



RCMP Public Complaints Commission



For the
period ending
March 31, 1997



Improved Reporting to Parliament —
Pilot Document

Canada

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Foreword

On April 24, 1997, the House of Commons passed a motion dividing what was known as the *Part III of the Estimates* document for each department or agency into two documents, a *Report on Plans and Priorities* and a *Departmental Performance Report*. It also required 78 departments and agencies to table these reports on a pilot basis.

This decision grew out of work by Treasury Board Secretariat and 16 pilot departments to fulfil the government's commitments to improve the expenditure management information provided to Parliament and to modernize the preparation of this information. These undertakings, aimed at sharpening the focus on results and increasing the transparency of information provided to Parliament, are part of a broader initiative known as "Getting Government Right".

This *Departmental Performance Report* responds to the government's commitments and reflects the goals set by Parliament to improve accountability for results. It covers the period ending March 31, 1997 and reports performance against the plans presented in the department's *Part III of the Main Estimates* for 1996-97.

Accounting and managing for results will involve sustained work across government. Fulfilling the various requirements of results-based management – specifying expected program outcomes, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and report on achievements – is a building block process. Government programs operate in continually changing environments. With the increase in partnering, third party delivery of services and other alliances, challenges of attribution in reporting results will have to be addressed. The performance reports and their preparation must be monitored to make sure that they remain credible and useful.

This report represents one more step in this continuing process. The government intends to refine and develop both managing for results and the reporting of the results. The refinement will come from the experience acquired over the next few years and as users make their information needs more precisely known. For example, the capacity to report results against costs is limited at this time; but doing this remains a goal.

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RCMP Public Complaints Commission

Performance Report

**For the
period ending
March 31, 1997**

Hon.. Andy Scott, P.C., M.P.
Solicitor General of Canada

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Section I: The Message

The RCMP Public Complaints Commission (the Commission) is the only organization which provides a public complaints process for the RCMP. The Commission is essentially a review body that, on request, examines the RCMP's disposition of public complaints. It does so on the record or, in certain instances, through a public hearing conducted by members of the Commission. The Commission's primary mandate is to ensure that the public complaints process is conducted with impartiality and fairness both to members of the public and of the RCMP. This principle of impartiality is set out in addition to others in the Declaration of Service Standards of the Commission.

As an oversight body, the Commission is recognized by the RCMP as a way of helping it improve service delivery by identifying weaknesses in its programs. This improvement is carried out by means of the Commission's Chairman's recommendations which have resulted in changes in RCMP policies and procedures. Up to ninety per cent of the time, the Commissioner of the RCMP agrees with the recommendations made by the Chairman. The impact of the Commission's recommendations which are noted in this performance report illustrates the effectiveness of the Commission in improving the delivery of the service provided by the RCMP. Many of the recommendations in the Commission Chairman's final reports are published in the Chairman's Annual Report to Parliament.

In order to ensure that the Canadian public is aware of its rights in respect of complaints about the conduct of members of the RCMP, the Commission must carry out an effective communications activity. Such an activity must include a mechanism to spread knowledge about the Commission to communities across Canada.

The effectiveness of the Commission's activities in carrying out its mandate is the subject of this report.

Section II: RCMP Public Complaints Commission Overview

Background

The RCMP Public Complaints Commission (the Commission) was established by Part VI of the *RCMP Act* as an independent and impartial quasi-judicial body to receive complaints from members of the public and to review the RCMP disposition of those complaints.

The Commission consists of a full-time Chairman, a Vice-Chairman, members for each contracting province and territory, and not more than three other members. All are appointed by Order of the Governor in Council for five years. The Chairman is a full-time member. The other members may be appointed as full-time or part-time members. An alternate member can be appointed to act for any member of the Commission other than the position of Chairman. The main function of members is to conduct hearings to which they have been assigned by the Chairman. The establishment and organization of the Commission is provided for in Part VI of the *RCMP Act*.

Each province and territory that contracts with the RCMP for policing services is represented on the Commission by a member for that jurisdiction. The provincial or territorial minister or other elected representative responsible for policing in each contracting jurisdiction must be consulted before the appointment of such a Commission member. No member of the RCMP may be appointed.

The Chairman is the chief executive officer of the Commission, and may delegate his or her statutory powers, duties and functions to the Vice-Chairman, except the Chairman's delegating powers and the Chairman's responsibility for the Annual Report. The Chairman must prepare an annual report of the activities of the Commission during that year and his or her recommendations, if any. The Solicitor General of Canada must deposit a copy of the report before both Houses of Parliament.

The Commission's organizational structure, including the two Regional Offices, is illustrated in the Supplementary Information. One Regional Office is located in Vancouver, British Columbia and is responsible for complaints and investigations from the Yukon and British Columbia. The other is located in Edmonton, Alberta and is responsible for complaints and investigations from the Northwest Territories and the Prairie provinces. Each Regional Office is staffed by a Regional Director, investigators and support personnel. The Head Office of the Commission, located in Ottawa, is responsible for complaints from Ontario, Quebec and the Atlantic provinces as well as all reviews carried out by the Commission. An organization chart can be found in the Supplementary Information.

Order in Council P.C. 1986-2904 designates the Commission as a department for the purposes of the *Financial Administration Act* and the *Public Service Employment Act*.

Role and Responsibilities

The RCMP Public Complaints Commission has as its main activity the review of the RCMP disposition of public complaints. However, the Commission also receives complaints from members of the public who have complaints concerning the conduct of members of the RCMP in the performance of their functions and duties. These complaints can be made directly to the RCMP, to the provincial authority responsible for policing or to the RCMP Public Complaints Commission. All complaints must be sent to the RCMP for investigation. The Chairman of the Commission can initiate a complaint if he or she considers there are reasonable grounds to do so. The Chairman can also decide that it is in the public interest to carry out an investigation or to institute a public hearing. This can be done regardless of whether or not the RCMP has investigated the complaint.

Mandate

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

- reviewing the RCMP disposition of complaints as a result of a request for review from complainants who are not satisfied with the RCMP's disposition of their complaints;
- receiving complaints from the public.

Mission Statement

The RCMP Public Complaints Commission contributes to the confidence of the public in the quality of policing provided by the RCMP.

Operational Values

The core values to serve the Commission in achieving its mission are:

- The Commission must uphold the principles set forth in the Canadian Charter of Rights and Freedoms and the rights of all members of the public, including the RCMP, under the laws of Canada.
- The Commission must ensure that members of the public and law enforcement officials are treated equally and fairly in the course of reviews and investigations of complaints.
- The Commission must carry out its work using effective, consistent and professional procedures of operation and communicate these procedures to complainants, members of the RCMP and the public.

Strategic Objectives

The operational values of the Commission can be given effect by the following strategic objectives:

- To ensure that the receipt and review of complaints are dealt with in a timely fashion.
- To carry out a communications strategy to inform the public about the existence of the Commission and its role in the law enforcement environment.

Business Line

The review of the RCMP disposition of complaints and the receipt of complaints.

Section III: RCMP Public Complaints Commission Performance

A. Performance Expectations

Planned Versus Actual Spending Tables

| Activity | Planned Spending | Actual Expenditures |
|----------------------------|------------------|---------------------|
| Program Expenditures | 3,275,000 | 3,170,682 |
| Benefits | 256,000 | 256,000 |
| Net Cost of Program | 3,531,000 | 3,426,682 |

Summary of Performance Expectations

| RCMP Public Complaints Commission has a budget of \$3,531,000 | |
|---|--|
| To provide Canadians with | to be demonstrated by: |
| <ul style="list-style-type: none">• Independent and impartial review of RCMP disposition of public complaints | <ul style="list-style-type: none">• Publication of recommendations made to the RCMP Commissioner• Percentage of recommendations supported by the RCMP Commissioner• Changes to RCMP practices, policies and procedures following recommendations from the Chairman• Service standards being met or exceeded• Public awareness of the existence and mandate of the Commission |

B. Performance Accomplishments

1. Receipt of complaints

One of the activities set out in Part VII of the *RCMP Act* is the receipt of complaints and their transfer to the RCMP for investigation. Although the RCMP Public Complaints Commission has no control over the number of public complaints it receives, the number of complaints has remained relatively stable over the past five fiscal years.

Number of complaints received by the Commission on an annual basis

| Fiscal year | Number of complaints |
|--------------------|-----------------------------|
| 1992-1993 | 1,074 |
| 1993-1994 | 820 |
| 1994-1995 | 919 |
| 1995-1996 | 1,018 |
| 1996-1997 | 1,002 |

In keeping with the service standard of reliable, timely and accessible service, the receipt and transfer of the public complaints to the RCMP for investigation are carried out as quickly as possible. With the use of information technology, the Commission has streamlined the process of transfer without diminishing the quality of the service. The Commission continues to develop processes that enable it to carry out its mandate as quickly as possible.

Time to transfer complaints to the RCMP

| Fiscal year | Number of days |
|--------------------|-----------------------|
| 1992-1993 | 7.8 |
| 1993-1994 | 8 |
| 1994-1995 | 4 |
| 1995-1996 | 4 |
| 1996-1997 | 2.6 |

2. Requests for review

Over the past eight fiscal years the number of requests for review received by the Commission has been slowly increasing. At the same time, the number of full-time reviewer/analysts has remained the same. As a result, fewer reviews are completed in a fiscal year than the number of reviews received by the Commission. Complainants have told the Commission that they find the review process to be too long. In keeping with the Commission's service standard of being responsive and committed to improvement, the Commission has been working to speed up its review process and to reduce the number of outstanding requests for review. One of the steps being taken to reduce the number of outstanding requests for review has been to allocate more full-time positions to the review function for the 1997-1998 fiscal year.

Number of requests for review, of reports and of outstanding reviews

| Fiscal year | Number of requests for review received each year | Number of reports signed by the Chairman | Outstanding requests for review |
|-------------|--|--|---------------------------------|
| 1989-1990 | 90 | 15 | 75 |
| 1990-1991 | 198 | 120 | 78 |
| 1991-1992 | 223 | 174 | 49 |
| 1992-1993 | 274 | 167 | 107 |
| 1993-1994 | 282 | 199 | 83 |
| 1994-1995 | 231 | 282 | -51 |
| 1995-1996 | 308 | 219 | 89 |
| 1996-1997 | 299 | 227 | 72 |

Once all the relevant material has been collected by the Commission and all further investigations have been completed, the review can start.

In the majority of the cases, the Chairman of the Commission determines that he is satisfied with the investigation of the complaint by the RCMP. In fact, over the past eight years, the Chairman has been satisfied with the RCMP investigation in 75% of the complaints referred to the Commission for review. As a result, the Commission is determined that these reviews should be carried out as quickly as possible while maintaining the review quality. Over the past three years, the Commission has indicated its desire to complete these reviews within a four-month or 120-day period. Although the number of days to produce a report was reduced to 98 in 1995-1996, that occurred because the Commission had held no public hearings in that fiscal year. As a result, additional funds were available to hire contractors to assist in carrying out reviews.

Time to produce a review report when Chairman satisfied with RCMP disposition of the complaint

| Fiscal year | Number of days |
|----------------|----------------|
| 1992-1993 | * |
| 1993-1994 | 192 |
| 1994-1995 | 147 |
| 1995-1996 | 98 |
| 1996-1997 | 137 |
| Average | 143.5 |

* This information is not available for the 1992-1993 fiscal year

3. Public Hearings

After reviewing a complaint, if the Chairman decides that further inquiry is still required, he can decide to hold a public hearing to look further into the complaint. Also, the Chairman can decide to hold a public hearing if he considers it advisable in the public interest. In the Commission's history, the Chairman has instituted eleven hearings in the public interest and five hearings to look further into the complaint.

The financial cost of a public hearing can be high. The *RCMP Act* states that the public hearing must be held in a place that is convenient to the parties to the hearing. This usually means that the public hearing is held in the same place where the events giving rise to the complaint happened. The Act also provides that, if a public hearing is held in a place that is not the ordinary home of the RCMP members, of the complainant or of the lawyers for the RCMP member or the complainant, those people are entitled to have their travel and living expenses paid for by the Commission. When a hearing is held in a place that is difficult or expensive to get to, this can increase the cost of a hearing considerably. The travel expenses, living expenses and the per diem of the members of the Commission sitting as a panel at a public hearing also must be paid by the Commission. Also, if the issues being dealt with in the course of the hearing are complex, the number of days required to deal with the issues can increase substantially.

| Fiscal year | Number of hearings | Total costs of hearings | Average cost of hearings |
|--------------------|---------------------------|--------------------------------|---------------------------------|
| 1990-1991 | 3 | 172,444.58 | 57,481.52 |
| 1991-1992 | 5 | 410,181.68 | 82,036.34 |
| 1992-1993 | 2 | 864,971.70 | 432,485.85 |
| 1993-1994 | 1 | 15,495.47 | 15,495.47 |
| 1994-1995 | No hearing held | | |
| 1995-1996 | 2 | 278,215.41 | 139,107.40 |
| Total | 13 | \$1,741,308.70 | \$133,946.82 |

| Name of hearing | Days to hold hearing | Days to write interim report |
|-------------------|----------------------|------------------------------|
| Robinson/Farewell | 5 | 165 |
| McFarlane | 4 | 200 |
| Rankin | 6 | 215 |
| Simard | 2 | 172 |
| Glambeck | 38 | 422 |
| Goodwin | 7 | 78 |
| Dale | 1 | 34 |
| Miller-Halliday | 4 | 191 |
| Cooper | 5 | 135 |
| Nowdluk-Reynolds | 11 | 235 |
| Ward | 5 | 96 |
| McLeod | 9 | 139 |
| Seeton | 7 | 256 |
| Brake/Peter-Paul | 25 | pending |
| Wilson | 17 | 273 |
| Farness | 13 | pending |
| Average | 12 days | 186.5 |

4. Chairman's recommendations

As stated earlier, the mission of the RCMP Public Complaints Commission is to contribute to the confidence of the public in the quality of policing provided by the RCMP. The RCMP Public Complaints Commission is the organisation mandated by Parliament to review the disposition of public complaint investigations by the RCMP. The Commission, in an ombudsman fashion, makes recommendations the aim of which is the betterment of the RCMP.

The recommendations of the Chairman have been categorized as either preventative or curative. The preventative recommendations are meant to provide information to the Commissioner on how to prevent the recurrence of particular situations. The methods by which situations can be avoided in the future can be:

supervisory guidance: the RCMP member should undertake a review of the RCMP policies, procedures and resources under the guidance of a supervisor;

review policies: the supervisor should review existing policies and/or laws with the member(s) involved and/or with the entire detachment;

review procedures: the supervisor should review existing procedures with specific members and/or with the detachment as a whole;

review resources: the supervisor should review the availability of resources with the member(s) complained about. This can include such measures as contacting professionals in other disciplines and the use of the Police Information Retrieval System (PIRS) database;

further training: the members(s) complained about should complete further training; and

implement/review/change policy: either existing policies be reviewed and/or changed or that a new policy be implemented.

The majority of the recommendations to the RCMP Commissioner are preventative.

Curative recommendations are meant to provide the Commissioner with information that may facilitate the resolution of the complaint. These recommendations include:

apology: that the RCMP and/or the member(s) involved apologize to the complainant;

further investigation: that further investigation into the complaint be conducted;

provision of further information: that complainants be provided with more detailed information regarding their complaint;

disposal of charge/evidence: that the RCMP consider disposal of either the charge or the evidence.

The following table provides information on the number of preventative and curative recommendations made by the Chairman in a fiscal year and the number of recommendations with which the RCMP Commissioner agreed or disagreed.

Results of Chairman's Recommendations

| Fiscal year | Preventative | Curative | Commissioner Agreed | Commissioner Disagreed | Total number of Recommendations |
|----------------|------------------|-----------------|---------------------|------------------------|---------------------------------|
| 1993-1994 | 31 (63%) | 18 (37%) | 41 (84%) | 8 (16%) | 49 |
| 1994-1995 | 36 (52%) | 33 (48%) | 62 (90%) | 7 (10%) | 69 |
| 1995-1996 | 45 (69%) | 20 (31%) | 47 (72%) | 18 (28%) | 65 |
| Average | 112 (61%) | 71 (39%) | 150 (82%) | 33 (18%) | 183 |

The following cases demonstrate the impact of the Commission on RCMP policies and thus exemplify the overall success of the Commission.

The Chairman recommended the implementation of a division policy governing the videotaping of child witnesses in sexual assault complaints. As a result, implementation of a national policy for the RCMP has begun.

The Chairman recommended that the detachment consider implementing a victim's assistance program that would be appropriate to smaller detachments. The Commanding Officer of the detachment involved advised the Commissioner that the recommendation has been addressed.

In his response to the Chairman's findings and recommendations the Commissioner stated that the RCMP's national policy will be amended to include a requirement for all RCMP detachments to enter into a protocol with local social services/agencies. The Commissioner also referred to the implementation of a national training program for operational members dealing with family violence.

The Chairman recommended that the RCMP consider a provision in the Operational Policy Manual to allow for guidance to members asked to enforce access provisions in family court orders. The Commissioner agreed with the Chairman's recommendation and has taken the necessary steps to implement it.

The Chairman concluded that there was improper use of the carotid control technique by a member. In his response, the Commissioner indicated that a new policy was being drafted to restrict the use of this technique to life-threatening situations.

Other achievements in the 1996-1997 fiscal year were the following:

- human resources
 - in June 1996, the Vancouver Regional Office hosted a three-day workshop in Nanaimo which was attended by all the investigators working for the Commission. This workshop raised many matters that have been discussed at subsequent meetings of the Commission's Management Committee;
 - a grievance procedure was developed and approved by the union and the Chairman;
 - an employee safety and security policy and procedure was developed and approved by the Chairman; and
 - the requirements of the employment equity plan of the Commission were met.

- communications
 - a strategic communications plan was developed and completed.
- provision of services
 - the management responses to the internal audit reports were finalized;
 - work is continuing on improving the Commission's information technology system, particularly its use in the receipt and review of complaints; and
 - the Commission, in conjunction with the RCMP, has developed proposed amendments to the *RCMP Act* and sent them to the Solicitor General Secretariat for the consideration of the Solicitor General of Canada.

Section IV: Supplementary Information

A. Listing of Statutory and Commission Reports

Annual Reports

1988-1989 to 1996-1997

RCMP Act (Commission consolidation)

March 1990

Federal and Provincial Police Oversight Legislation:

A Comparison of Statutory Provisions

June 1991

B. Contacts for Further Information

Head Office

P.O. Box 3423
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Ottawa, Ontario
K1P 6L4

Telephone: (613) 952-4283
Toll Free: 1-800-267-6637
Fax: (613) 952-8045

C. Financial Summary Tables

Summary of Voted Appropriations

Authorities for 1996-1997 - Part II of the Estimates

Financial Requirements by Authority (\$ thousands)

| Vote | | 1996-1997 Main Estimates | 1996-1997 Actual ¹ |
|---|---|-----------------------------|----------------------------------|
| Royal Canadian Mounted Police Public Complaints Commission | | | |
| 50 | Program expenditures | 3,275 | 3,299 ¹ |
| (S) | Contributions to employee benefit plans | 256 | 256 |
| Total Department | | 3,531 | 3,555 |

¹ Main estimates plus supplementary estimates and minus frozen allotments.

Statutory Payments by Business Line (\$ thousands)

| Business Lines | FTE | Actual 1993-1994 | Actual 1994-1995 | Actual 1995-1996 | Estimates 1996-1997 | Actual 1996-1997 |
|------------------------------|-----------|---------------------|---------------------|---------------------|------------------------|---------------------|
| Complaint receipt and review | 33 | 3,282 | 3,569 | 3,548 | 3,531 | 3,555 |
| | 33 | 3,282 | 3,569 | 3,548 | 3,531 | 3,555 |

D. Description of Public Complaint and Review Process

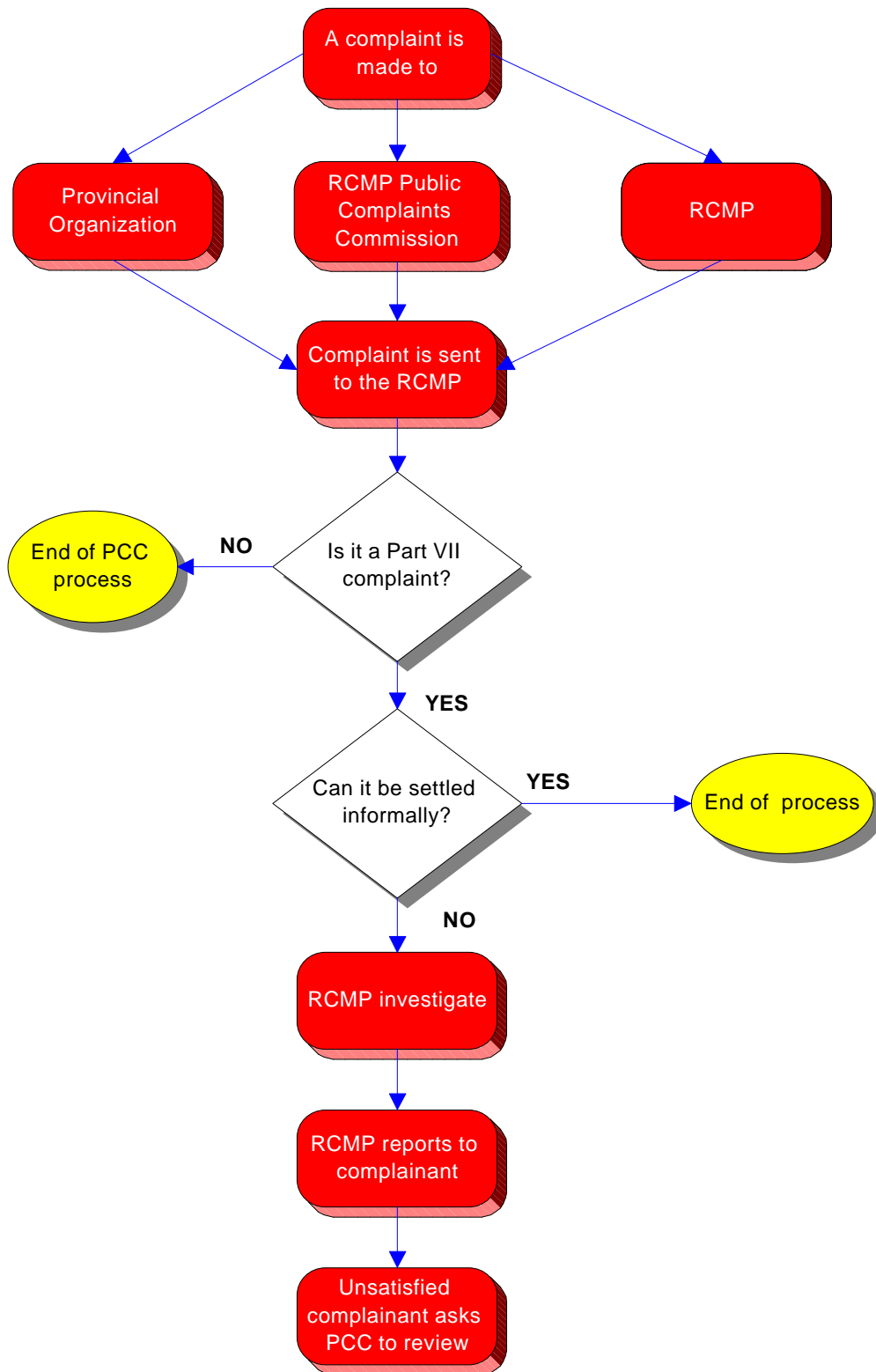
When the RCMP receives a complaint, the RCMP must consider whether the complaint can be disposed of informally. The Commission does not have the statutory responsibility or power to attempt to dispose of complaints and requests for reviews informally. If it is not possible or appropriate to dispose of a complaint informally, the RCMP must investigate the complaint. However, the RCMP Commissioner can decide not to investigate a complaint. In such cases, the RCMP Commissioner must tell the complainant that the Commission can be asked to review that decision. After completing an investigation, the Commissioner tells the complainant the results of the RCMP investigation and must also tell the complainant that if he/she is not satisfied with the disposition of his/her complaint by the RCMP, he/she may request a review by the Commission of the RCMP disposition of the complaint.

A request for review must be in writing. When such a request for review is received by the Commission, the review must be carried out. The review is based on the relevant material collected by the RCMP in the course of the RCMP investigation. If there is inadequate information available, the Chairman can ask the RCMP to investigate further or have the Commission investigate further. The Chairman can also institute a public hearing to inquire into the complaint.

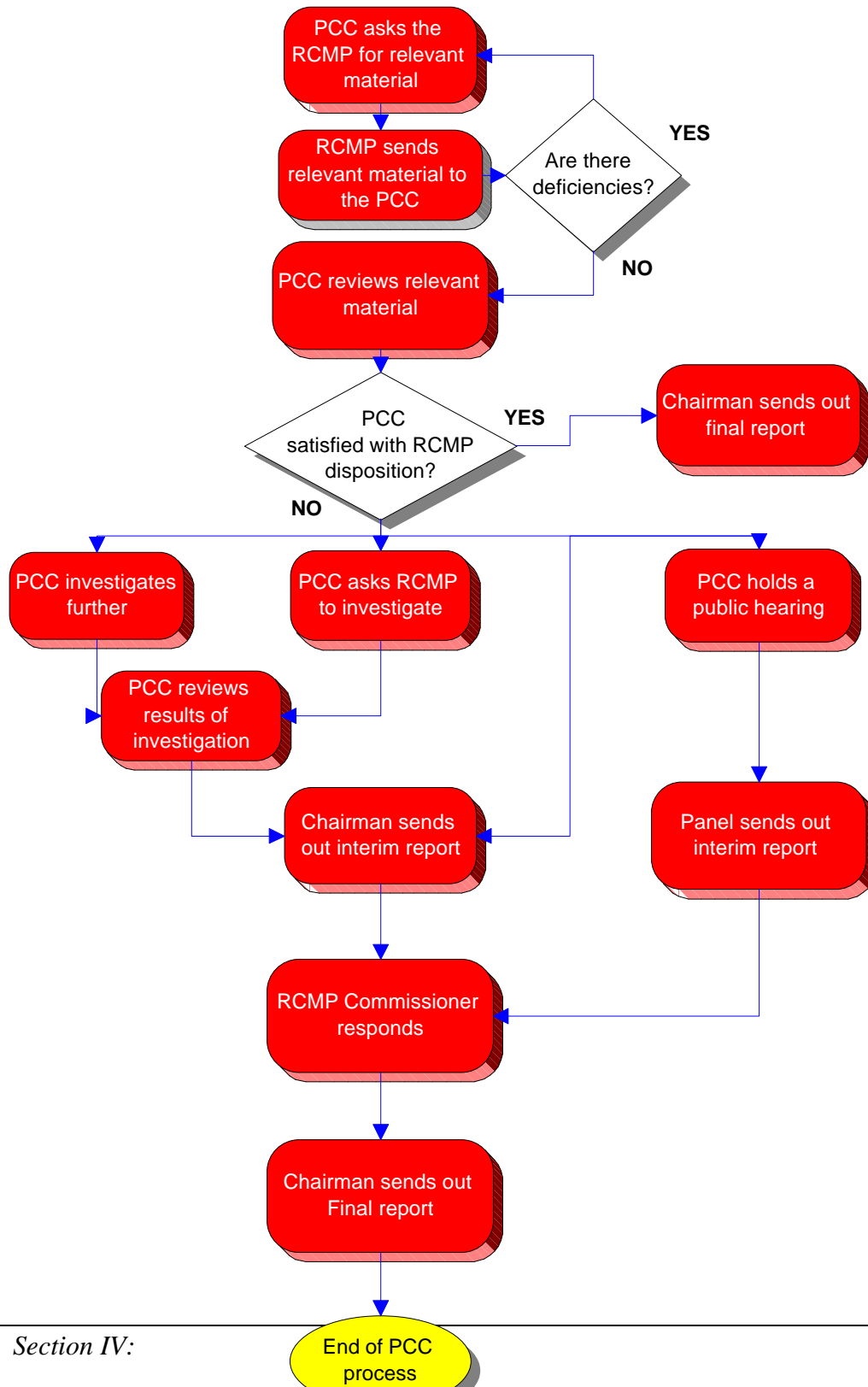
When the Chairman of the Commission is satisfied with the RCMP disposition of the complaint, a satisfied report is sent to the complainant, the member(s) of the RCMP involved, the Solicitor General of Canada and the RCMP Commissioner. If, on the other hand, the Chairman is not satisfied with the RCMP disposition of the complaint, the Chairman sends an interim report to the Solicitor General of Canada and the RCMP Commissioner. The interim report sets out the Chairman's findings and recommendations, if any, in respect of the RCMP disposition of the complaint. The RCMP Commissioner is not required to accept the recommendations of the Chairman, but, when the RCMP Commissioner chooses not to do so, the Commissioner is required to provide the reasons to the Solicitor General of Canada and to the Chairman of the Commission. The Chairman then prepares a final report containing the interim report, the response of the RCMP Commissioner, and the Chairman's conclusions. The final report is sent to the complainant, the member(s) of the RCMP involved, the Solicitor General of Canada and the RCMP Commissioner.

The Chairman may decide that a public hearing is necessary to inquire into a complaint. Members, who are appointed by order-in-council, are selected by the Chairman to act as a panel, usually consisting of three members, to carry out the public hearing. When the hearing is completed, the panel prepares an interim report with findings and recommendations, if any, that is sent to the Solicitor General of Canada and to the RCMP Commissioner. Again, if the RCMP Commissioner does not accept the recommendations of the panel, the Commissioner is required to provide reasons for not doing so to the Solicitor General of Canada and to the Chairman of the Commission. The Chairman then prepares a final report containing findings and recommendations and sends it to the Solicitor General of Canada, the RCMP Commissioner, the complainant, the RCMP member(s) involved and to all the parties to the hearing. A flow chart showing the complaint and review process can be found on the following pages.

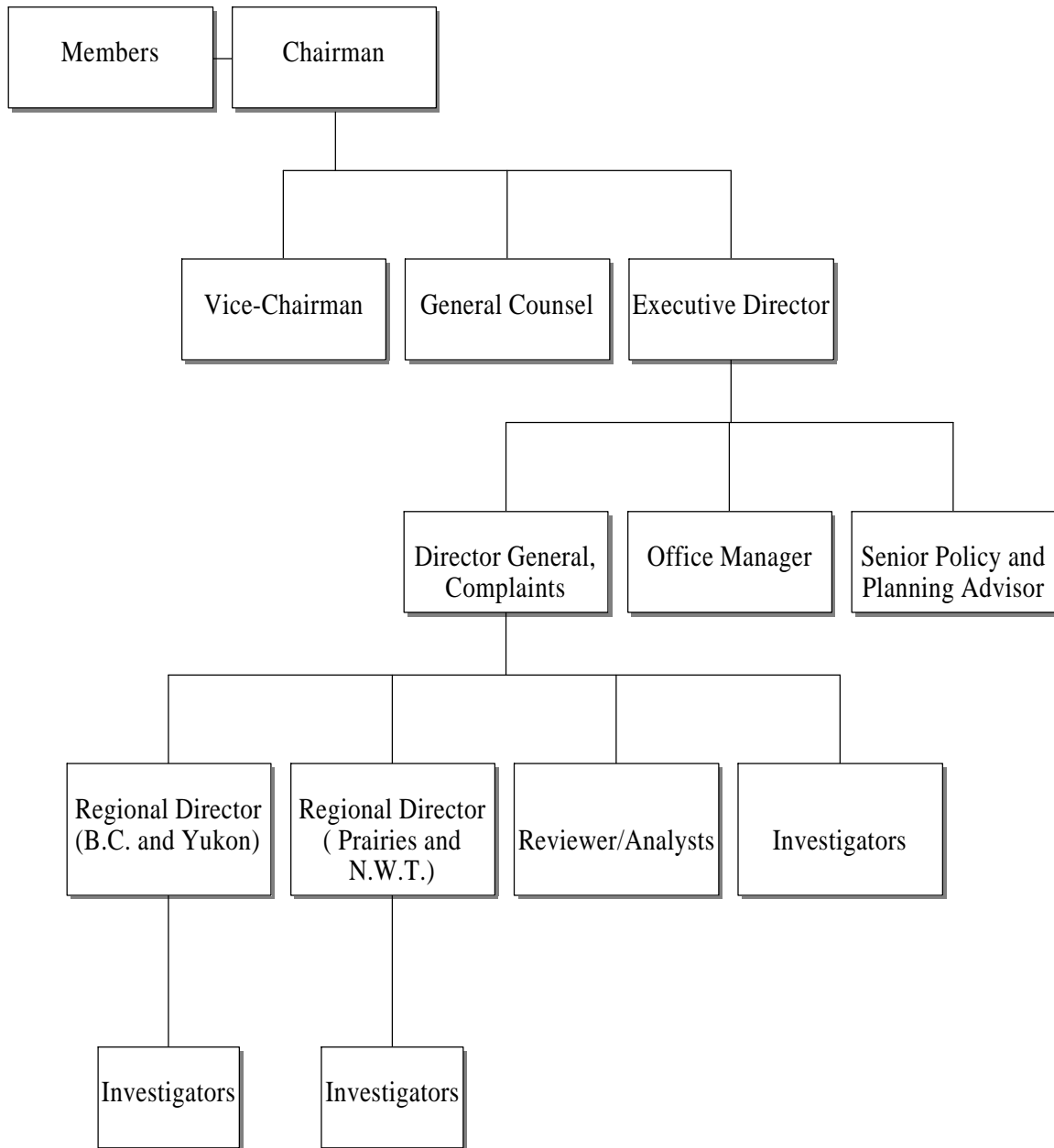
E. Process for Receipt of Complaints



F. Process for Review of RCMP Disposition of Complaints



G. Organization Chart



H. Legislation Administered by the RCMP Public Complaints Commission

The RCMP Public Complaints Commission has sole responsibility to Parliament for the following Act:

Part VII, *Royal Canadian Mounted Police Act*

R.S., c. R-9, Part VII