

# ***PUBLIC COMPLAINT PROCEDURES AND RIGHTS OF A PERSON MAKING A COMPLAINT***

This statement briefly sets out the procedures that will be followed upon receipt of a complaint from a member of the public against a member of the Royal Newfoundland Constabulary and their rights under the Royal Newfoundland Constabulary Act and Regulations.

## **WHO SEES THE COMPLAINT**

1. No matter where the complaint is received, a copy will be sent to the Royal Newfoundland Constabulary Public Complaints Commission and the Chief of Police of the Royal Newfoundland Constabulary.
2. The police officer(s) concerned will be informed of the substance of the complaint.

## **CHIEF OF POLICE INVESTIGATION AND REPORTS**

3. The complaint will be forwarded to the Office of the Chief of Police who will designate a member of the RNC to conduct the investigation.
4. The Act allows for the suspension of a public complaint if a criminal investigation is being conducted, or a prosecution is commenced relating to the subject-matter of the complaint, pending a decision on that prosecution.
5. The investigating officer will interview the complainant, the police officer(s) concerned and any other relevant witnesses, and review any relevant documents.
6. Upon completion of the investigation, an investigative report will be forwarded to the Chief of Police. This Report must be submitted within three months of the date the complaint was filed or received, not including the time during which the complaint may have been suspended.
7. The Chief or the Deputy Chief shall consider the complaint and he or she may:
  - (a) with the agreement of all parties, reach an informal resolution to the complaint;
  - (b) dismiss the complaint;
  - (c) if the complaint concerns the policies or procedures of the constabulary, the chief, or deputy, may take whatever action is considered appropriate; if any, or
  - (d) discipline the police officer(s) who is the subject of the complaint.
8. The complainant and the police officer(s) who is/are the subject of a complaint shall be informed in writing of the dismissal of the complaint, or of the discipline imposed and the reasons for that dismissal or discipline.

## **REVIEW BY THE COMMISSION**

9. A complainant or police officer who is not satisfied with any of the foregoing decisions may contact the Royal Newfoundland Constabulary Public Complaints Commission to request that the Commission review the decision of the Chief of Police.
10. Complainants, who wish to have the Commission review the decision of the Chief, must complete an Appeal Form and forward it to the Commissioner, Royal Newfoundland Constabulary Public Complaints Commission, Suite E160, 280 Torbay Road, St. John=s, NF, A1A 3W8. This form must be received by the Commissioner within 15 (fifteen) days from the date the report of the decision of the Chief of Police is received by the complainant.

11. Upon receipt of the Appeal Form, the Commissioner will review the matter, and his/her staff have broad powers to investigate. Documents must be made available upon request and individuals can be required to answer questions.
12. Following a review by the Commission, the Commissioner may
  - (a) dismiss the complaint and confirm the decision of the Chief, or if the commissioner does not confirm the decision of the chief, but is satisfied that the subject matter is frivolous or vexatious; the complainant has been abandoned or withdrawn; or that there is insufficient evidence supporting the complaint to justify a public hearing, the commissioner shall decline to take further action on the complaint; or
  - (b) with the consent of the parties, effect an informal resolution of the complaint; or
  - (c) refer the matter to a hearing before an independent adjudicator.

### **ADJUDICATOR=S HEARING**

13. When a hearing before an Adjudicator is ordered, the complainant and the officer(s) involved will be notified in writing of the date and place of the hearing. Each party has a right to attend and take part in the hearing and to be represented by counsel. The hearing will be open to the public unless the adjudicator otherwise determines. All parties will receive a copy of the Adjudicator=s Decision.

### **A COMPLAINT AGAINST THE CHIEF**

14. When a complaint has been made against the Chief of Police, that complaint shall be immediately taken up by the Commissioner as if that complaint were an Appeal to the Commissioner as outlined in Paragraph 11.