



ROYAL NEWFOUNDLAND CONSTABULARY
PUBLIC COMPLAINTS COMMISSION

Royal Newfoundland Constabulary
Public Complaints Commission
Annual Report
2021-22

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, 2021 to March 31, 2022.

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 and is positioned above the printed name and title.

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 (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 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 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.

Mandate

The Lieutenant-Governor in Council shall, on the recommendation of the Minister, appoint a panel of persons to act as adjudicators to conduct hearings into complaints made against police officers. The Act 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 matters are referred to the adjudicators for hearing. The Commission does not present separate Lines of Business as they are reflected in the Mandate.

Vision

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

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 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 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 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 RNCPC:

A complainant or police officer who is not satisfied with any of the foregoing decisions may contact the RNCPC 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 RNCPC, 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 standards bureaus. 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:

In May 1 to 2, 2021, a representative from the RNCPC virtually attended the annual CACOLE conference. This year's topic was: "Who we are, how we work and who we work with, and how we can do it all better."

On June 23, 2021, members of the RNCPC met with staff of First Voice Working Group on Police Oversight. The purpose of the Working Group is to develop a provincial framework for implementing Calls for Justice 5.7 and 9.2(iii) of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

On August 27, and September 8, 2021, members of the RNCPC met with the Chief of Police, Patrick Roche, of the Royal Newfoundland Constabulary. Topics related to the RNCPC complaints process and policing were discussed. These were introductory meetings for Commissioner Reid.

On September 27-29, 2021, a representative from the RNCPC virtually attended the combined annual First Nations and Canadian Association of Police Governance

(CAPG) conferences. The title of the First Nations Conference was Peacekeeping in First Nations Communities: Governing for Community Safety, Wellbeing and Good Relations. The title of the CAPG conference was: Reimagining Community Safety and Wellbeing: Inspiring Change.

On October 26-27, 2021, representatives 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 in policing in Canada and information sharing between police oversight agencies

On October 27, 2021, members of the RNCPCCC met with members of the Professional Standards Section of the Royal Newfoundland Constabulary. Topics related to the overall complaint process were discussed. This was an introductory meeting to the new head of the RNC Professional Standards Section.

The Commission received a total of 200 phone and e-mail inquiries from the public regarding how to make a complaint, as well as information on policing, during fiscal year 2021-22.

The Commission has integrated TRIM (Records Management) to enhance information management priorities which will have overall benefits for service delivery.

The Commission focused on improved access to the overall complaint process for marginalized groups; for example through updated and revised forms;

The Commission has increased the agency of complainants, providing them with the option to decide whether they want to engage in Alternative Dispute Resolution, and increased consultation with complainants throughout the process as to desired outcomes.

The Commission conducted two mediation sessions with complainants and officers in attempts to find resolution for the Parties. These Alternative Dispute Resolution options assists the Parties in gaining insight and is a less adversarial approach.

From a hearing conducted under legislation, the Commission had the first finding of unlawful force in Newfoundland and Labrador. Additional details of the decision can be viewed at the following link:

<https://www.rncpcc.ca/files/Decisions.public.complaint.reBMandIW.Nov2021.pdf>

CACOLE 2021 Conference

- The 2021 CACOLE Conference was once again scheduled to be held in Victoria, British Columbia May, 2021. However, due to the COVID-19 global pandemic,

the conference was cancelled and held as a virtual event. The RNCPCCC anticipate that the annual CACOLE conference will resume as an in person event for 2022.

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	75
Complaints filed during 2021-22	49
Total active public complaints as of March 31, 2022	51
Files concluded	21
Appeals filed to RNCPCCC	7
Appeals concluded	1
Appeals carried forward from previous years	0
Total active appeals as of March 31, 2022	17*
Public hearings in progress as of March 31, 2022	1
Referrals to Chief Adjudicator to conduct a public hearing	0
Appeals to the Trial Division of the Supreme Court of NL	3
Complaints transferred from Chief of Police for Investigation	6

***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)(b) Unnecessary Force	10	20.4
3. (1)(c) Discourtesy	6	12.2
3. (1)(d) Lack of Service	7	14.3
3. (1)(e) Lack of Investigation	15	30.6
3. (1)(f) Disclosed Information	1	2.1
3. (1)(g) Contravention of Policy	3	6.1
3. (1)(j) Conduct Unbecoming	7	14.3
TOTAL	49	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 49 complaints filed during this period were reviewed to ensure compliance with the Act.
Number of complaints accepted	All 49 complaints were registered.
Registered complaints investigated or delegated, as required	Fourteen of the registered complaints were deemed to be outside the Commission's jurisdiction. The remaining 35 new complaints were investigated, in addition to 75 files carried forward from previous years.
All appeals investigated	Seven appeals were received and were investigated in fiscal year 2021-22.
Decisions on appeals rendered	Seven appeals were received in fiscal year 2021-22. Decisions were rendered on two of the appeals. Five appeals remain outstanding with additional investigative processes that would inform the decision having not yet concluded.
Complaints Withdrawn	Two complaints were withdrawn in fiscal year 2021-22.
Complaints Dismissed by Commissioner	Fourteen complaints were dismissed by the Commissioner in fiscal year 2021-22.

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 and into 2021-22, 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 had a reduction of in person meetings or hearings. Instead, where necessary, the Commission used virtual meetings to ensure that the work of the Commission was maintained. This proved to be a useful tool that the Commission continues to use as the transition out of the public health emergency continues.

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 2022 (unaudited).

4.1.03 RNC Public Complaints Commission

	Actual \$	Estimates Amended \$	Original \$
01. Salaries.....	99,511	98,800	98,800
Employee Benefits.....	714	800	1300
Transportation and Communications.....	3,210	3,500	4,500
Supplies.....	1,328	1,200	700
Professional Services.....	323,912	333,500	120,600
Purchased Services.....	5,557	5,700	1,500
Property, Furnishings and Equipment.....	913	1,000	100
02. Operating Accounts.....	335,635	345,700	128,700
Total: RNC Public Complaints Commission	435,146	444,500	227,500

Contact Us

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