

Royal Newfoundland Constabulary Public Complaints Commission Panel of Adjudicators

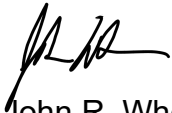
Annual Report 2023-24

Message from the Chief Adjudicator

As Chief Adjudicator and in accordance with the Provincial 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, 2023, to March 31, 2024.

The report is submitted in accordance with the Panel of Adjudicators' obligations as a Category Three 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 'J. 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 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
Keating, Brittany	2024-03-19	2027-03-18
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

Mandate

The mandate of the Panel 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 Panel 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 (RNC).

Vision

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

Highlights and Partnerships

The Panel works in tandem with the commissioner of the Panel to ensure that the requirements of the Act are fulfilled.

The Panel 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 is consistent for the 2023-26 planning period and the associated indicators will be reported on for each year of planning period. This report presents the activities of the Panel during fiscal year 2023-24.

Objective: By March 31, 2024, 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.	Three hearings were in progress during the reporting period. One outstanding matter from a prior reporting period was dismissed due to mootness as the subject officer had resigned from the RNC.
Number of decisions issued within three months of hearings.	Statutory decision dates fell outside of the reporting period.

Opportunities and Challenges

The issue of adjudicator capacity remains outstanding. Adjudicator capacity can be lost via multiple avenues. For instance, an adjudicator who is appointed to a judicial position would no longer have capacity to hear matters as an adjudicator for the Panel. As noted in last year's annual report, there is no clear process in place to reassign a matter if an

adjudicator loses capacity during a matter. The effect of this procedural gap is that matters being heard by an incapacitated adjudicator have no clear method for disposition. Ultimately, absent party consent the matter may have to be reassigned to another adjudicator and restarted from square one. While serious, this issue is inherently infrequent and of a low probability for recurrence. However, given the potential impact upon complainants, respondent officers, and the public, we recommend that this issue be addressed.

Secondly, eight members of the panel will have expired appointments in July of 2024. This presents a significant opportunity for the Panel to assess its equity, diversity, and inclusiveness. Specifically, while all panel members are required to be practicing members of the Law Society of Newfoundland and Labrador, there is an opportunity to expand the pool of candidates for these panel positions in order to appoint individuals with a diversity of perspectives and lived experiences. Matters before the Panel often deal with the intersection between public safety, individual autonomy, and the public interest; broadening the pool of individuals who can reflect and opine on these matters will strengthen the ability of the Panel to reflect the public at large.

Financial Report

The Panel does not have a separate budget. Expenses are captured under the budget of the Royal Newfoundland Constabulary Public Complaints Commission. For fiscal year 2023-24 no expenditures were required for the Panel.