



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

# 2010-2011

## ANNUAL REPORT

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## WHO WE ARE AND WHAT WE DO

The Commission for Public Complaints Against the RCMP (CPC) 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 CPC 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 carry out investigations; and
- report findings and make recommendations.

### STRATEGIC OBJECTIVES

- Increase public awareness of the role and services of the CPC.
- Strengthen the complaint and review processes.
- Improve the relevance of review recommendations and identify continuing, emerging and new complaint trends.
- Support management excellence and maintain a workplace of choice.
- Provide advice on the creation of a new review mechanism for the RCMP.

## 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](http://www.cpc-cpp.gc.ca) or [www.complaintscommission.ca](http://www.complaintscommission.ca). All documents cited in this report may also be found there.

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Minister of Public Works and Government Services  
Cat. No. PS75-2011

The Honourable Vic Toews, P.C., Q.C., M.P.  
Minister of Public Safety  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Minister,

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 2010-2011 fiscal year, for tabling in Parliament.

Yours very truly,

A handwritten signature in white ink on a dark blue background. The signature is cursive and appears to read 'Ian McPhail'.

Ian McPhail, Q.C.  
Interim Chair

June 2011



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\*The RCMP maintains two conducted energy weapons in its inventory — the M26 and X26 TASER®.

# CHAIR'S MESSAGE



## Greater police oversight improves public confidence in policing

The Commission for Public Complaints Against the RCMP prides itself in maintaining a consistent, even-handed approach in the examination of RCMP member conduct. The Commission's findings and recommendations improve policing services offered to the public across the country. The Commission continues to identify and examine policing issues of significance to the public and the RCMP itself.

The Commission has also prepared the groundwork for the transition to the long-awaited and much-needed legislation which will create a new RCMP review and complaints commission with expanded powers.

Bill C-38, which outlined these changes, was introduced in Parliament on June 14, 2010. The Commission was forthright in its observations and assessment of the

proposed legislation, providing feedback to the Minister of Public Safety and making its perspective public on its website. Bill C-38 did not advance beyond first reading before the 2011 federal election call. There is scope for the Bill to be revisited and for issues identified in the review of Bill C-38 to be deliberated. Moving forward on a new mandate is important for several reasons:

- a greater degree of oversight which has been widely accepted as essential—including by the RCMP itself; and
- stability for the Commission to more effectively discharge its mandate.

The Commission looks forward to working with the government to bring enhanced legislation into effect and to implementing these reforms.

In the past year, the Commission issued Final Reports into the in-custody deaths of Robert Dziekanski at the Vancouver International Airport and John Simon in Wagmatcook, Nova Scotia. The recommendations made by the Commission in both reports were largely accepted by the RCMP, which will make changes to policies, procedures and training.

Past Commission reports into TASER® use and the issue of the police investigating the police ultimately resulted in the adoption of Commission recommendations and significant changes in RCMP policies.

The effects of these changes have been noted over the past year, as the threshold for use of the TASER® by front-line police officers has been raised and external police forces have been rapidly deployed to conduct investigations into serious incidents involving RCMP members.

Despite the creation of several provincial, independent, civilian-led units to conduct criminal investigations of all serious incidents involving police, public complaints regarding RCMP member conduct continue to be the sole purview of the Commission.

The Commission's role in bringing an informed public perspective to policing issues was further underlined by an invitation from the government of the Yukon Territory and the RCMP to participate in a review of policing issues in that territory. In addition, the Commission is in the process of conducting its public interest investigation of RCMP involvement and member conduct at the G8 and G20 summits.

In performing its work, the Commission continues to be guided by the tenet that in order to be effective, review must be timely. I remain concerned that extensive delays in the response of the RCMP Commissioner to the Commission's recommendations continue to occur. Just over 50% of the

RCMP Commissioner's Notices have been delayed for more than six months, and two have been delayed for over a year (see page 23 for more details).

As in past reports, I encourage the RCMP to give appropriate priority to its professional standards capacity to ensure that these delays are reduced or eliminated altogether. An improvement with respect to timeliness and the adoption of service standards would contribute to an enhanced public perception and credibility of the RCMP.

As public scrutiny of police conduct continues to increase, so too does the need for transparency and accountability. The Commission's role in examining RCMP member conduct, making recommendations for change, and acting as the primary mechanism for RCMP accountability across the country, remains integral to supporting public confidence in the police. While confidence remains high nationally according to the results of the RCMP's public opinion survey conducted by Harris-Decima in 2010, I believe more can be done. The passage by Parliament of an effective bill to create a new review and complaints regime will provide greater assurance to the public that a strong, independent, third-party oversight body will work to protect the public interest. This in turn will assist the RCMP in maintaining its reputation as an iconic Canadian institution.

**“An improvement with respect to timeliness and the adoption of service standards would contribute to an enhanced public perception and credibility of the RCMP.”**

# CIVILIAN OVERSIGHT OF THE POLICE

## POLICE INVESTIGATING THE POLICE

The past several years have seen numerous media reports and public discussions reflecting concerns about the independence and thoroughness of police criminal investigations into the conduct of other police officers.

Investigations of RCMP members resulting from a number of high profile cases including that of Ian Bush, who was shot and killed by an RCMP member in 2005 and the 2007 death of Robert Dziekanski, have highlighted the issue of police investigating police both domestically and internationally.

### RCMP Policy on External Investigations or Reviews

In response to the Commission's August 2009 report into Police Investigating Police, the RCMP announced, in February 2010, a new policy requiring independent external investigations whenever:

- there is a serious injury or death of an individual involving an RCMP employee, or;
- it appears that an employee of the RCMP may have contravened a provision of the *Criminal Code* or other statute and the matter is of a serious or sensitive nature.

The Commission's report made a number of recommendations to address the potential for perceived or actual bias or conflicts of interest when members of the RCMP are called upon to investigate a member of the same force.

Although all of the cases that the Commission reviewed in detail showed that the investigators acted professionally, there were nevertheless cases identified where the potential for perceived bias or conflicts of interest were present.

The Commission recommended that RCMP cases that involve serious injury, death, or matters of a serious or sensitive nature be investigated by a separate police force or civilian agency.

The RCMP announced that it will refer all matters that meet the established criteria to a provincially or federally established regime to conduct the investigation, where one exists. Where no such regime has been established, the RCMP will request an external law enforcement agency or other duly authorized investigative agency to conduct the investigation.

The RCMP accepted the notion that public confidence in the investigation of serious or sensitive cases is vital to public confidence in the force itself. The Commission has noted that the RCMP has been applying the policy following serious incidents. In addition, it was reflected in the language of Bill C-38. The degree to which the new mechanism will be applied needs to be monitored in order to determine how it will influence the public perception of police investigating the police.

### Independent Observer Program (IOP)

In 2007, the Commission implemented a pilot project to observe and assess the impartiality of RCMP investigations into serious or high-profile incidents such as in-custody deaths in British Columbia ("E" Division). The protocol was formalized in late 2008.

During the past year, the IOP was invoked only once, in the case of the RCMP-involved shooting of Wilbert Bartley Jr., as the implementation of the new *RCMP External Investigation or Review Policy* mandated that investigations of serious incidents involving RCMP members be undertaken by external police forces. Nonetheless, the Commission remains engaged in monitoring such incidents, with a view to assessing whether the new policy adequately addresses the concerns of the CPC.

The CPC looks forward to a clarification of the role of the observer in the new legislation.

## RCMP TASER® USE

Since the Commission began monitoring RCMP TASER® use three years ago, a significant movement towards reduced deployments has been noted. The Commission is encouraged by the progress made by the RCMP through policy and

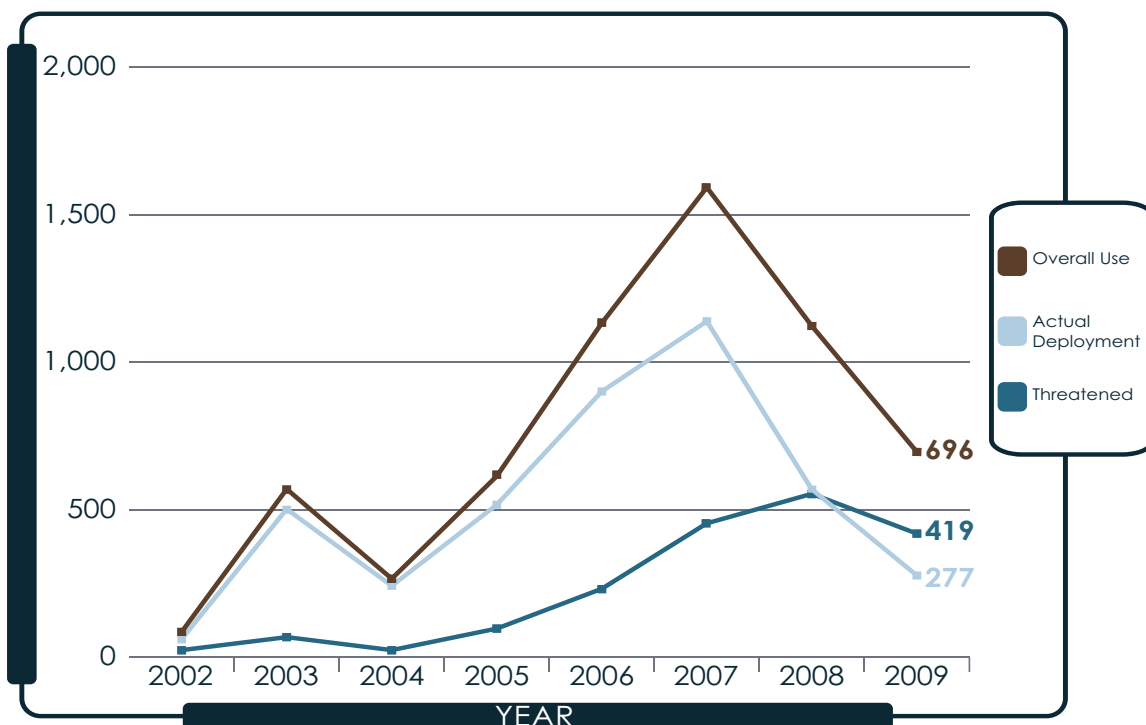
operational changes, which are reflected in the trend towards decreasing front-line usage and increasing use of the weapon as a deterrent.

## Review of the RCMP's Use of the Conducted Energy Weapon (TASER®) for 2009

This report, published in June 2010, contributes to the CPC's ongoing effort to monitor RCMP TASER® use in the public interest. The report, which included an examination of 696 TASER® usage reports, concluded that:

- TASER® use (i.e. threatened or actual deployment of weapon) dropped 38% in 2009 and continued a downward trend evidenced in previous years; and
- the TASER® has increasingly been used as a means of deterrence and a tool for compliance. For the first time ever, actual deployments (i.e. push-stun or probe mode) accounted for less than 50% of all TASER® usage.

## Trends in TASER® Usage and Deployment



It is important to note that the CPC continues to closely monitor TASER® use by the RCMP on vulnerable and at-risk populations, including youth (13–17 years of age) and those individuals suffering from mental illness.

Of the 36 TASER® reports involving youth in 2009:

- 69% of the cases saw only the threatened use of the TASER®; and
- 31% of the cases involved the actual deployment of the weapon.

Moreover, 50% of youths who were subjected to a TASER® deployment were under the influence of a substance (usually alcohol) and were most likely to be:

- male;
- aged 16-17; and
- armed with a weapon (typically a knife).

Cases involving mentally ill individuals represented almost one-quarter of all TASER® deployments. Of the 135 TASER® reports involving those suffering from mental illness:

- the TASER® was deployed 50% of the time (which is higher than the deployment rate of 39% for cases where mental illness was not an issue).

Those identified as suffering from mental illness and who were subjected to a TASER® deployment were most likely to be:

- male
- between the ages of 20 and 29;
- armed with a weapon (typically a knife); and
- under the influence of a substance (normally alcohol or prescription drugs).

The use of this weapon, as well as the related policies and training, continues to evolve and the Commission is working with the RCMP to ensure that members are properly trained and that the TASER® is utilized and monitored effectively.

The Commission's monitoring of TASER® use during the past three years has undoubtedly contributed to clearer policy and enhanced accountability. The Commission looks forward to continuing this important role with respect to TASER® use as well as use of force more broadly.

## Robert Dziekanski

The death of Robert Dziekanski in October 2007 at the Vancouver International Airport prompted the Chair to initiate a complaint and public interest investigation.

In the report submitted to the RCMP in late 2009, the Chair made 23 findings and 16 recommendations aimed at improving RCMP training, policies and procedures to minimize the risk of such tragedies occurring in the future.

In February 2011, the RCMP accepted 22 of the 23 findings made by the Commission.

In addition, the RCMP is in the process of addressing all 16 CPC recommendations. The CPC is satisfied with the RCMP's response to the report, which is consistent with the movement towards clearer TASER® policy and a higher threshold for TASER® use.

A full list of the CPC's recommendations and findings are available on the CPC's website.

## Chair-initiated Complaint and Public Interest Investigation into In-Custody Deaths Proximal to TASER® Use

Ongoing concerns about the use of the TASER® prompted a Chair-initiated complaint and public interest investigation in January 2009. Specifically, the complaint examined relevant incidents between 2001 and 2009 to identify potential trends.

As with any public interest investigation, the CPC appointed its own independent lead civilian investigator.

The report found that those who succumbed to an in-custody death proximal to TASER® use often shared several similarities, such as being male, highly agitated, suspected of being under the influence of a drug, and subject to pre-existing medical conditions. The report also concluded that typically, the RCMP members involved followed the relevant policy respecting use of force.

The report presented several recommendations for change including:

- additional training on dealing with those with mental illness;
- enhanced guidelines for consistent documentation; and
- increased reporting.

The Commission also recommended clearer protocols with respect to the use of restraints, hog-ties and choke-holds.

The CPC completed its investigation and provided its report to the RCMP in August 2010. The CPC is awaiting the RCMP Commissioner's response.

## POLICING ISSUES IN THE NORTH

### Review of Yukon's Police Force

In April 2010, the Yukon government and the RCMP invited the Commission to participate in a "Review of Yukon's Police Force."

The Review was initiated in the wake of concerns regarding the manner in which some members of the RCMP were interacting with the communities they serve.

One of the priorities of the Review was to "review how public complaints relating to the RCMP in the Yukon are currently dealt with and to make recommendations on any required improvements."

The Commission's approach to contributing to the Review included three interrelated yet distinct phases in order to obtain a fulsome picture of the existing public complaint process in the Yukon.

The Commission:

- carried out on-site detailed reviews of RCMP public complaint files lodged between January 1, 2005, and May 31, 2010;
- met with a number of community stakeholders in the Yukon, recognizing that, typically, many do not engage in the formal public complaint process; and
- obtained input from individual RCMP members stationed in the Yukon.

**The Review was initiated in the wake of concerns regarding the manner in which some members of the RCMP were interacting with the communities they serve.**

Stakeholder groups took the opportunity to candidly express their sentiments, concerns and ideas for policing in the Yukon. A number of key areas for concern were identified, including:

- wide-spread public perception that too many inexperienced RCMP members were being sent to the Yukon;
- the need for acutely intoxicated people to be handled differently beyond putting them in the “drunk tank”; and
- greater sensitivity and respect by the RCMP in its interactions with members of the Aboriginal community, women in domestic violence situations, and mental health patients in distress.

The Commission delivered its comprehensive report, with stakeholder group recommendations, in August 2010.

Many of the observations, including the general lack of awareness of the right to make a complaint about RCMP member conduct to the Commission, were echoed in the Review of Yukon's Police Force final report, “Sharing Common Ground.”

The Commission has committed to launching a Yukon-specific pilot project in the summer of 2011 to enhance awareness of the complaint process.

## SPECIFIC INCIDENT OF CONCERN

### RCMP Disciplinary Matters

John Simon was fatally shot by the RCMP in Wagmatcook, Nova Scotia, in December 2008. Due to increasing public concern about the RCMP's handling of the incident, a Chair-initiated complaint and public interest investigation were launched in March 2010.

The CPC completed its investigation and provided its report to the RCMP in December 2010. It found that while the intentions of the responding RCMP members were to peacefully resolve the incident, significant errors in judgement and poor decision-making resulted in one of the members entering Mr. Simon's home. This ultimately led to Mr. Simon, who had pointed a rifle at the member, being fatally shot.

As part of its investigation, the CPC also examined the conduct of those members involved in the handling of this matter after the shooting. The CPC found that the RCMP disciplinary process was applied in a confusing and uncoordinated way by the RCMP managers involved. The RCMP has addressed the deficiency through the issuance of a directive to all Commanding Officers.

The RCMP responded to the CPC report in March 2011, and the CPC's Final Report was issued that same month. The RCMP accepted 10 of the Commission's 12 findings and agreed with all 11 recommendations.

**“The CPC found that the RCMP disciplinary process was applied in a confusing and uncoordinated way by the RCMP managers involved.”**

# ONGOING NOTABLE COMPLAINTS

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## IN-CUSTODY DEATHS

### Raymond Silverfox

In December 2008, Raymond Silverfox went into medical distress in Whitehorse, Yukon, RCMP cells and later died in hospital. The Chair initiated a complaint focused on policies regarding access to medical treatment for persons detained in RCMP custody, particularly when alcohol consumption is a factor.

The April 2010 Coroner's inquest revealed particularly disturbing details of the case related to the apparent indifference of RCMP members to Mr. Silverfox while he was detained.

The RCMP delivered its investigative report to the Commission in March 2010. The CPC completed its review and provided its report to the RCMP in September 2010.

[Note: The CPC received the RCMP Commissioner's response in May 2011 and made its final report public in June 2011.]

### Robert Knipstrom

In November 2007, the Chair initiated a complaint into the in-custody death of Robert Knipstrom in Chilliwack, British Columbia. Additionally, an Independent Observer was appointed to monitor the impartiality of the RCMP's investigation into his arrest. The CPC Observer concluded that there were no identified issues of bias.

During his arrest, Mr. Knipstrom was subjected to punches, members' attempts to take him to the ground, pepper spray, a TASER® and a baton; he subsequently died in hospital.

In January 2009, in order to expedite the investigation of this matter, the Chair expanded his initial complaint to include a public interest investigation led by a civilian investigator.

The CPC completed its investigation and provided its report to the RCMP in November 2009. The CPC is awaiting the RCMP Commissioner's response.

### Christopher Klim

In December 2007, the Chair initiated a complaint into the shooting death of Christopher Klim in Vernon, British Columbia. The complaint was launched in light of concerns regarding persons being apprehended under mental health legislation.

The RCMP delivered its investigative report to the Commission, and the Commission's review is ongoing.

### Cheryl Anne Bouey

The June 2008 in-custody death of Cheryl Anne Bouey in Prince George, British Columbia, prompted a Chair-initiated complaint. After inflicting harm on herself, Ms. Bouey was found unresponsive in her cell. The Chair asked whether RCMP policies regarding the proper care and safety of persons detained in cells are adequate.

[Note: The Commission delivered its interim report to the RCMP in May 2011.]

## Valeri George

The September 2009 shooting death of Valeri George in Fort St. John, British Columbia, also prompted a Chair-initiated complaint. Mr. George was shot by RCMP Emergency Response Team (ERT) members as he fled his home several days after allegedly shooting at a vehicle containing his spouse and children. The Chair's complaint is particularly concerned with the use of force by the RCMP ERT members.

The RCMP's investigation into this Chair-initiated complaint is ongoing.

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## PUBLIC INTEREST INVESTIGATIONS

### Incident in Kamloops RCMP Detachment Cells

In response to a complaint made by the Elizabeth Fry Society of Greater Vancouver, the Commission, in September 2010, initiated a public interest investigation into an incident which occurred at the Kamloops RCMP Detachment in British Columbia. The complaint related to the conduct of those RCMP members involved in the monitoring of two unidentified women allegedly engaged in sexual activity while incarcerated in the detachment cells on August 18, 2010.

The investigation is examining whether the RCMP members or other persons appointed or employed under the authority of the *Royal Canadian Mounted Police Act* (RCMP Act) involved in the incident complied with all relevant laws and policies, as well as whether such policies are adequate.

## G8/G20 Summits

In November 2010, the Commission, acting on a complaint lodged by the Canadian Civil Liberties Association (CCLA) about the conduct of unidentified RCMP members, launched a public interest investigation into specific aspects of the G8 and G20 summits.

The complaint relates to the following four issues and incidents to the extent that RCMP members were involved:

- G8/G20 planning;
- infiltration and surveillance (if any) of individuals or groups before and during the summits;
- use of force, detentions and arrests during the summits; and
- conditions at the Eastern Avenue detention facilities in Toronto.

The Commission is currently in the process of conducting interviews and reviewing documentation provided by the RCMP to assess RCMP members' conduct in relation to the areas raised by the complaint.

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## ADDITIONAL REVIEWS & FURTHER INVESTIGATIONS OF NOTE

The CPC's reviews and further investigations dealt with a variety of issues. Some of those issues included actual or perceived conflicts of interest on the part of public complaint investigators, the use of restraint mechanisms for uncooperative detainees, use of force, disclosure of information to third parties, and involvement in civil disputes.

It should be noted that in some cases the RCMP has responded to the CPC's recommendations and that such responses are addressed in the section "Recommendations Awaiting Implementation."

The following are examples of reviews from the past fiscal year.

## **Conflict of Interest**

### **Investigation independently reviewed due to perceived bias**

A complainant filed a series of public complaints relating to a contentious dispute with neighbours and the RCMP. The Commission identified a perceived conflict of interest on the part of the assigned RCMP public complaint investigator.

Following the CPC's recommendations, the RCMP agreed to have the entire investigation reviewed by a qualified investigator from another province.

## **Use of Restraint Mechanisms**

### **Use of restraint chairs and spit hoods should be proportionate**

In one incident, a complainant stated that he was kept in a restraint chair and spit hood while in custody.

The Commission found the initial use of the restraints reasonable due to the complainant's combative behaviour, but specified that, as per RCMP policy, the restraints should not have been used once the complainant calmed down.

## **Use of Force**

### **Use of force appropriate in response to violent individual**

In one case, RCMP members were pursuing an individual who had fled the scene of a crime and hidden from police. Once found, the individual, who was known to be violent and was near several potential weapons, refused to cooperate and continued to struggle. RCMP members deployed pepper spray, a TASER® in push-stun mode, and finally a police service dog (PSD).

The Commission found the use of force by RCMP members reasonable in this instance due to the individual's combative behaviour and the threat posed.

### **Dog bite of unarmed and suicidal individual deemed inappropriate**

In another case, a PSD was deployed to track and apprehend a reportedly suicidal individual. The PSD found the individual, but then bit and held him while he lay on the ground. The Commission acknowledged that the handler did not order the PSD to bite, but nevertheless found that he bore responsibility for the use of force.

The CPC recommended that relevant RCMP training policies be reviewed and modified as required. The CPC is awaiting the RCMP's response.

## Disclosure of Information to Third Parties

### **RCMP provides information to officials of a foreign state**

A Canadian inmate of a foreign prison complained that an RCMP member had inappropriately provided documentation in respect of one of the inmate's correspondents to the prison authorities of the foreign state.

The Commission concluded that the member's actions were inconsistent with the relevant policy and privacy legislation, and recommended that the policy be clarified. The CPC is awaiting the RCMP's response.

### **Employee fired for link to suspected criminal**

An employee of a provincial corrections facility complained that she was fired after her name was linked to that of a person with known criminal associations in a law enforcement information bulletin.

The Commission found that the bulletin was distributed by the RCMP in keeping with privacy legislation and RCMP policy, and had a valid purpose.

## Civil Disputes

### **Police involvement could improperly prejudice landlord**

RCMP involvement in civil disputes continues to be an issue raised regularly with the Commission. In one such review this year, RCMP members instructed a landlord to allow a tenant to remove his belongings following his purported eviction.

The Commission found that the members had inappropriately involved themselves in a civil dispute, and potentially prejudiced the landlord's position. The Commission recommended that the RCMP implement policy regarding involvement in civil disputes. The CPC is awaiting the RCMP's response.

### **Attempts at resolution did not constitute improper involvement**

In one case, RCMP members were called to keep the peace while a customer retrieved personal property following a dispute regarding payment. The members attempted to resolve the dispute, and the parties eventually reached a compromise.

The Commission concluded that although the dispute was civil in nature, once the members were on the scene their attempts to keep the peace were reasonable, and they did not become inappropriately involved in the civil matter.

# CPC RECOMMENDATIONS: ACCOUNTABILITY TO THE PUBLIC

As in past years, the Commission made numerous recommendations beyond those dealing specifically with individual member conduct. As part of its mandate, the Commission seeks to examine policies, procedures and guidelines which inform or influence the individual member conduct complained of, and to identify perceived gaps or deficiencies in those instruments. As a result, the Commission is able to make recommendations aimed at improving specific RCMP policies, guidelines and/or training standards.

In examining and making recommendations aimed at correcting systemic problems, the Commission's goal is to identify areas of improvement for the RCMP, while at the same time informing the federal Minister of Public Safety and the public of its concerns. To that end, the Commission follows up with the RCMP on the status of recommendations the Commissioner has indicated will be implemented, and publishes key reports on its website.

This year, the RCMP introduced several key policies addressing longstanding Commission recommendations.

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## RECENTLY IMPLEMENTED RECOMMENDATIONS

### Responsibility to Report Policy

In its Final Reports regarding the in-custody deaths of Ian Bush, Kevin St-Arnaud and Robert Dziekanski, the Commission recommended that the

RCMP implement policy regarding the duty of members involved in or present at significant police events to provide an account of their actions and what they may have witnessed in a timely manner. Such contemporaneous documentation is critical to ensuring comprehensive review of police action, and lengthy delays in preparation and production are not consistent with transparency and accountability. The RCMP responded to those recommendations by announcing, in September 2010, a new policy regarding members' responsibility to report.

The new policy is intended to balance members' legal rights with investigational imperatives, while emphasizing the importance of transparency and accountability to public trust. The policy requires that involved members immediately provide a detailed preliminary report concerning the event witnessed, as well as a later comprehensive report. The policy outlines the responsibilities in this regard of members and of their supervisors, who are to ensure that reports are made as required.

The CPC recognizes the positive steps taken by the RCMP in ensuring that significant events involving police are comprehensively documented.

**“In examining and making recommendations aimed at correcting systemic problems, the Commission's goal is to identify areas of improvement for the RCMP.”**

## Note-taking Broadcast

The issue of the adequacy of members' notes has been one of concern in recent years, and the Commission has made a number of recommendations aimed at correcting those deficiencies. In March 2011, the Senior Deputy Commissioner of the RCMP issued a broadcast in advance of a formalized, updated policy regarding members' notebooks.

The broadcast highlights the importance of notes in documenting relevant details, refreshing members' memories after a period of time has passed, and articulating actions which have been taken. It emphasizes that electronic databases and file systems, while integral policing

tools, cannot substitute for a member's handwritten notes, and instead are intended to supplement those notes.

Notably, the broadcast includes guidance not only for members, who bear direct responsibility for their notes, but also for supervisors, who are charged with monitoring members' notebooks monthly to ensure compliance and addressing any deficiencies identified.

The CPC is encouraged by the rigorous guidelines set out in the broadcast, and believes that the policy, once formalized, will provide a comprehensive framework for both members and supervisors. The initiative highlights the importance of members' notes, which are vital to thorough reviews of member conduct.

## RECOMMENDATIONS AWAITING IMPLEMENTATION

Commission recommendations resulting in policy commitments from the RCMP Commissioner which remain outstanding include:

| Policy Commitment  | CPC Report   | Commitment Date |
|--|--|-----------------|
| A policy on releasing details regarding sensitive investigations   | Report into Disclosure by the RCMP of its Investigation Regarding the Taxation of Canadian Corporate Dividends and Income Trusts                                   | February 2008   |
| A policy regarding civil disputes to which police have been called   | Final Report into a Public Complaint   | December 2008   |
| A policy dealing with requests for exhibits consistent with the <i>Mutual Legal Assistance in Criminal Matters Act</i> | Final Report into a Public Complaint   | March 2009      |
| A review of national public complaints policies and the development of appropriate training modules                    | Report following a Public Interest Investigation into a Chair-initiated Complaint Respecting the Use of a Conducted Energy Weapon in Inuvik, Northwest Territories | December 2009   |
| Clarification of policy with respect to contacting callers when responding to 9-1-1 calls                              | Final Report into a Public Complaint   | September 2010  |
| A policy with respect to members reviewing their own reports   | Final Report into a Public Complaint   | September 2010  |

# IMPROVING THE COMPLAINT SYSTEM

## TRACKING OF PUBLIC COMPLAINTS

### CPC Review of the RCMP Public Complaints Record 2009

Under the authority of the RCMP Act and beginning in 2007, the CPC embarked on an annual, in-depth examination of the entire RCMP public complaints system. This project provides an empirical foundation to assess how effectively the RCMP public complaints system is functioning overall at the divisional, regional and national level.

At the end of each calendar year, the RCMP provides the Commission (typically within six months) with all completed public complaints (known as dispositions) that were both received and finalized within the previous calendar year.

The Commission then analyzes the data and makes its findings and recommendations public.

Based on the findings of the Review of the RCMP's Public Complaint Records project for calendar year 2009, and also recognizing the importance of further strengthening the public complaint process, the Commission made several recommendations to the RCMP, namely that:

- the RCMP clarify its policies and procedures amongst its members regarding the different types of public complaint dispositions, particularly around the acceptance of informal resolutions dealing with serious allegations;

- the RCMP continue to standardize its public complaints policies and procedures across the country by developing a national policy and handbook and by offering training; and
- the Commissioner of the RCMP, to enhance consistency and adherence to policy, revise his delegated authority with respect to the issuance of Notices of Direction for terminations from the detachment level to, at a minimum, the level of officer (or non-commissioned officer) in charge of the Divisional Professional Standards units.

The CPC's Review of the Record project continues to be an important public reporting and management tool in identifying areas of the public complaints system requiring further attention by the RCMP. While work still remains, the RCMP has taken a number of steps in response to some of the CPC's previous recommendations.

**“While work still remains, the RCMP has taken a number of steps in response to some of the CPC's previous recommendations.”**

For instance, in December 2009, the RCMP's National Public Complaints Unit launched a new database to store, track, monitor and analyze public complaints and their disposition. Among other things, this new system should assist the RCMP in handling public complaints consistently and in accordance with policy, legislation and public expectations.

## Research into Systemic Concerns

In addition to tracking public complaints, the CPC is also continuing its research into areas of particular concern to the public.

For instance, in 2009, the Commission began the Multiple Complaint Member Project. This project is an early warning system designed to identify RCMP members who are subject to three or more public complaints, where the allegations are serious in nature (e.g. improper use of force, improper use of firearms), within a 12-month period.

Once a member is identified under the current criteria, the Commission shares this information with the RCMP, which is then able to communicate the information to the relevant division and/or detachment.

and that the public had a “no wrong door” means of making complaints. The CPC’s Chair and the Director of the OIPRD have agreed that the CPC will continue to liaise to the extent possible with the OIPRD during its G20 police complaint reviews to ensure that all police involved in the security operations are held fully accountable for improper actions.

## Canadian Association of Civilian Oversight of Law Enforcement (CACOLE)

The Commission worked with CACOLE’s executive team to launch a new bilingual, user-friendly website that provides easy access to information about CACOLE, its mandate and its annual conference. The website can be found at [www.cacole.ca](http://www.cacole.ca).

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## WORKING WITH PROVINCIAL PARTNERS

The CPC continues to work with its provincial partners to harmonize police oversight processes to the extent possible under existing law. This includes:

- creating a “no wrong door” approach to the intake of complaints about the police; and
- ensuring that Canadians receive the benefit of the expertise and experience of all police oversight bodies across the country.

## Police Complaints Related to the G8/G20 Summits

The CPC worked with Ontario’s Office of the Independent Police Review Director (OIPRD) for several months prior to the G8 / G20 summits. This ensured that the respective provincial and federal police complaints mechanisms worked seamlessly

## Federal & Provincial Oversight Partners Annual Meeting

In October, the Commission held its annual forum for heads of police review organizations across Canada. The group meets to share best practices, identify emerging issues and enhance working relationships.

The fall 2010 session covered such issues as:

- G8/G20 summit-related security;
- police culture and workplace issues;
- standards for use of force expert opinions;
- national TASER® use;
- on-duty/off-duty conduct; and
- the media’s perspective on the importance of the work of police review bodies.

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## ORGANIZATIONAL AND BUSINESS IMPROVEMENTS

|   |   |
|---|---|
| <b>CPC's Internet Presence</b>              | User-friendly formats for reports<br>Annual reports available in PDF, XHTML as well as Flipbook<br>Expanded website capabilities<br>Improved ease of navigation<br>Public availability of video content<br>CPC videos posted on YouTube |
| <b>Management &amp; Employee Engagement</b> | National Work-Life and Well-Being Study by Dr. Linda Duxbury and Dr. Chris Higgins<br><br>Overall conclusion that CPC can be considered a "best practice" employer, especially when it comes to issues regarding work-life balance.     |
| <b>Funding</b>                              | Interim Funding<br><br>Continuation of interim funding for fiscal year 2010-2011 ensured that service standards and outreach programs remained in place for the Canadian public.  |

# THE COMPLAINTS & REVIEW PROCESS

## ENQUIRIES, ALTERNATIVE DISPUTE RESOLUTIONS AND FORMAL COMPLAINTS

The Commission remains focused on offering the public a range of options for the handling of complaints or concerns. To this end, when a member of the public contacts the Commission, they are provided with same-day access to an experienced analyst who then assesses the needs of that person and identifies possible options for a way to address their concerns.

### Enquiries

Enquiries may include requests for information about police authority, obtaining assistance in furthering an investigation or gaining an understanding of the role of Crown counsel. This alternative measure appreciably decreases the demands placed on the complaint system.

### Alternative Dispute Resolution (ADR)

Commission analysts serve as objective intermediaries to assist with conflict resolution between the public and the RCMP, when appropriate.

It should be noted that statutory offence allegations or those alleging excessive use of force or other serious matters are not considered to be appropriate for informal resolution.

### Formal Complaints

When a complaint is filed with the CPC, an analyst works with the complainant to define the nature of the allegations and formalize the complaint. The complaint is then sent to the RCMP for investigation.

If the complainant is dissatisfied with the outcome of the RCMP's investigation, he or she can request that the CPC conduct a review.

For example, the same allegation of lack of professionalism on the part of an RCMP member could be managed in three ways:

#### Enquiry

If a motorist is spoken to by an officer at a traffic stop in a manner which the motorist believes is inappropriate and wants to express his concerns without entering into the formal complaint process, or even providing his name, the analyst will listen to the issues described by the citizen, record the details and provide them in a written report to the detachment commander.

#### Alternative Dispute Resolution

Another motorist in similar circumstances may not wish to lodge a formal complaint. After clarifying the individual's issues and goals, a CPC analyst can facilitate discussions with the RCMP in an effort to reach a solution that is satisfactory for both the complainant and the RCMP.

#### Formal Complaint

A different motorist in this situation may wish to lodge a formal complaint and participate in an investigation, receive a written response from the RCMP and have the ability to request that the Commission conduct an independent review.

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## REVIEW OF PUBLIC COMPLAINTS

If complainants are not satisfied with the RCMP's response to their formal complaint, they have the right to request that the CPC independently review the propriety of the conduct and the RCMP's handling of the matter.

Upon receiving a request for review, the CPC:

1. requests all relevant information regarding the complaint;
2. analyzes and examines the information provided by both the complainant and the RCMP; and
3. issues a report making findings and recommendations aimed at improving RCMP conduct, policies and procedures.

If the Commission is satisfied with the actions of the RCMP and the manner in which it addressed the complaint, it will issue a "Satisfied Report."

## Interim Reports, Commissioner's Notices and Final Reports

On the other hand, if the Commission is not satisfied with the actions of the RCMP and the manner in which it addressed the complaint, it will issue an "Interim Report" outlining its findings and recommendations 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 Report After Commissioner's Notice—which is sent to the complainant and the members involved.

The Commission may make recommendations that address individual member conduct or broader policy issues.

The CPC remains committed to ensuring that its recommendations are remedial in nature, focused on addressing more systemic concerns and preventing problems from arising in the future.

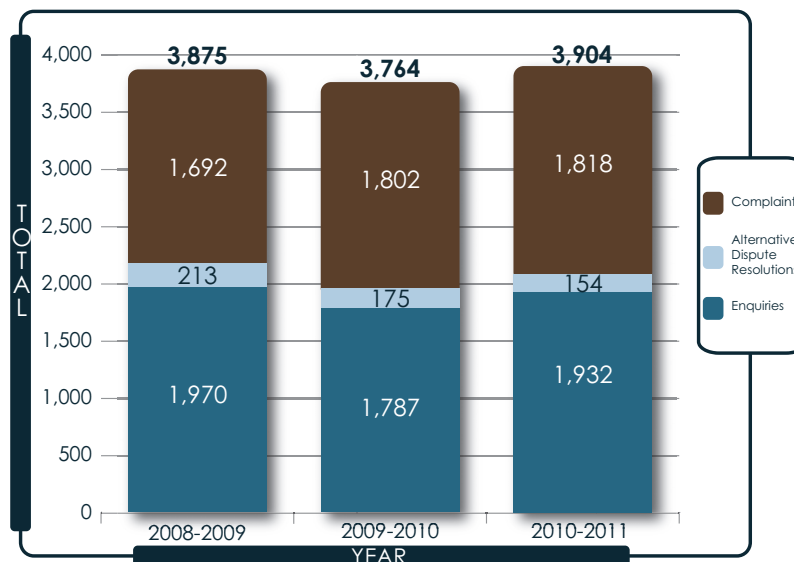
**“The CPC remains committed to ensuring that its recommendations are remedial in nature, focused on . . . preventing problems from arising in the future.”**

# TARGETS AND PERFORMANCE FOR 2010-2011

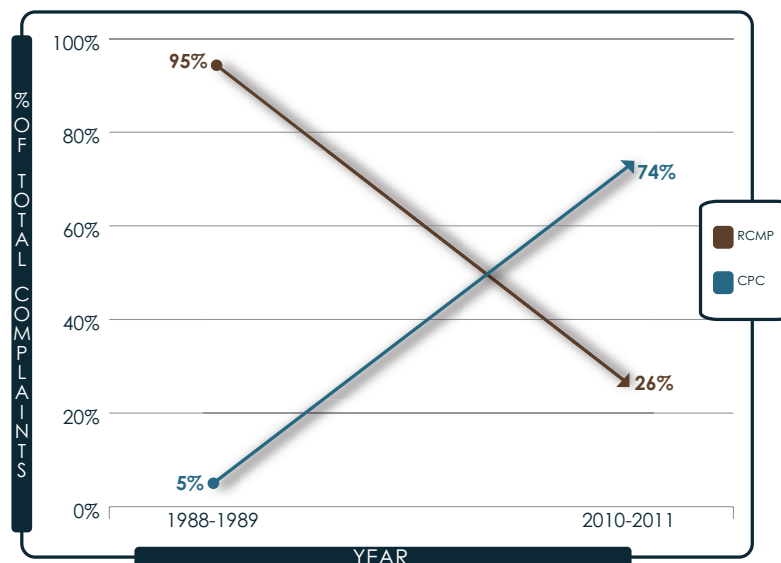
## PUBLIC COMPLAINT PROCESS

Much of the Commission's work continues to centre on providing direct service to members of the public concerned about the actions of members of the RCMP.

The CPC's National (Complaint) Intake Office in Surrey, British Columbia, processed 3,904 general enquiries, alternative dispute resolutions, and formal complaints against the RCMP this year.



Both the overall number of complaints and the number of complaints sent directly to the CPC has continued to increase annually. The CPC now receives just over 70% of all complaints directly from the public with the RCMP receiving the rest.



## COMPLAINT TRENDS

The types of complaint issues raised in 2010-2011 followed similar trends from previous years.

The most common complaint issue relates to RCMP member attitude. This category can include behaviours that are perceived to be:

- dismissive;
- rude;
- non-responsive;
- biased;
- unfair; or
- lacking in empathy.

The second most common complaint issue relates to the quality of RCMP criminal investigations. This issue can arise when the complainant feels that the criminal investigation:

- was not thorough;
- was improperly carried out;
- was not timely;
- lacked witness interviews;
- included mishandled evidence and examinations; and
- contained inaccurate reports.

## REVIEW TRENDS

This year the CPC was asked to review the RCMP's handling of 222 complaints.

The most common review issues relate to the quality of RCMP criminal investigations, member attitude and arrest.

Issues regarding RCMP member use of force and search and seizure were also well-represented in the CPC's review reports.

The CPC notes that the complex nature of the issues raised in review requests continues to increase.

The Commission issued a total of 223 review reports in the current year. Of these:

- 176 reports, or 79%, were Satisfied Reports, issued in cases where the CPC was satisfied with the RCMP's disposition of the complaint.
- 41 reports, or 18%, were Interim Reports, issued in cases where the CPC was unsatisfied and made recommendations to address any deficiencies.
- The remaining 6 reports, or 3%, included those issued in response to Chair-initiated complaints, and those in which the complainant withdrew their request for review.

| 10 Most Common Complaint Issues       | % of Complaint Issues |
|---------------------------------------|-----------------------|
| Attitude other than abusive language  | 19.4                  |
| Criminal investigation quality (RCMP) | 14                    |
| Improper Arrest                       | 9                     |
| Incidents arising from traffic stops  | 7.5                   |
| Police physical abuse                 | 6.4                   |
| Detention                             | 5.8                   |
| Incidents involving alcohol/drugs     | 5.7                   |
| Search and seizure                    | 3.4                   |
| Property mishandling                  | 2.3                   |
| Incidents involving restraints        | 2.3                   |

## SERVICE STANDARDS

When handling a formal complaint against the RCMP, the aim of the CPC is to steer each complaint through the complaint process—from the initial lodging of the complaint through to its conclusion—in as timely a manner as possible and ideally within one calendar year.

Conducting the full range of complaint investigation and review within the one calendar year target is dependent upon the RCMP's response times.

| Action  | Number of Days Recommended by the CPC |
|---|---------------------------------------|
| Complaint received by CPC and forwarded to RCMP   | 4 days                                |
| RCMP investigates and delivers a report to the complainant  | 180 days                              |
| If complainant is dissatisfied with RCMP report, CPC requests all material from RCMP  | 4 days                                |
| CPC commences review process <ul style="list-style-type: none"><li>- RCMP forwards material to the CPC (within 30 days)</li><li>- CPC conducts review and sends interim report to RCMP*</li></ul> | 120 days                              |
| RCMP responds   | 30 days                               |
| CPC issues final report to complainant and RCMP   | 30 days                               |

\* If, however, the CPC is satisfied with the RCMP's investigation, the review process ends and a final report is provided to the complainant as well as the RCMP at this time.

The CPC continues to emphasize its internal performance-based service standards, consistent with its view that to be effective, it is imperative that review be timely. It is in furtherance of this principle that the CPC recommends, as it has in past reports, that the RCMP apply service standards to its response times as outlined in the table above.

These actions are aimed at enhancing the ability of complainants, RCMP members and Canadians to hold the CPC and the RCMP accountable for a timely response to public complaints.

### Interim & Satisfied Reports

The CPC remains committed to ensuring that at least 80% of its reports are finalized within 120 days of receiving the request for review. This year, the CPC achieved a performance rate of 97%.

## Timeliness of Commissioner's Notices

The timeliness of the RCMP Commissioner's Notices, which are responses to the Commission's Interim Reports that the RCMP is required by statute to provide, has been the subject of comment for the past two years.

While the RCMP made a significant effort to clear its backlog in 2009, the backlog returned and has continued to grow this year. Although the CPC received 38 Commissioner's Notices from the RCMP, most were in response to Interim Reports sent to the RCMP in the previous fiscal year. Just over 50% of the outstanding Commissioner's Notices have been outstanding for more than six months, and two have been outstanding for over a year.

The CPC's concern regarding the delay in the provision of Commissioner's Notices continues to grow, as these delays threaten the integrity of the public complaint process. The CPC cannot finalize its reports and provide them to complainants or the subject RCMP members until the Commissioner's Notice is received.

Once again, the CPC strongly encourages the RCMP to implement service standards aimed at ensuring the timely delivery of responses to the CPC's Interim Reports.

## Final Reports

The CPC has a 30-day service standard for completing its Final Reports after receiving a Commissioner's Notice. In the past fiscal year, the Commission delivered 37 Final Reports to the RCMP, 97% of which were within the service standard.

### Outstanding Commissioner's Notices as of March 31, 2011

| Number of Days       | Number of Outstanding Notices | Average Number of Days Outstanding |
|----------------------|-------------------------------|------------------------------------|
| Less than 30 days    | 1                             | 20                                 |
| From 30 to 60 days   | 4                             | 50                                 |
| From 61 to 180 days  | 12                            | 107                                |
| From 181 to 365 days | 20                            | 253                                |
| Over 365 days        | 2                             | 477                                |

# STAKEHOLDER ENGAGEMENT/ COMMUNITY OUTREACH

Over the past two years, the Commission has steadily increased the number of outreach engagements throughout the country.

Stakeholder groups such as municipality associations, police boards, provincial oversight bodies, Aboriginal groups and organizations, mental health associations, and groups which assist newly arrived immigrants, are all vital to helping increase awareness of an individual's right to make a complaint against the conduct of an RCMP member.

With limited available outreach resources, the Commission has been prudent in selecting where and with whom it conducts outreach activities.

## Partnership with the National Association of Friendship Centres

The Commission has sought out partnerships and engagement with community-focused organizations like the National Association of Friendship Centres (NAFC). With the NAFC's network of 117 Friendship Centres and seven provincial/territorial associations nationwide, it provides culturally enhanced programs and services to urban Aboriginal people.

The Commission and NAFC jointly produced a video aimed at helping improve accessibility and awareness of the police complaints process amongst Aboriginal audiences. For a third consecutive year, the CPC was commended for this effort in the *Canadian Multiculturalism Act's* Annual Report 2009-2010.

In particular, the Skookum Jim Friendship Centre in Whitehorse, Yukon, played a large role in assisting the Commission with community outreach efforts to help ensure that the opinions and perspectives of stakeholder groups were fully taken into account during the comprehensive 2010 Yukon Police Review.

### The Public's View on Police Oversight

An EKOS survey undertaken in May 2010 found that 70% of respondents had moderate to high confidence in the bodies responsible for overseeing the activities of Canada's law enforcement and security agencies. Moreover, the survey concluded that 65% of people are comfortable bringing complaints to the Commission.

## Stakeholder Engagement

Commission staff have spoken directly to a large number of members from the following organizations at outreach events, meetings and annual general meetings held in the past year:

- the Federation of Canadian Municipalities;
- the Canadian Association of Police Boards;
- the Association of Municipal Administrators;
- the Canadian Mental Health Association;
- various immigrant services organizations;
- women's shelters;
- the Salvation Army;
- the Fetal Alcohol Syndrome Society;
- Yukon Council for First Nations;
- Native Court Workers; and
- ten municipal associations from across Canada.

Feedback has consistently been positive in terms of support for an independent complaints process and the perception of fairness to complainants and police officers alike.

## Police and Legal Community Engagement

The Commission Chair and staff have spoken at and participated in a variety of policing and legal conferences across the country including the Canadian Institute's Law of Policing conference in November 2010, and the annual conferences of the Canadian Association of Civilian Oversight and Law Enforcement and the U.S. National Association of Civilian Oversight and Law Enforcement. The Commission also hosts an annual federal/provincial meeting with provincial police oversight bodies.

The Commission engages with the RCMP on an almost daily basis. This interaction ranges from complaint file management to face-to-face meetings between the Commission Chair and the RCMP Commissioner. The Commission Chair and the Senior Director of Operations also spent time at the RCMP training depot in Regina, Saskatchewan, to get a first-hand look at current recruit training.

**“Feedback has consistently been positive in terms of support for an independent complaints process and the perception of fairness to complainants and police officers alike.”**

# CHALLENGES AND OPPORTUNITIES

Over the past several years, a number of independent inquiries and task forces have all recommended enhanced civilian oversight of the RCMP.

During this period, the goal of the Commission has been to ensure that it is providing the best possible service to the public under the existing legislative framework in order to better position itself to meet expectations under a new mandate.

To that end the Commission has:

- structured itself to streamline processes;
- implemented and respected service standards (while urging the RCMP to do the same);
- focused more resources on outreach; and
- focused on trend analysis (e.g. use of the TASER®, police investigating the police, and data analysis on complaints nationally and by region).

The Commission believes these types of initiatives are encouraging the RCMP to improve its internal handling of individual complaints, as well as to implement national policies which will hopefully lead to better training, and consequently to fewer incidents of conflict with the public.

This would not have been possible without interim funding over and above the Commission's resource base, which has been approved by the government annually over the past four years, including fiscal year 2011-2012.

This provides financial stability through to March 31, 2012. The Commission looks forward to the newly elected government reaffirming its commitment to pursue an enhanced accountability regime for the RCMP within this timeframe. This would permit the Commission to move seamlessly to a new mandate without losing the significant investments made to date, and to play a more robust role in maintaining and strengthening public confidence in the RCMP.

**“The Commission believes these types of initiatives are encouraging the RCMP to ... implement national policies which will hopefully lead to ... fewer incidents of conflict with the public.”**

# APPENDIX 1: FINANCIAL STATEMENT

## Commission for Public Complaints Against the RCMP Budget and Expenditures

### 2010-2011

#### Actual Spending<sup>1</sup>

|                        |              |
|------------------------|--------------|
| Salaries               | 4,249        |
| Operating Expenditures | 2,597        |
| <b>Total</b>           | <b>6,846</b> |

### 2011-2012

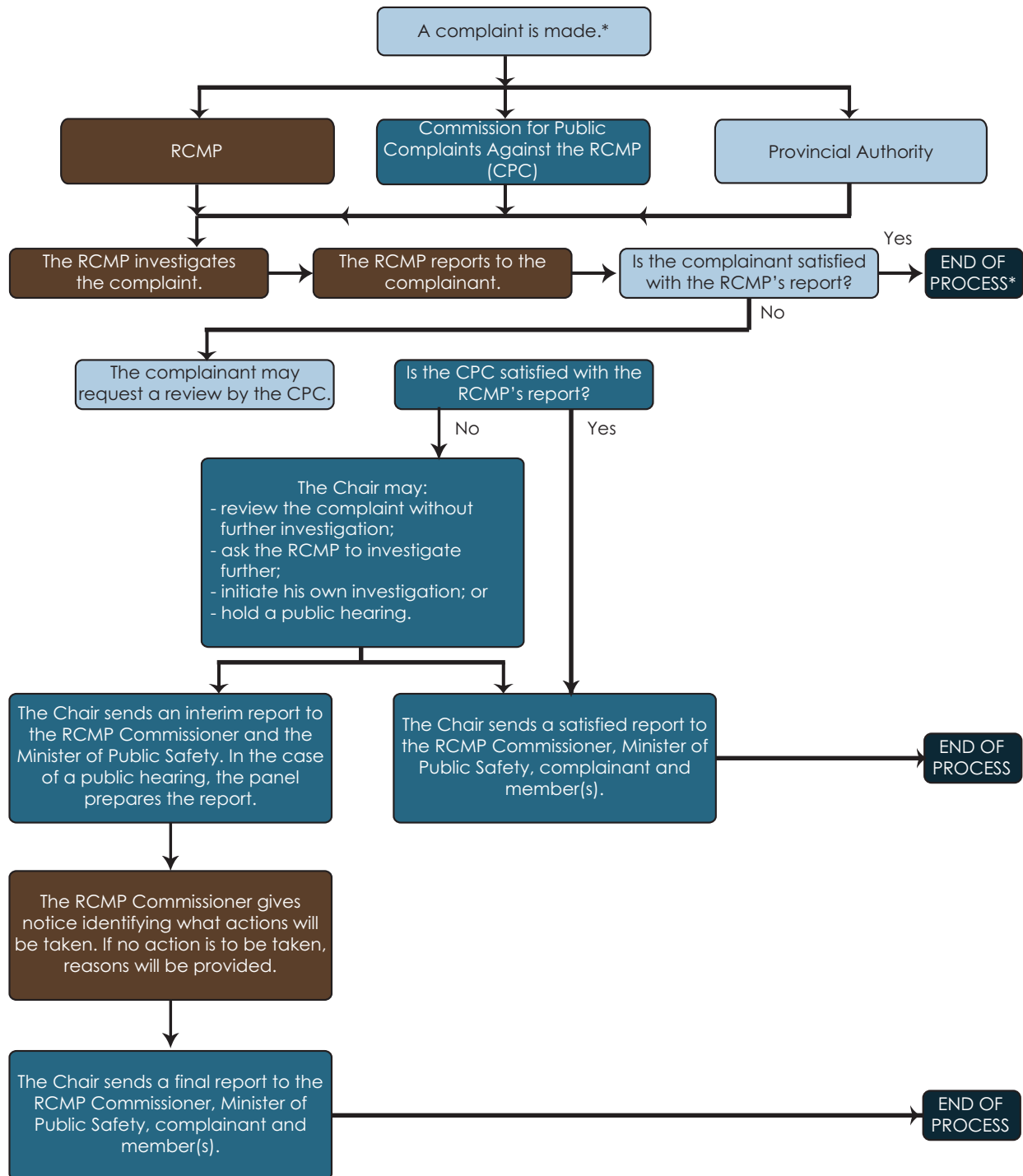
#### Planned Spending<sup>1</sup>

|                        |              |
|------------------------|--------------|
| Salaries               | 4,746        |
| Operating Expenditures | 2,744        |
| <b>Total</b>           | <b>7,490</b> |

#### Notes:

1. Numbers represented are in thousands.
2. In 2010-2011, the CPC received additional funding from Treasury Board Management Reserve to support its work (\$1,465K salaries and \$1,195K operating expenditures).
3. In 2011-2012, planned spending includes the renewal of such interim funding (as received in 2010-2011).
4. Figures do not include employee benefit plans (EBP) or accommodation charges.

# 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.