465,400	97,900
Purchased Services.....	4,201	1,800	1,800
Property, Furnishings and Equipment.....	-	400	400
02. Operating Accounts.....	145,348	173,400	105,900
Total: RNC Public Complaints Commission	241,831	269,900	202,400

Contact Us

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