



ROYAL NEWFOUNDLAND CONSTABULARY
PUBLIC COMPLAINTS COMMISSION

Royal Newfoundland Constabulary
Public Complaints Commission
Annual Report
2022-23

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, 2022 to March 31, 2023.

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

A handwritten signature in black ink, appearing to read "Twila Reid", is displayed on a light gray, textured rectangular background.

Twila Reid
Commissioner

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Overview

The Royal Newfoundland Constabulary Public Complaints Commission (the RNCPC or the Commission) operates pursuant to Part III of the **Royal Newfoundland Constabulary Act, 1992**. The sole Commissioner is appointed by the Lieutenant Governor in Council and serves on a part-time basis, supported by a team consisting of a part-time Commissioner, a full-time Manager, a full-time Administrative Assistant/Legal Secretary, two Investigator positions, and 12 Adjudicators. The Commission functions as an independent, quasi-judicial body. The Commissioner and the adjudicators make considered and reasoned decisions at arms-length from Government, and the Commission is required by section 39 of the **Royal Newfoundland Constabulary Act, 1992** to report at least annually to the House of Assembly.

The Commission is located at 120 Conception Bay Highway Suite 114 Villa Nova Plaza Conception Bay South. The office is open to the public. Where possible, Commission hearings are conducted from this location.

The Commission provides civilian oversight to public complaints made regarding the conduct of members of the Royal Newfoundland Constabulary (RNC) and offers redress by appeal to members of the public or police officers who are dissatisfied with the disciplinary decisions of the Chief of Police.

The process made available by the Commission is designed to be a user-friendly and inclusive avenue for the public to express dissatisfaction with the conduct of police officers employed by the Province. The Commission is normally reactive, acting on written and signed complaints from persons claiming to be adversely affected by police actions. Occasionally, the Commission may independently make recommendations to the RNC respecting matters of concern or interest to the public relating to police services.

Mandate

The Lieutenant-Governor in Council shall, on the recommendation of the Minister of Justice and Public Safety, 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.

Primary Clients

The primary clients of the Royal Newfoundland Constabulary Public Complaints Commission are those people who are party to a complaint. Section 26(7) of the **Royal Newfoundland Constabulary Act, 1992** identifies those that are party to a public complaint as the Chief, the complainant and the police officer against whom the complaint was made.

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/mediation 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.

More information on the Royal Newfoundland Public Complaints Commission can be found on www.gov.nl.ca/rncpcc.

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. 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:

From May 16 to 18, 2022, representatives from the RNCPC virtually attended the annual CACOLE conference which was held in British Columbia. This year's topic was: "The Changing Face of Civilian Oversight." However, due to ongoing public health measures related to the COVID-19 global pandemic, RNCPC staff attended virtually.

On June 6, 2022, representatives from the RNCPC received training from the St. John's Status of Women Council/Women's Centre on Trauma Informed Practice. A trauma-informed approach incorporates realizing the prevalence of trauma and recognizing how trauma affects all individuals.

On September 28, 2022, members of the RNCPC met with members of the Professional Standards Section of the Royal Newfoundland Constabulary. Topics related to the overall complaint process were discussed.

On September 28, 2022, members of the RNCPC met with staff of Victim Services for an information sharing session. Victim Services is a free service offered by the

Department of Justice and Public Safety to victims of crime in Newfoundland and Labrador.

From October 18 to 19, 2022, representatives from the RNCPCCC met with the national oversight Heads of Agency in Ottawa. Meetings provided a forum for each of the provincial police oversight and review agencies to learn from one another, discuss mutual challenges and share best practices. Speaker topics focused on Policing Responses to Mental Health Crisis as well as the future of civilian oversight of law enforcement in Canada.

During fiscal years 2022-23, the Commission received 287 phone and e-mail inquiries from the public regarding how to make a complaint, as well as requesting information on policing,

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	63
Complaints filed during 2022-23	56
Total active public complaints as of March 31, 2023	32
Files concluded	24
Appeals filed to RNCPCCC	4
Appeals concluded	4
Appeals carried forward from previous years	7
Total active appeals as of March 31, 2023	15
Public hearings in progress as of March 31, 2023	3
Referrals to Chief Adjudicator to conduct a public hearing	2
Appeals to the Trial Division of the Supreme Court of NL	4
Complaints transferred from Chief of Police for Investigation	0

Summary of Complaints by Type of Alleged Misconduct

Conduct (provided by Regulations 3.1)	Number	%
3. (1) Conduct		
3. (1)(a) Improper/Unlawful Arrest	3	5.4
3. (1)(b) Unnecessary Force	2	3.6
3. (1)(c) Discourtesy	2	3.6
3. (1)(d) Lack of Service	10	17.9
3. (1)(e) Lack of Investigation	20	35.7
3. (1)(g) Contravention of Policy	4	7.1
3. (1)(j) Conduct Unbecoming	15	26.7
TOTAL	56	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 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 56 complaints filed during this period were reviewed to ensure compliance with the Act.
Number of complaints accepted	All 56 complaints were registered.
Registered complaints investigated or delegated, as required	Twenty of the registered complaints were deemed to be outside the Commission's jurisdiction. The remaining 36 complaints were investigated, in addition to the 63 files carried over from previous years.
All appeals investigated	Four appeals were received and were investigated in fiscal year 2022-23.
Decisions on appeals rendered	Four appeals were received in fiscal year 2022-23. No decisions were rendered on these appeals as additional investigative processes that would inform the decisions have not yet concluded.
Complaints Withdrawn	Four complaints were withdrawn in fiscal year 2022-23.
Complaints Dismissed by Commissioner	Twenty complaints were dismissed by the Commissioner in fiscal year 2022-23.

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. 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. Investigators 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.

The Commission is endeavoring to have informal resolution and mediation options available at various stages of the complaint process. However, presently this is only available at the appeal stage. Informal resolution and mediation is beneficial as it could address and resolve certain matters at an earlier stage in the process. The Commission recognizes this as an important opportunity to further support complainants and provide timely resolutions. The Commission will continue to review opportunities for informal resolutions for the benefit of all clients.

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 2023 (unaudited).

4.1.03 RNC Public Complaints Commission

	Actual	Estimates	
	\$	Amended	Original
		\$	\$
01. Salaries.....	102,283	105,300	99,300
Employee Benefits.....	3,147	1,300	1,300
Transportation and Communications.....	4,865	6,000	4,800
Supplies.....	576	800	800
Professional Services.....	235,373	285,400	149,400
Purchased Services.....	694	1,700	1,700
Property, Furnishings and Equipment.....	-	100	100
02. Operating Accounts.....	244,656	294,900	158,100
Total: RNC Public Complaints Commission	346,939	400,200	257,400

Contact Us

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