

**Royal Newfoundland Constabulary
Public Complaints Commission**



**Annual Activity Report
April 1, 2007 – March 31, 2008**

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Message from the Commissioner

I am pleased to introduce the Annual Report of the Royal Newfoundland Constabulary Public Complaints Commission for the fiscal year ending March 31, 2008.

The Commission serves Newfoundlanders and Labradorians by independently reviewing the internal policies of the Royal Newfoundland Constabulary and the conduct of its members, and then reporting on our activities to the House of Assembly.

The essence of democracy is the requirement that even our elected officials bow to the rule of law.

Citizens recognize that police services play a vital role in the proper functioning of our society by fostering an environment in which every person can enjoy personal security and the other freedoms guaranteed in the Canadian Charter of Rights and Freedoms.

To maintain public confidence in all our institutions, the people of this Province must be able to inherently trust the members of the Royal Newfoundland Constabulary to ensure that the law is enforced evenly and fairly.

Making sure that the Constabulary itself observes the rule of law is the function of this Commission.

Civilian oversight of police activities is the critical element in a balanced public safety plan, because when the public is assured that the police are held to strict account for the exercise of the special powers they wield, the trust between citizen and law enforcement is enhanced.

The public complaints process provided by the Commission helps achieve this desirable comfort by providing members of the public with a fair and impartial forum for civilian review of police conduct in this Province.

The staff, investigators and adjudicators of the Commission all recognize the importance of this process, and are focused on their tasks.

In keeping with the goals identified in our 2007-08 Activity Plan, I am pleased to report that during the year our complaint forms were simplified and made available to the public on the internet website maintained by the Commission. It is hoped that this will make our services more user-friendly and available to persons affected by police action who do not have ready access to our offices.

In addition, necessary amendments to our enabling legislation passed the House of Assembly this year. The limitation period for the filing of a public complaint has been increased to six months, and

the powers of the Commissioner have been broadened to allow for quicker disposition and resolution of the matters under consideration.

As Commissioner for the Royal Newfoundland Constabulary Public Complaints Commission, and in accordance with government's commitment to accountability, I hereby submit the 2007-08 Annual Activity Report which details the activities of the Commission from April 1, 2007 to March 31, 2008. This annual activity report was prepared under my direction and my signature below is indicative of the Commission's accountability for the actual results reported.

A handwritten signature in blue ink, appearing to read 'John Rorke', is written over a faint, curved line that spans across the page.

John Rorke
Commissioner

Who Are We?

The Royal Newfoundland Constabulary Public Complaints Commission was established by legislation in May 1993 and operates pursuant to Part III of the *Royal Newfoundland Constabulary Act, 1992*. Its purpose is to provide members of the public with an independent forum for their complaints against Royal Newfoundland Constabulary officers.

The Royal Newfoundland Constabulary Public Complaints Commission functions independently of both the Department of Justice and of the Royal Newfoundland Constabulary, reporting directly to the people of Newfoundland and Labrador through the Speaker of the House of Assembly. The role of the Commissioner, under powers conferred through the *Royal Newfoundland Constabulary Act, 1992*, is to receive and maintain a registry of complaints made by members of the public against police officers, and to ensure that they are dealt with in accordance with 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 this Commission, helps to maintain this public confidence.

The Commission is comprised of a part time Commissioner, full time Manager, half time administrative support, contractual investigators and a panel of adjudicators.

To Reach Us

We can be reached by mail, email, telephone, or in person at:

RNC Public Complaints Commission
Suite E160, Bally Rou Place,
280 Torbay Road
St. John's, NL
A1A 3W8

Telephone: (709) 729-0950
FAX: (709) 729-1302

Web Page: www.gov.nl.ca/rncpcc
E-mail: RNCCComplaintsCommission@gov.nl.ca

Our Mandate

The mandate of the Commission is dictated by statute, Part III of the *Royal Newfoundland Constabulary Act, 1992*, as amended, and the Regulations made under that Act, the decisions of the panel of adjudicators, and decisions of the law courts arising directly from appeals of the decisions of the Commission and its adjudicators, as well as decisions affecting the governance of administrative bodies generally.

The Commission's mandate is to investigate, hear and decide complaints from the public alleging unbecoming conduct on the part of members of the RNC which is liable to discredit the force and bring it into public disrepute. A second equally important role is to process appeals made by RNC members who have been subjected to internal discipline as the result of a public complaint and are themselves dissatisfied with the decision made or the punishment meted out by the Chief of Police or his delegate.

The role of the Commission is to receive and maintain a registry of all complaints received, and to ensure that they are all advanced and concluded appropriately and in a timely manner.

Our Primary Clients

The Commission serves members of the public who are affected by the conduct of members of the Royal Newfoundland Constabulary, providing them with a public avenue to voice their dissatisfaction about conduct unbecoming to RNC members of all ranks which is improper or liable to discredit the force.

In turn, we provide to those same police officers an avenue of appeal of decisions made and disciplinary measures meted out by the Chief of Police in response to the public complaints.

Our Vision

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

Our Values

The Commission strives for excellence in providing high standards of professional service to all persons engaged in its process.

At the core of our activities are these guiding values:

Transparency: Each person communicates openly to ensure a fair and just process.

Independence: Each person ensures the independence of this office by acting in an unbiased, neutral manner in the delivery of their duties.

Fairness: Each person strives for consistency in their approach to clients.

Confidentiality: Each person is committed to safeguarding the confidentiality of private information obtained and entrusted to them in the conduct of their work.



Highlights and Accomplishments

Complaints and Appeals

During this reporting year 2007-08, we received twenty-nine public complaints alleging misconduct against RNC members. (See Appendices A and B for a summary of complaints). There were three appeals to the Commission of decisions of the Chief of Police, one stemming from a complaint filed in the prior reporting year. Twenty-six Complaint Forms were mailed out to persons requesting forms to file complaints, however, only four were returned. During this time there were fourteen files concluded which were filed in prior reporting years. There were also twenty inquiries which were handled without utilizing the formal complaint process.

Canadian Association for Civilian Oversight of Law Enforcement (CACOLE)

The annual CACOLE conference was held in Halifax, Nova Scotia in October 2007. This office maintains an annual membership with CACOLE and the Commission's Manager is a long time member of the Board of Directors of CACOLE.

Appeals to the Trial Division of the Supreme Court

In an earlier Annual Report we reported on an appeal to the Trial Division of the Supreme Court of Newfoundland and Labrador pursuant to Section 36 of the *Act*. This appeal concerned the Commissioner's determination that a complaint was outside the jurisdiction of the Royal Newfoundland Constabulary Public Complaints Commission. The Supreme Court of Newfoundland and Labrador Trial Division found that this complaint was within the jurisdiction of the Commission and remitted the matter back to the Commission for determination on its merits. Following a review of the file and the Report of the Investigator, the Commissioner upheld the decision of the Chief of Police and dismissed the complaint. The complainant then appealed this decision to the Trial Division of the Supreme Court of Newfoundland and Labrador. This appeal has now been dismissed by the Court and the Commissioner's conclusion upheld.

General Inquiries

Commission staff responds to all inquiries concerning public complaints. As public servants, staff do their best to assist all persons who need information or redirection regarding their concerns. There were twenty inquiries to the Commission that were handled without having to go through a formal complaint process.

Activities

Enhanced Access to Information to the Royal Newfoundland Constabulary Public Complaints Commission:

In consideration of Government's strategic directions and those of the Department of Justice, the Royal Newfoundland Constabulary Public Complaints Commission found that a key issue for fiscal year 2007-08 was our method of obtaining information from the public. It had been identified that our accessibility by the public could be improved. We are pleased to report this goal has been met and has become widely accepted by the public.

Goal: By March 31, 2008 the RNC Public Complaints Commission will have enhanced access to information for its clients.

Measure: Enhanced access to information.

| Indicator | Results |
|-------------------------------------|--|
| Updated forms | Keeping in mind government's Red Tape Initiative, forms were simplified to obtain relevant information only. |
| Updated website information | Website information was updated during this period. |
| Forms made available on the website | Forms are now no longer printed on NCR (four copies) paper and could now be made available for download through the website. This initiative provided the public with another means of access to our services. |

Opportunities and Challenges

The Commission will continue to be guided by its mandate to provide for greater public accountability by police. The professional working relationship with the Office of the Chief of Police and the members of the Royal Newfoundland Constabulary is vital to the effectiveness of the Commission's work. The Commission will work to identify opportunities where its processes may still be further improved to even better meet the expectations of both the public and the police.

The Commission will continue to modernize and renew its operations by streamlining processes and demonstrating respect and accountability for the public resources entrusted to the Commission to support service delivery. The Commission remains committed to efficiency and effectiveness in carrying out its role to promote and ensure the highest standards of conduct of police in the performance of policing duties, and to discourage interference in any police investigation.

Financial Statements

Expenditure and revenue figures included in this document are un-audited and based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for the Year Ended 31 March 2008. Audited financial statements are a requirement at the government level and are made public through the Public Accounts process, however, the Royal Newfoundland Constabulary Public Complaints Commission is not required to provide a separate audited financial statement.

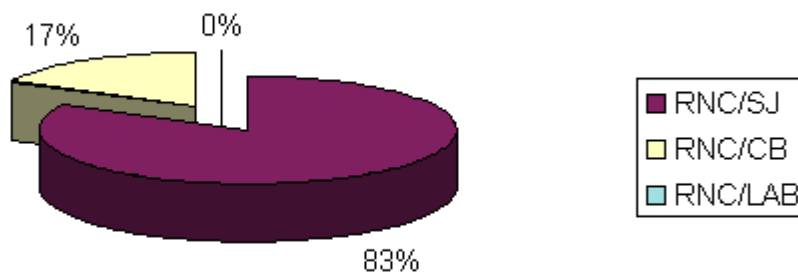
4.1.03. PUBLIC COMPLAINTS COMMISSION

| | Actual | Estimates | |
|--|---------|-----------|----------|
| | | Amended | Original |
| | \$ | \$ | \$ |
| 01. Salaries..... | 73,415 | 73,700 | 71,700 |
| 02. Employee Benefits..... | 2,870 | 3,000 | 400 |
| 03. Transportation and Communications..... | 6,462 | 7,900 | 7,900 |
| 04. Supplies..... | 1,616 | 2,300 | 1,500 |
| 05. Professional Services..... | 35,838 | 45,100 | 140,000 |
| 06. Purchased Services..... | 40,875 | 43,500 | 44,600 |
| 07. Property, Furnishings and Equipment..... | 1,332 | 1,400 | 700 |
| Total: Public Complaints Commission..... | 162,408 | 176,900 | 266,800 |

APPENDICES

PUBLIC COMPLAINTS REGISTERED

| | RNC/SJ | RNC/CB | RNC/LAB | TOTAL COMPLAINTS |
|---------------|-----------|----------|----------|------------------|
| TOTALS | 24 | 5 | 0 | 29 |

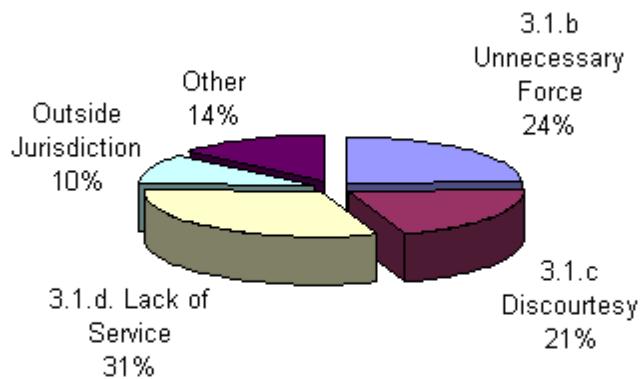


Disposition of Public Complaints

| | |
|--|----|
| Resolved | 6 |
| Dismissed by Chief; Insufficient Evidence | 4 |
| Appealed | 2 |
| Outside Jurisdiction | 5 |
| Remainder still active at close of reporting period. | 14 |
| Additional files concluded during this reporting period: | |
| From fiscal year 05/06 | 9 |
| From fiscal year 04/05 | 2 |

Summary of Complaints by Type of Alleged Misconduct

| CONDUCT (provided by Regulations) | NUMBER | % OF ALLEGATIONS |
|--------------------------------------|-----------|---------------------|
| 3.1.b Unnecessary Force | 7 | 24% |
| 3.1.c Discourtesy | 6 | 21% |
| 3.1.d. Lack of Service | 9 | 31% |
| Outside Jurisdiction | 3 | 10% |
| Other | 4 | 14% |
| TOTAL | 29 | 100% |



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