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## CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 802/96

*Royal Newfoundland Constabulary Regulations*  
under the  
*Royal Newfoundland Constabulary Act, 1992*  
(O.C. 96-244)

Amended by:

28/99

61/02

41/04

## CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 802/96

*Royal Newfoundland Constabulary Regulations*  
under the  
*Royal Newfoundland Constabulary Act, 1992*  
(O.C. 96-244)

Under the authority of section 57 of the *Royal Newfoundland Constabulary Act, 1992*, and the *Subordinate Legislation Revision and Consolidation Act*, the Lieutenant-Governor in Council makes the following regulations.

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### Short title

1. These regulations may be cited as the *Royal Newfoundland Constabulary Regulations*.

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### Definition

2. In these regulations "Act" means the *Royal Newfoundland Constabulary Act, 1992*.

99/93 s2

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### Eligibility to be an officer

3. A person is not eligible to become a police officer of the Royal Newfoundland Constabulary unless that person

- (a) is a Canadian citizen;
- (b) is certified by a medical doctor licensed under the laws of the province to be in good mental and physical health and fit for duty as a police officer; and
- (c) is a high school graduate or equivalent.

99/93 s3

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### Resignation of officer

4. (1) A police officer shall give one month's notice in writing to the Chief of Police of that police officer's intention to resign from the Royal Newfoundland Constabulary.

(2) The Chief of Police and deputy chiefs shall give 3 months' notice in writing to the

minister of an intention to resign from the Royal Newfoundland Constabulary.

99/93 s4

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### **Duties of police officers**

**5.** A police officer shall be courteous, obedient, loyal and efficient in the performance of his or her duties under the Act and the regulations.

99/93 s5

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### **Duties of officer**

**6.** (1) A police officer shall

- (a) perform all duties assigned to him or her in relation to the preservation of the peace, the maintenance of order, the prevention of offences against the laws of the province and the *Criminal Code* and the apprehension of offenders and others who may lawfully be taken into custody;
- (b) perform all police and security duties assigned to the police officer that require the exercise of the powers of the peace officer;
- (c) escort and convey prisoners and mentally incompetent persons to and from the courts, places of confinement, hospitals and other places;
- (d) execute all warrants that may be lawfully executed by the police officers;
- (e) carry out his or her duties in an expeditious and conscientious manner;
- (f) complete investigations as assigned; and
- (g) file appropriate investigative reports within the prescribed time.

(2) A supervisor shall ensure that police officers coming under his or her supervision will adhere to all directives, memorandums, policies and procedures as approved by the Chief of Police and is responsible for reporting to his or her immediate supervisor any police officer who fails to carry out his or her duties in a manner as required by the directives, memorandums, policies and procedures not considered of a minor nature.

99/93 s6

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### **Officer's conduct**

**7.** (1) A police officer shall not

- (a) disobey the lawful command of any other police officer who is superior in rank or is in a supervisory capacity over the police officer;
- (b) strike or threaten to strike another police officer;
- (c) abuse or maltreat another police officer, especially one of lower rank or one over whom the police officer is in a supervisory capacity;

- (d) wear the emblem, mark or insignia of a political party or in another way manifest political partisanship;
  - (e) fail to record and report any official complaint made to him or her;
  - (f) conduct himself or herself by word or deed in an insubordinate manner in the course of his or her duties;
  - (g) divulge any matter or thing that is his or her duty to keep secret;
  - (h) wilfully or through negligence or connivance permit a prisoner to escape;
  - (i) be cruel or unnecessarily rough to a prisoner or any other person;
  - (j) be asleep on duty or leave a post without approval;
  - (k) be absent from duty without leave of the police officer's superior;
  - (l) attempt to commit, or aid, abet, counsel or procure any other police officer to contravene this section;
  - (m) without the authorization of the Chief of Police, or his or her designate, communicate directly or indirectly on a matter relating to the constabulary with
    - (i) the press or the radio and television services, or
    - (ii) another person, except with respect to matters raised by the Royal Newfoundland Constabulary Association relating to the collective bargaining process;
  - (n) while on duty be under the influence of alcohol or non-prescribed narcotic drugs;
  - (o) while on duty drink or receive alcoholic liquor;
  - (p) engage in conduct unbecoming a police officer and liable to bring discredit upon the constabulary; and
  - (q) fail to account for, improperly withhold, misappropriate or misapply public money or property coming into his or her possession during the course of duty.
- (2) A police officer shall be responsible for all articles of uniform and equipment and
- (a) where loss or damage of those articles occur through fault of the police officer, cost of replacement shall be borne by the police officer; and
  - (b) upon termination of employment, the police officer shall promptly return all those articles.
- (3) A police officer who fails to comply with or otherwise contravenes a provision of these regulations is guilty of an offence.

99/93 s7

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7.1 (1) A police officer shall not,

- (a) except where approved by the Chief of Police, while off duty wear a uniform or other article of clothing or other equipment issued by the constabulary;
- (b) affix to a uniform a symbol of protest including a pin, button, or other insignia, not part of a uniform; or
- (c) affix a symbol of protest to a vehicle or other item of equipment that is issued to him or her or under his or her control or operate a vehicle or other item of equipment to which a symbol of protest is affixed.

(2) A police officer who fails to comply with or otherwise contravenes subsection (1) is guilty of an offence.

(3) Where, following an investigation, the Chief of Police is satisfied that a police officer has committed an offence contrary to subsection (2), he or she may be convicted by the Chief of Police who may impose one or more of the penalties specified in section 16.

(4) Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, except subsection 16(1), and section 18 do not apply to an offence under this section.

(5) A police officer convicted of an offence under this section may, within 30 days from the date of the conviction, appeal to a Provincial Court judge who may allow the appeal and quash the conviction or uphold the conviction or increase or reduce a penalty imposed by the Chief of Police.

(6) Before imposing a penalty referred to in section 16, the Chief of Police shall take into account the relevant circumstances surrounding the offence as well as the service record and prior conduct of that police officer.

[28/99 s1](#)

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### **Discipline**

**8.** (1) Offences against these regulations considered to be minor by the police officer's supervisor may be disposed of by the police officer's supervisor who may

- (a) discuss the matter with the offending police officer and dispose of the matter by oral admonition, if the facts and circumstances warrant; and
- (b) if the facts and circumstances do not warrant an oral admonition, record the nature of the offence and the time when it occurred in the personnel file of the police officer and provide notice to the police officer in accordance with the collective agreement.

(2) Where there has been no subsequent offence of a minor nature within one year of the date it has been recorded in the personnel file of the police officer, the record shall be removed from that personnel file.

99/93 s8

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### **Decision to charge officer**

**9.** Where a police officer has committed an offence that, in the opinion of the police officer's supervisor, is of a nature that it cannot be dealt with under section 8, the police officer's supervisor shall advise the divisional head who shall advise the Chief of Police who will determine whether the police officer will be charged with an offence.

[Back to Top](#)**Laying a charge**

**10.** (1) Where a police officer is charged with a breach of these regulations, the charge shall be laid within 6 months of the alleged offence coming to the attention of the Chief of Police by laying an information and serving a notice of the charge upon the police officer.

(2) An information may allege more than one offence and shall contain

(a) a separate statement of each offence with which a police officer is charged; and

(b) a statement of the particulars of the act, omission or neglect constituting each offence.

(3) The notice of a charge and information shall be served upon the police officer accused at least 15 days before the time and place of the trial.

99/93 s10; [61/02 s1](#)[Back to Top](#)**Dismissal of charge**

**11.** Where, following service of a notice of a charge upon an accused police officer, the police officer denies the charge and offers an oral or written explanation which is satisfactory to the Chief of Police, that charge may be immediately dismissed by the Chief of Police.

99/93 s11

[Back to Top](#)**Guilty plea**

**12.** (1) Where, following service of a notice of a charge upon an accused police officer, the police officer pleads guilty before the Chief of Police, he or she may immediately be convicted by the Chief of Police who may impose any of the penalties specified in section 16.

(2) Before imposing a penalty referred to in subsection (1), the Chief of Police shall take into account the relevant circumstances surrounding the offence as well as the service record and prior conduct of that police officer and shall endorse the information to that effect.

99/93 s12

[Back to Top](#)**Suspension of officer**

**13.** The Chief of Police at his or her discretion may suspend, with or without pay, a police officer who is charged with an offence under the regulations until that time as the charge is dealt with.

99/93 s13

[Back to Top](#)**Trial of officer**

**14.** (1) Where a charge against an accused police officer is not disposed of in accordance with

sections 11 and 12, the accused police officer shall be tried by a disciplinary panel consisting of 2 police officers, one appointed by the Chief of Police, one appointed by the association, and a third person, who may or may not be a police officer, to be appointed by the 2 police officers to act as chairperson.

(1.1) Notwithstanding subsection (1), where an accused police officer who is to be tried by a disciplinary panel is not a member of the bargaining unit, the panel shall consist of 2 persons, who may or may not be police officers, one appointed by the chief of police, or his or her delegate, one appointed by the accused police officer, and a third person, who may or may not be a police officer, appointed by the other 2 appointees, who shall be the chairperson of the panel.

(1.2) Where a person appointed under subsection (1.1) is a police officer, the officer appointed shall not be subordinate to the accused police officer.

(2) Should the 2 appointed police officers fail to agree within 7 days, the minister responsible for the *Labour Relations Act* shall appoint a person other than a police officer to act as chairperson.

(3) The members of a disciplinary panel shall have all the powers that are or may be conferred on a commissioner by or under the *Public Inquiries Act*.

99/93 s14; [41/04 s1](#)

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### Appearance before panel

**15.** (1) The accused police officer shall appear before the disciplinary panel appointed to try the charge at the time and place appointed and may be represented by counsel.

(2) The accused may plead guilty or not guilty and where he or she refuses to plead he or she shall be considered to have pleaded not guilty.

(3) An accused is not compelled to testify but he or she may give evidence under oath.

(4) An accused may call witnesses on his or her own behalf and has the right to cross-examine any witnesses called by the prosecution.

(5) At the conclusion of the case for the prosecution, the accused or his or her counsel may make a statement to the disciplinary panel.

(6) A majority decision of the disciplinary panel is the decision of the panel and is binding upon it.

(7) The decision of the disciplinary panel shall contain written reasons.

99/93 s15

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### Penalties

**16.** (1) A police officer who pleads guilty or is found guilty of an offence under these regulations is liable to one or more of the following penalties:

(a) dismissal;

(b) a reduction in rank;

- (c) suspension without pay for a period not exceeding 6 months; or
- (d) reprimand.

(2) In addition to, or as an alternative to, the imposition of the penalty under subsection (1), the disciplinary panel may, following a request by the accused police officer to that effect, order the police officer to participate in the program or activity that the panel feels appropriate.

(3) The disciplinary panel shall take into account the prior service record and conduct of the accused police officer in deciding a penalty or penalties to be imposed under this section and shall endorse the information to that effect together with the penalty or penalties imposed.

(4) Where a police officer is found not guilty of an offence under these regulations the disciplinary panel may order that the police officer

- (a) be reinstated to his or her former position;
- (b) be reimbursed pay for any period of suspension without pay; and
- (c) have his or her personnel record expunged of any reference to disciplinary proceedings.

99/93 s16

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### **Effect of suspension**

**17.** A police officer who is suspended under these regulations shall not

- (a) exercise any power or authority vested in him or her as a police officer; or
- (b) wear or use any article of uniform or equipment issued to him or her or under his or her control.

99/93 s17

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### **Appeal**

**18.** Either the Chief of Police or a police officer convicted of an offence under these regulations may, within a period of 30 days from the date of the conviction, appeal on the record to a Provincial Court judge designated by the chief Provincial Court judge, who may quash or enter a conviction, order a new trial, or increase, confirm, mitigate, grant a remission, or impose a penalty provided for in the regulations.

99/93 s18

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### **Stay of proceedings**

**19.** Notwithstanding any provision of these regulations, where a complaint is made under section 22 of the Act, with respect to the conduct of a police officer, any proceedings under these regulations with respect to that conduct are stayed.

99/93 s19

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**Repeal**

**20. The Royal Newfoundland Constabulary Regulations, 1993, Newfoundland Regulation 99/93, are repealed.**

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