

ANNUAL ACTIVITY REPORT

**RNC PUBLIC COMPLAINTS COMMISSION
PANEL OF ADJUDICATORS**

April 1, 2011 – March 31, 2012

Message from the Chief Adjudicator

I am pleased to present the Annual Activity Report on behalf of the Panel of Adjudicators for the Royal Newfoundland Constabulary Public Complaints Commission for the period April 1, 2011 to March 31, 2012.

As Chief Adjudicator, and in accordance with government's commitment to accountability, I hereby submit the 2011-12 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 achieved on behalf of the entire panel.

A handwritten signature in blue ink, appearing to read 'John McGrath', with a stylized flourish at the end.

John McGrath
Chief Adjudicator

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.

The current membership of the panel is 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 for reasons outlined in Section 32 of the *Act*, 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. The focus of the Royal Newfoundland Constabulary Public Complaints Commission's Panel of Adjudicators will be consistent over the next two years and the Panel will report on the results of this objective in 2012-13 and 2013-14 annual reports.

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> .	One public hearing which started in the last fiscal year is still in progress. The Chief Adjudicator was advised of the hearing on November 30, 2010. Shortly thereafter, the Chief Adjudicator met with all parties to formulate

	<p>a process and establish appropriate timelines for the commencement of proceedings. It was determined that a total of seven lawyers would be required to participate in these proceedings. The courtroom schedules and obligations of seven lawyers impacted the timeliness of scheduling dates for hearings. The proceedings commenced on June 8, 2011. On August 17, 2011, after arguments rendered and a mandated written decision provided, a Production Order to review the complainant's medical records was granted.</p> <p>The Chief Adjudicator commenced a pursuit of the relevant medical records to those identified as recipients of the Production Order commenced on September 7, 2011 and concluded on September 20, 2011.</p> <p>In 2011, the hearings commenced on October 24, continued on October 27, October 28, October 30, November 1, November 2, December 12, December 13, December 18, and at the December 19 hearing the matter adjourned. Proceedings reconvened on February 7 and 16, 2012 to establish new dates for the hearing continuation. Additional dates were reserved for evidence which will not be heard until the 2012-13 reporting period.</p>
Decisions issued within three months of hearings.	The public hearing did not conclude and thus no decision was issued.

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.