

Civilian Review and  
Complaints Commission  
for the RCMP



Commission civile d'examen  
et de traitement des plaintes  
relatives à la GRC

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# ANNUAL REPORT

2015-2016

The Civilian Review and Complaints Commission for the RCMP (the Commission) is an agency of the federal government, distinct and independent from the RCMP.

**VISION:** Excellence in policing through accountability.

**MISSION:** To enhance the accountability of the RCMP by providing civilian review of RCMP activities and member conduct.

**MANDATE:** As set out in Parts VI and 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;
- initiate complaints and investigations into RCMP conduct when it is in the public interest to do so;
- review specified RCMP activities; and
- report findings and make recommendations.

**STRATEGIC OBJECTIVES:**

- Ensure an effective public complaint process.
- Increase the Commission's investigative capacity.
- Undertake reviews of specified RCMP activities.
- Enhance relations with provincial and territorial governments, as well as police review bodies.
- Increase public education and engagement.

**The Civilian Review and Complaints Commission for the RCMP can be found online at:**  
[www.crcc-ccetp.gc.ca](http://www.crcc-ccetp.gc.ca) or [www.complaintscommission.ca](http://www.complaintscommission.ca).

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Minister of Public Works and Government Services

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The Honourable Ralph Goodale, P.C., M.P.

Minister of Public Safety and Emergency Preparedness  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Minister,

Pursuant to section 45.52 of the *Royal Canadian Mounted Police Act*, I hereby submit the annual report of the Civilian Review and Complaints Commission for the RCMP for the 2015–2016 reporting period for tabling in Parliament.

Yours truly,

A handwritten signature in white ink on a dark teal background. The signature is cursive and stylized, appearing to read 'Ian McPhail'.

Ian McPhail, Q.C.

Chairperson  
June 2016



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# CHAIRPERSON'S MESSAGE



**“ A strong cooperative working relationship with the RCMP is crucial to our success, and so we continue to leverage common ground and, where necessary, stand firm when our role as independent overseer is challenged. ”**

The past year has been one of considerable change for the Commission.

In this inaugural year as the Civilian Review and Complaints Commission for the RCMP, our focus was on putting into action the expanded mandate provided in the *Enhancing Royal Canadian Mounted Police Accountability Act*, which came into force in late 2014.

With this new authority in place, we launched two reviews of RCMP programs. The first examines the RCMP's implementation of recommendations made in Justice Dennis O'Connor's 2006 *Report of the Commission of Inquiry into the Actions of Canadian Officials in relation to Maher Arar*. The second is a review of the RCMP's implementation of recommendations made in the Commission's 2013 Report on Harassment in the RCMP. This review, requested by The Honourable Ralph Goodale, Minister of Public Safety, will also examine the RCMP's implementation of its Gender and Respect Action Plan and RCMP culture more broadly.

Both reviews will provide the public with an independent assessment of the changes the RCMP has made to its policies and practices. These reviews come at a critical time as Parliament considers RCMP collective bargaining (Bill C-7) and a National Security and Intelligence Committee of Parliamentarians (Bill C-22).

Over the past year the Commission has been a consistent contributor to the parliamentary debate of both Bills, demonstrating its current mandate to provide comprehensive RCMP oversight and its potential role in broader oversight regimes being considered by legislators.

The Commission has also contributed to Senate examination of Bill S-205, which proposes an independent complaint and review regime for CBSA, and confirmed that, in principle, it could fill this role.

Over the past year we continued to focus on building direct working relationships with

government partners, the RCMP, special interest groups and other police oversight bodies in every province and territory. This has increased awareness of the Commission, our new mandate and responsibilities and contributed to a more unified and effective community of practice for police oversight in Canada.

We have also continued our work on several large investigations which carried over from previous years. Notable among these are our reports on the RCMP's Response to the 2013 Flood in High River, Alberta, and our ongoing review of RCMP Response to Shale Gas Protests in Kent County, New Brunswick.

This year also saw the completion of our investigation into policing in northern British Columbia. Further to the community outreach undertaken as part of this investigation, the Commission is examining how to better serve the Indigenous communities in the region in relation to public complaints against the RCMP. The aim is to enhance public trust in the complaints system, and ultimately improve trust in the RCMP. We look forward to releasing this report upon receipt of the RCMP Commissioner's Response.

To meet the demands of our expanded mandate and the additional work it brings, we have hired new analysts and investigators to add capacity, depth and experience to our in-house roster. We also moved our Complaint Intake office from Surrey, BC, to the Commission's Headquarters in Ottawa. This allowed us to streamline the complaint process and better integrate it in the Commission's operations.

In conjunction with this move, a web based complaint form was launched in June 2015, giving the public 24/7 access to the

Commission. While complaint forms were previously available on the Commission's website, the new form is fully interactive and allows complainants to fill out, and submit their complaints online.

In response to the new legislation, the RCMP also made changes to its internal structures relating to the public complaint process. It has centralized its public complaint reporting process under the authority of a national office which now manages interactions with the Commission. As with any new structure, there have been a few growing pains that have affected our ability to move investigations forward at the pace we would like. A strong cooperative working relationship with the RCMP is crucial to our success, and so we continue to leverage common ground and, where necessary, stand firm when our role as independent overseer is challenged.

As always, our efforts are aimed at providing the public and the RCMP an independent and transparent process through which to address concerns about how members of the RCMP carry out their policing duties. Our ultimate goal is to enhance public understanding of, and confidence in, the RCMP.

The Commission is also ready to leverage its experience in supporting parliamentarians as they consider emerging needs relating to the oversight of other government agencies who contribute to the safety and security of Canadians.

# THE COMPLAINT & REVIEW PROCESS

## THE PUBLIC COMPLAINT PROCESS

The Commission accepts complaints about the on-duty conduct of RCMP members from individuals:

- Directly involved;
- Who witnessed the conduct itself;
- Authorized to act on behalf of the complainant.

Complaints about RCMP member conduct can also be made by the Commission Chairperson if the Chairperson determines that there are reasonable grounds to investigate. Chairperson-Initiated Complaints are processed in the same manner as a complaint from a member of the public.

A complaint must be made within a year of the alleged conduct occurring.

If the Commission Chairperson is of the opinion that it would be in the public interest for the Commission to investigate a complaint instead of the RCMP, the Commission will conduct a Public Interest Investigation. Public Interest Investigations can be launched in relation to a complaint received from a member of the public, or as a result of a Chairperson-Initiated Complaint.

The Commission may refuse to deal with a complaint if it:

- Is not filed within a year of the occurrence;
- Concerns decisions regarding disciplinary measures;
- Has been, or could be, more appropriately dealt with through a different process; or
- Is trivial, frivolous, vexatious or made in bad faith.

A complaint can be lodged with:

- The Commission;
- Any RCMP member;
- The provincial authority responsible for receiving complaints against police in the province in which the subject of the complaint took place.



## THE REVIEW PROCESS

When a complaint is made, typically the RCMP carries out the initial investigation into the complaint and reports back to the complainant.

If a complainant is not satisfied with the RCMP's handling of their complaint, they may request that the Commission conduct a review of the RCMP's investigation.

Upon such a request, the Commission obtains all relevant material from the RCMP and assesses the RCMP's investigation of the complaint.

The Commission is an independent agency and does not act as an advocate either for the complainant or for RCMP members.

The role of the Commission is to make findings after an objective examination of the information available and to make recommendations that improve policy and performance of the RCMP and its members.

If, in conducting its review, the Commission finds the RCMP did not conduct a thorough investigation, the Chairperson can request that the RCMP make further enquiries.

Following its review, if the Commission is satisfied with RCMP's handling of the complaint, the Chairperson issues a

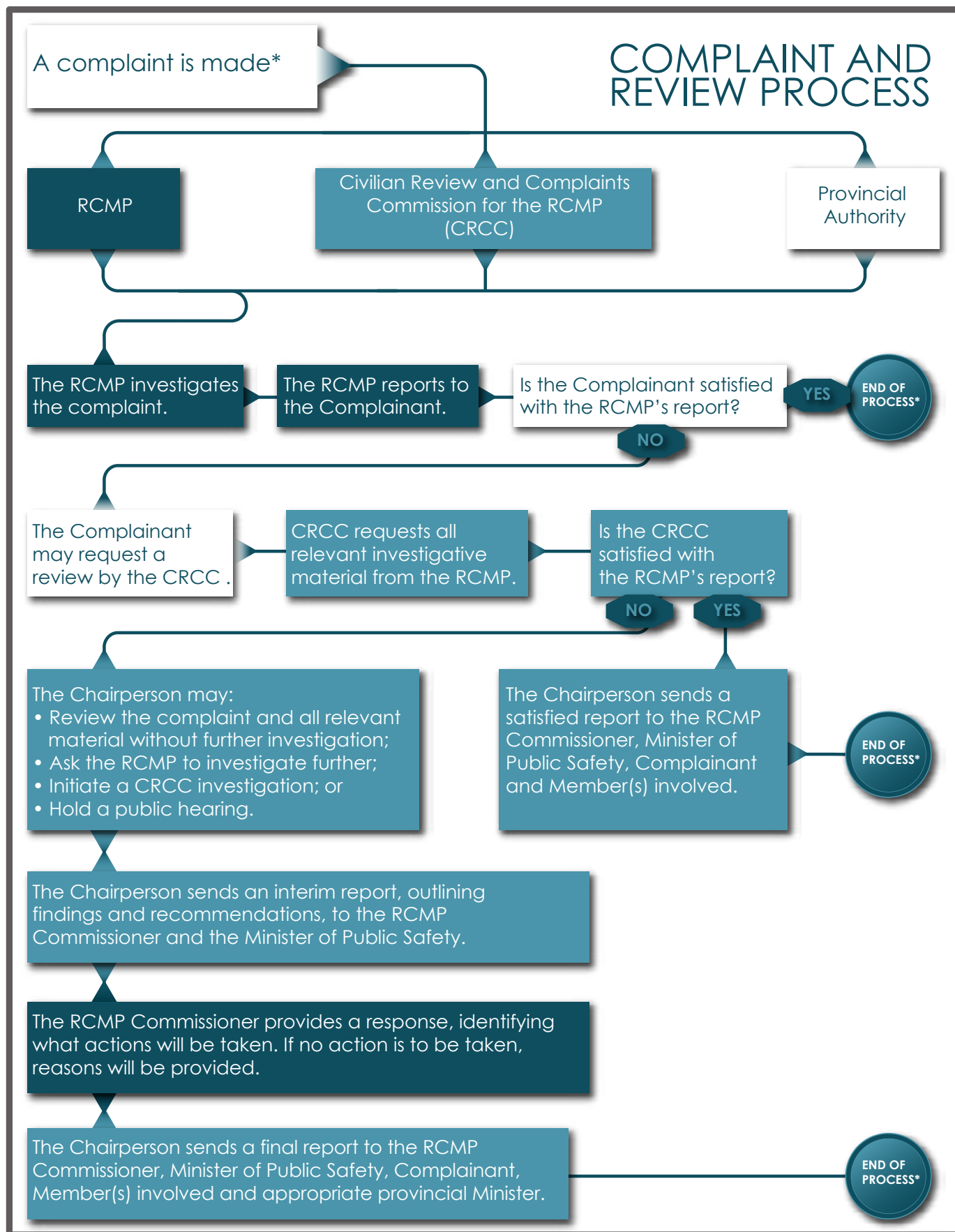
**Satisfied Report** to the RCMP Commissioner, the Minister of Public Safety, the complainant, and the member(s) involved, thereby ending the review process.

If, at the conclusion of the review, the Commission is not satisfied with the RCMP's handling of the complaint, the Chairperson will issue an **Interim Report**, outlining various findings and recommendations directed at the RCMP, which will be sent to the RCMP Commissioner and the Minister of Public Safety.

Once the **Interim Report** has been reviewed by the RCMP, the RCMP Commissioner gives notice, identifying which recommendations the RCMP will act on. If no action is to be taken, the Commissioner must provide reasons.

After receiving the **Commissioner's Response**, the Chairperson considers the RCMP's position and prepares a **Final Report**. This report is then provided to the RCMP Commissioner, Minister of Public Safety, the complainant, the member(s) involved, and the appropriate provincial Minister. This completes the Commission's review process.

Complainants must request a review within 60 days of receiving the RCMP's formal response to their complaint.



\* The Chairperson can initiate a complaint. In addition, at any stage of the process, the Chairperson may institute an investigation or a hearing where it is considered in the public interest to do so.

# 2015-2016 THE YEAR IN REVIEW

## In 2014-2015

The Commission received  
**1,839**  
public complaints regarding  
the conduct of  
RCMP members



received

**200**

requests to review the  
RCMP's investigation  
of public complaints.

VS

## In 2015-2016

The Commission received  
**1,952**  
public complaints regarding  
the conduct of  
RCMP members



received

**241**

requests to review the  
RCMP's investigation  
of public complaints.

New online forms  
give the public  
24/7  
access to the  
Commission

## How does the Commission receive complaints?

Online Form - **32%**



Telephone - **41%**



In-Person - **9%**



**9%** - Mail



**5%** - Fax



**3%** - Email



The Commission's intake office moved from  
**Surrey, British Columbia**, to the Commission's  
headquarters in **Ottawa, Ontario**.



This year,  
**80%** of the  
Commission's review  
reports were completed  
within its 120-day timeframe

**100%** of its Final Reports  
were delivered within  
its 30-day timeframe

# THE YEAR IN REVIEW

The workload associated to the Commission's core function—receiving, processing and monitoring public complaints and independently reviewing RCMP public complaint investigations— mirrored that of previous years. However, of particular note is the unprecedented number of public interest investigations the Commission had in progress during the course of the year. Although these investigations are resource-, and labour-, intensive, when circumstances dictate the need for greater transparency and independence from the RCMP, the Commission must exercise its authority to investigate these complaints in the first instance.

## PUBLIC COMPLAINTS

This year, the Commission processed 2399 complaints regarding the on-duty conduct of RCMP members. Of these complaints, 1952 were lodged with the Commission, while 447 were made directly to the RCMP.

The complaint allegation trends for 2015-16 mirror those from previous years, with the top five allegations being:

- Neglect of Duty
- Improper Attitude
- Improper Use of Force
- Irregularity in Procedure
- Improper Arrest

A detailed summary of all complaint allegation types can be found in Appendix A.

In 2015-16, considerable changes were made to the Commission's complaint intake processes. The Commission's call centre, which was located in Surrey, British Columbia, was closed in December 2015 and its functions migrated to the Commission's headquarters in Ottawa. This amalgamation led to a more streamlined public complaint process and tighter integration with other units at the Commission.

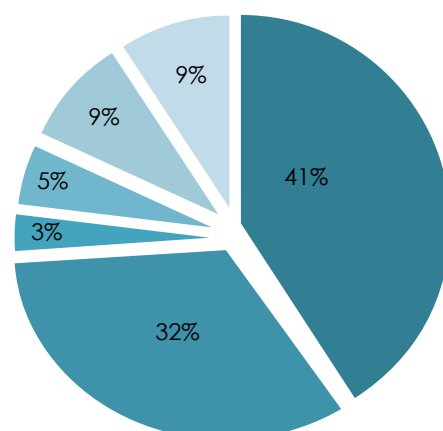
To give complainants access to the Commission 24 hours a day, 7 days a week, the Commission implemented a new web-based complaint form that allows complainants to fill out and submit the form to the Commission directly through its website.

This tool automatically inputs details about a complaint into the Commission's Case Management System, creating efficiencies in the complaint process, and allowing the Commission to better serve Canadians.

Since the online form became available in June 2015, 32% of complaints have been lodged using this method.

### How the Commission receives complaints

■ Telephone 41% ■ Online Form 32%  
■ Email 3% ■ Fax 5%  
■ Mail/Courier 9% ■ In-Person 9%



# REVIEW OF THE RCMP'S HANDLING OF PUBLIC COMPLAINTS

## NEW REQUESTS FOR REVIEW

If a complainant is not satisfied with the RCMP's handling of their public complaint, legislation allows for the complaint to be referred to the Commission for review. This year, the Commission received 241 new requests for review.

## COMMISSION REPORTS

In 2015-16 the Commission issued 168 reports.

### SATISFIED REPORTS

The Commission issued 137 complaint review reports agreeing with the RCMP's handling of the complaint.

### INTERIM REPORTS

The Commission issued 16 complaint review reports that disagreed with the RCMP's handling of the complaint and made recommendations to the RCMP Commissioner.

### PUBLIC INTEREST INVESTIGATIONS

The Commission finalized three Public Interest Investigations. In two reports, the Commission made adverse findings and set out recommendations. The Commission awaits the RCMP Commissioner's response.

### FINAL REPORTS

The Commission issued 12 Final Reports after receiving the Commissioner's Response to findings and recommendations made by the Commission.

## RCMP COMMISSIONER'S RESPONSES

This year, the RCMP Commissioner responded to 17 of the Commission's Reports (Interim or Public Interest Investigation) originating from current and previous years.

In his responses he accepted approximately 90% of the Commission's adverse findings and 81% of its recommendations.

The Commission's recommendations vary in response to the individual complaints being reviewed, and, while some are based on broader organizational policies and processes, many are specific to the complaint in question.

Commission recommendations may include that:

- Members receive guidance or further training;
- RCMP policies, procedures or guidelines be clarified or amended;
- Supervisors receive guidance on their roles and responsibilities;
- Public complaint investigators receive guidance or further training regarding their role in the public complaint process;
- Public complaint investigations be carried out even though the RCMP had determined that such investigations were not necessary; and,
- The complainant be provided with an apology.

## EFFECTIVE AND TIMELY REVIEW

To ensure timely responses to public complaints, the following response times have been put in place by the Commission for its role in the complaint and review process:

Action	Response Time
The Commission forwards public complaint to the RCMP.	4 days
RCMP investigates and delivers a report to the complainant.	Determined by the RCMP
The Commission requests all relevant material from the RCMP upon being notified by the complainant that they are not satisfied with the RCMP's response.	4 days
The Commission conducts its review and sends either: <ul style="list-style-type: none"><li>• a Satisfied Report to the complainant, the RCMP and the Minister of Public Safety; or</li><li>• an Interim Report to the RCMP with findings and recommendations.</li></ul>	120 days
The RCMP responds to the Interim Report.	Determined by the RCMP
The Commission issues its Final Report.	30 days

Given the complexity of some of the complaints the Commission receives, it is not always possible to meet the above response times. The number and type of allegations, legal issues, and the volume of documentation to be reviewed can affect the amount of time needed to complete a review. An increase in the availability of video and audio evidence has also had an impact on the complexity of the Commission's reviews.

This year, 80% of the Commission's Satisfied and Interim Reports were completed within the 120-day timeframe and 100 % of its Final Reports were delivered within the 30-day timeframe.

# NOTABLE COMPLAINTS

## CHAIRPERSON-INITIATED COMPLAINTS AND PUBLIC INTEREST INVESTIGATIONS

### RCMP policing in northern British Columbia

In May 2013, in response to public concern with respect to policing in northern British Columbia, the Chairperson initiated a complaint and public interest investigation into the conduct of RCMP members carrying out policing duties in northern British Columbia.

The Commission's investigation examined RCMP member conduct, the quality of supervision and training, and the adequacy of relevant RCMP policies and procedures.

In December 2015, the Commission submitted its Interim Report to the Commissioner of the RCMP. The report contains 45 findings and 31 recommendations relating to the following areas:

- the policing of public intoxication;
- the incidence of cross-gender police searches;
- the handling of missing persons reports;
- the handling of domestic violence reports;
- use of force; and
- the handling of files involving youth.

In March 2016, the Commissioner provided a preliminary response to the Chairperson stating that he agreed, in principle, with the Commission's conclusions, and that the recommendations are informing changes to RCMP policies and training.

A Final Response from the Commissioner is expected once the RCMP completes its analysis of the report.

### RCMP response to flooding in High River, Alberta

The Chairperson initiated a complaint and public interest investigation in response to public concerns regarding the conduct of RCMP members following flooding in High River, Alberta, in June and July 2013.

Specifically, public concerns arose following reports that members had entered private residences in the area and seized firearms.

Given the significant public interest in this investigation, the Commission issued its Interim Report to the public in February 2015. The report made 52 findings and 10 recommendations and was provided to the Commissioner of the RCMP for response.

In his response dated February 12, 2016, the Commissioner agreed with all of the Commission's findings, with the exception of one concerning secondary entries and related seizures.

The RCMP Commissioner disagreed with the following finding: Where a secondary entry into a building was not authorized under the Emergency Management Act or the common law, the seizure of unsecured firearms was also unauthorized.



While the Commission found that re-entries and related seizures were not authorized, the RCMP Commissioner countered that they were, in fact, lawful. In the Commission's Final Report, completed in April 2016, the Chairperson rejected the Commissioner's argument.

With respect to the Commission's recommendations, 9 of the 10 were supported by the Commissioner.

The RCMP Commissioner disagreed with the following recommendation: The RCMP should review its emergency management policies at the national and divisional level to ensure that they provide clear and comprehensive direction with respect to the legal authorities and duties of its members in emergency situations, taking into consideration the specific authorities and duties set forth in provincial or territorial legislation.

The Commissioner informed the Chairperson that rather than reviewing their emergency management policies, the RCMP would create a tool that would address the Commission's recommendation.

In his Final Report, the Chairperson acknowledged the benefits of the RCMP's solution; however, the Chairperson felt that it did not address the RCMP's lack of a comprehensive policy on emergency response management. The Commission reiterated its recommendation.

This report can be found on the Commission's website.

## **Police-involved shooting of Valeri George**

In October 2009, the Chairperson initiated a complaint into the September 2009 shooting death of Valeri George in Buick Creek, British Columbia.

In September 2009, Mr. George stopped a vehicle occupied by his spouse and children, and shot out the tires. He then returned to his residence.

After receiving reports of the incident, the Fort St. John (BC) RCMP attempted to speak with Mr. George over the next few days, but he was uncooperative and insisted on seeing his family. A few days later, the RCMP North District Emergency Team (NDERT) was ultimately deployed to Mr. George's residence to effect a warrant for his arrest.

After NDERT made numerous attempts to negotiate Mr. George's surrender, he drove down his driveway at a high rate of speed, while carrying a firearm. It appeared Mr. George was about to ram a barricade that had been set up by NDERT, placing at least one of the members at risk of serious harm or death. NDERT members fired at the vehicle, and Mr. George was fatally struck and died at the scene.

The Commission completed its review of the RCMP investigation of the Chairperson-Initiated Complaint and issued its Interim Report in June 2015. The Report contained 49 findings, and 8 remedial recommendations which addressed RCMP training and procedures with respect to RCMP Emergency Response Teams and critical incidents.

The Commission awaits the RCMP Commissioner's response in this matter.



## Police-involved shooting of Gregory Matters

In September 2012, Gregory Matters and his brother were involved in a dispute which resulted in a 9-1-1 call. Members of the Prince George RCMP Detachment had repeated contact with Mr. Matters, and a decision was made to arrest him for dangerous driving, assault, assault with a weapon, and breach of a peace bond.

RCMP members negotiated with Mr. Matters by telephone while the Emergency Response Team stood by. Ultimately, Mr. Matters was approached by a four-member Emergency Response Team. A confrontation ensued and he was fatally shot.

In cases of serious injury or death involving the police, concurrent investigations are undertaken by various agencies.

The Commission generally awaits the conclusion of these other investigations prior to conducting its own.

In this instance, the Independent Investigations Office of British Columbia and the British Columbia Coroners Service had to complete investigations into the incident before the Commission could proceed with its own.

The Commission completed its Public Interest Investigation, and provided its Interim Report to the RCMP in October 2015. The Commission made 57 findings, and 9 recommendations concerning RCMP training, policies and procedures.

The Commission awaits the RCMP Commissioner's response in this matter.

## RCMP response to anti-fracking protests

Between June and December 2013, hundreds of people gathered at various sites near the Elsipogtog First Nation in Kent County, New Brunswick, to protest the New Brunswick government's grant of permits and licences to Southwestern Energy Resources for shale gas testing and hydraulic fracturing (fracking).

Several demonstrations resulted in confrontations between protestors and local RCMP members. The Commission received over 20 public complaints alleging improper arrest and excessive use of force. In addition, the Commission received a petition with more than 200 names which echoed the substance of the public complaints.

In response to this public concern, the Chairperson determined that the Commission would conduct its own Public Interest Investigation.

During the course of the investigation, additional concerns surfaced about the RCMP's response to the protests, and the scope of the Commission's investigation was expanded.

Commission investigators have interviewed RCMP members and more than 120 civilian witnesses. Additional interviews are anticipated. As a result of its investigation, the Commission has received a significant amount of documentation (including written documentation and video evidence) from the RCMP and civilian witnesses; additional material is still being received and processed by the Commission.

The Commission's investigation is active and ongoing.

## SAMPLE REVIEW FINDINGS

The public complaint process entitles complainants who are not satisfied with the RCMP's investigation and handling of their complaint to have it independently reviewed by the Commission.

The following are examples of findings and recommendations made by the Commission during the last reporting year:

### **Commission recommends operational guidance after interaction needlessly escalates**

An RCMP member observed a woman walking unsteadily down a street and stopped her to assess her sobriety. The woman refused the member's repeated requests for her to stop and produce her identification. After a brief physical struggle, the member arrested the woman for being intoxicated in a public place and for causing a disturbance.

Prior to placing the woman in a cell, members removed the string from her hooded sweatshirt and told her to remove her bra. The woman asked to be allowed to call her mother but was denied, as the members stated that she was only entitled to phone legal counsel. After approximately five hours in custody, the woman was deemed sober and released.

The woman's father filed a public complaint alleging, among other things, that his daughter was unlawfully detained, arrested, subjected to excessive use of force, denied her right to a phone call, and mistreated in cells.

The RCMP disagreed and found all the complaint allegations to be unsubstantiated.

The Commission reviewed the incident and agreed with the RCMP's assessment that the member had reasonable grounds to stop the woman. However, the Commission found that the detention and arrest of the woman for causing a disturbance and public intoxication was unreasonable; consequently, the use of force in effecting the arrest was also unreasonable.

The Commission also found that the member was unaware that the woman was entitled to a private phone call and that his choice of language in denying her request was inconsistent with the RCMP core values of respect and professionalism.

The Commission found that the member's failure to explore alternatives to incarceration as set out in RCMP divisional policy (that an individual be released to a sober and responsible adult) suggests that the woman's detention in cells was punitive rather than for her own safety.

The Commission recommended that the member receive operational guidance in a number of areas including:

- Requesting identification from members of the public;
- Interacting with the public in a respectful manner;
- Understanding when people in custody are entitled to make phone calls; and
- Using communication skills to manage escalating situations.

The Commission also recommended that the RCMP apologize for the arrest and detention in cells.

The Commission awaits the RCMP Commissioner's response in this matter.

### **Commission agrees with RCMP that public complaint best dealt with by Privacy Commissioner**

An individual filed a public complaint alleging that an RCMP member disclosed information from RCMP databases to an unauthorized third party without their consent.

The RCMP Act includes a provision for the termination of public complaints if the subject of the complaint can be more adequately or appropriately dealt with by another Act of Parliament.

In this instance, the RCMP terminated its investigation of the complaint and referred it to the Office of the Privacy Commissioner of Canada, the agency that investigates complaints concerning the federal *Privacy Act*.

While the complainant was not satisfied with the RCMP's decision, the Commission agreed that the *Privacy Act* was the appropriate governing law for the complaint.

### **Poor investigation of child sexual abuse allegations leads to RCMP apology and operational guidance for member.**

A mother contacted the RCMP alleging that her former husband had engaged in sexual touching of their young child. A few months later, the mother reported a second incident and her concern with the lack of progress of the investigation.

Citing frustration with the amount of time the investigation was taking, the mother brought her concerns to the divisional Commanding Officer. The RCMP ascertained that the investigator assigned to the file had neglected to take statements from the complainant, her ex-husband, her child or any other potential witnesses. The member had also neglected, over an eleven-month period, to document any of the investigative measures he undertook while assigned to the case.

The mother's public complaint alleged a lack of adequate investigation and supervision of the investigator assigned to her file.

The Commission concurred with the RCMP's findings that the investigation was inadequate and that the member failed to immediately notify the child protection authorities as required by RCMP policy. The Commission did not make recommendations aimed directly at the investigating member's conduct, as the member had resigned.

The Commission agreed with the RCMP's decision to provide the supervising member with operational guidance and commends the RCMP for having provided a timely written apology to the complainant.

The Commission also noted that the subsequent RCMP investigation was professional, thorough and diligently pursued.

The RCMP Commissioner agreed with the Commission's findings and recommendation.

### **Domestic assault arrest followed family violence policies and procedures**

Members responded to a call from a local business. A woman had entered the store and informed the owner that she had been assaulted by her partner. An ambulance was called, the woman's head injury was treated and she was transported to the hospital. RCMP members took statements from the woman and the store witnesses, and subsequently arrested the woman's male partner.

The man filed a public complaint alleging that he was improperly arrested, that evidence was ignored, and that he was denied legal counsel.

The RCMP disagreed and found all the complaint allegations to be unsubstantiated.

In its review, the Commission noted that in the context of family violence allegations, police procedure is highly prescribed through various policy documents. The Commission agreed with the RCMP that the complainant's arrest followed applicable policies and procedures, and that there had been reasonable and probable grounds to believe the complainant had assaulted his partner.

The Commission also supported the RCMP's finding that the complainant was given the opportunity to provide a statement outlining his version of events.

Finally, the Commission agreed with the RCMP that the complainant was not denied his right to counsel and was put in contact with Legal Aid.

### **RCMP member participates in unlawful search and destruction of digital media files**

An individual carrying two large equipment cases was observing the proceedings at a provincial court house. He was approached by a Sheriff who expressed concern that he was recording the proceedings. After receiving promises that his property would not be searched, the man agreed to store his two cases in the Sheriff's office and returned to the courtroom.

In the man's absence, the Sheriff met with an RCMP member, and together they decided to search and attempt to view the recorded material. As they were unable to determine if any court proceedings had been recorded, the Sheriff directed the RCMP member to erase the media files. The pair, unfamiliar with the recording equipment, inadvertently recorded their discussion and decision to search and delete the files.

The man retrieved his cases, noticed that they had been opened and confronted the Sheriff. The Sheriff admitted to the search as well as the seizure of two digital media cards.

The man attempted to file a complaint against the Sheriff with the court registry office but instead was arrested and detained by the Sheriff. While in custody, the man was asked to provide his computer password. He refused. Further attempts by the Sheriff and RCMP member to delete files were unsuccessful. The man was later released without charge.

The man filed a public complaint alleging that his property was searched without lawful authority and that digital media files were destroyed. The complainant further alleged that the RCMP member's report contained inaccurate or false information.

The RCMP investigated and found that there was insufficient information to conclude that it was the RCMP member and not the Sheriff who searched and destroyed the complainant's property. The RCMP did, however, find that the member's report was inaccurate and directed that it be modified.

Upon review, the Commission found that the search was a violation of the complainant's right to privacy pursuant to section 8 of the *Canadian Charter of Rights and Freedoms* and that there was no statutory authority for either the search or the deletion of the complainant's digital media.

The Commission found that the RCMP member involved was reckless in participating in a search without ensuring he had the legal authority to do so. Furthermore, the Commission found that the member's modified report did not properly describe the incident.

The Commission recommended that the member receive operational guidance and be placed under close supervision. The Commission further recommended that the RCMP occurrence report be updated to reflect a thorough description of events and that the RCMP apologize to the complainant.

The Commission awaits the RCMP Commissioner's response in this matter.

### **Despite thorough RCMP investigation of fatal accident, Crown withdraws charges against the driver**

Three friends drove into a parking lot and stopped. A woman exited the vehicle and was struck and seriously injured when the vehicle reversed. One of the two friends fled the scene, while the other stayed with the victim until the RCMP arrived.

RCMP members attempted to assist the woman and secured the scene. The woman was transported to hospital but later died of her injuries.

Several hours later, after interviewing numerous witnesses and reviewing parking lot surveillance video, the RCMP determined that the friend who stayed at the scene was the driver of the vehicle. RCMP members located him and laid charges.

The victim's mother filed a public complaint alleging that the RCMP failed to conduct a proper investigation and that this resulted in the withdrawal of criminal charges against the driver.

The RCMP determined that the allegations were unfounded.

The Commission's review found that RCMP members conducted a thorough investigation and took all reasonable steps to collect the necessary evidence.

Records indicate that arrangements for both Forensic Identification Services and a collision analyst were quickly made. Once the driver was identified as a suspect, a warrant was obtained to seize his vehicle (which had been secured as part of the scene), and the appropriate examinations were conducted.

Additionally, the Commission found that there was nothing to indicate that the Crown's decision to later withdraw charges against the driver were a result of any failure by RCMP members to take reasonable steps in investigating the fatal accident.

### **Member failed to obtain consent of both parties prior to seizing computer during communal property dispute**

In the midst of an acrimonious divorce, a woman contacted the RCMP alleging that her estranged husband—in spite of his having been excluded from the matrimonial home, pursuant to a court order—had compromised her personal online accounts. The member, in consultation with the RCMP's Integrated Technological Crimes Unit, and believing the computers to be common property, directed the woman to bring them to the RCMP detachment.

The man filed a public complaint alleging that the RCMP improperly seized the computers without a warrant and without reasonable grounds. He also alleged that members failed to respond to his enquiries about his property.

The RCMP's investigation of the complaint determined that the computers were never searched and were ultimately returned to the complainant. Nonetheless, the Commission found that seizing the complainant's computers on the purported consent of his estranged spouse was unreasonable in the circumstances.

Upon review, the Commission found it unnecessary to make any further recommendations, as the RCMP already undertook to provide the member with operational guidance with respect to the seizure of "communal" property when there is an ongoing dispute between the parties.

The Commission also found that RCMP members responded appropriately to the complainant's enquiries about his property.

The Commission awaits the RCMP Commissioner's response in this matter.

### **Member receives operational guidance for arbitrarily demanding identification from hotel guest**

The RCMP were called to a hotel to enforce the *Hotel Keepers Act* after a hotel manager's unsuccessful attempt to resolve a noise complaint involving a couple who were guests of the hotel.

Sometime later, three RCMP members entered the guests' room along with the hotel manager to evict the guests. A male guest was woken up, refused to leave when notified of the eviction and was arrested. The female guest agreed to leave and began packing her belongings. During this time, one of the RCMP members repeatedly requested that she produce her identification. When the woman refused, the member claimed that she was obstructing a peace officer and arrested her. Both hotel guests were transported to the detachment but were later released without charges.



The woman filed a public complaint alleging that she was unlawfully arrested and that she was within her rights to refuse to produce her identification.

The RCMP investigation did not support either of the complainant's allegations.

The Commission reviewed all available information regarding the arrest, including a cell phone recording made by the female guest from the time of the arrest.

The Commission applied the legal framework of the *Criminal Code* arrest provisions as well as the provisions of the Code pertaining to obstruction of a police officer and determined that there was no requirement to provide identification in this circumstance, as the complainant was complying with the police officer's request to leave the hotel.

The Commission recommended that the member receive operational guidance with respect to a person's duty to identify themselves to police.

The Commission awaits the RCMP Commissioner's response in this matter.

### **RCMP policies addressing the privacy rights of prisoners require further study**

RCMP members responded to a call regarding an intoxicated female who was yelling and swearing on a public street. The members arrested the woman for disturbing the peace and public intoxication and transported her to the detachment cell block. Emergency Medical Services were called to examine an ankle injury the woman sustained prior to interacting with the RCMP and determined that she was fit for incarceration.

The woman's public complaint alleged, among other things, that she had been unlawfully arrested, improperly searched, and had not received any medical assistance for the ankle injury. She further alleged that her Charter rights had been violated, as closed-circuit video equipment recorded her using the toilet in her jail cell.

The Commission reviewed all available information from the complainant's time at the RCMP detachment, including extensive video and cell block records, and determined that all appropriate RCMP policies and procedures had been followed.

Police in other jurisdictions have implemented processes to protect the privacy rights of prisoners who use the toilet while in police custody. The Commission accepted that there is currently no obligation for the RCMP to implement similar processes but recommended that the RCMP continue to look at options to address this issue.

# RESEARCH, POLICY AND STRATEGIC INVESTIGATIONS

## STRATEGIC INVESTIGATIONS

The Commission's new authorities give it expanded investigative powers, the ability to conduct joint complaint investigations with other police complaints bodies, broader access to RCMP information, and the ability to undertake RCMP policy reviews.

With these new authorities in place, the Commission is able to review a wider range of RCMP policies and program issues.

The intent of these reviews is to foster public confidence in the RCMP's activities by providing an independent, external examination of operational areas that may not otherwise be subject to outside scrutiny.

Specified activity reviews can be initiated by the Commission, or at the request of either the Minister of Public Safety or a provincial minister responsible for policing in a province where the RCMP provides service.

This year, the Commission launched two specified activity reviews.

### **Review of the RCMP's implementation of Justice O'Connor recommendations concerning national security activities**

In January 2016, the Commission initiated a review of the RCMP's implementation of the relevant recommendations contained in Justice Dennis O'Connor's *Report of the Commission of Inquiry into the Actions of Canadian Officials in relation to Maher Arar*.

The purpose is to ensure that RCMP activities are carried out in accordance with legislation, regulations, and ministerial direction by assessing policies, procedures and guidelines.

The Commission's review is focused on the RCMP's implementation of recommendations made by Justice O'Connor with respect to the following six areas that involve the RCMP:

- Centralization and Coordination of National Security Operations
- National Security Training
- Domestic Information-Sharing
- Foreign Information-Sharing
- Border Lookouts Requests
- Detention of Canadians Abroad



## Review of workplace harassment in the Royal Canadian Mounted Police

In February 2016, the Minister of Public Safety requested that the Commission undertake a comprehensive review of the RCMP's policies and procedures on workplace harassment.

The Commission will review the status of the RCMP's implementation of the Gender and Respect – RCMP Action Plan and whether it:

- Addresses workplace conflict and harassment;
- Builds respectful workplaces;
- Reinforces a culture that promotes accountability and transparency.

The review will specifically examine the RCMP's implementation of the recommendations made by the Commission in its 2013 Public Interest Investigation into RCMP Workplace Harassment.

The investigation will include an examination of the RCMP's handling of harassment complaints, and to what degree, if any, RCMP culture contributes to harassment in the workplace.

## RESEARCH AND POLICY

Research and policy analysis is an integral part of the Commission's reviews and investigations.

The Commission's Research unit monitors advancements and trends in the field of police oversight and policing in general and ensures that the Commission's recommendations reflect the latest policy developments —both nationally and internationally.

# PUBLIC EDUCATION AND STRATEGIC RELATIONSHIPS

Strong relationships with provincial and territorial governments and strategic public education engagements are essential to the Commission's ability to fulfill its mandate.

## PUBLIC EDUCATION

The Commission's new legislation resulted in a change to its legal title, a broader mandate and new authorities.

Our public information and education materials were updated to highlight these changes and emphasize the independent nature of the Commission. These materials were distributed as part of our outreach program at various stakeholder meetings, tradeshow and conferences throughout the year.

## STRATEGIC RELATIONSHIPS

### Contracting provinces

Legislative changes necessitated a closer working relationship with provincial partners and stakeholders.

During the past year, the Commission met with provincial government departments charged with contracting RCMP policing services to raise awareness of its new mandate.

These meetings included discussions about the number and nature of complaints in each jurisdiction and the way in which the Commission could convey this information to best meet the needs of each province.

### Stakeholders

The RCMP offers policing services across Canada at the federal, provincial and municipal level.

In order to ensure that Canadians have access to the public complaint process when they need it, the Commission forged new relationships with partners including:

- Ombudsman's offices
- Provincial Public Safety departments
- Rights organizations
- Legal groups
- Municipal associations
- Institutions of higher learning
- Aboriginal groups
- Special interest groups

As an example, the Commission has committed to increasing its working relationship with the Federation of Saskatchewan Indian Nations in order to provide better access to the public complaint system for its constituents.

### Civilian oversight partners

The Commission held its annual meeting with provincial oversight agencies and examined issues such as the role of policing in mental health crises and training and certification for oversight agency staff members.

### CACOLE

The Commission's Chairperson was elected President of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE). CACOLE is a national non-profit organization of individuals and agencies involved in the oversight of police officers in Canada dedicated to advancing the concept, principles and application of civilian oversight of law enforcement throughout Canada and abroad.

### NACOLE

The Commission continues to attend the annual conference for, and further its relationship with, the National Association for Civilian Oversight of Law Enforcement (NACOLE), a non-profit organization that brings together individuals and agencies working to establish or improve oversight of police officers in the United States.

### CAFOLE

This year, the Commission attended the inauguration of CAFOLE, the Caribbean Association for Oversight of Law Enforcement Bodies. CAFOLE's model is largely based on CACOLE.

### International partners

The Commission met with a number of existing or emerging international police oversight administrations to discuss Canada's independent police oversight model. These agencies included:

- The Police Complaints Authority of the Republic of Trinidad and Tobago
- The Police Complaints Authority of Barbados
- The Minister of Interior of the United Arab Emirates and members of the Abu Dhabi police
- The Hong Kong Police
- The Mexican government
- Indonesia

The Commission remains committed to sharing best practices and engaging in activities which establish and maintain its role as a key participant in the field of civilian review of law enforcement.

## CORPORATE OVERVIEW

The Commission continued its focus on reducing overhead and directing its limited resources on core mandate responsibilities.

The most significant corporate change made over the past fiscal year was the transfer of the Commission's complaint intake function from Surrey BC to Ottawa. This move consolidated a number of processes related to the management of the complaint / review lifecycle, generating administrative savings that were reallocated to some of the new mandate objectives described in this report.

The Commission also supported a number of systemic changes implemented by central agencies to enhance the administration of human resource and pay systems in the Public Service. Although challenging at times, these changes have been successfully implemented at the Commission.

Also of note in this fiscal year, was the completion of the Public Service Commission's audit of staffing actions undertaken by the Commission over the past several years. The PSC's audit report was very complimentary and made only minor suggestions aimed at enhancing the Commission's staffing policy and procedures.

Below are the Commission's preliminary expenditures for fiscal year 2015-2016. Adjustments to these figures will be made and final amounts will be reported in the Public Accounts of Canada.

Total Expenditures 2015–2016	
Salaries	\$6.4M
Operating Costs	\$2.3M
Employee Benefit Plans	\$1.0M
<b>Total</b>	<b>\$9.7M</b>
<b>Note: Numbers represented are in millions</b>	

# APPENDIX A – CLASSIFICATION OF COMPLAINTS

The RCMP classifies the allegations made in public complaints into 16 categories. To provide consistency for complainants, the Commission uses the same classifications. The full list, and corresponding definitions, is included here:

A - Improper Attitude	This category addresses allegations related to a member's deportment and may include behaviours that are characterized as abusive, rude, vulgar, profane, discourteous, impolite, disrespectful, sarcastic, arrogant, indifferent, angry, obnoxious, belligerent, aggressive, intimidating, threatening, combative, provoking, ridiculing, and/or mocking. Allegations may also relate to a perceived lack of impartiality or fairness, lack of empathy, lack of concern for someone's welfare, or a wanton lack of discretion.
B - Improper Use of Force	This category addresses allegations of a use of force that was unnecessary, inconsistent with the circumstances, applied too frequently, harshly, or for an excessive a duration. Allegations may include inappropriate use of soft-hand and hard-hand techniques, police holds, dog bites, tear gas or pepper spray, asps or baton, tasers, or any other weapon or instrument, whether prescribed or not.
C - Improper Use of Firearms	This category addresses an improper use of force specific to the use, display, or discharge of a firearm.
D - Irregularity in Procedure	This category addresses a violation of the intent and spirit of an "administratively enforced" statute, such as the <i>Privacy Act</i> , the <i>Access to Information Act</i> , the <i>RCMP Act</i> and any Force policy relating to those acts. Some of the more common allegations relate to members obtaining information, directly or indirectly, from a police data bank, without justification, and / or for reasons not consistent with a duty being prescribed by law or Force policy. Also included in this category are CRCC findings (Interim Reports) of improper termination of a public complaint.
E - Driving Irregularity	This category addresses allegations of improper or unsafe use of police transport by a member, whether in violation of any law, or without due consideration of others. In particular, it refers to public complaints about pursuits and emergency vehicle operations.

F - Neglect of Duty	This category addresses allegations that a member failed or refused to perform a duty, or provide a service that members are expected to provide, or did perform a duty or provide a service, but in a manner which does not meet RCMP standards. Included are allegations of refusal to identify oneself, refusal or failure to provide timely and adequate service, mismanagement of a public complaint, inadequate or incompetent investigations, improper care and handling of prisoners, failure to release detained persons into a safe haven at the time of release, and failure to provide adequate, prompt, and competent medical care. This category also includes relatively common allegations of deficient reporting that a member failed or refused to record/report the facts of a public complaint, a service provided, or investigation conducted. It also includes allegations that a member fabricated, recorded, or reported facts that were incorrect or untrue, or that a member concealed and/or failed to record, or report correct or true facts – referring to notebooks, occurrence reports, crime reports, reporting forms, court documents, or records of any type, including written, audio, video, audio-video, electronic, etc.
G - Statutory Offence	This category addresses allegations of violations of the <i>Criminal Code</i> , Federal statute, provincial statute, or municipal by-law, even though such complaints may be referred to the Crown or the appropriate RCMP Officer for decisions on possible prosecution or RCMP Code of Conduct proceedings.
H - Mishandling of Property	This category addresses allegations relating to property held in police custody. It includes loss of property (including money), unreasonable detention of property, damage to property in police custody, improper disposal of property, or failure to account for money or property.
I - Evidence Irregularity	This category addresses allegations that a member provided erroneous testimony in a judicial proceeding. It also addresses allegations that a member failed or refused to report the facts of a public complaint, a service provided, or investigation concealed, and/or failed to testify to correct or true facts.
J - Oppressive Conduct	This category addresses severe misuse of police authority or powers, aggravated harassment, unfounded, unfair, or embellished charging, and threats or intimidation via any of the foregoing.

K - Improper Arrest	This category addresses allegations of a violation of the intent and spirit of the Charter. Public complaints often allege violations of Charter section 10 (failure to inform person promptly of reason for arrest and of rights to counsel, and/or promptly provide person with opportunity to exercise rights, etc.) which are part and parcel of a proper arrest.
L - Improper Persons/Vehicles Search	This category addresses personal or vehicular searches where there is an allegation of a violation of the intent and spirit of the Charter.
M - Improper Search of Premises	This category addresses allegations of a violation of the intent and spirit of the Charter relating to the search of a premise, including unlawfully entering for the purposes of a search and/or remaining in a premise pursuant to a search.
N - Policy	This category addresses public complaints about RCMP policies or their application.
O - Equipment	This category addresses public complaints about RCMP equipment or its use.
P - Service	This category addresses public complaints about a lack of response or an inability to provide adequate, timely service. This refers to a general police service, as opposed to a specific service provided by a specific member as referred to in the Neglect of Duty category.

