



RCMP Public Complaints Commission

Performance Report

For the period ending
March 31, 2000

Canada

Improved Reporting to Parliament Pilot Document

The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

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Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis the *Part III of the Estimates* document for each department or agency into two separate documents: a *Report on Plans and Priorities* tabled in the spring and a *Departmental Performance Report* tabled in the fall.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

The Fall Performance Package is comprised of 83 Departmental Performance Reports and the President's annual report, *Managing for Results 2000*.

This ***Departmental Performance Report***, covering the period ending March 31, 2000 provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's *Report on Plans and Priorities* for 1999-00 tabled in Parliament in the spring of 1999.

Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government.

The government continues to refine its management systems and performance framework. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

This report is accessible electronically from the Treasury Board Secretariat Internet site: <http://www.tbs-sct.gc.ca/rma/dpr/dpre.asp>

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RCMP Public Complaints Commission

Performance Report

**For the period ending
March 31, 2000**

Hon. Lawrence MacAulay, P.C., M.P.
Solicitor General of Canada

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Section I: Message

Eliminating the backlog of review cases remained the Commission's first priority during the past year. The Commission is continuing to refine its approach in carrying out reviews so that these cases are processed in the most timely and fair manner possible. Once again this year, the Commission has successfully reduced the backlog of review cases and I am confident that our goal of eliminating the review backlog completely by fiscal year-end 2000–2001 will be achieved.

Both the evidentiary phase of the APEC hearing and the Saint-Simon and Saint-Sauveur public interest investigation effectively drew to a close in March 2000. These two undertakings have been the most extensive in the Commission's history. I am confident that each of these inquiries will ultimately make a compelling contribution to the subject of police conduct in the handling of demonstrations.

One of my primary goals as Chair of this Commission has been to make the complaints process less adversarial. In 1999–2000 we implemented a pilot project in alternative dispute resolution (our "service to the public" model), whereby the Commission identifies opportunities for the RCMP and members of the public to address issues of concern in the early stages of the dispute, before invoking the formal complaints mechanism. While it is still in the developmental stage, preliminary results are very promising.

Building on its experience in dealing with complaints about police pursuits, the Commission recognized the need for an in-depth analysis of high-speed pursuits by the RCMP. In the autumn of 1999, the Commission published its first research report, entitled *Police Pursuits and Public Safety*. It is my hope that this report will result in improved policies and practices within the Force, improvements that will help to enhance the safety not only of the public, but also of RCMP members involved in such pursuits.

In the interest of improving our performance in serving Canadians, during the past year the Commission undertook a major review and strategic planning exercise that drew on the collective wisdom of the entire staff of the Commission and representatives of key stakeholders. The results of this exercise will serve as a basis for renewal for the Commission and a source of new directions in the years to come.

Shirley Heafey
Chair, RCMP Public Complaints Commission

Section II: Departmental Performance

Societal Context

Objectives

To provide the public with an opportunity to make complaints regarding the conduct of members of the RCMP in the performance of their duties, and to have the RCMP's disposition of those complaints reviewed by an external body in an independent and impartial manner.

Strategic Priorities

The Commission's current strategic priorities are:

- to ensure that the receipt and review of complaints are dealt with in a fair and timely fashion; and
- to better inform the Canadian public and members of the RCMP about the public complaints process.

Key Co-delivery Partners

The Commission is an agency of the federal government, distinct and independent from the RCMP. As a neutral third party, the Commission is, and must be seen to be, impartial and fair in its dealings with both complainants and RCMP members complained about. The Solicitor General of Canada tables the Commission's annual report to Parliament; however, the Solicitor General has no involvement in the operations of the Commission.

Pursuant to Part VII of the *RCMP Act*, the Commission shares responsibility with the RCMP for the receipt of public complaints. Regardless of which of the two agencies receives the complaint, the legislation requires the RCMP to carry out the investigation and report back to the complainant with the results. If a complainant is dissatisfied with the disposition of the complaint by the RCMP, she or he can ask the Commission to carry out an independent review of the disposition. In exceptional cases the Commission will undertake the initial investigation.

When reviewing the RCMP's disposition of a complaint, the Commission does not act as an advocate either for the complainant or for RCMP members. Rather, its role is to conduct an independent inquiry and reach objective conclusions based on the available information.

Social Factors

The Commission's key stakeholder is the Canadian public. Public expectations of the Commission are high. Both complainants and members of the RCMP have expressed their concerns about review cases being processed more expeditiously. As well, there is a continuing expectation for the Commission to better communicate publicly its role, responsibilities and results.

Chart of Key Results Commitments

RCMP Public Complaints Commission	
To provide Canadians with:	To be demonstrated by:
A contribution to a safe and secure society through independent and impartial review of public complaints against the RCMP Planned Resources: \$4,878,000	<ol style="list-style-type: none">1. Reporting on recommendations made to the RCMP Commissioner2. Percentage of recommendations supported by the RCMP Commissioner3. Changes to RCMP practices, policies and procedures4. Service standards being met or exceeded5. Public awareness of the existence and mandate of the Commission

Performance Accomplishments

The key results commitment of the Commission is to contribute to a safe and secure society in Canada through the independent and impartial review of public complaints against the RCMP.

The Commission achieves this objective by:

- receiving complaints;
- reviewing complaints;
- conducting hearings and investigations;
- making recommendations to the Commissioner of the RCMP; and
- publishing other reports, as necessary.

Receiving Complaints

The public complaints process has historically been too rigid and bureaucratic. One of the Commission Chair's primary goals has been to make the complaints process less adversarial by introducing alternative dispute resolution (ADR) approaches to resolve complaints.

In keeping with this commitment, in 1999–2000 the Commission instituted a process for dealing with public complaints in a more informal and less adversarial manner. The Commission's ADR pilot project is called "service to the public" and has the

Commission taking on the role of a non-partisan facilitator to resolve complaints. The Commission's role as facilitator is undertaken, when appropriate, as soon as the complaint is received, giving citizens and the RCMP the opportunity to resolve concerns before invoking the formal complaints process under Part VII of the *RCMP Act*. Commission employees serve as neutral and objective professionals that assist in resolving disputes by bringing the citizen into contact with the RCMP to arrive at a mutually satisfying resolution. The focus always remains on dealing with the concern facing the citizen.

This practical and effective alternative to the formal complaints process allows both the RCMP and the Commission to provide better and more timely service to the public.

(Result 4: Service Standards)

During the first nine months of the pilot project, 385 cases were successfully resolved using this informal service to the public model.

This practical and effective alternative to the formal complaints process allows both the RCMP and the Commission to provide better and more timely service to the public. In this way, the citizen's concern can be addressed without abrogating the Commission's responsibility under the legislation or impinging on the rights of the complainant or the RCMP member who is the subject of the complaint.

The following narrative provides an illustration of how the Commission's service to the public model works:

A group of high school students held a party on the outskirts of a town. The party was boisterous and loud enough to cause people living nearby to call the police. When the police arrived, they determined that the party had gotten out of hand and that some of the people consuming alcoholic beverages were below the legal drinking age. Several of those at the party were arrested and taken into custody at the local detention centre. Many of the parents of the young people who were arrested and held in custody felt that the police had overreacted. The parents contacted the Commission with their concerns. It became apparent that there was the potential for a large number of complaints to be filed in relation to this incident. Staff at the Commission contacted the officer-in-charge of the local detachment, related the concerns that had been raised with the Commission and suggested the RCMP meet with the parents. As a result, the officer-in-charge arranged a public meeting with the concerned citizens of the community where the issues were discussed and dealt with in a manner satisfactory to all concerned.

Reviewing Complaints: Reducing the Backlog

The Commission has made it a key priority to eliminate the backlog of outstanding review cases. In this regard, the Commission can report 1999–2000 as another record year for the processing of review files and in its ongoing efforts to reduce the backlog. The Commission completed 277 review reports and, for the second year in a row, resolved a greater number of cases than it received. Although the total number of review cases completed this year is somewhat lower than in the previous year, many of the

review files considered during the current year were more complex and therefore took longer to complete.

The Commission continues to refine its review processes, and additional staff have been hired to help prepare review reports. The Commission remains committed to attaining its goal of eliminating the backlog of review cases by the end of fiscal year 2000–2001.

A summary of Commission Review Reports in 1999–2000 is found in Chart 1.

Chart 1. Commission Review Reports in 1999–2000	
Final reports after Commissioner's Notice	15
Final reports after review	237
Interim reports	12
Non-Part VII reports	10
Withdrawals of requests for review	3
Total number of reports signed	277

Hearings and Investigations

APEC Hearing

After the RCMP's involvement in demonstrations at the University of British Columbia during the APEC conference in November 1997, the Commission received a large number of complaints about the conduct of certain members of the RCMP during those events. As a consequence, the Chair established a public interest investigation on December 9, 1997. On February 20, 1998, the Chair instituted a public interest hearing into these matters.

The APEC hearing is the most extensive hearing in the Commission's history. It was originally expected that the hearing of witnesses would be complete by the end of 1999. However, the sheer number of legal and other issues that had to be dealt with meant that testimony from witnesses did not wrap up until March 31, 2000.

The panel Chair, Mr. Ted Hughes, is expected to submit his report containing his findings and recommendations in early 2001. The Commission will forward this report to the Solicitor General of Canada, the Commissioner of the RCMP and the parties to the hearing. This report will also be made publicly available. The Commissioner of the RCMP then must review the report, take any necessary action, and notify the Solicitor General and the Chair of the Commission of any action he has taken or outline his reasons for not acting on any specific finding or recommendation. After reviewing the response of the Commissioner of the RCMP, the Chair of the Commission will prepare a Final Report containing her findings and recommendations and send copies to the

The final report on the APEC hearing will be made publicly available.

(Result 5: Public Awareness)

Solicitor General of Canada, the Commissioner of the RCMP and the parties to the complaint. The Chair will also make this final report publicly available.

New Brunswick Investigation

In May 1997, a provincial government decision to close schools in Saint-Simon and Saint-Sauveur, New Brunswick, led to demonstrations by the residents of these Acadian communities. In early 1998, the Commission received information that many residents were unhappy about the conduct of the RCMP during the demonstrations. This information was soon confirmed by receipt of 170 complaints containing some 400 allegations. As a result, on March 20, 1998, the Chair established a public interest investigation. During this extensive investigation, Commission investigators interviewed more than 300 people — complainants, independent witnesses, citizens and members of the RCMP — and analyzed many thousands of pages of documents.

On March 28, 2000, the Chair of the Commission submitted her interim report on this matter to the Solicitor General and the Commissioner of the RCMP. The Chair now awaits the Commissioner's response to her findings and recommendations. On receipt and after consideration of the Commissioner's Notice, the Chair of the Commission will prepare her final report. Each complainant and each member of the RCMP whose conduct was under review will be given a copy of the Chair's final report. It is the Commission Chair's intention to make this final report publicly available.

Nielsen Investigation

On September 23, 1998, the Chair of the Commission initiated a public interest investigation into the conduct of members of the RCMP during the detention of Mr. Kim Erik Nielsen of Kamloops, British Columbia, on May 21, 1997. In this incident, Mr. Nielsen was found apparently highly intoxicated and taken into custody by an RCMP officer. Approximately four hours after being delivered to the local detachment by the officer, Mr. Nielsen was discovered unconscious and not breathing. He was then taken to hospital, where he died 10 days later.

The Commission's investigation focused on alleged omissions or failure by members of the RCMP in the care and handling of Mr. Nielsen between the time he was initially detained and the point at which he was placed in a "drunk tank" at the Kamloops RCMP detachment.

The Chair of the Commission completed and sent her interim report on this matter to the Solicitor General and the Commissioner of the RCMP on February 17, 2000. On receipt of the Commissioner's Notice, the Chair of the Commission will prepare her final report. Each member of the RCMP whose conduct was under investigation will be given a copy of the Chair's final report. It is also the Commission Chair's intention to make this final report publicly available.

Reporting on Recommendations Made to the Commissioner of the RCMP

Each year, the Chair of the Commission makes recommendations in her interim and final reports sent to the Commissioner of the RCMP. In the Commissioner's Notice, the Commissioner of the RCMP must indicate whether he agrees with the Chair's recommendations and what further action will be taken with respect to the recommendations. If no further action is contemplated, the Commissioner must say why he has decided to take no further action. Over the years, the Commissioner has, on average, agreed with 85 percent of the Chair's recommendations (see Chart 2).

Over the years, the Commissioner has, on average, agreed with 85 percent of the Chair's recommendations.

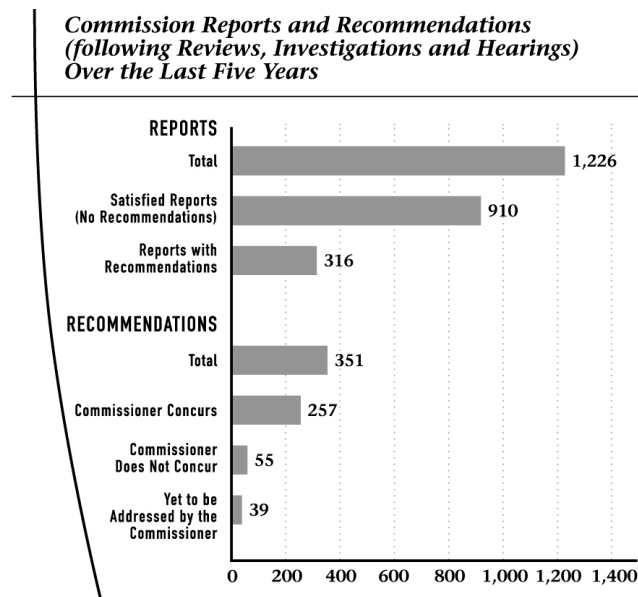
(Result 1: Reporting on Recommendations and Result 2: Recommendations Supported)

The following examples demonstrate changes to RCMP policies, practices and procedures resulting from recommendations made by the Commission in 1999–2000:

Recommendation: On finding that an RCMP officer had failed to properly identify a vehicle that had been previously reported as stolen, the Commission recommended that the RCMP detachment in question create a policy to ensure that all vehicles seized under its authority be adequately checked for identity.

Result: The Commissioner of the RCMP agreed and advised that the RCMP detachment in question had changed its policy to address deficiencies in the proper identification of vehicles.

Chart 2



Recommendation: The Commission found that, in the course of a homicide investigation, an RCMP member unlawfully coerced a witness to accompany him to the detachment for questioning by threatening to charge her with obstruction of justice if she did not comply. The Commission recommended that the Divisional Commanding Officer apologize to the woman and inform her of the corrective action taken by the RCMP in respect of the subject member.

These examples demonstrate changes to RCMP policies, practices and procedures resulting from recommendations made by the Commission.

(Result 3: Changes to RCMP Policies)

Result: The Commissioner of the RCMP agreed that an apology be extended and that information regarding corrective action against the officer be provided to the complainant.

Other Reports: Police Pursuits and Public Safety

Since the Commission has been in operation, there have been a number of complaints about high-speed police pursuits and their often tragic outcomes. An analysis of the incidents giving rise to these complaints raised serious questions about the threat such pursuits pose to public safety. As a result, in 1998 the Commission undertook an in-depth review of this aspect of police conduct. The Commission's report on its review, entitled *Police Pursuits and Public Safety*, was completed in the fall of 1999, as scheduled.

In its report, the Commission recommended that the RCMP review its national policy on hazardous pursuits to ensure that they are undertaken only for serious offences and that the policy contain a definition of what constitutes a serious offence. The Commission also recommended that the use of emergency equipment be made mandatory for all police pursuits, including those that police refer to as "routine" pursuits. The Commission further recommended that RCMP training practices be reviewed to ensure that all officers involved in police pursuits are sufficiently skilled, particularly in risk assessment and decision-making, and that such training be provided on a continuing basis.

In its report, the Commission recommended that the RCMP review its national policy on hazardous pursuits to ensure that they are undertaken only for serious offences and that the policy contain a definition of what constitutes a serious offence.

(Result 1: Reporting on Recommendations and Result 3: Changes to RCMP Policies)

Police Pursuits and Public Safety is available from the Commission on request and is also accessible on the Commission's Web site.

Financial Information

RCMP Public Complaints Commission	
Planned Spending	\$4,878,000
<i>Total Authorities</i>	<i>\$8,586,000</i>
1999–2000 Actuals	\$7,716,000

Other Performance Issues

Commission Review and Strategic Planning Exercise

In 1999–2000, the Chair and the management team of the Commission determined that it would be timely for the Commission to objectively examine its current activities and rethink its priorities for the next few years. The Commission therefore turned to Consulting and Audit Canada (CAC), an agency of Public Works and Government Services Canada, to design and implement a review and strategic planning process.

Between December 1999 and March 2000, CAC consultants conducted a series of individual and group interviews with Commission staff and management, and key stakeholders. In addition, CAC conducted “best practice” interviews with experts in police oversight and staff of two provincial civilian oversight agencies. They also reviewed relevant documentation, including legislation governing the Commission and that of similar federal agencies.

Based on this review, CAC concluded that weaknesses in the legislative mandate of the Commission inhibit its ability to provide full and effective civilian oversight of RCMP conduct. However, CAC also noted that despite these weaknesses in the legislative mandate of the Commission, the Commission could still have a positive impact on the quality and transparency of RCMP complaint investigations via its power to make findings and recommendations. It could also significantly improve its information-gathering and analysis capacity with a view to assisting policy-makers in the Department of the Solicitor General, provincial attorneys-general and the RCMP itself.

The Commission is now developing work plans for these priorities.
(Results 1, 2, 3, 4, 5)

Commission staff and management held a strategic planning retreat to consider the CAC findings and to develop the core elements of a working vision for the Commission. These core elements are being refined into a series of statements that will guide Commission work in the future. They can be summarized in a preliminary fashion as follows:

- The public will be aware of and confident in the Commission and the public complaints process.

- Excellent practice and behaviour on the part of the Force will be reinforced, while negative behaviour will change.
- The Commission will be responsive to the service expectations of the public and RCMP members.
- Canadian policing policies will change over time, as a result of findings and recommendations of the Commission and other agencies.
- The Commission itself will be a workplace of choice, characterized by high staff morale, teamwork and efficient processes.

Commission staff and managers also identified key initiatives for the Commission over the next five years. In 2000–2001 the Commission will:

- eliminate any remaining backlog in reviews;
- create internal standards for reviews, including time standards and a complexity matrix for assessing the nature of the review required;
- develop a communications and consultation plan, with special emphasis on internal communications in the first year; and
- develop a strategic plan for information management that will deal with
 - (a) Commission management information,
 - (b) information on complaints received by the Commission, and
 - (c) rapid retrieval of information from previous Commission reviews, decisions and recommendations.

For subsequent years, the Commission will:

- develop, in consultation with the RCMP and other key stakeholders, common standards for internal police investigation of complaints — Commission staff will be able to refer to these standards when a complainant requests a review;
- implement the Commission information management plan on public complaints, including a database of complaints received by both the Commission and the RCMP, which will be of significant value to policy-makers reviewing national and regional trends; and
- implement a public communication program, especially targeting ethnic minorities or groups who do not speak one of Canada's two official languages. Members of these minorities, who, for various reasons, are frequently the subject of RCMP investigation, do not always understand the public complaints process.

The Commission is now developing work plans for these priorities and will report on the results in future reports to Parliament.

Section III: Financial Performance

Financial Performance Overview

During 1999–2000, an amount of \$60,091 was received from Vote 15 to cover the increase in salaries negotiated through collective bargaining. In addition, the Commission received a carry-forward amount of \$47,472 and \$3,116,040 through Supplementary Estimates to cover expenses related to the APEC hearing.

Financial Summary Tables

The following tables are applicable to the RCMP Public Complaints Commission:

1. Summary of Voted Appropriations
2. Comparison of Total Planned Spending to Actual Spending
3. Historical Comparison of Total Planned Spending to Actual Spending

Financial Table 1: Summary of Voted Appropriations

Financial Requirements by Authority				
Authorities for 1999–2000 (\$ thousands)				
Vote		1999–2000 Planned Spending	1999–2000 Total Authorities	1999–2000 Actual
	Royal Canadian Mounted Police Public Complaints Commission			
50	Operating expenditures	4,520	7,744	7,303
(S)	Contribution to employee benefit plans	358	413	413
Total for the Commission		4,878	8,157	7,716

Total Authorities are Main Estimates plus Supplementary Estimates of \$3,163,512 and Vote 15 \$60,091 and \$55,000 for Employee Benefits Plans.

Financial Table 2: Comparison of Total Planned Spending to Actual Spending

Commission Planned Versus Actual Spending (\$ thousands)			
	1999–2000		
Receipt and Review of Public Complaints	Planned Spending	Total Authorities	Actual
FTEs	34	–	34
Operating	4,878	8,157	7,716
Total Net Expenditures	4,878	8,157	7,716
Costs of services provided by other departments	429	429	429
Net Cost of the Program	5,307	8,586	8,145

Financial Table 3: Historical Comparison of Total Planned Spending to Actual Spending

Commission Planned Versus Actual Spending (\$ thousands)					
			1999–2000		
	Actual 1997–1998	Actual 1998–1999	Planned Spending	Total Authorities	Actual
RCMP Public Complaints Commission	3,812	5,312	4,878	8,157	7,716
Total	3,812	5,312	4,878	8,157	7,716

Total Authorities are Main Estimates plus Supplementary Estimates of \$3,163,512 and Vote 15 \$60,091 and \$55,000 for Employee Benefits Plans.

Section IV: Commission Overview

Mandate

The mandate of the Commission is set out in Parts VI and VII of the *RCMP Act*. Its main activities are:

- receiving complaints from the public about the conduct of RCMP members;
- conducting a review when complainants are not satisfied with the RCMP's disposition of their complaints; and
- conducting investigations and hearings.

The RCMP Public Complaints Commission has jurisdiction to accept complaints only with respect to RCMP members and not about members of other police forces. The Commission does not have the authority to make binding recommendations, impose discipline or to make monetary awards to complainants.

Mission

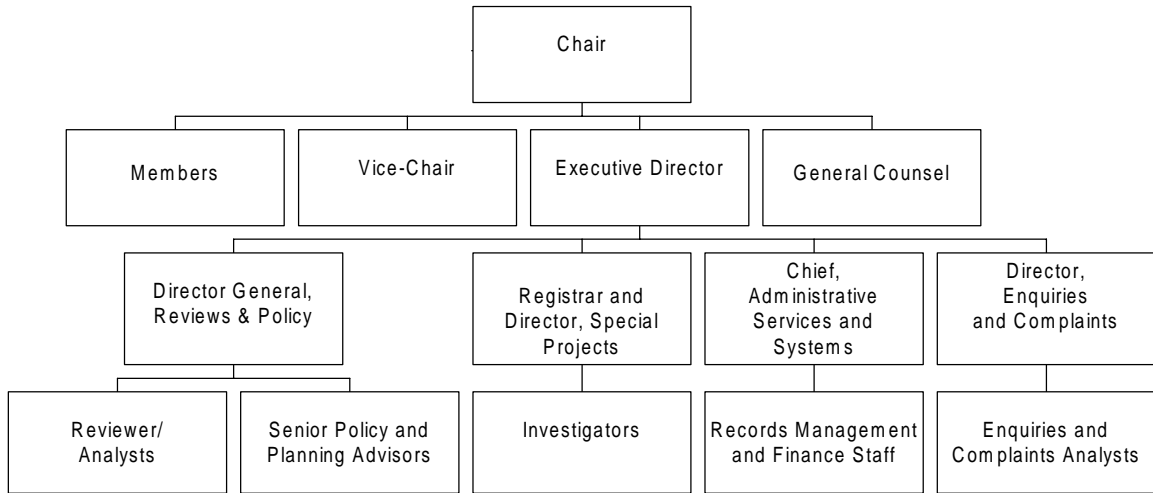
As a result of the Commission's recent review and strategic planning exercise (discussed on page 9), the Commission's Mission statement is currently under revision and will be provided in next year's Departmental Performance Report.

Business Line

The Commission has one business line: the receipt of complaints and the review of the RCMP disposition of complaints.

Organizational Chart

RCMP Public Complaints Commission



Section V: Other Information

Contacts for Further Information and Web Site

Head Office:

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Fax: (613) 952-8045

Telephone: (604) 501-4080
Toll Free: 1-800-665-6878
Fax: (604) 501-4095

Web address:

<http://www.pcc-cpp.gc.ca>

Legislation Administered by the RCMP Public Complaints Commission

The RCMP Public Complaints Commission shares responsibility with the RCMP for carrying out the provisions of:

Part VII, *Royal Canadian Mounted Police Act*, R.S., c. R-10

In addition, the RCMP Public Complaints Commission reports to Parliament on:

Parts VI and VII, *Royal Canadian Mounted Police Act*, R.S., c. R-10

List of Statutory and Commission Reports

Annual Reports
1988–1989 to 1999–2000

RCMP Act (Commission consolidation)
March 1990

Federal and Provincial Police Oversight Legislation:
A Comparison of Statutory Provisions
June 1991

Police Pursuits and Public Safety
December 1999