

Royal Newfoundland Constabulary
Public Complaints Commission

Annual Activity Report
April 1, 2006 – March 31, 2007

**THE ROYAL NEWFOUNDLAND CONSTABULARY
PUBLIC COMPLAINTS COMMISSION**

OFFICE OF THE COMMISSIONER

April 8, 2008

Mr. William Mackenzie
House of Assembly
Confederation Building

Dear Mr. Mackenzie:

Enclosed are 60 copies of the RNC Public Complaints Commission Annual Report for the period ending March 31, 2007 for presentation to the House of Assembly as required under Section 39(2) of the Royal Newfoundland Constabulary Act, 1992. This Report has been reviewed under the Transparency and Accountability guidelines.

If you have any questions, please call me at 729-0950.

Yours sincerely,


John Rorke
Commissioner

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Message from the Commissioner

As a civil society, we need our police. For our police to be effective, they need our trust. That trust is established through public confidence that police officers are carrying out their responsibilities properly, and in accordance with our laws. The Royal Newfoundland Constabulary Public Complaints Commission, through its public complaints process, helps achieve that confidence by providing members of the public with a fair and impartial forum for civilian review of police conduct.

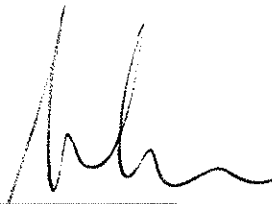
I cannot state the case for the Commission more eloquently than the late Chief Justice of Canada the Right Honourable Antonio Lamer P.C., C.C., C.D., who made the following statement in his review of federal legislation enabling oversight of Canadian Military police:

"I cannot emphasize enough the importance of independent oversight of the Military police. Oversight is essential to promote confidence in the investigative process and to ensure that both complainants and members of the military police are dealt with impartially and fairly."¹

This civilian oversight standard applies in equal measure to our provincial police force, the Royal Newfoundland Constabulary. I and the Commission staff work hard and in good faith to apply it. Reflecting back over the past thirteen years since the Commission was established, I am confident that the Commission's efforts have contributed to the high regard in which the Royal Newfoundland Constabulary is held by Newfoundlanders and Labradorians.

As Commissioner of the Royal Newfoundland Constabulary Public Complaints Commission, and in accordance with government's commitment to accountability, I hereby submit the 2006-07 Annual Activity Report of the RNCPCCC which details the activities of the Commission from April 1, 2006 to March 31, 2007. While this annual activity report was prepared under the direction of former Commissioner Lois Hoegg, as the new Commissioner, I accept accountability for its preparation.

**John Rorke,
Commissioner**



¹Excerpt from *The First Independent Review* by the Right Honourable Antonio Lamer P.C., C.C., C.D of the provisions and operations of Bill C-25. *An Act to amend the national Defence Act and to make consequential amendments to other Acts*, as required under section 96 of Statutes of Canada 1998, c.35, submitted to the Minister of national Defence, September 3, 2003".

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 RNC Public Complaints Commission believes that in carrying out its mandate, it has made a positive contribution to the public trust of our protection of the rights and privileges of our citizens and thereby to our fair and democratic society. Our goal is to continue to do so in future.

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: RNCComplaintsCommission@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 2006-07, we received thirty-one public complaints alleging misconduct against RNC members. (See Appendices A and B for a summary of complaints) There were two appeals to the Commission of decisions of the Chief of Police. Fifteen Complaint Forms (Form 1) were mailed out to persons requesting forms to file complaints, however, only four were returned. During this time there were eleven files concluded which were filed in prior reporting years. There were also twenty-one inquiries which were handled without a formal complaint being filed.

See Appendix C for a report on the activities of the Commission adjudicators.

Canadian Association for Civilian Oversight of Law Enforcement (CACOLE)

The annual CACOLE conference was held in Vancouver, British Columbia in October 2006. 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 two appeals to the Trial Division of the Supreme Court of Newfoundland and Labrador pursuant to Section 36 of the *Act*.

An appeal of an adjudicator's decision to dismiss a complaint and uphold the decision of the Chief was before the Court. This Appeal to the Court, although filed a year previously, had not been pursued by the Complainant. This office filed an application with the Court to conclude this matter; the appellant was given the opportunity to make representation to the Court to continue. This appeal has now been concluded by the Court and the adjudicator's decision upheld.

The other 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 reviewed of the file and the Report of the Investigator, the Commissioner upheld the decision of the Chief of Police. The complainant has appealed this decision to the Trail Division of the Supreme Court of Newfoundland and Labrador.

General Enquiries

Commission staff responds to all inquiries concerning public complaints. As public servants, staff does their best to assist all persons who need information or redirection regarding their concerns. Regularly a member of the public will call requesting forms to complete by return mail. There were twenty-one inquiries of the Commission that were handled without having to go through a formal complaint process.

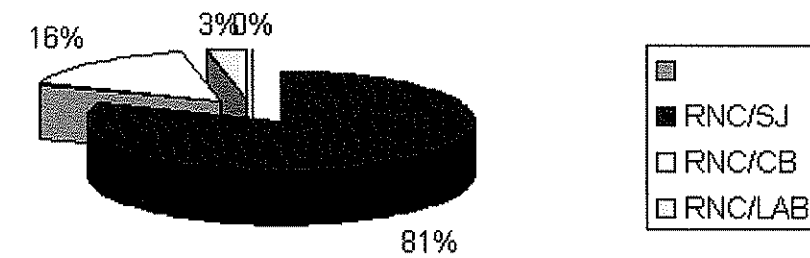
Financial Report

According to the Public Accounts Statement of Expenditure and Related Revenue, the Financial Report for the RNC Public Complaints Commission is as follows:

	Actual	Amended	Original
Salaries	70,616	70,900	62,500
Employee Benefits	300	800	400
Transportation and Communications	4,552	7,900	7,900
Supplies	1,539	1,700	1,500
Professional Services	53,582	82,500	140,000
Purchased Services	40,017	44,600	44,600
Property, Furnishings and Equipment	-	400	700
Total	170,606	208,800	257,600

PUBLIC COMPLAINTS REGISTERED

	RNC/SJ	RNC/CB	RNC/LAB	TOTAL COMPLAINTS
TOTALS	25	5	1	31

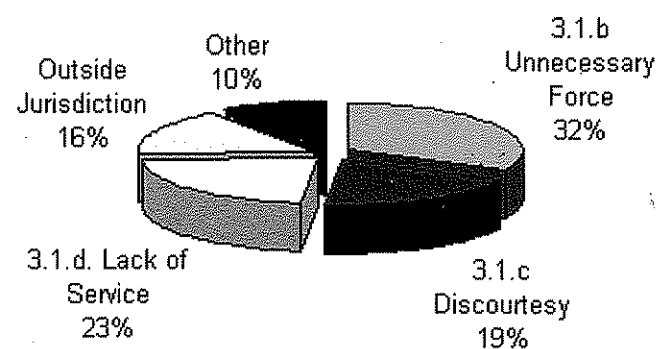


Disposition of Public Complaints

Resolved	6
Dismissed by Chief; Insufficient Evidence	4
Appealed	2
Outside Jurisdiction	5
Remainder still active at close of reporting period.	
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	10	32%
3.1.c Discourtesy	6	19%
3.1.d. Lack of Service	7	23%
Outside Jurisdiction	5	16%
Other	3	10%
TOTAL	31	100%



Adjudicators' Report
April 1, 2006 - March 31, 2007

Party	Date of Complaint	Adjudicator	Hearing Dates	Decision Date	Adjudicator's Order
Murrin vs. Didham	15-Dec-05	Reg Brown, Q.C.			A meeting had been scheduled during January 2007 with adjudicator Brown and legal counsel for parties to select dates. Unfortunately, Mr. Brown passed away unexpectedly just prior to this meeting date. Chief Adjudicator Kean then referred the matter to adjudicator Mr. William Morrow. No hearing dates had been selected at this time of reporting.