



## ARCHIVED - Archiving Content

### Archived Content

Information identified as archived is provided for reference, research or recordkeeping purposes. It is not subject to the Government of Canada Web Standards and has not been altered or updated since it was archived. Please contact us to request a format other than those available.

## ARCHIVÉE - Contenu archivé

### Contenu archivé

L'information dont il est indiqué qu'elle est archivée est fournie à des fins de référence, de recherche ou de tenue de documents. Elle n'est pas assujettie aux normes Web du gouvernement du Canada et elle n'a pas été modifiée ou mise à jour depuis son archivage. Pour obtenir cette information dans un autre format, veuillez communiquer avec nous.

This document is archival in nature and is intended for those who wish to consult archival documents made available from the collection of Public Safety Canada.

Some of these documents are available in only one official language. Translation, to be provided by Public Safety Canada, is available upon request.

Le présent document a une valeur archivistique et fait partie des documents d'archives rendus disponibles par Sécurité publique Canada à ceux qui souhaitent consulter ces documents issus de sa collection.

Certains de ces documents ne sont disponibles que dans une langue officielle. Sécurité publique Canada fournira une traduction sur demande.



# Royal Canadian Mounted Police External Review Committee

1994-95  
Estimates

Part III

Expenditure Plan

HJ  
13  
.A12  
T7  
1994-95  
Pt.3-Re

## **The Estimates Documents**

The Estimates of the Government of Canada are structured in three Parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve. The Part III documents provide additional detail on each department and its programs primarily in terms of the results expected for the money spent.

Instructions for obtaining each volume can be found on the order form enclosed with Part II.

©Minister of Supply and Services Canada 1994

Available in Canada through

Associated Bookstores and other booksellers

or by mail from

Canada Communication Group – Publishing  
Ottawa, Canada K1A 0S9

Catalogue No. BT31-2/1995-III-83  
ISBN 0-660-59063-8



Canada Treasury Board,

1994-95 Estimates ;

Part III ;

Royal Canadian Mounted Police  
External Review Committee /

HJ

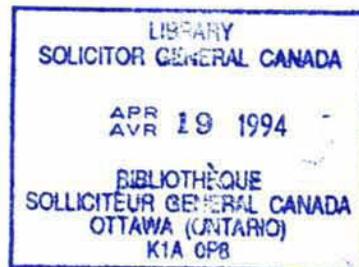
13

A12

T9

1994-95

Pt. 3-Re



## Preface

This Expenditure Plan is designed to be used as a reference document. As such it contains several levels of detail to respond to the various needs of its audience.

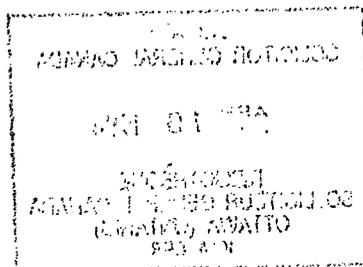
This Plan is divided into two sections. Section I presents an overview of the Program including a description, information on its background, objectives and planning perspective as well as performance information that form the basis for the resources requested. Section II provides further information on costs and resources, as well as special analyses that the reader may require to understand the Program more fully.

Section I is preceded by details of Spending Authorities from Part II of the Estimates. This is to provide continuity with other Estimates documents and to help in assessing the Program's financial performance over the past year.

This document is designed to permit easy access to specific information that the reader may require. The table of contents provides a detailed guide to the contents of each section. In addition, references are made throughout the document to allow the reader to find more details on items of particular interest.

It should be noted that, in accordance with the Operating Budget principles, human resource consumption reported in this Expenditure Plan will be measured in terms of employee full time equivalents (FTE). FTE factors out the length of time that an employee works during each week by calculating the rate of assigned hours of work over scheduled hours of work.

On February 25, 1992, the Minister of Finance announced that the RCMP External Review Committee and the RCMP Public Complaints Commission would be amalgamated. Although substantial progress had been made towards the eventual amalgamation, the implementing legislation (Bill C-93) was defeated in the Senate in June 1993.



---

## Table of Contents

---

<b>Spending Authorities</b>	4
A.    Authorities for 1994-95—Part II of the Estimates . . . . .	4
B.    Use of 1992-93 Authorities—Volume II of the Public Accounts . . . . .	5
<b>Section I</b>	
<b>Program Overview</b>	6
A.    Plans for 1994-95 and Recent Performance . . . . .	6
1.    Highlights . . . . .	6
2.    Financial Summaries . . . . .	6
3.    Review of Financial Performance . . . . .	7
B.    Background . . . . .	7
1.    Introduction . . . . .	7
2.    Mandate . . . . .	8
3.    Program Objective . . . . .	8
4.    Program Organization for Delivery . . . . .	8
C.    Planning Perspective . . . . .	9
1.    Environment . . . . .	9
D.    Program Performance and Resource Justification . . . . .	10
<b>Section II</b>	
<b>Supplementary Information</b>	13
A.    Profile of Program Resources . . . . .	13
1.    Financial Requirements by Object . . . . .	13
2.    Personnel Requirements . . . . .	14
3.    Total Cost of Program . . . . .	14
<b>Index</b>	15

---

**Spending Authorities**

---

**A. Authorities for 1994-95—Part II of the Estimates****Financial Requirements by Authority**

---

		<b>1994-95 Main Estimates</b>	<b>1993-94 Main Estimates</b>
	<b>Royal Canadian Mounted Police External Review Committee</b>		
45	Program expenditures	<b>662</b>	676
(S)	Contributions to employee benefit plans	<b>39</b>	38
	Total Agency	<b>701</b>	714

---

**Votes—Wording and Amounts**

---

Vote (dollars)		<b>1994-95 Main Estimates</b>
	<b>Royal Canadian Mounted Police External Review Committee</b>	
45	Program expenditures	<b>662,000</b>

---

**Program by Activities**

(thousands of dollars)

**1994-95 Main Estimates**

	Budgetary			1993-94 Main Estimates
	Operating	Capital	Total	
Royal Canadian Mounted Police External Review Committee	671	30	701	714

**B. Use of 1992-93 Authorities—Volume II of the Public Accounts**

Vote (dollars)	Main Estimates	Total Available for use	Actual Use
<b>Royal Canadian Mounted Police External Review Committee</b>			
35 Program expenditures	1,378,000	1,378,000	666,845
(S) Contributions to employee benefit plans	145,000	145,000	95,000
<b>Total Program—Budgetary</b>	<b>1,523,000</b>	<b>1,523,000</b>	<b>761,845</b>

---

**Section I**  
**Program Overview**

---

**A. Plans for 1994-95 and Recent Performance****1. Highlights**

- During 1992-93 and early 1993-94, the Committee underwent significant restructuring with a view to the impending amalgamation with the RCMP Public Complaints Commission announced in the February 1992 Budget. With the defeat of Bill C-93 in the Senate in June 1993, the Committee turned its attention to ensuring that it had the necessary means to continue to provide its services to the RCMP as an independent organization.

**2. Financial Summaries****Figure 1: Financial Requirements**

(thousands of dollars)	Estimates 1994-95	Forecast 1993-94	Change
Royal Canadian Mounted Police External Review Committee	701	634	67
Human resources* (FTE)	5	6	(1)

\* See Figure 4, page 14 for additional information on human resources.

**Explanation of Change:** The 1994-95 increase over the 1993-94 forecast dated December 31, 1993, is related to the Committee's need to realign its staff complement. As a result of the restructuring the Committee underwent due to the impending amalgamation with the RCMP Public Complaints Commission, and due to the cost-cutting measures taken by the Acting Chair, staff was reduced from 14 full-time equivalents in 1991-92 to 6 in 1993-94. With the defeat of Bill C-93 in the Senate, the Committee will be further restructured to stand alone.

**Explanation of 1993-94 Forecast:** The forecast, (which is based on information available to management as of December 31, 1993) is \$80,000 or 11% lower than the 1993-94 Main Estimates of \$714,000 (See Spending Authorities, page 4). The difference reflects the continuing effects of the significant restructuring the Committee underwent in anticipation of the amalgamation with the RCMP Public Complaints Commission.

### 3. Review of Financial Performance

**Figure 2: Financial Results for 1992-93**

(thousands of dollars)	1992-93		
	Actual	Main Estimates	Change
Royal Canadian Mounted Police External Review Committee	762	1,523	(761)
Human resources* (FTE)	8	15	(7)

\* See Figure 4, page 14 for additional information on human resources.

**Explanation of Change:** The decrease of \$761,000 is due to the significant restructuring the Committee underwent as a result of the Acting Chair's reorientation of the Committee's mandate and in anticipation of the amalgamation with the RCMP Public Complaints Commission announced in the February 1992 Budget.

## B. Background

### 1. Introduction

Under the *RCMP Act*, the Commissioner of the RCMP refers all appeals of formal discipline and all discharge and demotion appeals to the Committee unless the member of the RCMP requests that the matter not be referred. In addition, pursuant to s. 33 of the *RCMP Act*, the Commissioner refers grievances to the Committee in accordance with regulations made by the Governor in Council. Section 36 of the *RCMP Regulations* restricts the grievance jurisdiction of the Committee to:

- a) the Force's interpretation and application of government policies that apply to government departments and that have been made to apply to members;
- b) the stoppage of pay and allowances of members made pursuant to subsection 22(3) of the *RCMP Act*;
- c) the Force's interpretation and application of the Isolated Posts Directive;
- d) the Force's interpretation and application of the RCMP Relocation Directive; and
- e) administrative discharge on the grounds of physical or mental disability, abandonment of post, or irregular appointment.

In each case, the member may request that the matter not be referred, in which case, the Commissioner has the discretion whether to refer the matter or not.

The Chairman of the Committee reviews all matters referred to it. Where the Chairman is dissatisfied with the RCMP's disposition of the matter he or she may

- a) advise the Commissioner of the RCMP and the parties of his findings and recommendations resulting from his review; or
- b) initiate a hearing to consider the matter. At the end of the hearing the Committee member(s) designated to conduct the hearing will advise the Commissioner and the parties of the Committee's findings and recommendations.

In practice, even when the Chairman is satisfied with the original disposition, he or she advises the Commissioner and the parties of the reasons by means of findings and recommendations. The Commissioner may accept or reject the Committee's recommendations but if he rejects the recommendation, he must provide written reasons to the member involved and the Committee.

## **2. Mandate**

The RCMP External Review Committee was created by Part II of the *Royal Canadian Mounted Police Act* (R.S.C., 1985, c. 8 (2nd Supp.)), the "*RCMP Act*") as an independent and impartial, quasi-judicial body to review grievances, appeals of formal discipline and appeals of discharge or demotion involving regular and civilian members of the RCMP, who are excluded from the jurisdiction of the Public Service Staff Relations Board. In its review, the Committee may hold hearings, summon witnesses, administer oaths and receive and accept such evidence as it sees fit.

## **3. Program Objective**

To provide external review of certain types of grievances, formal disciplinary and discharge and demotion appeals referred to it from the Royal Canadian Mounted Police.

## **4. Program Organization for Delivery**

The RCMP External Review Committee has one Activity which is identical to the Program. The Committee is made up of a full-time Chairman, a part-time Vice-chairman and three part-time members, all appointed by the Governor in Council. Case review and administrative support are provided by staff who report to the Chairman through the Executive Director. The Committee's offices are located in Ottawa. During 1993-94, the position of Chairman was vacant; the Vice-Chairman was authorized by the Solicitor General (pursuant to subsection 26(2) of the *RCMP Act*) to exercise the powers and perform the duties of Chairman. In addition, there was a vacant position among the part-time members of the Committee throughout the year and an additional vacancy as of September 1, 1993.

## **C. Planning Perspective**

### **1. Environment**

On February 25, 1992, the Minister of Finance announced that the RCMP External Review Committee and the RCMP Public Complaints Commission would be amalgamated. During 1992-93 and early 1993-94, substantial progress was made towards the eventual amalgamation. The implementing legislation, Bill C-93 was defeated by the Senate in June 1993. Consequently, the Committee has had to reorient its activities to ensure that it continues to fulfil its mandate as an independent agency.

The matters which are referred to the Committee are the result of the actions or inactions of individuals and the way in which these are viewed by society as a whole and by the RCMP in particular.

As a law enforcement agency providing federal policing across the country and provincial and municipal policing under contract in all provinces and territories except Ontario and Québec, the RCMP is subject to varying societal pressures and influences. As society changes, its expectations of police officers change and become more complex: on the one hand society demands more of its police while at the same time it recognizes greater freedoms for police officers, particularly when off-duty.

This can lead to a climate in which police officers resist traditional limits on their freedom and become dissatisfied with the application of the Force's policies. It can also lead to activity on the part of police officers which management cannot condone or can no longer ignore. The result can be grievances, discipline, or discharge and demotion proceedings. In any police force these are difficult matters to resolve; in the RCMP the difficulty is enhanced by the large number of groups and individuals who have a stake in the outcome. In each case the interests of the individual member of the Force must be balanced against those of the Force's management, of other members and of the Force's clients: the public, as represented by Attorneys and Solicitors General. The management of human resources by the RCMP is continually compared to the full spectrum of the police community in Canada as well as to other law-enforcement agencies internationally.

In addition to general trends in society, more specific factors can influence the number and nature of matters referred to the Committee. These include such factors as:

- the unforeseen need to support other police forces over an extended period;
- the recessionary climate and its effects on compensation levels, housing values, etc.;
- perceived inequity in treatment between the Force and traditional peer groups;
- the adequacy of training procedures on engagement and throughout the member's career;
- the activities of the RCMP Public Complaints Commission and the way in which complaints from the public are handled.

These factors, combined with the requirements of the procedures adopted in the *RCMP Act*, make the Committee's workload requirement unpredictable.

Due to publicity of recent events in different jurisdictions across Canada, there is increasing public desire for external review of police actions in the event of prison-cell deaths, discharge of fire arms and high-speed chases. In some provinces these reviews are handled by or under the auspices of the provincial police commission, however these commissions have no jurisdiction to conduct investigations of the RCMP.

#### **D. Program Performance and Resource Justification**

An assessment of the Committee's overall effectiveness must consider both process and outcome.

During 1990, the Committee conducted a review in order to determine the effectiveness of its procedures. For various reasons, including limited resources and the limited population of some target groups, the methodology adopted did not yield completely statistically valid results. However, the conclusions that can be drawn from the review, can be summarised as follows:

The Committee is perceived by membership and management of the Force, as well as by outside observers, as being a neutral, third party body which conducts complete, fair reviews of matter referred to it and makes recommendations which are balanced and appropriate to the matters before it.

In conducting its review of matters referred to it, the Committee attempts to achieve a balance amongst the different interests referred to above while ensuring that the principles of administrative law are respected and the remedial approach taken by the *RCMP Act* is followed. While following the trends evident in Canadian labour relations cases generally, the Committee's recommendations must be relevant to the RCMP if they are to be useful. One criterion which could be used to evaluate the outcome is the fairness of the process by which files are reviewed and recommendations made.

Although it is not easy to test this, an indicator of the degree to which the members of the RCMP perceive the Committee's work to be fair is the fact that to the best of the Committee's knowledge, no member has yet requested that a matter not be referred to the Committee. This can be taken as evidence that the Committee's work is perceived by members of the RCMP as being fair to them.

On the other hand, the degree to which the Committee's recommendations are deemed to be fair to the RCMP can be inferred from the number of times the Commissioner accepts the Committee's recommendations. Since the Committee's creation, the Commissioner has agreed with 95% of the Committee's recommendations. This can be taken as evidence that the Committee's work is perceived by management of the RCMP as being fair.

Given its life span to date, quantitative evaluation of the Committee's performance is not easy. In light of the comments noted above, there would appear to be indications that both membership and management of the Force are satisfied with the results so far. Further support for this conclusion can be found in the Commissioner of the RCMP's decision to refer additional grievances to the Committee and in the increasing number of grievances actually being referred (see Table 1, page 12).

From its creation until December 31, 1993, the Committee had received 177 cases (an increase of 53% over November 30, 1992), of these 143 were grievances, 33 were appeals of formal discipline and one was an appeal of discharge or demotion. The matters grieved include travel claims, relocation matters, linguistic profiles in Job Opportunity Bulletins, limits on smoking in RCMP-provided accommodation, the classification of civilian-member positions, the application of the Isolated Posts Directive and medical discharge. While most of the appeals of formal discipline relate to allegations of discreditable conduct, the facts giving rise to those allegations include alleged off-duty shoplifting, indecent exposure and associating with known criminals. In addition, the Committee has reviewed allegations of illegal entry into a dwelling place, failure to conduct a proper investigation, failure to follow orders, sexual harassment and failure to answer questions when ordered.

The Acting Chair uses the Committee's Annual Report to Parliament and subsequent appearance before the Standing Committee on Justice and the Solicitor General to highlight concerns of importance to the Committee.

An area of great concern to the Committee is the time it takes for matters to be resolved; on average, from the initial incident to the Commissioner's decision nearly 670 days elapse (range 321 - 2831 days). In its findings and recommendations, the Committee emphasizes the importance of speeding up the process, and as of December 31, 1993, it took an average of approximately 130 days (range 7 - 521 days) to review matters referred to it. While this represents an increase over the average at the same time the previous year, this is understandable in light of the continuing uncertainty the Committee has faced since February 1992.

## RCMP External Review Committee Cases Received by Type and Year

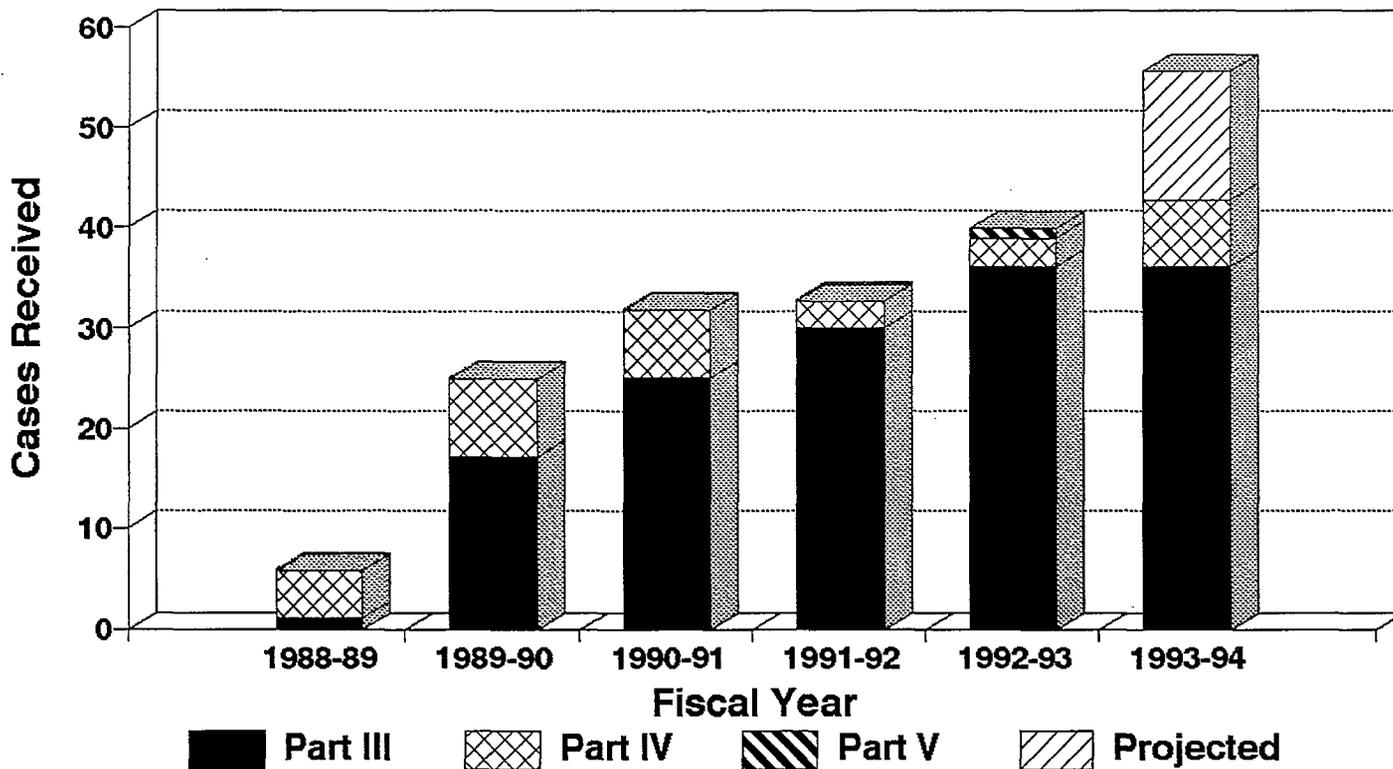


Table I—Cases received by fiscal year—Parts III (Grievances), IV (Formal Discipline) & V (Discharge and Demotion)—RCMP Act

**Section II**  
**Supplementary Information**

**A. Profile of Program Resources**

**1. Financial Requirements by Object**

**Figure 3: Details of Financial Requirements by Object**

(thousands of dollars)	<b>Estimates 1994-95</b>	<b>Forecast 1993-94</b>	<b>Actual 1992-93</b>
<b>Personnel</b>			
Salaries and wages	302	306	484
Contributions to employee benefit plans	39	38	95
	<b>341</b>	<b>344</b>	<b>579</b>
<b>Goods and services</b>			
Transportation and Communications	50	30	31
Information	30	7	7
Professional and special services	200	175	108
Rentals	12	7	7
Purchased repair and upkeep	10	1	1
Utilities, materials and supplies	28	40	40
	<b>330</b>	<b>260</b>	<b>194</b>
Minor capital acquisition	30	30	—
Other subsidies and payments	—	—	(11)
<b>Total expenditures</b>	<b>701</b>	<b>634</b>	<b>762</b>

## 2. Personnel Requirements

**Figure 4: Details of Personnel Requirements**

	FTE* Estimates 1994-95	FTE Forecast 1993-94	FTE Actual 1992-93	Current Salary Range 1994-95
Senior Management <sup>†</sup>	1	1	1.5	63,300-170,500
Administrative and Foreign Service	4	4.6	4.4	17,794-75,002
Administrative Support	0	1	2.3	16,847-41,991
	<b>5</b>	<b>6.6</b>	<b>9.2</b>	

\* Full-time equivalent (FTE) is a measure of human resource consumption based on average levels of employment. FTE factors out the length of time that an employee works during each week by calculating the rate of assigned hours of work over scheduled hours of work. FTEs are not subject to Treasury Board control but are disclosed in Part III of the Estimates in support of personnel expenditure requirements specified in the Estimates.

† Senior Management includes Governor-in-Council appointees and Executives. The 1994-95 Estimates do not include provision for a full-time Chairman.

## 3. Total Cost of Program

The Estimates of the Program include only those expenditures to be charged to its votes and statutory authorities. Figure 5 provides details of other items which need to be taken into account to arrive at the estimated total cost of the Program.

**Figure 5: Total Cost of Program for the Year 1994-95**

(thousands of dollars)	Main Estimates 1994-95	Add Other Costs*	Estimated Total Program Cost	
			1994-95	1993-94
	701	193	894	912

\* Other costs of \$193,000 include the following:

	(\$000)
• Services provided by Public Works Canada	182
• Costs paid by the Treasury Board	11

---

## Index

---

- Abandonment of post . . . . . 7
- Acting Chair . . . . . 6-8, 11
- Administrative discharge . . . . . 7
- Amalgamation  
    with RCMP PCC . . . . . 2, 6, 7, 9
- Annual report . . . . . 11
- Attorneys and Solicitors General . . . . . 9
- Bill C-93 . . . . . 2, 6, 9
- Budget  
    February 1992 . . . . . 2, 6, 9
- Case review . . . . . 8
- Chairman . . . . . 8, 14
- Commissioner of the RCMP . . . . . 7, 8, 10
- Committee  
    acting Chairman . . . . . 8  
    annual report . . . . . 11  
    Chairman . . . . . 8, 11, 14  
    findings and recommendations . . . . . 8, 11  
    hearing . . . . . 8  
    jurisdiction . . . . . 7  
    members . . . . . 8  
    powers . . . . . 8  
    restructuring for amalgamation with  
        RCMP PCC . . . . . 6, 7  
    staff . . . . . 8  
    Vice-chairman . . . . . 8  
    workload . . . . . 9
- Delays . . . . . 11
- Disability  
    physical or mental . . . . . 7
- Discharge and demotion . . . . . 7-9, 12
- Discharge of fire arms . . . . . 10
- Discreditable conduct . . . . . 11  
    topics . . . . . 11
- Fairness—procedural . . . . . 10
- February 1992 Budget . . . . . 7
- Findings and recommendations . . . . . 8, 11
- Formal discipline . . . . . 7, 8, 11, 12
- Full time equivalents (FTE) . . . . . 2, 6, 7, 14
- Governor in Council . . . . . 7, 8  
    appointments . . . . . 8, 14
- Grievances . . . . . 7-12  
    topics . . . . . 11
- Hearing . . . . . 8
- High-speed chases . . . . . 10
- Human resources . . . . . 6, 7, 9, 14
- Irregular appointment . . . . . 7
- Isolated Posts Directive . . . . . 7, 11
- Jurisdiction  
    Committee . . . . . 7  
    Public Service Staff Relations Board . . . . . 8
- Operating Budget . . . . . 2
- Parliament . . . . . 11  
    Standing Committee on Justice and the  
        Solicitor General . . . . . 11
- Powers of the Committee . . . . . 8
- Principles of administrative law . . . . . 10
- Prison-cell deaths . . . . . 10
- Procedural fairness . . . . . 10
- Provincial police commissions . . . . . 10
- Public Service Staff Relations Board . . . . . 8
- Public Works Canada . . . . . 14
- RCMP Act . . . . . 7-10, 12
- RCMP Public Complaints  
    Commission . . . . . 2, 6, 7, 9
- RCMP Regulations . . . . . 7
- RCMP Relocation Directive . . . . . 7
- Remedial approach . . . . . 10
- Restructuring  
    for amalgamation with RCMP PCC . . . . . 6, 7
- Solicitors general . . . . . 9
- Spending authorities . . . . . 2, 4, 6
- Standing Committee on Justice and the  
    Solicitor General . . . . . 11
- Stoppage of pay and allowances . . . . . 7
- Treasury Board . . . . . 14
- Vice-Chairman  
    acting Chairman . . . . . 8
- Workload . . . . . 9