

Commission for Public Complaints Against the RCMP

2003–2004 Estimates

A Report on Plans and Priorities

Approved

The Honourable Wayne Easter, P.C., M.P.
Solicitor General of Canada

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Section I: Messages

Chair's Message

The Commission for Public Complaints Against the RCMP contributes to Canadian society in many ways. The Commission helps to promote the Canadian values of respect for multiculturalism and diversity, human and civil rights, equality and fairness, and respect for the rule of law.

Through its civilian oversight role, the Commission provides a legitimate avenue for persons who wish to lodge a complaint about their interactions with members of the Royal Canadian Mounted Police (RCMP).

Canadians can be proud of the policing services delivered by the RCMP, as they are among the best in the world. Civilian oversight provides the RCMP with a wide range of recommendations that serve to improve the relationship between RCMP members and the Canadians they serve.

The Commission forwards complaints to the RCMP for initial investigation, as required by the legislation governing the Commission—the *RCMP Act*. For a portion of the complaints, this is the end of the process, because the complainants are satisfied with the way the RCMP dealt with their concerns. Whenever complainants are not satisfied, they can request a review. All aspects of the complaint are then thoroughly analysed by the Commission.

There are times when the Commission finds that the RCMP members did not adequately perform their duties. It is through these individual cases that the Commission can identify problems and trends that emerge in policing practices. Recommendations are then made for change.

My goals for the next three years include continuing to identify policing practices that could be improved, in areas such as high-speed police chases, cell deaths, treatment of mentally ill persons and the protection of Charter rights, both generally and in particular under the new anti-terrorism and organized crime legislation.

To provide the best level of service possible to Canadians, the Commission must increase its communications outreach, to better explain its findings and recommendations to a broader range of audiences. Complainants have a right to know that their cases have made a difference to the way policing is done in Canada.

The Commission also has the responsibility to provide thorough analysis of each case to ensure that Canadians who take the time and make the effort to register their complaints can be satisfied that they have been fully heard by an impartial and fair third party.

I am pleased to report that we have implemented a quality assurance process in which both Reviewer Analysts and Commission counsel measure all review reports by exacting standards, to ensure that the RCMP properly addresses every allegation made against it.

As a result, the percentage of cases in which we have been unsatisfied with the RCMP's treatment of a complaint has increased dramatically, and I believe we have improved our service to Canadians by providing more thorough analyses of all the complaints we receive.

Quality assurance processes have an impact on resource allocation and productivity, and the Commission has begun to assess productivity and resource requirements to ensure that we provide optimal service to Canadians, in terms of both quality and timeliness.

Over the next three years, I intend to continue to improve our internal processes, increase our external communications and monitor our progress towards excellence in policing through accountability.

A handwritten signature in cursive script, reading "Shirley Heafey".

Shirley Heafey
Chair

Management Representation

MANAGEMENT REPRESENTATION

Report on Plans and Priorities 2003–2004

I submit, for tabling in Parliament, the 2003–2004 Report on Plans and Priorities (RPP) for the Commission for Public Complaints Against the RCMP.

To the best of my knowledge the information:

- Accurately portrays the Commission's plans and priorities.
- Is consistent with the reporting principles contained in the *Guide to the Preparation of the 2003–2004 Report on Plans and Priorities*.
- Is comprehensive and accurate.
- Is based on sound underlying Commission information and management systems.

I am satisfied as to the quality assurance processes and procedures used for the RPP's production.

The Planning, Reporting and Accountability Structure (PRAS) on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Name: _____



Date: _____

February 14, 2003

Section II: Raison d'être

Vision, Mission and Mandate

The Commission is an independent agency and is not part of the Royal Canadian Mounted Police (RCMP). The Commission deals with complaints made by any member of the public concerning the conduct of members of the RCMP in the performance of their policing duties. Complaints can also be made about the conduct of any other person appointed or employed under the *RCMP Act*. A person can lodge a complaint, even if not directly involved in the incident.

The Commission has the authority to make findings and recommendations, but it cannot impose discipline or make monetary awards to complainants.

The Commission's Vision and Mission Statements clearly set out why it exists, what it does and how it achieves its objectives.

Vision

Excellence in policing through accountability.

Mission

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

Mandate

The mandate of the Commission is set out in Part VII of the *RCMP Act* and can be summarized as follows:

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

Section III: Plans and Priorities

Strategic Outcome

The Commission contributes to excellence in policing through promotion of the Canadian values of respect for multiculturalism and diversity, human and civil rights, equality and fairness, and respect for the rule of law.

Results for Canadians

Canadians are given a legitimate avenue to lodge complaints regarding the conduct of members of the RCMP in the performance of their duties and have the RCMP's disposition of those complaints impartially and independently reviewed by an external body.

The Commission submits findings and recommendations for consideration by the Commissioner of the RCMP, which may result in significant changes to the way policing is done in Canada.

Description

The Commission is an impartial and independent government institution. It receives complaints from the public and refers them to the RCMP for investigation, as required by the *RCMP Act*. It can also review the RCMP's handling of a complaint if the complainant is not satisfied. The Commission may conduct investigations, hold public hearings, initiate complaints, and make findings and recommendations to the Commissioner of the RCMP and the Solicitor General of Canada.

The Chair also submits an annual report to Parliament that summarizes the Commission's activities during the year. This report is tabled in both Houses of Parliament.

Planning Overview

The Commission receives its funding from Treasury Board through an appropriation from Parliament. Funding is drawn from the Consolidated Revenue Fund, and its expenditures are reported in the Public Accounts.

The Commission is working to improve service to the public through timely and thorough examination of complaints against the RCMP. Management priorities to achieve this goal include: sustained quality assurance process; streamlined internal processes; improved external communications; improved information gathering to identify law enforcement trends; cooperative initiatives with the RCMP; and improved performance measurement and management through implementation of modern comptrollership initiatives.

The RCMP is now dealing with policing issues arising from the anti-terrorism and organized crime legislation. The Commission has been designated as the civilian oversight body for these two new pieces of legislation. Commission personnel and contractors are in the process of upgrading security clearances required to review information pertaining to these new areas of responsibility.

The Commission is intent on improving its capacity to deal with the volume of cases it processes each year. Significant changes have occurred in the policing environment that may have important resource implications. To effectively manage these challenges, the Commission needs to examine the link between caseload and resources in detail.

The focus on quality assurance within the Commission has also meant that complaints are taking longer to process, because it is more complex and time-consuming to review more information. The percentage of interim reports—those in which the Commission feels that the RCMP could have improved the way it handled a situation—has doubled over the last year. This factor has significantly added to the workload of Commission staff.

The Commission has responded to Treasury Board modern comptrollership directives by completing a capacity check assessment of modern management practices.

The Commission has worked to comply with the government-wide Common Look and Feel initiative by redesigning its Web site. Increased funding pressures are also on the horizon, as the Commission may need to increase allocations for human resources and information technology support. The Commission must reallocate funding internally to meet these directives, at the expense of its other priorities.

The Commission is improving its performance measurement and management practices to more effectively allocate resources to priorities and more easily identify gaps between desired and actual results.

Plans and Priorities by Strategic Outcome

In receiving and reviewing public complaints against the RCMP, the Commission contributes to excellence in policing through promotion of the Canadian values of respect for multiculturalism and diversity, human and civil rights, equality and fairness, and respect for the rule of law.

To effectively deliver this outcome to the Canadian public, the Commission has identified the following priorities and has developed plans to complete these initiatives over the next few years.

Sustained Quality Assurance Process

The Commission has initiated a quality control process that systematically identifies all legal and operational issues to be examined for each case. Often complainants include more than one allegation of improper conduct by an RCMP member or member(s) in their complaint.

In the past, it has happened that one or more allegations were not properly identified or considered, by either the RCMP or the Commission. The new process makes up that shortcoming by having, in addition to the review completed by the Reviewer Analysts, a complementary one completed by the Legal Services Unit of the Commission to certify that all legal issues have been considered.

The quality control process has been a key factor in doubling the percentage of interim cases, or those in which the Commission has determined that the RCMP's handling of a complaint has not adequately addressed all issues of concern.

The Commission has a horizontal initiative to improve service to the public. Quality control measures are focused on improving service to Canadians by providing a more thorough investigation of complaints. However, these initiatives have resulted in an accompanying management challenge: an increased workload for Commission employees, as they process more complex cases requiring a more detailed review of facts.

The Commission has decided to continue this process and is committed to continually improving the quality of its reports, as it believes that Canadians deserve to have all of their complaints against the RCMP thoroughly examined by a fair and impartial third party.

Streamlined Internal Processes

The Commission has been involved in an ongoing process of evaluating and developing management tools to streamline internal processes, thereby making case review a more timely process. It has made considerable progress during the last year in this initiative, and it remains a priority as the Commission addresses its building caseload and changes in the working environment, including new legislation dealing with organized crime and terrorism.

The Commission is accountable to the Canadians who have taken the time and made the effort to lodge a complaint against the RCMP. Often the process is difficult to understand, and results can take longer than complainants expect. The following priorities have been identified to streamline internal processes:

- developing and implementing preliminary case-screening for timely assignment to appropriate personnel;
- regular caseload monitoring and tracking by management;

- clearly defining roles and responsibilities of Enquiries and Complaints Analysts, Reviewer Analysts and Legal Analysts;
- developing and implementing a document of legal certification to ensure all legal issues are adequately considered before case reports are presented to the Chair for approval and signature;
- developing and implementing a review checklist to ensure a consistent analysis of issues or concerns for examination in each complaint;
- developing and implementing a program for improved liaison with complainants, RCMP members and other stakeholders; and
- encouraging informal resolution of complaints whenever possible, with the goal of increased client satisfaction and effective use of limited financial resources.

Improved External Communications

The Commission needs to improve external communications to effectively disseminate issues of interest to Parliamentarians and the Canadian public and to present its findings and recommendations to the RCMP. The Commission hired a senior communications officer to implement outstanding initiatives outlined in previous reports and has identified the following initiatives as priorities:

- redesigning the Commission Web site to meet Common Look and Feel standards;
- updating the Commission pamphlet to better explain its process to a broader range of audiences;
- increasing the media profile of the Commission to promote a better understanding of its mandate and publicize changing policing policies;
- increasing the Commission's interaction with Parliamentarians to provide them with information to share with their constituents; and
- increasing awareness of the Commission's mandate and procedures by the public and within the rank and file of RCMP members.

Improved Information Gathering to Identify Law Enforcement Trends

Over the past two years, the Commission has been upgrading its information management system. The Case Tracking System (CTS) was implemented to allow the Commission to effectively track the progress of complaints through the various stages of the process. Beyond the commitment of time and resources required to maintain this new system, the possibility exists to increase the capabilities of the CTS to track issues and identify trends emerging in policing practices.

This is a goal for the Commission; however, resource constraints may mean that this initiative will not be realized in the short term.

The Commission has published recommendations in its report on *Police Pursuits and Public Safety* and those of the Saint-Simon and Saint-Sauveur and the Neilsen public interest investigations. Many recommendations and findings have been made to the

Commissioner of the RCMP. The Commission needs to make these recommendations more accessible to Canadians.

There is a continued focus within the Commission on identifying law enforcement trends, issues and legal concerns; however, the question of resources to accomplish this goal is considerable. Currently, analysts are focused on report writing and ensuring timely delivery of service to Canadians. Identifying trends remains a priority, but may have to be a longer term deliverable, given the current focus on dealing with the growing caseload.

The following initiatives remain priorities for the Commission:

- enhancing the capacity of the CTS to include identification of law enforcement trends, issues and legal concerns;
- increasing use of the Web site and relevant academic journals to publicize the Commission's existing findings and recommendations to the RCMP; and
- initiating new reports on areas of concern to the Commission.

Cooperative Initiatives with the RCMP

The Commission is mandated by the *RCMP Act* to send complaints to the RCMP for initial investigation. In exceptional cases, the Chair of the Commission can start her own investigation or hearing, but in the vast majority of cases, the RCMP is mandated to investigate complaints as a first step in the process.

If complainants are not satisfied with the way the RCMP conducts its investigation or its results, they may ask the Commission to conduct a review of their case. In recent years, the Commission has received anywhere from 250 to 400 such requests annually.

Under the current system, the Commission often needs to request further information from the RCMP to conduct a thorough review. Also, sometimes the RCMP fails to investigate or deal with all of a complainant's allegations. In these cases, the Commission may request that the RCMP conduct a further investigation or the Commission may decide to complete its own further investigation.

All of these additional steps require more time to complete, and the Commission has hired a manager of investigations to oversee this process. In the interest of improving service to the public, the Commission is working with the RCMP to address these issues. The following are priorities in this area:

- developing and implementing improved RCMP investigation standards;
- developing and implementing a checklist for relevant material to be forwarded to the Commission to review cases; and
- clearly defining roles and responsibilities between the Commission and the RCMP's Internal Affairs and External Review and Appeals Sections.

Improved Performance Measurement and Management Through Modern Comptrollership

The Commission is well on the way to implementing the principles of modern comptrollership. It has commissioned and completed a capacity check assessment of modern management practices, performed by KPMG Consulting. The next phase is to develop an action plan to implement some of the opportunities for improvement identified in the study.

The management team of the Commission is in the process of identifying gaps between resources available and desired outcomes and developing metrics to assist with the performance measurement process. Currently, we have no way of determining the amount of resources expended on evaluating cases and generating reports. The following priorities have been determined in this area:

- developing an action plan to implement modern management practices;
- assessing resources by identifying gaps between available resources and desired outcomes; and
- developing more sophisticated performance measures.

The Commission will report on the results of these initiatives in future reports to Parliament.

Plans and Priorities by Strategic Outcome

Priority	Planned Results	Resources (\$ thousands)
Sustained Quality Assurance Process	<ul style="list-style-type: none"> • Complementary review to certify that all legal issues have been considered. • Improved report quality. 	1,059
Streamlined Internal Processes	<ul style="list-style-type: none"> • Clear responsibilities of Enquiries and Complaints Analysts, Reviewer Analysts and Legal Analysts. • Legal certification of review reports. • Review checklist to identify issues and concerns for reviews. • Improved liaison with complainants, RCMP members and other stakeholders. 	596
Improved External Communications	<ul style="list-style-type: none"> • Redesigned Web site to Common Look and Feel standards. • Updated pamphlet. • Increased media profile. • Increased interaction with Parliamentarians. • Increased awareness of mandate and procedures with RCMP members. 	188
Improved Information Gathering to Identify Law Enforcement Trends	<ul style="list-style-type: none"> • Enhanced capacity of the Case Tracking System to include identification of law enforcement trends, issues and legal concerns. • Publication of existing findings and recommendations. • Initiation of new reports on areas of concern. 	136
Cooperative Initiatives with the RCMP	<ul style="list-style-type: none"> • Improved RCMP investigation standards. • Checklist for relevant material. • Clear roles and responsibilities between Commission staff and RCMP. 	30
Improved Performance Measurement and Management Through Modern Comptrollership	<ul style="list-style-type: none"> • Action plan to implement modern management practices. • Identification of resource gaps. • More sophisticated performance measures. 	60

Section IV: Organization

Role and Responsibilities

The fundamental role of the Commission is to provide civilian oversight of RCMP members' conduct in the performance of their policing duties. The Commission holds the RCMP accountable to the public by providing, at the request of complainants, an independent review of the RCMP's disposition of complaints and by making recommendations to the Commissioner of the RCMP.

Members of the public may make complaints about the conduct of RCMP members to the RCMP, the Commission or the provincial authority responsible for policing. Complaints received by the Commission are normally sent to the RCMP first. The Commissioner of the RCMP is required to report the results of investigations to complainants. If complainants are not satisfied with the RCMP's handling of the complaint, they may ask the Commission for a review of their case. The Chair of the Commission may also initiate a complaint if she considers there are reasonable grounds.

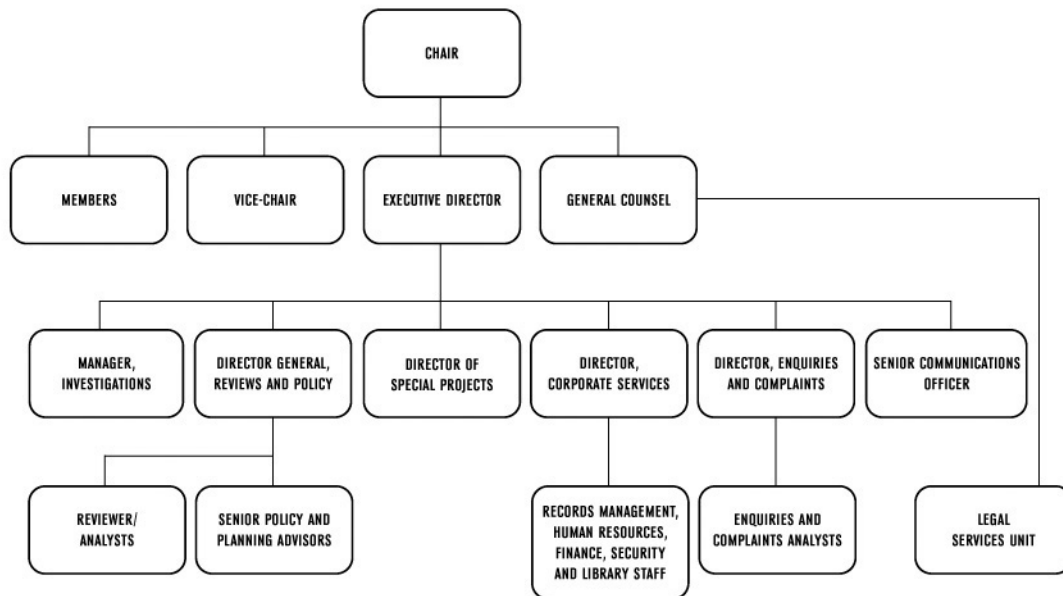
When reviewing a complaint, the Commission does not act as an advocate, either for the complainant or for RCMP members. Rather, its role is to inquire into complaints independently and to reach conclusions after an objective examination of the information provided.

In conducting its review, the Commission considers all relevant information provided by the complainants and the RCMP. If not satisfied that such information is complete, it asks the RCMP for additional information or, where appropriate, conducts its own independent investigation. The Chair also has the authority to hold a public hearing to inquire into a complaint.

If the Chair or Vice-Chair is not satisfied with the RCMP's handling of a complaint, the Commission produces an interim report of its findings and recommendations. After the RCMP Commissioner replies to the interim report, a final report is forwarded to the Solicitor General, the Commissioner of the RCMP and the parties. Alternatively, if the Chair or Vice-Chair concludes that the RCMP responded adequately to the complainant's concerns, a final report is delivered stating that the RCMP's handling of the complaint was satisfactory.

The Commission reports to Parliament. The Solicitor General of Canada tables the Commission's reports; otherwise, the Solicitor General is not involved in the operations of the Commission.

Organizational Structure



Commission Planned Spending

(thousands of dollars)	Forecast Spending 2002–2003	Planned Spending 2003–2004	Planned Spending 2004–2005	Planned Spending 2005–2006
Budgetary Main Estimates (gross)	4,447	4,677	4,677	4,677
Non-Budgetary Main Estimates (gross)	—	—	—	—
Less: Respendable revenue	—	—	—	—
Total Main Estimates	4,447	4,677	4,677	4,677
Adjustments	374*	0	0	0
Net Planned Spending	4,821	4,677	4,677	4,677
Less: Non-Respendable revenue	—	—	—	—
Plus: Cost of services received without charge	541	563	604	604
Net Cost of Program	5,362	5,240	5,281	5,281
Full-Time Equivalents	44	44	44	44

* The Commission received \$137,640 from the TB Vote 10 for the Modern Comptrollership Project. It also received in Supplementary Estimates a carry-forward in the amounts of \$48,698 and \$188,000 for collective bargaining.

Section V: Annexes

Net Cost of Program

Net Cost of Program for 2003–2004

(thousands of dollars)	Total
Gross Planned Spending	4,447
<i>Plus: Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada	359
Contributions covering employer's share of insurance premiums and costs paid by TBS	182
Employee compensation payments provided by Human Resources Development Canada	0
Subtotal: Services Received without Charge	541
Net Cost of Program	4,988

For Further Information

Contacts and Web Site

Head Office

P.O. Box 3423

Station "D"

Ottawa, Ontario

K1P 6L4

(613) 952-1471

1-800-267-6637

Western Region

7337 137th Street

Suite 102

Surrey, British Columbia

V3W 1A4

(604) 501-4080

1-800-665-6878

Web Site

www.cpc-cpp.gc.ca

Legislation

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

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

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

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

Publications

Annual Reports
1988–1989 to 2001–2002

RCMP Act (Commission consolidation), March 1990

Police Pursuits and Public Safety (A Report by the Commission for Public Complaints Against the RCMP) Autumn 1999

Chair's Final Report Concerning the Public Interest Investigation into the Incidents Surrounding the Detention and Death of Mr. Kim Erik Nielsen of Kamloops, British Columbia

Chair's Final Report Concerning the Public Interest Investigation into the Incidents Involving Demonstrators in the Communities of Saint-Sauveur and Saint-Simon, New Brunswick