



Commission for
Public Complaints Against the
Royal Canadian Mounted Police

Commission des
plaintes du public contre la
Gendarmerie royale du Canada

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COMMISSION FOR PUBLIC COMPLAINTS
AGAINST THE RCMP

2007–2008

ANNUAL REPORT

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Canada

WHO WE ARE AND WHAT WE DO

The Commission for Public Complaints Against the RCMP is an independent body established in 1988 to receive and review complaints about the conduct of regular and civilian RCMP members in the performance of their policing duties. Its mission is to contribute to excellence in policing through civilian review.

The Commission ensures that complaints about the conduct of RCMP members are examined fairly and impartially. Its findings and recommendations help identify, correct and prevent the recurrence of policing problems caused by the conduct of specific RCMP members or by flaws in RCMP policies or practices.

VISION: Excellence in policing through accountability.

MISSION: To provide civilian review of RCMP members' conduct in performing their policing duties so as to hold the RCMP accountable to the public.

MANDATE: As set out in Part VII of the *Royal Canadian Mounted Police Act*, the mandate of the Commission is to:

- receive complaints from the public about the conduct of RCMP members;
- conduct reviews when complainants are not satisfied with the RCMP's handling of their complaints;
- hold hearings and investigations; and
- report findings and make recommendations.

STRATEGIC OBJECTIVES

- improve access to and openness of the public complaints process;
- improve processes for lodging complaints and requesting reviews;
- undertake strategic policy analysis and produce research-based analysis to improve the relevance of review recommendations and to identify continuing, emerging and new complaint trends; and
- create and maintain a workplace of choice.

HOW TO GET IN TOUCH WITH US

You can find the Commission for Public Complaints Against the RCMP on the Internet at www.cpc-cpp.gc.ca. All documents cited in this report may also be found there.

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Minister of Public Works and Government Services

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The Honourable Stockwell Day, P.C., M.P.
Minister of Public Safety
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Day,

Pursuant to section 45.34 of the *Royal Canadian Mounted Police Act*, I hereby submit the annual report of the Commission for Public Complaints Against the RCMP for the 2007–2008 fiscal year, for tabling in Parliament.

Yours very truly,



Paul E. Kennedy
Chair

June 2008

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CHAIR'S MESSAGE

Reinvigorating police accountability through enhanced civilian oversight is our overarching objective. The public perception of institutional integrity flows from meaningful transparency and accountability. Institutional behaviours and public expectations evolve over time as a natural response to a range of advancements and challenges within society. Public perceptions on most issues are equally dynamic and what was once viewed as acceptable behaviour may no longer be considered as such.

To fulfill their mandates, public institutions must be especially sensitive to changing public expectations. The policing function is a public mandate that is particularly reliant upon public support. The public must have confidence that the police are their agents and will discharge their duties in both a professional and an impartial manner. The Commission for Public Complaints Against the RCMP (CPC) plays an essential role on behalf of both the public and the members of the RCMP in ensuring the restoration and maintenance of the integrity of the RCMP as a public institution.

To fulfill its role, the CPC must itself be sufficiently complete and sound to inspire public confidence that problems will be identified and corrected. The CPC received temporary funding during the fiscal year that allowed it to establish a strategic policy and research division. Had that division not been created, the Commission would have been unable to respond to an urgent request from the Minister of Public Safety for a report on the RCMP's use of the

conducted energy weapon. A capacity to undertake such research is necessary to respond to current public expectations of police accountability.

The RCMP earns the public trust by being held to a high standard of transparency and accountability. That standard is achieved when the RCMP's civilian oversight agency has access to all relevant material and when the oversight agency publishes meaningful factual findings and recommendations that are sufficiently persuasive to either substantiate the appropriateness of a member's conduct or bring RCMP policies, procedures, training, guidelines and member conduct into line with public expectations.

This year, the Commission made significant progress toward this goal. It implemented rigorous service standards affecting the entire complaint and review process and, despite a significant increase in both the number of complaints received and the number of cases appealed, it achieved and, in many cases, exceeded its performance targets. While addressing cases involving the conduct of individual RCMP members, the Commission has also aggressively sought to identify systemic problems that frequently are catalysts for complaints about individual members' conduct. The Commission launched a historic number of Chair-initiated complaints this year, creating a comprehensive factual picture of police activities and enabling the Commission to examine RCMP practices on a detachment, division and national basis. This approach

will allow the Commission to better inform the RCMP Commissioner, the Minister and the Canadian public of the true nature and scope of problems that have tended to be viewed as isolated events. To foster greater public debate on these important issues, the Commission will continue to publish on its website all reports containing its adverse findings and its recommendations to address these findings.

Applying yesterday's model of oversight to today's policing environment falls short of meaningful transparency and accountability. To ensure the oversight model adequately evolves to keep pace with the ever-changing police environment, the Commission initiated several new programs this year. In partnership with the National Association of Friendship Centres, it launched a pilot at six Friendship Centres to broaden knowledge of and access to the public complaints process among Aboriginal people. It also increased the number of languages in which the public may communicate with the Commission. In recognition of public concerns about the impartiality of police investigations of shootings involving RCMP members, the Commission, in partnership with the RCMP in British Columbia, established the Independent Observer Pilot Project in March 2007 to provide third-party assessments of the impartiality of police investigative teams charged with investigating such shootings. Broad operational policy reviews of numerous issues were also conducted this year. Among them, the Commission examined the propriety of the police investigating the police, police conduct relating to individuals suffering mental health crises, and the appropriate use of the conducted energy weapon to elicit compliance.

Since the RCMP is also a key partner in the current model of civilian oversight of RCMP conduct, it too has responsibilities to the Canadian public. Those duties include providing an impartial investigation and response to citizen complaints against RCMP members. As a steward of the complaints process, the Commission undertook an extensive review of all RCMP complaint dispositions in 2007 to assure itself that the RCMP was successfully fulfilling its oversight responsibilities.

On November 20, 2007, the Minister of Public Safety asked the Commission to review the RCMP's protocols on the use of the conducted energy weapon and its implementation, including compliance with such protocols. This ministerial request, the first of its kind in the history of the Commission, is a further reflection of the need to respond to increasing public demands for greater transparency and accountability. An important part of meeting this ongoing demand includes the enhancements I originally proposed in my 2006 draft legislation.

A chorus of voices as reflected in the recommendations of the Arar Inquiry, the Task Force on Governance and Cultural Change in the RCMP and the Report of the Standing Committee on Public Accounts continues to call for more meaningful police accountability. I and my colleagues at the Commission will continue to work constructively with the public, the government and the RCMP to create increasingly more meaningful accountability of policing in Canada.



Paul E. Kennedy

CIVILIAN REVIEW OF RCMP POLICING ACTIVITIES

The Commission processed an exceptionally high volume of enquiries, complaints and requests for review from individual complainants this year, and launched a record number of Chair-initiated complaints. It sent CPC observers to assess the impartiality of six RCMP investigations, five of which involved the death of a detainee or suspect and one involving the use of pepper spray in a highly sensitive incident. The CPC also responded to a special request from the Minister of Public Safety to review RCMP rules on the use of the conducted energy weapon. Despite its large caseload, the Commission availed itself of new funding this year to develop its own research agenda and launch a number of new studies, including a review of all RCMP complaint dispositions from 2007 and an assessment of RCMP policies in various areas.

RCMP USE OF THE CONDUCTED ENERGY WEAPON: INTERIM REPORT

Several incidents in 2007 galvanized public concern over the RCMP's use of the conducted energy weapon. In particular, the widely broadcast video footage capturing the death of Robert Dziekanski sparked a wave of public concern and raised questions about the safety of and need for the conducted energy weapon.

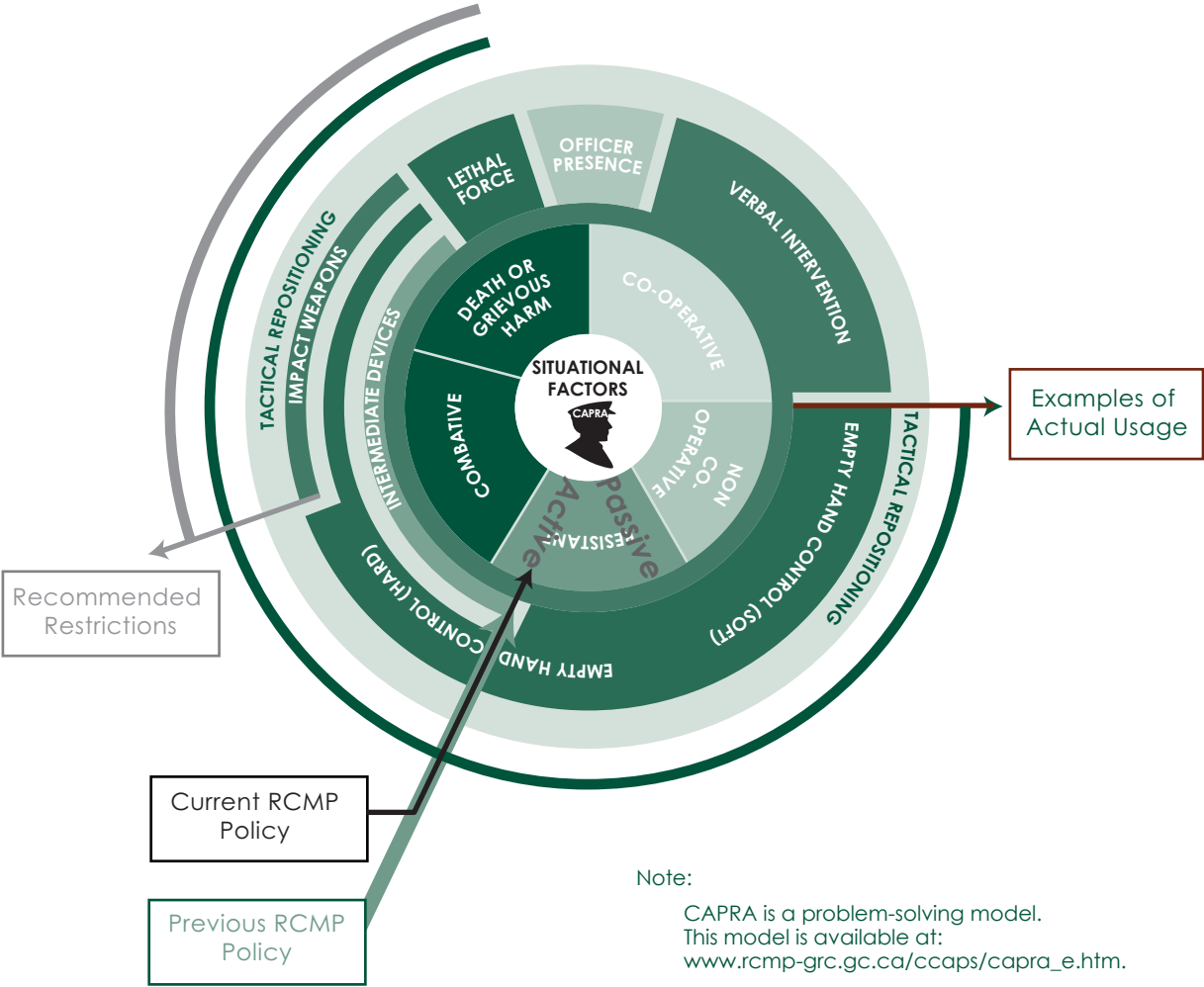
On November 20, 2007, the Minister of Public Safety, the Honourable Stockwell Day, asked the Commission "to review the RCMP's protocols on the use of CEDs [conducted energy weapons] and their implementation, including compliance with such protocols" and to provide an interim report by December 12, 2007. On December 11, 2007, the Commission submitted a comprehensive interim report containing 10 recommendations for immediate implementation.

The Commission did not recommend an outright moratorium on conducted energy weapon use by the RCMP; instead, it recommended that the RCMP classify the conducted energy weapon appropriately, in both push stun mode and probe mode, in the RCMP's use-of-force model for very specific behaviours involving very specific situations. More precisely, the Commission recommended restricting the use of the weapon and classifying it as an "impact weapon," permissible for use only on individuals whose behaviour could be classified as "combative" or whose behaviour posed a risk of "death or grievous bodily harm."

Proposed Restrictions on Incident Management/Intervention Model

The Commission's additional recommendations encompassed three broad conclusions:

1. the RCMP should coordinate and strengthen its efforts related to data collection and analysis of conducted energy weapon use and internally and externally disseminate that information through reports;
2. the RCMP should empirically justify any policy shifts relating to conducted energy weapon use, especially when the shift relaxes the restrictions on deployment; and
3. the RCMP should clearly explain the criteria for conducted energy weapon deployment both to its members and to the public.



The Commission's final report, to be submitted to the Minister in June 2008, will expand on many of the issues identified in the interim report and provide more comprehensive recommendations. The Commission has obtained the RCMP Conducted Energy Weapon Incident database and will be conducting an independent examination of the data. A comparative analysis of how other Canadian jurisdictions approach conducted energy weapon use by law enforcement officials will also be included.

PUBLIC INTEREST INVESTIGATION

Kingsclear Youth Training Centre Final Report

On October 10, 2007, in Fredericton, New Brunswick, the Chair released the final report of his public interest investigation into complaints received relating to RCMP investigations of alleged sexual abuse at the Kingsclear Youth Training Centre in New Brunswick. Announced in May 2004, the investigation examined allegations of an improper RCMP investigation of alleged criminal conduct by RCMP Staff Sergeant Clifford McCann, Kingsclear staff and residents, as well as allegations that members of the RCMP engaged in activities designed to cover up this alleged criminal conduct. Beginning in September 2005, Commission investigators interviewed 150 complainants and witnesses and carefully reviewed all relevant materials.

The Chair made several key findings and recommendations. He found no substantiated evidence that RCMP members attempted to cover up alleged criminal activities by retired Staff Sergeant McCann. However, the Chair found inadequacies in the RCMP's criminal investigations, some serious enough to create a perception of a cover-up.

The Chair therefore recommended that the RCMP:

- introduce appropriate accountability mechanisms at senior levels to monitor progress on major investigations;
- provide adequate resources to the RCMP's New Brunswick "J" Division for large-scale and sensitive investigations; and
- examine, amend and enforce all policies related to note taking, documenting and report writing.

The Chair also recommended that during criminal investigations of an RCMP member, the RCMP should task another police force or, at least, an outside RCMP team, to investigate allegations against its members to allay concerns about bias. Finally, the RCMP should improve its communications policy and approach to better demonstrate its transparency and accountability to the public. Since the release of its report, the Commission has actively monitored the adequacy of the RCMP response, and the CPC Chair plans to follow up with the Commissioner of the RCMP to determine what actions have been taken and how well they address the Chair's recommendations. In addition to reporting to the Minister on these issues, the CPC will report to the public semi-annually on the status of the RCMP response to the Chair's recommendations.

CHAIR-INITIATED COMPLAINTS

Section 45.37 of the *RCMP Act* authorizes the Chair of the CPC to initiate a complaint to review the conduct of an RCMP member or members. The ability to self-initiate such a review allows the CPC to broaden its scope of review beyond what may have been articulated by individual complainants, leading to the identification of systemic issues that may not otherwise

be adequately explored. The CPC initiated two such broad complaints in 2006–2007 and four in 2007–2008.

The increase in the number of Chair-initiated complaints launched this year highlights the Commission's shift away from its traditionally reactive role to a more proactive one targeting systemic issues.

Ian Bush

On November 29, 2007, in Vancouver, British Columbia, the Chair released his final report on his review of the shooting death of Ian Bush of Houston, British Columbia.

On October 29, 2005, Mr. Bush was fatally shot by Constable Paul Koester at the Houston RCMP Detachment in British Columbia. After the RCMP completed its criminal investigation, it was reviewed by the New Westminster Police Department and forwarded to the B.C. Crown Counsel's Office. The B.C. Attorney General determined that no criminal charges would be laid.

The Chair made two significant findings. First, Constable Koester had a reasonable apprehension of death and believed that he could not preserve himself from death other than by using lethal force. Constable Koester's actions were consistent with the self-defence provisions as contained in subsection 34(2) of the *Criminal Code*. In addition, since Constable Koester had tried lesser forms of intervention that were not successful, he was authorized under the RCMP's use of force policy to use lethal force. Second, the Chair found that the North District Major Crime Unit had conducted a highly professional and exemplary investigation into Mr. Bush's death, completing it in a timely manner, free from conflict of interest, bias or partiality.

The Chair urged the RCMP to:

- install automated closed-circuit TV recording equipment in every RCMP detachment to record activity in areas where prisoners are dealt with and released;
- amend field training evaluation procedures to ensure that a new member's evaluation is not completed if an investigation of a serious nature into the member's conduct is in progress;
- develop policy to provide direction to on-scene RCMP members in major cases involving investigation of police conduct; and
- develop a media and communications strategy specifically for police-involved shootings that recognizes the need for regular, meaningful and timely updates to the media and to the public.

Taxation of Canadian Corporate Dividends and Income Trusts

On February 1, 2007, the Chair of the CPC launched a review of the RCMP's December 2005 announcement of its decision to conduct a criminal investigation into a possible breach of security relating to the taxation of Canadian corporate dividends and income trusts. The RCMP's public disclosure occurred in the middle of the 2005–2006 federal election campaign. The Chair found no evidence of improper motive but noted that RCMP policies and standards relating to the release of such information are neither comprehensive nor are they capable of addressing sensitive situations in which it is necessary to weigh competing public interests. The Chair outlined the elements of a policy framework to shape the future exercise of RCMP discretion relating to the disclosure of the

existence of highly sensitive investigations such as those that might affect the federal electoral process.

Kevin St. Arnaud

On March 15, 2006, the Commission Chair initiated a public complaint in relation to the events surrounding the shooting death of Kevin St. Arnaud in Vanderhoof, British Columbia. Specifically, the complaint alleged that members of the RCMP improperly entered into a situation with Mr. St. Arnaud that resulted in his death and that a member of the RCMP improperly discharged his firearm in the incident. The coroner's inquest into Mr. St. Arnaud's death took place in January 2007, and evidence introduced there raised questions about the adequacy of the original criminal investigation. The Chair therefore amended his public complaint, adding an allegation that members of the RCMP failed to conduct an adequate investigation into the death of Mr. St. Arnaud.

During the coroner's inquest the member involved in the shooting of Mr. St. Arnaud testified about his experience in disarming persons in the town of Vanderhoof. The veracity of his testimony became the subject of much scrutiny and led to an investigation by the RCMP public complaints investigator and the CPC file analyst. Their intense examination uncovered facts that led to the suspension of the member and a referral of the investigation to the Crown for a possible charge of perjury. In addition, the Metropolitan Toronto Police Service was brought in to examine the complete criminal investigation file. The results of the Crown referral and the examination by the Toronto Police Force are not yet known.

Robert Dziekanski

On October 14, 2007, four RCMP members from the Richmond, British Columbia, detachment responded to a complaint of a male acting erratically at Vancouver International Airport. While attempting to

subdue and arrest the individual, later identified as Robert Dziekanski, the conducted energy weapon was deployed. Shortly after being taken into custody, Mr. Dziekanski fell unconscious. Emergency services personnel attended, but Mr. Dziekanski died at the scene.

The incident sparked considerable public concern over the degree and type of force required by police officers to effect an arrest and particular concern over the use of conducted energy weapons. Members of the public also voiced concerns about the propriety of the police investigating the police. The Chair of the Commission therefore decided there were reasonable grounds for investigating both the conduct of the RCMP members involved in this incident and the adequacy of the ensuing investigation conducted by the RCMP investigation team. The Commission Chair also plans to assess RCMP policy, procedures, directives and guidelines that affect the deployment of conducted energy weapons and the handling of persons who are unable to communicate in either of Canada's official languages.

Robert Knipstrom

On November 19, 2007, two RCMP members from the Chilliwack, British Columbia, detachment were called to attend a rental store in response to a customer (Robert Knipstrom) who was acting erratically. When the members arrived, they found Mr. Knipstrom to be extremely agitated, aggressive and combative. A struggle ensued and, while trying to subdue Mr. Knipstrom, the responding members employed Oleoresin Capsicum Spray (pepper spray), the conducted energy weapon and the ASP baton. Their efforts were unsuccessful and numerous other members responded to a call for assistance. It was not until sufficient member backup arrived that they were able to gain control of Mr. Knipstrom, who was arrested under the B.C. *Mental Health Act* and was taken

to a hospital by Emergency Health Services. Mr. Knipstrom became unresponsive at the hospital and his breathing and heart stopped. Although CPR and medical aid were performed on Mr. Knipstrom, enabling him to breathe on his own, he later relapsed and had to be intubated. Mr. Knipstrom died on December 1, 2007.

The Chair-initiated complaint will examine whether the RCMP members involved in this incident complied with all appropriate policies, procedures, guidelines and statutory requirements for the arrest and treatment of persons taken into custody, and whether such policies, procedures and guidelines are adequate. The complaint will also include an examination of the adequacy and timeliness of the subsequent criminal investigation into the actions of the RCMP members involved in this incident.

Christopher Klim

On December 27, 2007, RCMP members in Vernon, British Columbia, were executing a warrant issued pursuant to B.C.'s *Mental Health Act*. The subject of the warrant, Christopher Klim, is alleged to have produced at least one knife and threatened the members. Members responded with verbal commands and deployed a conducted energy weapon with limited effect. As the event escalated, members fearing for their safety responded with deadly force. Mr. Klim was shot and died as a result of his injuries.

The complaint will include an examination of general practice applicable to situations in which RCMP members respond to individuals who are in a state of mental health crisis.

Police Investigating the Police

Media reports and discussion fora have reflected public concerns about the independence and thoroughness of RCMP investigations into the conduct of another RCMP member. To examine this issue in greater detail, the CPC announced on

November 27, 2007, its intention to launch a public interest investigation into the conduct of the unidentified RCMP members who were engaged in criminal investigations into the activities of other RCMP members between April 1, 2002, and March 31, 2007, in cases that involved serious injury (which include assault causing bodily harm and sexual assault) or death (including police motor vehicle fatalities).

The public interest investigation is studying a sample of Canadian cases drawn from the five regions policed by the RCMP. The investigation will also analyze various domestic and international models used to investigate police actions that result in serious injury or death and will invite submissions from the public. A final report and recommendations are scheduled for release in early fall 2008.

COMPLAINTS, REVIEWS AND FURTHER INVESTIGATIONS

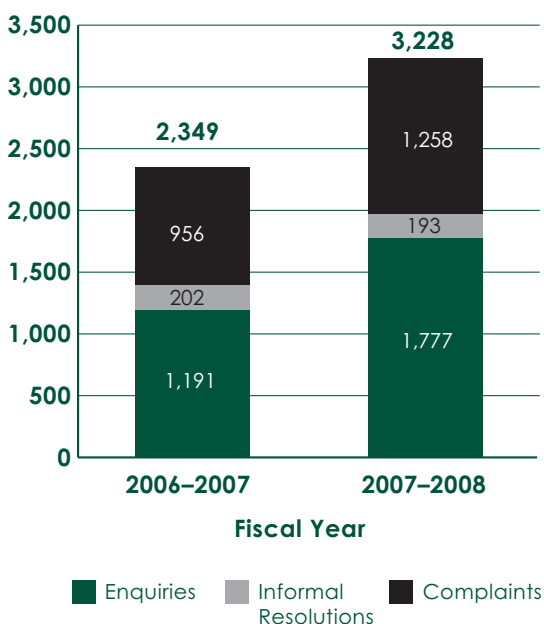
This year the CPC completed the implementation of performance-based service standards for each step of the complaints and review process. Although both the number of complaints initiated with the CPC and the number of reviews requested by complainants increased substantially again this year, the CPC met its performance targets for all of these service standards. In addition, the CPC has improved its systems for the tracking of work done by both the CPC and the RCMP throughout the public complaints process. These improvements have enhanced the ability of complainants, RCMP members and Canadians to hold the CPC and the RCMP accountable for a timely response to public complaints.

Enquiries, Informal Resolutions and Complaints

Much of the Commission's work centres on providing direct assistance to people who are concerned about the actions of the RCMP. When a person contacts the Commission with a potential complaint,

depending on the nature of the contact, there are three general processes available: enquiries, informal resolutions and formal complaints. The CPC national intake office in Surrey, British Columbia, processed 3,228 general enquiries, informal resolutions and formal complaints against the RCMP this year. As the following chart illustrates, this represents a 37 per cent increase from last year.

Total Enquiries, Informal Resolutions and Complaints



* In our previous annual report, we reported only on the number of enquiries and informal resolutions that did not later give rise to formal complaints. For the current fiscal year, to more accurately reflect the Commission's workload, we have reported on all files regardless of whether the complainant later lodged a formal complaint.

To enhance the efficiency and cost-effectiveness of the complaints process, the CPC works to meet the needs of the public while avoiding the costs associated with the filing of a multiplicity of formal complaints. For instance, the Commission fielded numerous calls following the tragic death of Robert Dziekanski after he was subjected to an application of a conducted energy weapon by RCMP members at the Vancouver International Airport. CPC ana-

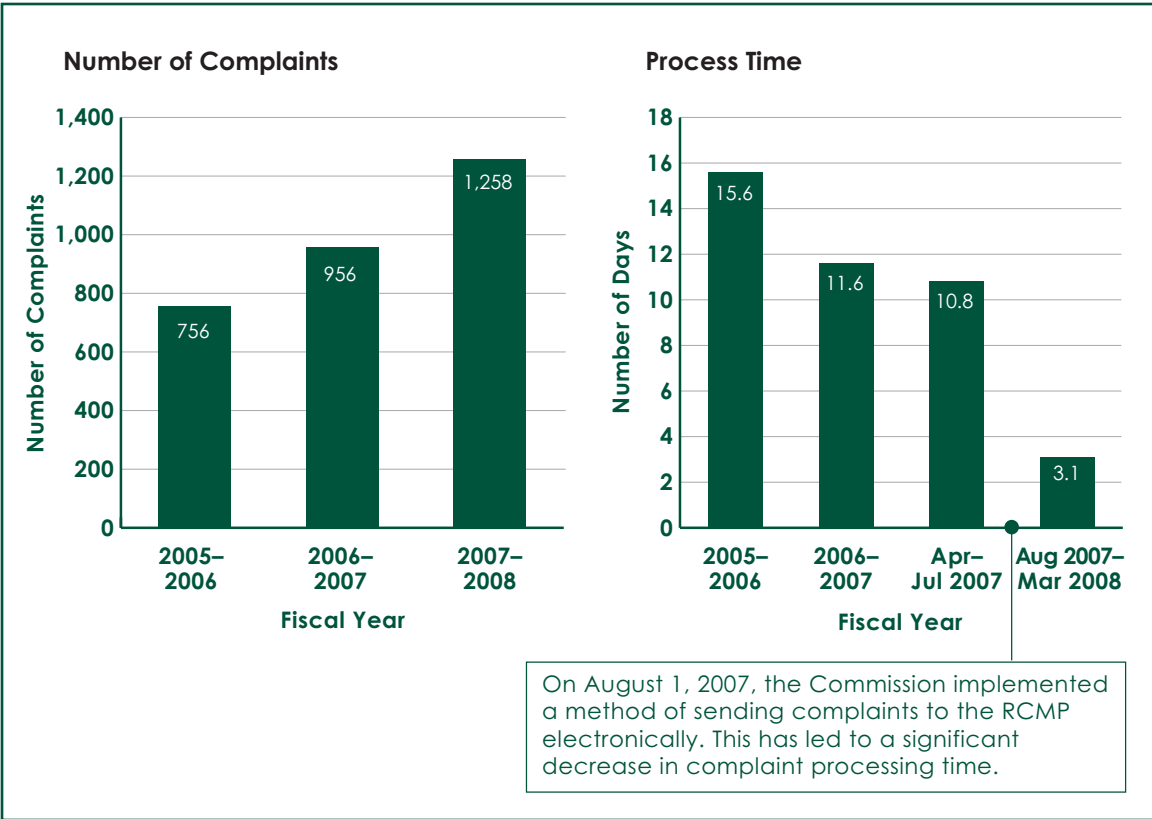
lysts negotiated an arrangement with about 60 complainants who agreed to accept a copy of the Chair's report at the conclusion of his Chair-initiated complaint into Mr. Dziekanski's death in lieu of proceeding with their own formal complaints. It has also been the case that citizens do not wish to lodge a complaint but rather want a matter brought to the attention of the RCMP. In these cases, Commission staff convey these concerns to the applicable RCMP detachment for follow-up.

CPC analysts also receive mediation training as part of their professional development. In this regard, this year they worked with complainants and RCMP detachments to informally resolve 193 complaints, rather than proceeding with formal complaints and full investigations. Of these, 58 per cent were resolved in less than five days and only 11 later resulted in formal complaints. It should be noted that the CPC does not resolve serious incidents informally.

Another role of CPC analysts is to assist complainants in telling their stories in a manner that clarifies the issues they wish to have investigated. This results in significant time savings in the public complaint process.

Meeting the 4-day Service Standard

Intent on further improving business practices, on August 1, 2007, the Commission introduced a service standard of receiving a complaint, finalizing the information and forwarding that information to the RCMP for investigation within four days. Internal business process improvements, coupled with the implementation of secure electronic transmission to the RCMP, have dramatically shortened the time required to process formal complaints. At the beginning of the fiscal year it took an average of almost 11 days before the RCMP would receive the formal complaint for processing. By year end, this figure was reduced to an average of just 3.1 days.



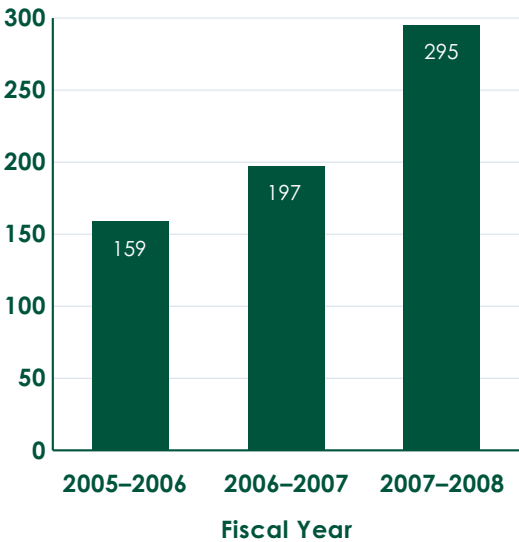
Complaints Trends

As in previous years, the most common complaints made to the Commission relate to officer attitude and the manner in which personal contact occurred. Generally speaking, there were three main trends in public complaints this year. The most common complaint was a perceived neglect of duty: complainants expressed concern that an RCMP member did not fully discharge his or her duty. The next most common complaint pertained to RCMP member attitudes; complainants often found their personal interaction with an RCMP member unsatisfactory and alleged that the member had displayed an improper or inappropriate attitude, sometimes resulting in an improper arrest. Finally, complainants often expressed dissatisfaction with the level of force used by an RCMP member.

Reviews

If a person who lodges a formal complaint is not satisfied with the RCMP's response, the complainant may ask the Commission to conduct an independent review. This year the CPC was asked to formally review the RCMP's handling of 295 complaints.

Reviews



This represents a 50 per cent increase from 2006–2007 and an increase of more than 85 per cent from 2005–2006.

The CPC completed interim or final reports for 82 per cent of its new review cases within 120 days, attaining its performance target of 80 per cent two years in a row. The CPC also completed final or interim reports for all but one of the 71 cases carried over from last year. This case will be completed soon after the release of the report from the *Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin*. Justice Frank Iacobucci is expected to release his report in the fall of 2008. Once again, the Commission's objective will be to complete within the year the 116 review cases carried over into 2008–2009.

Meeting the 120-day Review Service Standard

Both the CPC and the RCMP have responsibilities in meeting the 120-day service standard, which consists of three distinct steps.

First, the CPC processes the complainant's request that the matter be reviewed. The CPC clarifies with the complainant what aspects of the RCMP response he or she is not satisfied with and requests all the investigation materials from the RCMP. By implementing internal administrative improvements and electronic transmission to the RCMP, the CPC significantly improved the time taken to process these requests. Further, on October 1, 2007, the CPC introduced a new service standard — to process 80 per cent of requests for a review by the CPC within four days. The CPC achieved a performance rate of 80 per cent.

Second, the RCMP sends the investigation materials to the CPC. Given that the substantive work, that is, the investigation

and report to the complainant, has been completed, this step is administrative in nature and consists largely of photocopying the materials. The 120-day standard is based on the assumption that 30 days is a reasonable period in which to complete the administrative work required. This year, the RCMP provided relevant material for 295 cases. Although almost 57 per cent of these requests were filled in an average of 14 days, the RCMP took an average of 111 days to provide the investigation materials in nearly 15 per cent of cases.

Investigation Material Received

March 31, 2008

| Number of Days | Number of Cases | Average Number of Days | Percentage of Total |
|--------------------|-----------------|------------------------|---------------------|
| Less than 30 days | 167 | 14 | 56.6% |
| From 30 to 60 days | 85 | 41 | 28.8% |
| Over 60 days | 43 | 111 | 14.6% |

At year end, there were 36 cases for which the RCMP had not yet provided materials. Seven of these cases had been outstanding for an average of 156 days. To improve its response time, the CPC will continue to provide the RCMP with regular updates on the status of outstanding requests for relevant investigation material.

Outstanding Requests for Investigation Material

March 31, 2008

| Number of days | Number of Outstanding Requests | Average Number of Days Outstanding | Percentage of Total |
|--------------------|--------------------------------|------------------------------------|---------------------|
| Less than 30 days | 19 | 15 | 52.8% |
| From 30 to 60 days | 10 | 37 | 27.8% |
| Over 60 days | 7 | 156 | 19.4% |

Finally, the CPC is responsible for the third component of the 120-day service standard. Once it receives the investigation materials from the RCMP, it prepares and completes a final or interim report. The CPC completed interim or final reports for 82 per cent of its new review cases within 120 days of the initial request for review by the complainant.

Further Investigations

If the CPC is not satisfied with the results of the RCMP investigation into a particular complaint, it can request that the RCMP conduct a further investigation into the matter, or it can conduct its own further investigation. When requesting a further investigation by the RCMP, the CPC includes specific directions as to appropriate areas to be pursued.

This year, the CPC directed the RCMP to conduct further investigations into five cases, and the Commission conducted its own further investigation into one other. The CPC continues to build capacity in this area and expects to undertake a greater number of further investigations in the coming year.

New 30-day FACN Service Standard

When the CPC makes adverse findings about the conduct of a member, it prepares an interim report setting out its findings and recommendations; this is sent to the Commissioner of the RCMP and the Minister of Public Safety. The RCMP Commissioner prepares a response — the Commissioner's Notice — in which he describes what action the RCMP has taken or will take in light of the findings and recommendations. The CPC then prepares its final report — the Final After Commissioner's Notice (FACN).

This year the Commission prepared and delivered 24 interim reports and received 25 Commissioner's Notices (responses to

interim reports) from the RCMP. However, as shown in the table below, half the Commissioner's Notices arrived more than six months after the CPC had delivered its interim report.

Commissioner's Notices Received

March 31, 2008

| Number of days | Number of Notices Received | Average Number of Days |
|----------------------|----------------------------|------------------------|
| Less than 30 days | 0 | 0 |
| From 30 to 60 days | 0 | 0 |
| From 61 to 180 days | 12 | 145 |
| From 181 to 365 days | 12 | 216 |
| Over 365 days | 1 | 429 |

On March 31, 2008, there were 30 outstanding Commissioner's Notices. Unfortunately, a significant number of these responses have been outstanding for more than one year.

Outstanding Commissioner's Notices

March 31, 2008

| Number of days | Number of Outstanding Notices | Average Number of Days Outstanding |
|----------------------|-------------------------------|------------------------------------|
| Less than 30 days | 5 | 10 |
| From 30 to 60 days | 4 | 44 |
| From 61 to 180 days | 8 | 112 |
| From 181 to 365 days | 7 | 283 |
| Over 365 days | 6 | 408 |

This year the Commission delivered 24 FACNs to the RCMP. On January 1, 2008, the CPC implemented a 30-day service standard for completing FACNs after receiving a Commissioner's Notice. It is premature to report on the success of this

new service standard since the RCMP delivered only one relevant Commissioner's Notice in the final quarter of the 2007–2008 fiscal year. That Commissioner's Notice was a response to an interim report issued more than 10 months earlier, on March 22, 2007.

These unreasonable delays not only undermine the right of RCMP members and complainants to a timely response, but also undermine the credibility of the RCMP's commitment to the public complaints process. The CPC urges the Commissioner of the RCMP to allocate the necessary human and financial resources to eliminate the RCMP backlog of Commissioner Notices within its current fiscal year.

The CPC also re-iterates its recommendation as set out in the FACN dated December 31, 2007,¹ that the RCMP implement public-complaint service standards of six months to investigate and deliver a report to the complainant, 30 days to forward relevant material to the CPC for review cases, and 30 days to provide the Commissioner's Notice in response to interim reports issued by the CPC.

Such service standards would enable non-contentious cases to be resolved within about six months and provide RCMP members and complainants with final decisions in review cases within a year of the date of the complaint. In April 2008 the CPC received correspondence from the RCMP indicating its intention to address the backlog and service standards issue. The CPC and the RCMP will be meeting early in the new fiscal year in this regard and the CPC will report on any progress in its annual report next year.

¹ www.cpc-cpp.gc.ca/Defaultsite/Reppub/index_e.aspx?articleid=990#final

CPC Service Standards
March 31, 2008

| | Standard | Target | Actual |
|--------------------------------|----------|--------|--------|
| Complaints * | 4 days | 80% | 82% |
| Requesting materials from RCMP | 4 days | 80% | 80% |
| Review reports | 120 days | 80% | 82% |
| FACN | 30 days | 80% | — ** |

*Processing and delivering formal complaints to the RCMP

**Percentage not included as only one FACN received

INDEPENDENT OBSERVER PILOT PROJECT

This year the Commission implemented an innovative pilot project that assigned Commission staff to observe and assess the impartiality of RCMP investigations involving high-profile and serious incidents such as in-custody deaths. Launched in March 2007 in conjunction with the RCMP's Office of Investigative Standards and Practices in British Columbia, the Independent Observer Pilot Project sought to address the public's concerns about the impartiality of RCMP investigations into incidents where the actions of RCMP members had resulted in serious injury or death and for other investigations that are high profile and sensitive in nature.

The CPC Independent Observer assesses the impartiality of the RCMP investigations in these cases using the following criteria:

1. **Line Management:** assesses whether there are any actual or perceived conflicts of interests between the members of the investigative team and those being investigated. Determines the appropriateness of the management structure and reporting relationships.

2. **Appropriate Level of Response:** assesses whether the RCMP investigative team's response to the incident is appropriate and proportionate to the gravity of the incident. For instance, has the RCMP assigned the appropriately qualified investigators to the investigative team? Are the team leader(s) and the lead investigator(s) accredited for Major Case Management?
3. **Timeliness of the Response:** assesses whether members of the RCMP investigative team responded in a timely fashion to the incident.
4. **Conduct:** assesses whether the conduct of members of the RCMP investigative team is consistent with section 37 of the *RCMP Act*.

It should be noted that it is not the goal of the CPC Independent Observer to assess the adequacy of the RCMP's investigation or RCMP policies.

By March 31, 2008, the CPC Observer had responded to six RCMP-involved incidents, three of which, due to their significant public interest, later gave rise to Chair-initiated complaints. A detailed summary of each case is available on the CPC website. The program continues to operate in British Columbia and is being evaluated with an eye to nationwide expansion.

RECOMMENDATIONS FOR NATIONAL RCMP ACTION

The Commission undertook an in-depth examination this year of several hundred files and made numerous recommendations to improve individual RCMP member conduct. The examination also revealed several shortcomings in the RCMP's institutional policies and practices. If the RCMP fails to take action on the Commission's recommendations, the issues identified

here will inevitably resurface in complaints against RCMP member conduct across Canada. Key recommendations for immediate RCMP action include:

- examining and amending the RCMP "Investigator's Notebook" policies as they relate to note taking, report writing and documenting — the accurate recording, management and storage of witness and suspect statements are fundamental aspects of policing and the RCMP should study the notebook retention policies of other police agencies to garner best practices from across the country, especially as they relate to members who are retired, who transfer or who voluntarily resign;
- classifying the conducted energy weapon as an impact weapon for use restricted to situations in which the subject's behaviour is combative or poses a risk of death or grievous bodily harm to the member, the subject, or the general public;
- adopting and adhering to explicit rules for RCMP investigations of RCMP members, including conflict of interest guidelines and accreditation criteria for investigators;
- developing policy that provides direction to on-scene RCMP members in major cases involving the investigation of police conduct, that is, situations where the police investigate the police, including policies to ensure real and perceived impartiality;
- developing a media and communications strategy specifically for investigations of police-involved shootings that provides for regular, meaningful and timely updates to the media and to the public (including a publicly available general investigative

outline of the steps to be taken and the anticipated timeline for each step); and

- installing automated closed-circuit television recording equipment in every RCMP detachment in areas where prisoners are dealt with and released.

THE REVIEW OF THE RECORD

The Commission launched a unique project this year to examine all RCMP complaint dispositions — not merely those where a complainant has requested a CPC review. Historically, the Commission has examined only about 10 per cent of complaints lodged against the RCMP. Now, in addition to the routine examination precipitated by a complainant's request for review, the Commission has added a new analytical program to its workload. Called the Review of the Record, the initiative examines every RCMP complaint disposition in the calendar year, beginning with 2007. It studies the types of allegations made by the public and how the RCMP disposes of these complaints, including whether dispositions conform with RCMP policy.

Examining these complaint dispositions has provided the Commission with empirical data that will help assess how effectively the RCMP public complaints system is functioning.

The main goal of the project is to identify opportunities for strengthening police accountability and effecting change. The project is also tracking all active public complaint files originally lodged with the Commission.

Related projects include a Findings and Recommendations Analysis, an Allegation Trends Analysis, an RCMP Demographics Breakdown, a Quality Assessment of the Disposition of Complaints and a Timeline

Analysis. These projects will enhance civilian oversight of the RCMP through quantitative and qualitative analysis, and strengthen the entire public complaints system.

Collectively, these projects have been designed to:

- analyze complaints for the purpose of trends analysis;
- identify complaint issues that might form the subject of further examination or action;
- enhance collaboration with the RCMP to identify opportunities for change; and
- determine whether the RCMP's statutory mandate and responsibilities outlined in the *RCMP Act* are being met.

The project has delivered exceptional value. It has increased cooperation between the CPC and the RCMP; it has assisted in reducing the large number of outstanding complaint dispositions; and, through quantitative and qualitative analysis, it has uncovered trends that can be used to improve the quality of the public complaints system and enhance service to the public.

The Commission intends to publish on its website the results of its ongoing Review of the Record, including a trend analysis of the findings and recommendations and a statistical analysis of complaint dispositions, nationwide and by division.

COLLABORATION, ACCESSIBILITY AND OUTREACH

ABORIGINAL COMMUNITIES

A credible and effective RCMP civilian oversight function demands that all members of the public feel entitled, empowered and able to file a complaint when appropriate. But analysis has found that the concerns of vulnerable populations tend to be under-represented for cultural, linguistic or literacy-related reasons and that members of Aboriginal communities are reluctant to avail themselves of the public complaints machinery.

The Chair tasked the Vice-Chair to implement a pilot project in collaboration with the National Association of Friendship

Centres (NAFC) that focuses on Canada's Aboriginal communities and their relations with the RCMP. The NAFC is a national Aboriginal organization representing the concerns of 117 cultural and community development organizations across Canada. It was established in 1972 to represent the growing number of Friendship Centres, as well as the clients they serve, at the national level. The pilot project seeks to:

- increase awareness of the Commission and its role as an independent civilian body with a mandate to review public complaints about the conduct of members of the RCMP;

“The NAFC is very excited about the opportunities the partnership with CPC holds. By working closer together we can both ensure that the communities are better served and coordinated when dealing with difficult matters. It is our hope that this partnership is just the beginning of a more extensive partnership with both the CPC as well as the RCMP.”

– Peter Dinsdale, Executive Director, NAFC

- improve knowledge of and access to the public complaints process in Canada's Aboriginal communities; and
- build stronger relationships between the Commission, Friendship Centres, Aboriginal and non-Aboriginal communities, and the RCMP.

The relationship-building component also targets the Commission's relations with local RCMP detachments and seeks to improve their understanding of the CPC's program of informal resolution of complaints.

Six Friendship Centres were selected for their geographic and community diversity:

- Tree of Peace Friendship Centre, Yellowknife, Northwest Territories
- Skookum Jim Friendship Centre, Whitehorse, Yukon
- Prince George Native Friendship Centre, Prince George, British Columbia
- Cold Lake Native Friendship Centre, Cold Lake, Alberta
- Portage Friendship Centre, Portage la Prairie, Manitoba
- Labrador Friendship Centre, Happy Valley-Goose Bay, Newfoundland and Labrador

The Vice-Chair attended community orientation sessions at each of the centres and explained the public complaints process at information sessions attended by Friendship Centre management and

staff, as well as representatives of other Aboriginal and community organizations. Representatives from the RCMP provided explanations on how the local detachments handle public complaints. In Portage la Prairie a representative of the Manitoba Law Enforcement Review Agency attended to explain how it handles complaints about non-RCMP police officers.

An evaluation next year will consider among other things whether to expand the number of participating Friendship Centres. Preliminary feedback from project participants confirmed that community-level awareness of the Commission and the public complaints process was very low. Also, some participants in the information sessions expressed their reluctance to file complaints with local RCMP detachments because of the perceived power imbalance between a would-be complainant and the police. An EKOS survey undertaken by the Commission in March 2007 substantiated this observation, concluding that 60 per cent of respondents were more comfortable bringing complaints to the Commission than directly to the RCMP. However, pilot project participants also expressed concerns both about the independence of the Commission and how seriously it acknowledges complaints from the public. Feedback so far also indicates a strong level of community appreciation for the excellence of RCMP policing, an awareness of the strides that have been made in building better relationships with the Aboriginal community and consensus that much more needs to be done.

PROVINCES AND TERRITORIES

In addition to its federal responsibilities the RCMP also provides community policing services under contract in all provinces and territories except Ontario and Quebec. Senior representatives of the provinces and three territories meet regularly with officials from the Department of Public Safety and the RCMP to address service delivery-related issues. As the conduct of all RCMP members performing such policing services remains subject to the CPC's complaints and review process, the Commission was invited to attend the meeting and update officials on various initiatives that it had undertaken throughout the year. In light of the need for provincial and territorial officials to account to the public for the quality of police services in their jurisdiction, the CPC will continue to broaden and deepen its relationships with these provincial officials.

Further, in recognition of the need to provide a uniform quality of civilian oversight of police in the contracting provinces, the CPC in March 2008 hosted a meeting of civilian police oversight bodies to discuss a broad range of operational and strategic matters. Future meetings will be held with a view to identifying opportunities for enhanced collaboration between the CPC and its provincial counterparts.

LANGUAGE ACCESSIBILITY

To make its services more accessible to the public at large, the Commission has made its brochures and complaint form available in several languages and dialects besides French and English. These include Arabic, Chinese, Filipino, Hindi, Inuktitut, Japanese, Korean, Labrador Inuktitut, Persian, Punjabi, Spanish and Vietnamese. Moreover, in addition to services for the hearing-impaired, the CPC also provides simultaneous interpretation services in a practically endless list of foreign languages via three-way phone transmission should a citizen require this assistance. Translation Bureau assistance is also available to the CPC in 30 Aboriginal languages and dialects.

ORGANIZATIONAL AND BUSINESS IMPROVEMENTS

PROGRAM INTEGRITY RENEWAL FUNDING

The Commission received additional government funding this year to enable it to better fulfill its existing mandate. The new funding will continue to the end of March 2009, and will be used for outreach, policy-related research and other research activities. Specifically, the Commission hopes to refine existing processes for complaints and reviews, raise public awareness about the Commission and its work, improve access to the public complaints machinery, and build on the effectiveness of the CPC as a policing review agency.

ORGANIZATIONAL DEVELOPMENTS

The CPC eliminated three executive positions and created a Senior Director, Operations, position responsible for managing all phases of the complaint and review process at the Commission, including intake, analysis, review and

investigations, as well as some outreach activities. The reorganization is expected to facilitate the management of complaints. The CPC also created a Director position to oversee the new Strategic Policy and Research Division charged with exploring systemic issues underlying complaints and providing innovative information products for both the public and CPC staff. The work of this Division will also contribute positively to the important debates that occur when considering public policy in relation to policing issues.

Meanwhile, in its continuing quest for workplace excellence, the Commission developed and implemented an employee pride and recognition program and launched a process this year to establish a Commission-wide code of conduct suitable for a quasi-judicial body. The new code will dovetail with ongoing Government of Canada efforts to develop a model Code of Conduct for all departments.

CHAIR'S RECOMMENDATIONS

The RCMP is an institution whose history is woven into the very fabric of our nation. It continues to draw to its ranks the best and brightest of young Canadians eager to perform a difficult and dangerous public service on behalf of their fellow citizens. The type and quality of policing that Canadians enjoy is unique and is reflected in the excellent reputation held by the RCMP, both nationally and internationally.

Like all large institutions, the RCMP is confronted with a host of challenges thrown up by a dynamic and demanding social environment. Fundamental changes must be made to address these new challenges while preserving the core attributes that make the RCMP such an important Canadian institution. Experience has shown that the RCMP is not always adequately aware of an existing problem or the degree of action required to address it. A credible and effective civilian oversight body can be a great service in

such instances, helping to highlight existing problems and identify emerging trends, as well as providing constructive recommendations intended to restore and maintain public trust in the RCMP.

Credible and effective civilian oversight can be achieved by strengthening the financial resources and legislative mandate for civilian review of the RCMP. This alone may not resolve all the challenges currently confronting the RCMP, but as G. C. Lichtenberg once observed: "I cannot say whether things will get better if we change; what I can say is they must change if we are to get better."

Without decisive government action to reinforce the accessibility, transparency and credibility of Canada's system of civilian accountability for the RCMP, vocal critics will needlessly exaggerate existing faults and further erode public confidence in Canada's largest police force.

I therefore recommend that the government enhance the Commission's legislative mandate and financial base as recommended in my reports of 2005–2006 and 2006–2007, and reaffirmed in:

- the December 2006 recommendations of Justice Dennis O'Connor in his second report of the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar;
- the February 2007 Senate Committee *Anti-terrorism Act* report;
- the December 2007 report of the Task Force on Governance and Cultural Change in the RCMP; and
- the December 2007 report of the Standing Committee on Public Accounts.

APPENDIX 1: FINANCIAL STATEMENT

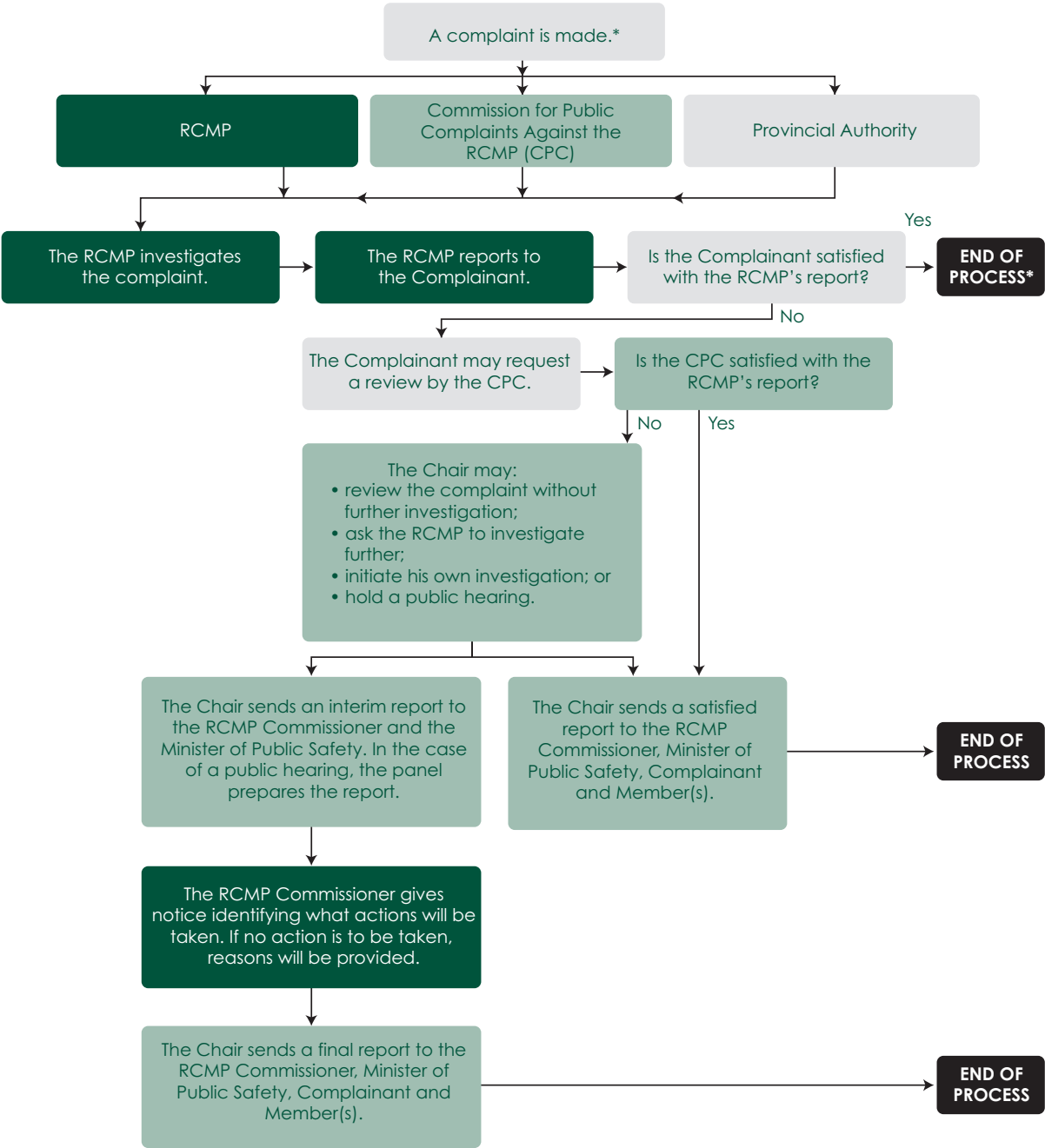
Commission for Public Complaints Against the RCMP Budget and Expenditures

| | ACTUAL SPENDING 2007–2008 | | | PLANNED SPENDING 2008–2009 |
|------------------------|---------------------------|------------|-------|----------------------------|
| | (\$ thousands) | | | |
| | Commission | Kingsclear | Total | Commission |
| Salaries | 3,595 | 199 | 3,794 | 4,239 |
| Operating expenditures | 2,146 | 289 | 2,435 | 3,695 |
| TOTAL | 5,741 | 488 | 6,229 | 7,934 |

Notes:

- i) Subject to year-end adjustments
- ii) Kingsclear funding sunset in 2007–2008
- iii) In 2007–2008 received interim funding from Treasury Board Management Reserve for 16 months, pro-rated in 2007–2008 for 4 months (\$393K salaries and \$1,257K operating expenditures)
- iv) Planned spending includes Treasury Board Management Reserve funding (\$1,179K salaries and \$2,134K operating expenditures)

APPENDIX 2: THE COMPLAINTS PROCESS



* The Chair can initiate his own complaint. In addition, at any stage of the process, the Chair may institute an investigation or a hearing where he considers it advisable in the public interest.