

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

Annual Report 2021-22

Message from the RNCPC Panel of Adjudicators

As an Adjudicator, and in accordance with government's commitment to accountability, I am pleased to submit the Annual Report on behalf of the Panel of Adjudicators for the Royal Newfoundland Constabulary Public Complaints Commission for the period April 1, 2021 to March 31, 2022.

The report is submitted in accordance with the Panel of Adjudicators' obligations as a Category Three Entity under the **Transparency and Accountability Act**. This Annual Report was prepared under my direction and I accept accountability for the actual results reported on behalf of the entire Panel of Adjudicators.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Andrew J. Wadden', with a long horizontal flourish extending to the right.

Andrew J. Wadden, KC
Adjudicator

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Overview

Section 29 of the **Royal Newfoundland Constabulary Act, 1992** (the Act), provides for the appointment of a panel of 12 lawyers to serve on the Panel of Adjudicators for the Royal Newfoundland Constabulary Public Complaints Commission (the Panel) as 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.

In 2021-22, the terms of members of the Panel expired and reappointments or new appointments were needed in order to ensure the Panel had the required Adjudicators to continue its necessary work. Many Panel members wished to serve another term and the following members were reappointed to the in July 2021:

- Gregory A. French, QC, as Chief Adjudicator;
- Andrew Wadden, QC;
- Kimberley Horwood;
- John O’Dea, QC;
- Colleen Hanrahan;
- Kimberley Mackay;
- Raymond Critch;
- David A. Mills, QC.

In addition, the following members were appointed to the Panel for the first time in July 2021:

- Denis Mahoney;
- Jacqueline Penney, QC; and
- Greg Noseworthy.

Mark Mills was also reappointed in January 2022 and also currently serves on the Panel. In January 2022, Denis Mahoney resigned from the Panel and in March 2022, Gregory A. French, Q.C. resigned as Chief Adjudicator. Recruitment for members who resigned during 2021-22 will remain ongoing into 2022-23.

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 representation. 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 the adjudicators for 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 Royal Newfoundland Constabulary.

Vision

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

Highlights and Partnerships

The Panel works in tandem with the Commissioner of the Royal Newfoundland Constabulary Public Complaints Commission to ensure that the requirements of the Act are fulfilled.

The Panel of Adjudicators also works with the Department of Justice and Public Safety on certain matters such as the reporting requirements under the **Transparency and Accountability Act** and the appointment of adjudicators.

Activity Report

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. The Objective for the Panel of Adjudicators is consistent for the 2020-2023 planning period and the associated indicators will be reported on for each year of planning period. This report presents the activities of the Panel of Adjudicators during fiscal year 2021-22.

Objective: By March 31, each year, upon referral of a matter, the adjudicator will have held public hearings to inquire into all matters referred to him or her and given full opportunity for the presentation of evidence.

Indicators	Results
Number of hearings held as required by the Act.	There were a total of 10 hearing days during 2021-22 which constituted a single matter that involved two RNC constables. The hearings were held on April 26th, 27th, 28th, 29th, 30th, May 3rd, and 4th 2021. Final arguments took place over two days, July 15th and 16th, 2021. There was one hearing on March 23rd, 2022. The hearings were on the same matter and proceedings were completed in 2021-22.
Number of decisions issued within three months of hearings.	There was one decision issued as a result of the matter completed in the first indicator. On October 4, 2021 the review Adjudicator requested an extension of time to file a

	<p>decision until November 26, 2021 further to Subsection 28(2) of the Royal Newfoundland Constabulary Public Complaints Regulations. The Adjudicator subsequently issued the decision on November 25, 2021.</p> <p>Further to the Adjudicator’s decision, a further hearing on costs and penalty took place on March 23, 2022 with respect to one of the constables, and regarding costs only, with respect to another of the constables.</p>
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Opportunities and Challenges

As discussed in the Annual Report for 2020-21, the terms of many of the Panel’s adjudicators were set to expire in 2021-22. The Panel worked with the Department of Justice and Public Safety to ensure the Panel was fully constituted and new appointments and reappointments were made in 2021-22. The new members represented an opportunity to bring new perspectives and practises to the work of the Panel. The returning members continue to offer a continuity of skills and experiences to ensure continuity is maintained. In late 2021-22, the Chief Adjudicator of the Panel, Gregory A. French Q.C. resigned. This presents a challenge for the Panel as the Chief Adjudicator is responsible for assigning adjudicators to specific matters. The Panel will continue to work with its partners, the Department of Justice and Public Safety and the Public Service Commission, to ensure a new Chief Adjudicator is appointed in a timely manner.

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. For fiscal year 2021-22 no expenditures were required for the Panel of Adjudicators.