

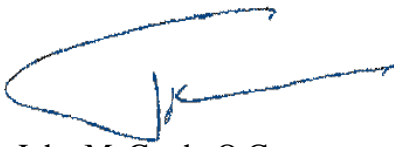
**Royal Newfoundland Constabulary Public Complaints
Commission Panel of Adjudicators**

Annual Report 2013-14

Message from the Chief Adjudicator

I am pleased to submit the Annual Activity Report on behalf of the Panel of Adjudicators for the Royal Newfoundland Constabulary Public Complaints Commission for the period April 1, 2013 to March 31, 2014.

As Chief Adjudicator, and in accordance with government's commitment to accountability, I hereby submit the 2013-14 Annual Activity Report which reports on activities of adjudicators. The activity report is submitted in accordance with the entity's obligation as a category three entity under the *Transparency and Accountability Act*. It was prepared under my direction and I accept accountability for the actual results reported on behalf of the entire panel.

A handwritten signature in blue ink, appearing to read 'J. McGrath', with a large, sweeping flourish above the name.

John McGrath, Q.C.
Chief Adjudicator

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Background

Part III of the *Royal Newfoundland Constabulary Act, 1992* established the Royal Newfoundland Constabulary Public Complaints Commission 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.

Section 29 of the *Royal Newfoundland Constabulary Act, 1992* provides for the appointment of a panel of 12 lawyers to serve the Commission as adjudicators with one being named as Chief Adjudicator. As of March 31, 2014, the membership of the panel was as follows:

Mr. John McGrath, Chief Adjudicator

Mr. Shawn C.A. Colbourne

Ms. Kimberly D. Burrige

Mr. Neil F. Pittman

Ms. Kate O'Brien

Ms. Gladys Dunne

Ms. Kerry R. Hatfield

Mr. Dean A. Porter

Mr. James J. Smyth, Q.C.

Ms. Sheilagh M. Murphy

Ms. Kimberley Horwood

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 will hear the matter or assign it to another adjudicator. Hearings are considered public; however, if it is considered by the adjudicator that any of the reasons outlined in Section 32 of the *Act* apply, all or part of the hearing may be held in private.

Mandate

The mandate of the Panel of Adjudicators is contained in the *Royal Newfoundland Constabulary Act, 1992*. 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 matters are referred to the adjudicators for hearing.

Vision

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

Values

- Independence:* Each adjudicator ensures independence through an unbiased neutral manner in the delivery of his/her duties.
- Fairness:* Each adjudicator strives for consistency in approach to proceedings.
- Confidentiality:* Each adjudicator is committed to safeguarding the confidentiality of private information obtained in the conduct of work.

Primary Clients

The primary clients for the Panel of Adjudicators are the parties to a proceeding before an adjudicator. This includes the Commissioner (who shall have carriage of the matter), the complainant, the named officer, the Chief of Police (when the appeal is by an officer who is the subject of a complaint), or any other person who satisfies the adjudicator that he or she has a substantial interest in the complaint.

Activity

Issue – Inquiring into Complaints

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 giving full opportunity to all parties to present evidence and make representations in person or through counsel. There are matters, including the matter referenced below, which are particularly complex and take time to conclude. This is necessary to ensure a thorough review of facts and fairness to all parties.

Objective: Upon referral of a matter, the adjudicator shall hold public hearings to inquire into all matters referred to him or her and give full opportunity for the presentation of evidence.

Measure: Hearings held

Indicators	Results
Hearings held as required by the <i>Royal Newfoundland Constabulary Act, 1992</i> .	Two hearings were held as required by the <i>Royal Newfoundland Constabulary Act, 1992</i> . One hearing commenced in fiscal year 2013-14 and the other commenced in fiscal year 2012-13.
Decisions issued within three months of hearings.	One decision was issued. This was not completed within three months due to the complexity of the issue and agreement by all parties to extend the timeframe. The remaining decision will be due and reported on in the 2014-15 fiscal year.

Financial Report

The Panel of Adjudicators does not have a separate budget. Expenses are captured under the budget of the Royal Newfoundland Constabulary Public Complaints Commission. In fiscal year 2013-14, the Panel of Adjudicators expenditures totaled approximately \$23,200.