

ANNUAL ACTIVITY REPORT

**RNC PUBLIC COMPLAINTS COMMISSION
PANEL OF ADJUDICATORS**

April 1, 2012 – March 31, 2013

Report from the Chief Adjudicator

I am pleased to submit the Annual Activity Report on behalf of the Panel of Adjudicators for the Royal Newfoundland Constabulary Public Complaints Commission for the period April 1, 2012 to March 31, 2013.

As Chief Adjudicator, and in accordance with government's commitment to accountability, I hereby submit the 2012-13 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 extending to the right.

John McGrath, Q.C.
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 any of the reasons outlined in Section 32 of the *Act* apply, 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. There are matters, including the matter referenced below, which are particularly complex and take time to conclude. This is necessary to ensure a thorough review of facts and fairness to all parties.

The focus of the Royal Newfoundland Constabulary Public Complaints Commission's Panel of Adjudicators will be consistent over the next year and the Panel will report on the results of this objective in the 2013-14 annual report.

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> .	<p>One public hearing which commenced during the 2010-11 reporting year is still in progress.</p> <p>The Chief Adjudicator was advised of the hearing on November 30, 2010 and the proceedings commenced on June 8, 2011. After a number of procedural delays, the hearing reconvened on October 24, 2011 and continued until December 19 when the matter was adjourned to February 2012 to select additional dates for continuation.</p> <p>The Hearing reconvened again November 5, 6, 7, and December 4, 5, 7, 12, and 20, 2012.</p> <p>Final written summations were not received from legal counsel before the end of this 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.