

Military Police Complaints Commission of Canada

2004-2005
Estimates

A Report on Plans and Priorities

Approved

Honourable William Graham, C.P., M.P.
Minister of National Defence

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Section 1: *Chairperson's Message*

The upcoming 2004-2005 fiscal year will be the fifth full year of operation for the Military Police Complaints Commission of Canada and, with the possible exception of the very early days when the Commission was first stood up, the coming year may prove to be the most challenging of the Complaints Commission's still relatively-brief existence.

Following the report of the Minister's Advisory Committee on Administrative Efficiency, the Minister of National Defence suggested a re-alignment of resources affecting a number of agencies that fall under the broad umbrella of the Department of National Defence. In the case of the Complaints Commission, this re-alignment will mean a reduction of up to 30 per cent in the resources available to the organization in 2004-2005.

In addition, in the report of the independent five-year review of the *National Defence Act*, conducted in 2003, while stating that the importance of independent civilian oversight of military police could not be over-emphasized, former Chief Justice Antonio Lamer also made note of the number of complaints and requests for reviews of complaints being forwarded to the Complaints Commission. To ensure the financial and human resources provided are appropriate to its caseload, and at the recommendation of the former Chief Justice, the Complaints Commission has recently undergone a complete organizational review, including a workload analysis. This review was conducted by Consulting and Audit Canada.

I was provided with the outcome of the review and analysis at the end of January 2004 and, a few days later, the employees were informed of my decisions pertaining to the reorganization of the Complaints Commission. The Complaints Commission is still engaged in the process of developing a new service delivery model and devising an appropriate management structure to oversee the new model. This new model is based on teamwork, multi-tasking and flexibility. The Complaints Commission has sought the advice of Treasury Board Secretariat on adjusting the Program Activity Architecture (previously known as the Planning Reporting Accountability Structure) to reflect the changes to the structure of the Complaints Commission and on reducing the budgetary envelope.

Because of this significant and very recent reorganization (10 FTEs eliminated), I must caution the reader that the figures provided in this Report on Plans and Priorities for overall planned spending and planned spending on specific strategic outcomes should be considered as estimates only, based on the best information available to the Complaints Commission at the time this Report was prepared. In the fall, the Complaints Commission will make recommendations to formally reduce its reference levels in line with the 30 per cent reduction in resources hoped for by the Minister of National Defence.

These uncertainties notwithstanding, I would like to state that the Complaints Commission welcomes the opportunity to refine and enhance the efficiency of its operations. Indeed, as Chairperson, I am proud that, since its inception, the Complaints Commission has managed its program and achieved its objectives while under-spending its allocation by an average of more than 10 per cent over the entire period.

As part of its own ongoing efforts to implement the principles of modern comptrollership, the Complaints Commission has completed an Internal Audit Action Plan, and an action plan for the implementation of Modern Management Practices. A complete Business Plan will be in place for the beginning of the 2004-2005 fiscal year, allowing the Complaints Commission to comply fully with all operational reporting requirements. This document will be further adjusted at some point this year since the Complaints Commission will revisit its strategic objectives as a result of the downsizing exercise and the upcoming budget reduction.

I asked Consulting and Audit Canada midway through the 2003-2004 fiscal year to conduct a complete review of our financial transactions, policies and practices, in order to better judge the effectiveness of our internal initiatives. I am pleased to note that while Consulting and Audit Canada did identify some minor areas where the Complaints Commission could fine tune some of its systems and procedures, the review did not reveal any significant shortcomings. We are also implementing the few recommendations made by Consulting and Audit Canada.

Beyond these internal initiatives and the reporting requirements set by Treasury Board Secretariat, in 2004-2005 the Complaints Commission will be more accountable to Canadians by publishing the Chairperson's travel and hospitality expenses on our Web site at http://www.mpcc-cppm.gc.ca/300/300_e.html.

While the structure of the Complaints Commission and the level of resources available to it may change in the months ahead, we nonetheless enter the 2004-2005 fiscal year with our commitment to providing effective civilian oversight of military police intact, and determined to carry out this mandate in an efficient manner, with appropriate respect for the funds entrusted to the Complaints Commission by the people of Canada.

Louise Cobetto,
Chairperson

Management Representation Statement

I submit, for tabling in Parliament, the 2004-05 Report on Plans and Priorities (RPP) for the Military Police Complaints Commission of Canada.

This document has been prepared based on the reporting principles and disclosure requirements contained in the *Guide to the preparation of the 2004-2005 Report on Plans and Priorities*:

- It accurately portrays the organization's plans and priorities.
- The planned spending information in this document is consistent with the directions provided in the Minister of Finance's Budget and by Treasury Board Secretariat.
- Is comprehensive and accurate.
- Is based on sound underlying departmental information and management systems.

The reporting structure 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: Stanley Blythe
Title: Acting Executive Director

Date: _____

Section 2: *Raison d'être*

The Military Police Complaints Commission of Canada was created by Parliament to ensure independent, impartial, thorough and expeditious consideration of complaints about the conduct of the Canadian Forces Military Police, and of complaints of interference with Military Police investigations.

By carrying out this mandate, and promoting the principles of integrity, fairness and transparency, the Military Police Complaints Commission contributes to the professionalism of Military Police, helping to ensure Canada's military justice system continues to enjoy the confidence of the Canadian Forces, the Department of National Defence, and all Canadians.

Section 3: *Planning Overview*

The Military Police Complaints Commission delivers its program as a result of being largely funded through operating expenditures. The Complaints Commission is a quasi-judicial tribunal, and reports to Parliament on its activities through the Minister of National Defence.

3.1 Civilian Oversight within the Military Justice System

The Complaints Commission was created by Parliament as part of the modernization of Canada's military justice system demanded by Canadians following a series of well-publicized incidents during the 1990s.

The *National Defence Act* now sets out a process for both the handling and investigation and the review of the handling and investigation of complaints about the conduct of military police. It also provides an avenue for military police to complain if they believe another member of the Canadian Forces or a senior official of the Department of National Defence has interfered or attempted to interfere with their investigations.

The Complaints Commission formulates recommendations based on the findings of its reviews and investigations of complaints. Although not binding, if the authority responsible for dealing with these recommendations does not act on them, the reasons for not acting must be provided to the Chairperson and the Minister of National Defence.

While the Chairperson's recommendations may result in the censuring of the conduct of those who are the subject of a complaint, they are directed first and foremost at correcting any systemic problems that may have played a part in allowing the situation that gave rise to a complaint in the first instance. For example, the Chairperson's recommendations have led to improvements in the policy and procedures for surveillance operations conducted by military police and to enhanced training for members of the military police in areas as diverse as report writing and the use of police discretion.

The Complaints Commission does not act as an advocate for either side in the complaint process. Its role is to inquire into complaints independently and impartially, and to arrive at objective findings and recommendations based on the information provided by complainants, subjects of complaint, witnesses and others who may assist in uncovering the truth concerning events being investigated.

3.2 Planning Challenges

Canadians want fair, equitable, affordable, timely and convenient access to information and services that affect them. Thus, as an agency of the Government of Canada, it is incumbent upon the Complaints Commission to focus on the needs of those who come to it for assistance, whether to file a complaint or a request for review, or in search of information. In this regard, ensuring those who are the subject of a complaint are dealt

with fairly is an equally high priority. This obligation includes resolving matters that come before the Complaints Commission as informally and expeditiously as circumstances and fairness permit.

The planning process presents a number of challenges to the Complaints Commission, primarily with regard to the number, complexity and nature of the complaints with which it is expected to deal in a given year, but also in the area of staffing and, for 2004-2005 in particular, with regard to the financial and human resources that will be available to the Complaints Commission.

3.2.1 Number and complexity of complaints and investigations

It is impossible to predict how many complaints will be made over the planning period, how many complainants will ask the Complaints Commission to review the investigation of their complaint, or how many complaints may be deemed to be in the public interest, thereby leading to a more costly public interest investigation or hearing by the Complaints Commission. After just four years in operation, it is perhaps too early to state that a trend has been established, but the number of complaints received by the Complaints Commission is generally somewhat smaller than that received by other agencies providing civilian oversight of law enforcement in Canada.

Planning expenditures for the Complaints Commission must also take into consideration unusual expenses that may be associated with its investigations. While one case may involve interviewing two or three people in a single location, another could involve interviewing more than a dozen individuals deployed at several sites across the country.

Similarly, while some relatively straightforward cases can be dealt with in a matter of weeks, other investigations can involve reviewing hundreds of pages of documentary evidence and many hours of interviews with witnesses, and require several months to complete. The cost of an extensive, public interest investigation can exceed \$200,000. Reports of public interest investigations, as well as summaries of complaints that have been reviewed and/or monitored by the Complaints Commission are available on our Web site at http://www.mpcc-cppm.gc.ca/300/300_e.html.

Since not investigating a complaint made in good faith is not an option, the Complaints Commission has developed a risk management strategy and related contingencies that will enable it to deal with times when the number of complaints or the incidence of complex investigations may be higher than usual. These contingencies continue to be refined as the Complaints Commission gains more operational experience.

3.2.2 Implementation of modern management practices

During its relatively brief existence, the Complaints Commission has devoted substantial resources toward the development and implementation of a number of improvements to its management practices, including strengthened managerial authorities and

accountabilities, improved management infrastructure, increased financial flexibility, and a focused strategic planning process.

As part of the strategic planning process, and following a capacity assessment of its management capabilities undertaken in 2002, the Complaints Commission developed an action plan for the implementation of modern management practices; implementation of the action plan is to begin in the 2004-2005 fiscal year.

Part of the action plan for the implementation of modern management practices involves developing a formal, annual business planning process. This part of the process is already underway, and the 2004-2005 Business Plan will be posted on the Complaints Commission Web site at http://www.mpcc-cppm.gc.ca/300/300_e.html.

Like all other departments and agencies, the Complaints Commission will participate as required in the expenditure management reviews that are being undertaken by Cabinet's Expenditure Review Committee. As they become available, reports on the progress of these reviews, their results and the planned activities flowing from them will also be posted on the Complaints Commission Web site at http://www.mpcc-cppm.gc.ca/300/300_e.html.

3.2.3 Human resources

Another major risk for the Complaints Commission in delivering on its priorities is related to its workforce. While staff turnover is not great in absolute numbers, for a small organization such as the Complaints Commission, with just seventeen staff members following the reorganization, the departure of even two or three personnel over the course of a year can have a significant impact on carrying through with that year's plans and priorities – corporate memory is lost, key functions must be added to the responsibilities of others in the organization, and the process of recruiting and appointing replacement staff can take a number of months.

The Complaints Commission continues to assess its staffing contingencies and review succession planning measures to ensure that service delivery is not hampered by gaps created by the departure of staff members.

In 2002, the Complaints Commission participated in the Public Service Employee Survey. Although the survey results were generally positive, a number of areas of concern were identified, and the Complaints Commission management committee has completed an action plan to address these issues, which was presented to the employees. Implementation of the action plan is a priority of the management team.

As an additional measure to enhance the quality of the work environment at the Complaints Commission, a learning framework has been established for employees, and individual learning plans have been formalized, including a monitoring system to ensure employees are advancing toward their stated goals.

3.2.4 Performance measurement

One important measure of performance is the Complaints Commission's ability to deal with cases in a timely manner. In this area, it is important to note that the Chairperson cannot issue a final report in a given case until the appropriate authority within the military or defence hierarchy has provided a response to the Chairperson's interim report. Thus, to a considerable extent, the Complaints Commission's performance in ensuring cases are resolved in a timely manner is dependent upon the cooperation and collaboration of others.

For this and other reasons, although it is independent of the Department of National Defence and the Canadian Forces, the Complaints Commission places a premium on maintaining a good working relationship and regular consultations with the Chief of the Defence Staff, the Canadian Forces Provost Marshal, and other stakeholders in a mutual effort to avoid unnecessary delays. Although the Complaints Commission must maintain its independence, it need not be isolated, and the Complaints Commission is committed to operating in as collegial and cooperative a manner as is consistent with the legislated mandate.

3.2.5 Financial resources

Reporting on plans for the 2004-2005 fiscal year has been more difficult this time, given that the exact transition costs related to the reorganization and workforce adjustments were not known when this report was prepared. This re-alignment will mean a reduction of up to 30 per cent in the resources available to the organization in 2004-2005.

As mentioned in the Chairperson's message, the new service delivery model and the revised management structure brought about by the reduction in resources, will enable the Complaints Commission to continue to effectively pursue the three strategic outcomes described in its first Report on Plans and Priorities for fiscal year 2001-02. Achieving these outcomes – the expeditious handling of complaints, enhancing awareness of the Complaints Commission, and enhancing the efficiency of the Complaints Commission – is fundamental to fulfilling the intent of Parliament in creating the Complaints Commission to provide effective, efficient oversight of Canadian Forces Military Police.

Section 4: *Plans and Priorities by Strategic Outcomes*

Summary¹

<u>Strategic Outcome</u>	<u>Priorities</u>	<u>Associated Resources</u>	<u>Type of Priority</u>
1. Enhance the capacity of the Complaints Commission to handle complaints in an informal and expeditious manner, leading to the production of quality reports.	1. Resolution of matters before the Complaints Commission as informally and expeditiously as the circumstances and the consideration of fairness permit	\$501,000	previous and ongoing
	2. Refinement of processes that will serve to ensure all reports achieve expectations of high quality	\$501,000	previous and ongoing
	3. Client-focused service	\$501,000	previous and ongoing
2. Increase awareness of the Complaints Commission with respect to its mission, mandate, role and results achieved.	1. Improve awareness among key stakeholders with respect to the Complaints Commission's mandate and services	\$120,000	previous and ongoing
	2. Improve awareness of the Complaints Commission with respect to its mandate through continuation of its outreach program	\$120,000	previous and ongoing
	3. Increase citizen-centred focus by implementing user-friendly refinements to electronic access to information about the Complaints Commission and the complaints process	\$120,000	previous and ongoing
3. Provide quality service to Canadians through greater efficiency in the operation of the Complaints Commission by taking advantage of	1. Maintain or improve service delivery and continued commitment to modern comptrollership	\$644,000	previous and ongoing
	2. Benefit through continued collaboration with other small agencies and through the adoption of innovative service delivery practices	\$644,000	previous and ongoing

¹ Please note that all figures in this section are based on the approved Main Estimates. The associated resources will be re-stated based on the result of the fall submission to Treasury Board for reduced funding. The FTEs have already been reduced following the reorganization.

technologies, partnerships and the adoption of best practices.	3. Prudent investment in technology to enhance a cost-effective, results-based approach to service delivery	\$644,000	previous and ongoing
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Details

Strategic Outcome 1

(\$ 1,503,000) pending TB's approval of new reference levels

Enhance the capacity of the Complaints Commission to handle complaints in an informal and expeditious manner, leading to the production of quality reports.

Planned Spending
2004-2005
\$1,503,000
FTEs: 8.5

Planned Spending
2005-2006
\$1,501,000
FTEs: 8.5

Planned Spending
2006-2007
\$1,501,000
FTEs: 8.5

Priorities

1. Resolution of matters before the Complaints Commission as informally and expeditiously as the circumstances and the consideration of fairness permit
2. Refinement of processes that will serve to ensure all reports achieve expectations of high quality
3. Client-focused service

Plans

- Assess investigator/analyst capacity on an ongoing basis and adjust existing contingencies as necessary for dealing with fluctuations in number of complaints.
- Develop an Informal Resolution Framework for the Complaints Commission.

- Implement new service delivery model identified following the re-alignment of resources, and the results of the audit and workload analysis conducted by Consulting and Audit Canada.
- Through the use of case-tracking software, identify and manage delays as they arise in cases being handled by the Complaints Commission.
- Continue ongoing consultations with the Canadian Forces Provost Marshal and the Chief of the Defence Staff to identify and overcome obstacles to the expeditious resolution of complaints.

Performance Monitoring

- Ensure that an effective contingency plan is in place in order to be in a position to deal with a significant increase of complaints.
- Assess the Informal Resolution Framework, with concrete cases, to ensure its relevancy and effectiveness.
- Monitor and evaluate feedback from clients and stakeholders on the reports of investigations and reviews prepared and submitted by the Chairperson.
- Monitor and evaluate feedback from complainants and subjects of complaints as well as issues relating to complaints.
- Evaluate handling of all cases against timelines and outputs required under performance management framework.

Strategic Outcome 2

(\$ 361,000) pending TB's approval of new reference levels

Increase awareness of the Complaints Commission with respect to its mission, mandate, role and results achieved.

Planned Spending	Planned Spending	Planned Spending
2004-2005	2005-2006	2006-2007
\$361,000	\$360,000	\$360,000
FTEs: 1.5	FTEs: 1.5	FTEs: 1.5

Priorities

1. Improve awareness among key stakeholders with respect to the Complaints Commission's mandate and services
2. Improve awareness of the Complaints Commission with respect to its mandate through continuation of its outreach program
3. Increase citizen-centred focus by implementing user-friendly refinements to electronic access to information about the Complaints Commission and the complaints process

Plans

- Develop and implement a strategic communications plan for the Complaints Commission, including a monitoring and evaluation component
- Continue formal and informal exchanges with key stakeholders and clients through visits and presentations to military police and other members of the Canadian Forces
- Continue with regular publication and distribution of "Special Reports" on selected topics relevant to the complaints process and civilian oversight of law enforcement of interest and importance to Complaints Commission stakeholders and clients
- Implement ongoing enhancements and improvements to ensure the Complaints Commission Web site continues to provide an accessible, comprehensive source of information about the Complaints Commission and the complaints process

Performance Monitoring

- Use of monitoring and data-gathering mechanisms developed within the strategic communications plan to monitor awareness of the Complaints Commission and its activities within the Department of National Defence, the Canadian Forces and Canadian Forces Military Police, and the Canadian public.
- Monitor and evaluate feedback from presentations, exchanges with clients and stakeholders, and reports
- Monitor traffic and usage patterns on the Complaints Commission Web site

Strategic Outcome 3

(\$ 1,932,000) pending TB's approval of new reference levels

Provide quality service to Canadians through greater efficiency in the operation of the Complaints Commission by taking advantage of technologies, partnerships and the adoption of best practices.

Planned Spending	Planned Spending	Planned Spending
2004-2005	2005-2006	2006-2007
\$1,932,000	\$1,929,000	\$1,929,000
FTEs: 7	FTEs: 7	FTEs: 7

Priorities

1. Maintain and improve service delivery and continued commitment to modern comptrollership while completing corporate restructuring and development of new service delivery model
2. Benefit through continued collaboration with other small agencies as well as departments and through the adoption of innovative service delivery practices
3. Prudent investment in technology to enhance a cost-effective, results-based approach to service delivery

Plans

- Implement action plan for modern management practices developed during fiscal year 2003-2004
- Complete development and extend application of performance management framework to all aspects of Complaints Commission operations
- Implement 2004-2005 Business Plan and modify it as required to ensure its relevance
- Complete organizational restructuring and development of new service delivery model
- Continue to assess the feasibility of partnerships with other agencies or contracting out for common support services through the sharing of experiences and knowledge at the Small Agency Administrators Network and other forums, and pursue such partnerships where appropriate
- Maintain awareness and compliance with Government On-Line initiatives

Performance Monitoring

- Monitor and evaluate compliance with established service standards through monthly reports on ongoing program and management initiatives
- Conduct full assessments of progress toward implementation of modern management action plan on a quarterly basis
- Application of performance management framework to all aspects of Complaints Commission operations
- Monitor and evaluate compliance with Treasury Board Secretariat reporting requirements
- Evaluate compliance with Government On-Line requirements

Section 5: *Organization*

Strategic Outcomes and Business Line

Business Line Description

The Complaints Commission deals with the processing of complaints having to do with the Military Police.

The Complaints Commission, which reports annually to Parliament, provides an independent and impartial review of conduct complaints referred to it by complainants dissatisfied with the Provost Marshal's disposition of their complaint. Furthermore, the Complaints Commission has exclusive authority over the handling of interference complaints, which may be filed by military police members who believe another member of the Canadian Forces or a senior official within the Department of National Defence has interfered or attempted to interfere with their investigation. As well, if considered to be in the public interest, the Chairperson may, at any time, cause the Complaints Commission to conduct an investigation and, if warranted, to hold a public hearing into a conduct or interference complaint.

Business Line Objective

To deal with all matters before the Complaints Commission as informally and expeditiously as circumstances and fairness permit, including:

- Interference complaints received from Military Police members;
- Investigations, and, if warranted, public hearings into complaints deemed to be in the public interest by the Chairperson;
- Oversight of the Provost Marshal's handling of complaints about misconduct by Military Police members; and,
- Review the handling of specific misconduct complaints when requested to do so by complainants.

Strategic Outcomes and Business Line

The Complaints Commission has only one business line. All Complaints Commission resources are dedicated to achieving its business line objective. The following table provides a crosswalk of the resource relationship between Strategic Outcomes and its Business Line keeping in mind that these are estimated figures pending TB's approval of the new reference levels and the upcoming budget reduction.

(\$ 000)	Strategic Outcomes			
	Informal and expeditious handling of complaints	Improve awareness of Complaints Commission	Greater efficiency in operations	Total
Business Line:				
Investigation and Review of Complaints	\$1,503.0	\$361.0	\$1,932.0	\$3,796.0*
Full time Equivalents (FTEs)	8.5	1.5	7	17

*Excludes Employee Benefit Plan Costs

Accountability

The Complaints Commission is a federal agency that reports to Parliament through the Minister of National Defence. In order to deliver its mandate, the Complaints Commission operates a single program, which consists of one business line. The reporting structure established for the delivery of the Complaints Commission's business line is:

Chairperson:

The Chairperson is appointed by the Governor in Council and is also the Chief Executive Officer of the Complaints Commission. The Chairperson reports to Parliament through the Minister of National Defence.

General Counsel and Executive Director:

In the course of the reorganization, the General Counsel/Director of Legal Services position and that of the Executive Director were amalgamated. As a result, one employee performs these duties now. The General Counsel and Executive Director reports to the Chairperson and is responsible for the Operations Directorate, Legal Services, and for Corporate Services including finance, human resources and information management.

Complaints Commission Planned Spending

Please note that all planned spending figures in this section are based on the Fall 2003 Annual Reference Level Update approved by Treasury Board. All are subject to change as a result of the re-alignment of resources suggested by the Minister of National Defence and will be addressed in the fall submission to Treasury Board to reduce the resources. The Full Time Equivalents, however, reflect the actual staffing levels (after reorganization).

(\$ 000)	Forecast Spending 2003-04	Planned Spending 2004-2005	Planned Spending 2005-2006	Planned Spending 2006-2007
Budgetary Main Estimates (gross)	4,021.0	4,211.0	4,205.0	4,205.0
Less: Respendable revenue	-	-	-	-
Total Main Estimates	4,021.0	4,211.0	4,205.0	4,205.0
Adjustments for the impact of collective agreements and other related adjustments to terms and conditions of service or employment	130.0	-	-	-
Net Planned Spending	4,151.0	4,211.0	4,205.0	4,205.0
Plus: Cost of services received without charge	146.3	154.3	153.9	153.9
Net Cost of Program	4,297.3	4,365.3	4,358.9	4,358.9
Full Time Equivalents	27	17	17	17

Section 6: *Annexes*

Annex 1 - Net Cost of Program for the Estimates Year

	2004-2005
(\$ 000)	
Net Planned Spending	4,211.0
Plus:	
<i>Services Received without Charge</i>	
Accommodations provided by Public Works and Government Services Canada (PWGSC)	-
Contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS (excluding revolving funds)	154.3
Worker's compensation coverage provided by Human Resources Canada	-
Salary and associated expenditures of legal services provided by Justice Canada	-
Total Cost of Program	4,365.3
Less: Non-respendable Revenue	
2004-2005 Net Cost of Program	4,365.3