

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

Annual Report 2022-23

Message from the Chief Adjudicator

As Chief 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, 2022 to March 31, 2023.

The report is submitted in accordance with the Panel of Adjudicators' obligations as a Category 3 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 black ink, appearing to read 'John R. Whelan', with a stylized flourish at the end.

John R. Whelan
Chief 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 of the Royal Newfoundland Constabulary Public Complaints Commission 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.

John Whelan was appointed Chief Adjudicator on September 23, 2022 and this term will expire on September 22, 2025.

The balance of the Panel is comprised of the following individuals:

Name	Appointment Date (yyyy/mm/dd)	Term Expiration Date (yyyy/mm/dd)
Critch, Raymond	2021-07-02	2024-07-01
Hanrahan, Colleen Anne	2021-07-02	2024-07-01
Horwood, Kimberley R.	2021-07-02	2024-07-01
Mackay, Kimberly	2021-07-02	2024-07-01
Mercer-Oliver, Kathryn	2022-09-23	2025-09-22
Mills, K.C., David A.	2021-07-02	2024-07-01
Mills, Mark	2022-01-27	2025-01-26
Noseworthy, Greg	2021-07-02	2024-07-01
O'Dea, K.C., John V.B.	2021-07-02	2024-07-01
Penney, K.C., Jacqueline	2021-07-02	2024-07-01

There remains one vacant position on the panel.

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. The Panel does not present separate lines of business as these are reflected in the Mandate.

Vision

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

Primary Clients

The primary clients of an adjudicator are defined in Section 30(1) of the Act as parties to a proceeding. They are:

- (a) the commissioner
- (b) the complainant
- (c) the subject officer(s)
- (d) the Chief (in the case of an appeal by the police officer)
- (e) a person who satisfies the adjudicator that they have a substantial interest in the complaint.

Highlights and Partnerships

The Panel works in tandem with the Commissioner of the Royal Newfoundland Constabulary Public Complaints Commission to ensure 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 for each year of the planning period. This report presents the activities of the Panel of Adjudicators during fiscal year 2022-23.

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 was one hearing held in accordance with the Act during 2022-23 , dated March 22, 2022 (hearing on sanction following a finding of guilt.)

Number of decisions issued within three months of hearings.	There were no decisions issued as a result of hearings during 2022-23.
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Opportunities and Challenges

One key challenge faced by the Panel during this year was the appointment of an Adjudicator to the Provincial Court of Newfoundland and Labrador. As the Adjudicator could no longer render a decision on the matter, legally he was without capacity. The appointment occurred following a finding of guilt but prior to a decision on sanction. The Act is silent on the disposition of a matter if an Adjudicator loses capacity and there is no established procedural convention to guide the parties. The matter remains ongoing. The Panel will work with the Department of Justice and Public Safety and the Public Service Commission to recruit a member. A new member represents an opportunity to bring new skills and experience to the Panel.

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.