



Commission for
Public Complaints Against the
Royal Canadian Mounted Police

Commission des
plaintes du public contre la
Gendarmerie royale du Canada

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COMMISSION FOR PUBLIC COMPLAINTS AGAINST THE RCMP

2012-2013

ANNUAL REPORT

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The Commission for Public Complaints Against the RCMP (CPC) is an independent body established in 1988 to receive and review complaints about the conduct of regular and civilian RCMP members in the performance of their duties. Its mission is to contribute to excellence in policing through civilian review.

The CPC ensures that complaints about the conduct of RCMP members are examined fairly and impartially. Its findings and recommendations help identify, correct and prevent the recurrence of policing problems caused by the conduct of specific RCMP members or by flaws in RCMP policies or practices.

VISION: Excellence in policing through accountability.

MISSION: To provide civilian review of RCMP members' conduct in performing their duties so as to hold the RCMP accountable to the public.

MANDATE: As set out in Part VII of the *Royal Canadian Mounted Police Act*, the mandate of the Commission is to:

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

STRATEGIC OBJECTIVES

- Strengthen the complaint and review process.
- Facilitate the creation of a new review mechanism for the RCMP.
- Improve the relevance of review recommendations and identify complaint trends.
- Consolidate outreach and public education efforts.

You can find the Commission for Public Complaints Against the RCMP on the Internet at

www.cpc-cpp.gc.ca or **www.complaintscommission.ca**.

All documents cited in this report may also be found there.

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Minister of Public Works and Government Services

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The Honourable Steven Blaney, P.C., M.P.
Minister of Public Safety and Emergency Preparedness
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister,

Pursuant to section 45.34 of the *Royal Canadian Mounted Police Act*, I hereby submit the annual report of the Commission for Public Complaints Against the RCMP for the 2012-2013 reporting period for tabling in Parliament.

Yours very truly,

A handwritten signature in black ink, appearing to read "Ian McPhail".

Ian McPhail, Q.C.
Interim Chair

June 2013

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CHAIR'S MESSAGE



Civilian review of the RCMP: a pivotal year.

This past year has been a crucial one for the future of RCMP oversight. External pressures that called for greater public accountability of the police, and the RCMP in particular, remained constant. The Commission continued to work in an environment of public skepticism, scrutiny and high expectations of policing organizations, the services they provide and the actions of their employees.

Recognizing the importance of these factors, the Commission focused its attention on a wider range of RCMP issues that preoccupied the public's interest. For example, the Commission issued a report in February following its investigation of workplace harassment in the RCMP, marking the Commission's growing ability, from its unique position, to conduct systemic reviews of RCMP activities.

The Commission is taking a similar approach to its ongoing public interest investigation of policing in northern British Columbia, which will examine, among other things, member conduct and community sentiment. The Commission strives to consider diverse perspectives in order to offer informed and productive findings and recommendations.

The coming year will be one of substantial change as the much anticipated implementation of Bill C-42 – *Enhancing Royal Canadian Mounted Police Accountability Act* – creates a new civilian review and complaints body which will continue and build upon the work of the Commission. The challenges as well as the opportunities to foster public trust in Canada's iconic police force have never been greater.

The enhanced mandate of the new Civilian Review and Complaints Commission (CRCC) will include the existing complaint intake, investigation and review functions, as well as new authorities to work jointly with other law enforcement review bodies, conduct reviews of specified RCMP activities, undertake research, conduct outreach efforts, and provide independent observation of investigations of serious incidents involving RCMP members.

In addition, the Bill enhances the CRCC's ability to access information—clearly setting out the CRCC's right to determine what information is relevant to an investigation or review and its ability to summon witnesses, compel oral statements, and examine records, all without having to call a public hearing.

One of the key elements of the new legislation is the requirement of enhanced reporting to provinces which contract for RCMP services. I look forward to providing a more integrated service, given the importance of the RCMP's contract policing role throughout the country, and am pleased to report that the groundwork for this provincial reporting and information sharing has already been laid.

As we move towards a new era of RCMP oversight, I am encouraged by the increasing cooperation demonstrated by the RCMP, and its growing acknowledgment of the value of independent, civilian review. For example, the RCMP has made considerable progress to reduce its backlog of outstanding responses to the Commission's reports as well as implement the Commission's recommendations—recognizing that to be effective, review must be timely. The drafting of a memorandum of understanding between the new Commission and the RCMP will see an increasingly congruent and coherent processing of complaints by recognizing the importance of service standards and underlining the need for a cooperative approach to the sharing of information necessary to the Commission's activities.

The Commission acts as an informed interlocutor that assists in bringing a civilian perspective to critical policing issues which impact the RCMP's standing in the public eye. We strive to ensure that our investigations and reports are fair, impartial and balanced, and that recommendations are consistent with our remedial mandate to make the RCMP a better police force. It is from this singular position that I look forward to continuing to contribute to effective and meaningful change to the RCMP.

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new era of RCMP oversight,
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THE COMPLAINT & REVIEW PROCESS

ENQUIRIES, EARLY RESOLUTIONS & FORMAL COMPLAINTS

The Commission remains focused on offering the public a range of options for the handling of complaints or concerns. To this end, when a member of the public contacts the Commission, he or she is provided with access to an experienced analyst who assesses the needs of that person and identifies options for addressing their concerns.

ENQUIRIES

Enquiries include a spectrum of issues that can range in complexity from simple requests for information through to informal communication between the CPC and the RCMP or other government agency to assist the citizen. Enquiries generally involve concerns that are within the CPC mandate.

EARLY RESOLUTION

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

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

FORMAL COMPLAINTS

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

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

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

Enquiry

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

Early Resolution

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

Formal Complaint

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

REQUESTS FOR REVIEW

Upon receiving a request for review, the CPC:

- requests all relevant information from both the complainant and the RCMP regarding the complaint; and
- analyzes and examines the information.

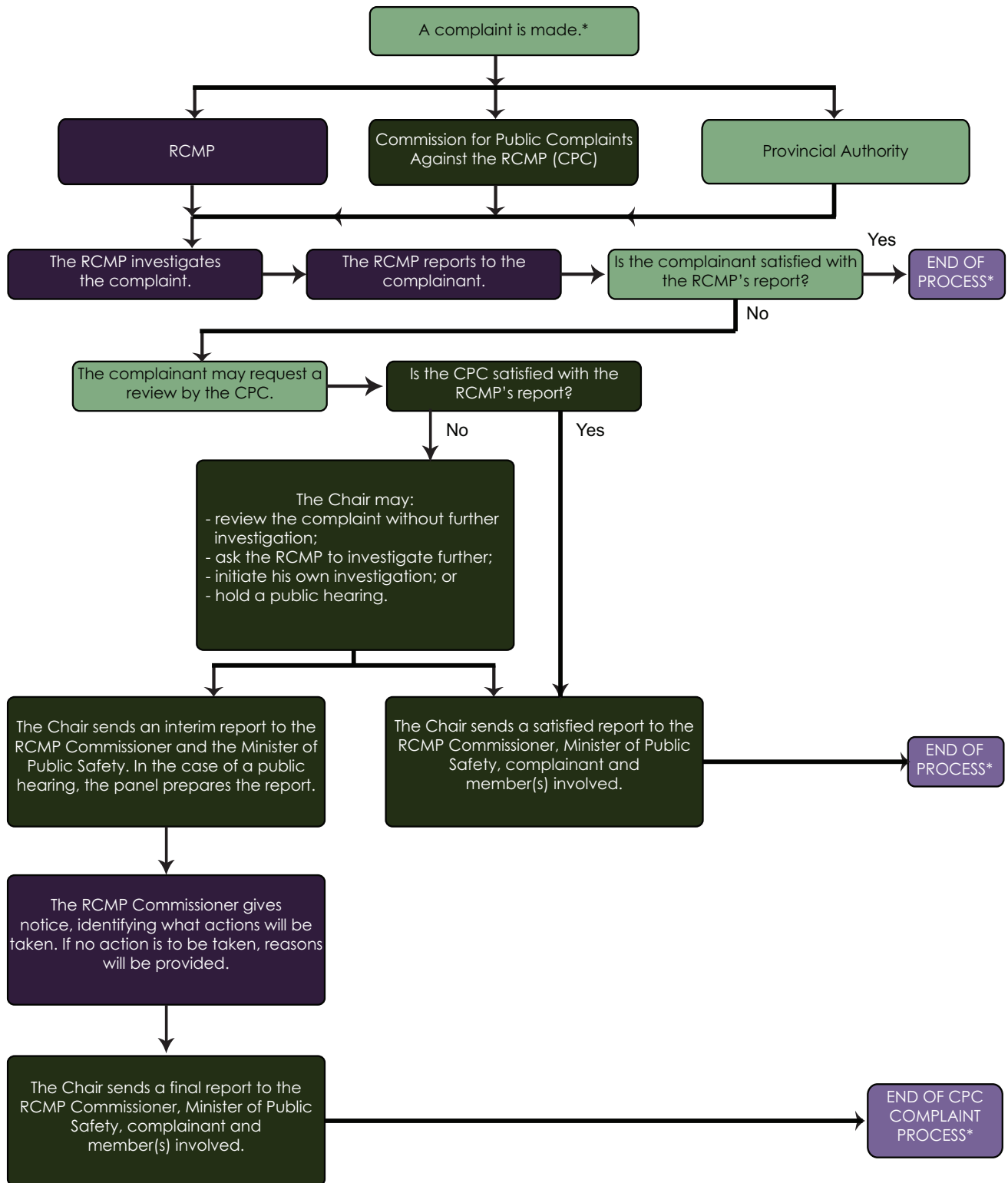
If the Commission is satisfied with the actions of the RCMP and the manner in which it addressed the complaint, it will issue a **Satisfied Report**.

On the other hand, if the Commission is not satisfied with the actions of the RCMP and the manner in which it addressed the complaint, it will issue an **Interim Report** outlining its findings and recommendations aimed at improving RCMP member conduct, policies and procedures. This response is sent to the Commissioner of the RCMP and the Minister of Public Safety.

The RCMP Commissioner prepares a response to the Interim Report—the **Commissioner's Notice**—in which he describes what action the RCMP has taken or will take in light of the findings and recommendations made by the CPC.

The CPC then prepares its final report—the **Final Report After Commissioner's Notice**—which is sent to the complainant and the members involved and terminates the CPC's complaint and review process.

COMPLAINT & REVIEW PROCESS FLOWCHART



* The Chair can initiate his own complaint. In addition, at any stage of the process, the Chair may institute an investigation or a hearing where he considers it advisable in the public interest.

THE YEAR IN REVIEW

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

PUBLIC COMPLAINTS

The CPC's National (Complaint) Intake Office in Surrey, British Columbia, processed 3,725 general enquiries, early resolutions, and formal complaints against the RCMP this year.

In 2012-2013, the CPC continued to receive approximately 75% of all complaints directly from the public, with the RCMP receiving the rest.

COMPLAINT TRENDS

The type of complaint issues raised in 2012-2013 followed a similar trend to previous years.

The most common public complaint issue relates to RCMP member attitude. This category can include behaviours that are perceived to be: dismissive, rude, non-responsive, biased, unfair, or lacking in empathy.

The second most common complaint issue relates to the quality of RCMP criminal investigations. This issue can arise when the complainant feels that the criminal investigation: was not thorough, was improperly carried out, was not timely, lacked witness interviews, included mishandled evidence and examinations, and contained inaccurate reports.

The third most common complaint issue relates to improper arrest. This category can include arrests involving: invalid warrants, failure to provide a reason for the arrest, inappropriate use of mental health arrest provisions, lack of evidence and failure to provide Charter rights, or right to legal counsel.

10 Most Common Complaint Issues	% of Complaint Issues
Attitude other than abusive language	20.3
Criminal investigation quality (RCMP)	17.8
Improper arrest	8.6
Police physical abuse (other than restraints)	6.2
Vehicular incidents	6.1
Detention	4.6
Incidents involving alcohol/drugs	4.1
Search and seizure	3.2
Public complaint process quality (RCMP)	2.6
Property mishandling	2.5

REQUESTS FOR REVIEW OF THE RCMP'S HANDLING OF PUBLIC COMPLAINTS

This year the Commission received 233 requests for review. The Commission's review reports are based on a thorough examination of the entire investigative record gathered during the initial investigation. In addition, the Commission requests further material where required, and may request that further investigation be conducted or even conduct such investigation itself.

Common review issues relate to:

- the quality of RCMP criminal investigations;
- use of force;
- search and seizure;
- member attitude; and
- quality of service (which can range from a member failing to return a telephone call, to a perceived failure to lay appropriate charges).

The Commission issued a total of 237 review reports in 2012-2013:

- in 199 reports, or 81%, the Commission was satisfied with the RCMP's disposition of the complaint.
- in 38 reports, or 19%, the Commission was not satisfied with the RCMP's disposition of the complaint and, in most cases, made recommendations to address deficiencies.

In his responses to the latter, the RCMP Commissioner accepted approximately 79% of the Commission's adverse findings and 78% of its recommendations.

The Commission's recommendations vary in response to the individual complaints being reviewed, and many are fact-specific. Commission recommendations may include that:

- subject members receive guidance from senior members or further training in respect of specific roles and responsibilities;
- RCMP policies, procedures or guidelines be clarified or amended where a gap has been identified;
- the complainant be provided with an apology;
- public complaint investigators and decision makers receive guidance or further training regarding the public complaint process and their roles therein; and
- public complaint investigations be carried out where the RCMP determined that such investigations were not necessary.

The CPC remains committed to ensuring that its recommendations prevent problems from arising in the future.

SERVICE STANDARDS

When handling a formal complaint against the RCMP, the CPC's goal is to guide each complaint through the process—from the initial lodging through to its conclusion—in as timely a manner as possible and ideally within one calendar year. The CPC has set its own service standards with respect to the length of time taken for each step of the process.

Over the past year, the Commission has been working with the RCMP to prepare a memorandum of understanding that would outline, among other items, the RCMP's voluntary adherence to these standards.

Maintaining clear service standards is consistent with the Commission's view that effective review must be timely. These standards are aimed at enhancing the ability of complainants, RCMP members and Canadians to hold the CPC and the RCMP accountable for timely responses to public complaints. To that end, the CPC continues to enforce its internal service standards, in preparation for legislative implementation of service standards as set out in Bill C-42.

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

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

Interim & Satisfied Reports

The CPC remains committed to ensuring that a minimum of 80% of its reports are finalized within 120 days of receiving the request for review. This year, the CPC achieved a performance rate of 95%.

Final Reports

The CPC has a 30-day service standard for completing its Final Reports after receiving a Commissioner's Notice. In the past fiscal year, the Commission delivered 56 Final Reports to the RCMP, 89% of which were within the service standard.

TIMELINESS OF COMMISSIONER'S NOTICES

The timeliness of the RCMP Commissioner's responses to the Commission's Interim Reports, required by statute, has been the subject of comment for the past several years.

As the CPC has repeatedly reported, inordinate and unexplained delays threaten the integrity of the public complaint process. The CPC cannot finalize its reports and provide them to complainants or the subject RCMP members until the Commissioner's response is received.

Commissioner Bob Paulson publicly stated in February 2012 that he was committed to responding to the Commission in a timely manner. The Commissioner has delivered on his pledge and as a direct result, the number of outstanding Commissioner's notices in 2012-2013 dropped significantly, from 51 to 15. Clearing this backlog enables the RCMP to continue moving forward in this area and is further evidence of the Commissioner's commitment to an open and timely review process that will inspire public confidence in the RCMP and the processes which hold it to account.

“The Commission tries to deal expeditiously with the review of complaints. The slower the process, the more likely people will feel that their complaints are being ignored. RCMP members who are the subject of a complaint may find it very difficult to continue to carry out their duties . . . The speedy disposition of complaints, then, is a matter of justice for all parties.”

**- Annual Report
1991-1992**

Outstanding Commissioner's Notices

Days	Outstanding Notices 2011-2012	Outstanding Notices 2012-2013
Less than 30 days	0	3
From 30 to 60 days	5	2
From 61 to 180 days	8	9
From 181 to 365 days	17	0
Over 365 days	21	0

NOTABLE COMPLAINTS

COMPLETED CHAIR-INITIATED COMPLAINTS & PUBLIC INTEREST INVESTIGATIONS

Incident in Kamloops RCMP Detachment Cells

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

The Commission completed its investigation and provided its interim report to the RCMP in March 2012. The Commission found that permitting the women to continue to engage in sexual activity was unreasonable and demonstrated unprofessional and disrespectful behaviour. The Commission recommended training and guidance for the members involved. The Commission also recommended providing guidance to managers with respect to the RCMP's policy on external investigations of such incidents.

Although the Commissioner rejected the CPC's recommendation which sought to clarify the RCMP's external investigation policy, he did agree with the majority of the Commission's findings and recommendations.

RCMP Workplace Harassment

In November 2011, the Commission launched a Chair-initiated complaint and public interest investigation in response to widespread reports concerning RCMP members who alleged they had been harassed in their workplaces.

As part of its investigation the Commission examined all formal harassment complaint files initiated between February 2005 and November 2011, and submissions received from the public addressing this issue.

The Commission released its report in February 2013. The report contained 11 recommendations aimed at improving how the RCMP deals with workplace conflict. These include:

- better tracking and coordinating of complaints,
- rigorous investigative standards,
- improved training; and
- publicly reported evaluation of RCMP efforts to enhance the process.

The full report, including all recommendations, can be found on the Commission's website.

“Harassment is a complex problem requiring a complex solution. Policy statements and written procedures are not enough to address the issue. There must be intent on the part of the RCMP to cultivate a more respectful workplace. And that intent needs to be followed up with actions.”

**- Ian McPhail, Q.C.
February 2013**

Police-Involved Shooting of Christopher Klim

In December 2007, RCMP members in Vernon, British Columbia, attended Christopher Klim's residence in order to apprehend him pursuant to a mental health warrant. Believing that Mr. Klim was in the process of harming himself, the members forcefully entered his apartment. As Mr. Klim was brandishing two knives in a threatening manner, a conducted energy weapon (CEW) was deployed. The CEW was of little effect on Mr. Klim, as one of its probes did not make contact. Mr. Klim continued to advance towards the RCMP members and was fatally shot. The Chair initiated a complaint to examine applicable RCMP policies and procedures in light of concerns regarding people being apprehended under mental health legislation.

The Commission completed its review and provided its interim report to the RCMP in September 2011. The Commission concluded that while the tragic outcome of the RCMP's intervention might not have been avoided, the approach taken by the RCMP members to apprehend Mr. Klim lacked coordination, foresight, and direction. The Commission made several recommendations, including that certain members receive further training on how to respond to critical incidents, and that RCMP training in respect of persons with mental health issues be enhanced.

The Commission received the RCMP's response in February 2013. While the Commissioner disagreed with some of the Commission's specific findings, he generally agreed with the Commission's recommendations and indicated that several had been adequately addressed by policy changes. Specifically, he noted that RCMP training on how to manage persons with mental health issues had improved since this incident, and that a requirement for refresher training was in place.

In-Custody Death of Cheryl Anne Bouey

In June 2008, Cheryl Anne Bouey was taken into custody by RCMP in Prince George, British Columbia. While in police cells, Ms. Bouey inflicted harm on herself, was found unresponsive and later was pronounced dead in hospital. The Chair initiated a complaint and examined whether RCMP policies regarding the proper care and safety of persons detained in cells were adequate.

The Commission completed its review and provided its interim report to the RCMP in May 2011. The Commission found that Ms. Bouey's warrantless arrest for causing a disturbance was reasonable, as was the force used while escorting her to the cell block. The Commission further concluded that Ms. Bouey was treated in a respectful and professional manner. However, the Commission found that the responsible member failed to locate a string attached to Ms. Bouey's pants when searching her prior to her being lodged in cells, that the guards delay in seeking assistance was inconsistent with RCMP policy, and that monitoring of prisoners was inadequate on the relevant date.

The Commission received the RCMP Commissioner's Notice in February 2013. The Commissioner agreed with all of the Commission's findings, and supported the majority of its recommendations.

The Chair initiated a complaint and examined whether RCMP policies regarding the proper care and safety of persons detained in cells were adequate.

ONGOING INVESTIGATIONS

Police-Involved Shooting of Valeri George

The September 2009 shooting death of Valeri George in Buick Creek, British Columbia, prompted a Chair-initiated complaint.

A neighbour called the Fort St. John RCMP to report that Mr. George had shot at a vehicle containing his spouse and children. After several days of the RCMP unsuccessfully attempting to negotiate Mr. George's surrender, Mr. George was shot by RCMP Emergency Response Team (ERT) members as he drove towards a police barricade, with a firearm, at a high rate of speed. The Chair's complaint was particularly concerned with the use of force by the RCMP ERT members.

The Commission began receiving investigation materials in the fall of 2012 and is in the process of completing its report.

In-Custody Death of Charlene Danais

In August 2011, Charlene Danais was taken into custody by RCMP members and placed in cells in Assumption, Alberta. She was found unresponsive in her cell early the next morning and pronounced dead after being transported to the hospital.

The Chair initiated a complaint shortly thereafter, asking whether the involved members complied with policies relating to persons held in RCMP custody, and examining the adequacy of those policies.

The Commission received the investigation materials in the fall of 2012, and issued its interim report to the RCMP in June 2013.

Conducted Energy Weapon Use on 11-year-old

In April 2011, RCMP members responded to an emergency call from a residence in Prince George, British Columbia, where an adult had been stabbed. The 11-year-old suspect in the incident was located on a nearby property. A CEW was used on the boy when he exited the property, as police believed he was armed with a weapon. The boy was taken into custody and transported to hospital for assessment.

The Chair initiated a complaint in order to examine the circumstances of the incident, and particularly the RCMP's CEW policy.

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

In 2012-2013, the Commission was able to finalize several reviews and Chair-initiated complaints that were launched a number of years ago.

While there can be many factors which contribute to the completion of an investigation, including parallel criminal investigations or other processes, both the CPC and the RCMP must commit to working in a concerted manner to finalize complaint and review reports in a timely manner in order to ensure the integrity of the public complaint process.

RCMP Handling of Matters Involving Nicole (Ryan) Doucet

In January 2013, the Supreme Court of Canada issued its decision in a case involving Ms. Nicole (Ryan) Doucet, who had admitted to hiring someone to kill her former husband. At trial, Ms. Doucet invoked the legal defence of duress, alleging that she had been a victim of domestic violence for a number of years. Although the Supreme Court concluded that the defence could not apply, it nevertheless ordered a stay of proceedings, commenting in its decision that it was “unfortunate that the authorities were much quicker to intervene to protect Mr. Ryan than they had been to respond to [Ms. Doucet’s] request for help.”

The Court’s comment raised public concerns, prompting the Nova Scotia Attorney General and Minister of Justice to request that the Commission review the RCMP’s actions in respect of Ms. Doucet. The Commission is in the process of completing its review.

Motor Vehicle Fatality of Victor Duarte

On October 29, 2012, members of the Langley, British Columbia, RCMP Traffic Section conducting speed enforcement noted that a passing vehicle was associated with a prohibited driver. The vehicle did not stop following members’ attempts to wave the vehicle to the side of the road. As a result, two RCMP vehicles followed the suspect but opted to stop the pursuit for safety reasons. Shortly thereafter, the suspect vehicle was involved in a fatal collision with Mr. Victor Duarte’s vehicle. Mr. Duarte died at the scene, and the driver of the suspect vehicle was seriously injured.

The Independent Investigations Office (IIO) of British Columbia determined in December 2012 that there was no basis on which to conclude that any of the involved members had committed a criminal offence in relation to the incident.

At the conclusion of the IIO’s investigation, the Commission initiated its own complaint in order to assess whether RCMP member conduct in this particular instance was in accordance with established policy, procedures and legislation, whether such policy is appropriate, and whether any remedial recommendations should be made.

This Chair-initiated complaint is still under investigation.

By examining the conduct of RCMP members involved in serious incidents, the Commission provides an added level of scrutiny to ensure such conduct is reasonable and policies and procedures are adequate.

SAMPLE REVIEW FINDINGS

The Commission confronts a variety of issues from across the country in files where it reviews the RCMP's public complaint process and the conclusions reached following the RCMP's initial investigation. The following are examples taken from its 237 reviews conducted during the reporting year.

Consent to Search Vehicle Was Not Informed

Two RCMP members stopped a complainant for swerving his vehicle, checked his identification and searched the front of the vehicle without consent. The members then asked to check the back of the vehicle, and as they had already searched part of the vehicle, the complainant acquiesced. The members then asked the complainant to open the vehicle's trunk and they searched through it.

The complainant alleged that the entire search was unlawful. The Commission found that the consent was not informed and deemed the search to be unreasonable.

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

Insufficient Basis for Detention When No Offence Had Occurred

Two members responded to a 9-1-1 call originating from the complainant's home. The members investigated the abandoned call and determined that no domestic assault had occurred. However, during the investigation, unsafely stored firearms were found in the residence and were seized. The complainant was taken into custody and released early the next morning, charged with firearms offences.

The complainant alleged that his arrest and detention were improper. While the Commission determined that his arrest was reasonable, the detention was not, as there was no reasonable concern with respect to violence in the home. Further, there was no indication that the complainant was detained as a result of the events leading to the 9-1-1 call or as a result of the firearms offences.

The RCMP Commissioner agreed with the Commission's findings.

Use of Force on Violent Individual Reasonable

The complainant was suffering a self-admitted psychological breakdown and was reported to police. He was later approached by police, and a struggle ensued.

He complained that the involved members used excessive force, which included the use of a baton, hand and knee strikes, and the deployment of oleoresin capsicum (pepper) spray.

Considering all the available information and taking into account the behaviour displayed by the complainant, the Commission found that the members exercised their use of force options in a manner consistent with the policies of the RCMP and the applicable legislation.

Lengthy Detention for Refusing to Provide Identification Unreasonable

The complainant was approached by an animal control by-law officer as she was walking with her unleashed dog. She refused to provide identification to the by-law officer, who then requested RCMP assistance. The complainant also refused to provide identification to the responding member; she was arrested, taken into custody and detained for almost ten hours.

The complainant alleged, among other things, that her detention was unreasonable. The Commission concluded that the member's initial concerns, including his concern for the complainant's mental health, were inadequate to justify the continued detention.

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

Member Shooting of Armed Robbery Suspect Was Reasonable

An armed robbery occurred at a fast-food restaurant's drive-thru. The suspect left the scene in a stolen vehicle. An RCMP member subsequently located an unoccupied vehicle matching the description of the one used in the robbery. He observed several persons approaching the vehicle, and identified himself as a police officer and ordered them to stop moving. It appeared to the member as though one of the individuals may have had a weapon. The vehicle began to leave, and the member was caught in it. He discharged his firearm twice, hitting the driver in the shoulder with a non-fatal gunshot.

A third party alleged that the use of force was unreasonable. In view of the severity of the risk posed to the member, and his belief that he was facing grievous bodily harm or death, the Commission found that the use of the firearm in both instances was necessary, reasonable and in accordance with relevant legislation and the principles of the RCMP's use of force guidelines known as the Incident Management Intervention Model.

PUBLIC ACCOUNTABILITY

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

RECOMMENDATIONS AWAITING IMPLEMENTATION

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

RECENTLY IMPLEMENTED RECOMMENDATIONS

This year, the RCMP implemented past recommendations made by the Commission regarding:

- a policy consistent with the *Mutual Legal Assistance in Criminal Matters Act* addressing requests for exhibits from a foreign law enforcement agency; and
- a policy regarding the disclosure of information concerning sensitive investigations.

Policy Commitment	CPC Report	Commitment Date
Clarification of policy with respect to contacting callers when responding to 9-1-1 calls	Final Report into a Public Complaint	September 2010
A policy with respect to members reviewing their own reports	Final Report into a Public Complaint	September 2010
Amendment of national policy with respect to prisoner logbook documentation and reviews and the clear identification of the roles and responsibilities of supervisors and commanders	Final Report into a Chair-Initiated Complaint Regarding the In-Custody Death of Mr. Raymond Silverfox	May 2011
Revision of and improvement to RCMP policy with respect to the provision of medical assistance, in consultation with medical professionals	Complaint Regarding the In-Custody Death of Mr. Raymond Silverfox	May 2011

STAKEHOLDER ENGAGEMENT & PUBLIC EDUCATION

Engagement with key stakeholder groups is vital to helping increase awareness of an individual's right to make a complaint about the conduct of an RCMP member. Over the past few years, with the benefit of interim funding, the CPC has steadily increased its public education and stakeholder engagements across the country. The Commission has engaged with a variety of stakeholders this past year, including:

- municipal associations;
- police boards;
- provincial oversight bodies;
- Aboriginal groups; and
- front-line service providers, such as court workers, legal education and information offices, settlement agencies and special interest groups.

In order to ensure the best return on the resources invested, the Commission's goal is to inform key community service providers who are most likely to be a point of contact for individuals seeking support, assistance and/or searching for information about the police complaint process. To help achieve this goal, the Commission has implemented an online form which allows users to submit a request for an information seminar about the Commission and its mandate.

PROVINCIAL PARTNERS

The Commission is also targeting the provincial departments responsible for public safety and corrections in order to:

- gain insight on how to enhance outreach in their province;
- obtain approval to deliver brief seminars at province-wide conferences such as Aboriginal justice workers and victim services; and
- explore the opportunity to display brochures in provincial court houses, probation offices, correctional centers, etc.

By the end of this fiscal year, the Commission had visited and made significant progress in Saskatchewan, Manitoba, Nova Scotia and New Brunswick.

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

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

As mentioned in the 1995-1996 Annual Report, the right to a review is of no value to a person who is not aware of the existence of that right. As a result, the Commission continues to seek new ways to inform the public about its existence and mandate.

POLICE & LEGAL TRAINING

The Commission continues to pursue training opportunities for its staff relating to policing practice. The RCMP has provided the Commission with training and demonstrations relating to its use of force policy and techniques, and has facilitated visits to its Depot Division in order for Commission staff to become familiar with training offered to cadets and to regular members. These collaborative activities have allowed the Commission to keep abreast of relevant changes in policing policy and practice, while at the same time enabling staff to provide education, information and resources relating to the Commission's mandate and processes.

The Commission also continues to participate in relevant Continuing Legal Education opportunities in order to enhance the knowledge of its legally trained staff, and to deliver presentations relating to its function.

In addition, the Commission liaises with members of the legal community in order that they may provide training, and also contribute expertise to its ongoing projects. By doing so, the Commission fosters greater understanding of its role among those who may be called upon to provide advice with respect to issues in which the Commission is engaged.

CANADIAN ASSOCIATION OF CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

The Commission continued working with the Canadian Association of Civilian Oversight of Law Enforcement (CACOLE) as part of its executive team to advance the principles of civilian oversight of law enforcement. This includes maintaining its website to ensure easy access to information about CACOLE, its mandate and its annual conference. The website can be found at www.cacole.ca.

FEDERAL & PROVINCIAL OVERSIGHT PARTNERS

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

The fall 2012 session covered such issues as:

- the impact of Bill C-42 on provincial oversight bodies;
- the RCMP's Subject Behaviour/Officer Response use of force reporting system;
- the impact of integrated cross-border maritime law enforcement operations, such as the Shiprider program, on oversight and any potential legal issues;
- the ability to conduct joint reviews and possible restrictions on information sharing;
- media engagement on the part of police review and oversight organizations;
- the commitment of police officers to integrity and professionalism; and
- the role of police boards in respect of police services.

CORPORATE RESPONSIBILITY

WORKING EFFICIENTLY

Historically, the Commission's allotted budget was not sufficient to meet its full mandate. In recognition of this shortfall, the government has provided interim funding, on an annual basis, for the past six years. Interim funding was again provided this fiscal year to bridge the gap until the creation of the new Commission mandated under Bill C-42.

Year over year interim funding has allowed the Commission to deal with an increased workload, maintain service standards and conduct special reviews of emerging RCMP issues such as in-custody deaths proximal to CEW use, police investigating police, RCMP member conduct related to the 2010 G8 and G20 Summits, and more recently RCMP workplace harassment. Interim funding has allowed the Commission to continue outreach efforts, as well as meet its corporate expenses which were previously subsidized by Public Safety. Interim funding has also supported the Review of the Record project since 2007. This yearly in-depth examination and analysis of RCMP public complaints provided an empirical foundation to assess the effectiveness of the RCMP public complaints system and is the precursor to the provincial reporting requirements outlined in Bill C-42.

The Commission recognizes the importance of providing the best possible service in the most fiscally responsible way. As such, the Commission has been engaged in several business improvements over the last fiscal year in order to increase the efficiency of the organization as it moves towards fulfilling a new mandate under Bill C-42.

These efficiencies include moving to a digital library, eliminating an executive position by merging the Communications and Corporate Services Divisions under one director, and streamlining the delivery of administrative support to operations.

“Credible and effective civilian oversight can be achieved by strengthening the financial resources and legislative mandate for civilian review of the RCMP. This alone may not resolve all the challenges currently confronting the RCMP, but as G. C. Lichtenberg once observed: ‘I cannot say whether things will get better if we change; what I can say is they must change if we are to get better.’”

**- Annual Report
2007-2008**

THE COMMISSION ONLINE

The world of web design is constantly evolving. In order to stay current and relevant, the Commission must stay on top of the newest innovations and trends. Following guidelines under the new *Standard on Web Usability*, the Commission recently implemented the new Web Experience Toolkit designed by Treasury Board of Canada Secretariat. The Commission's new website is simpler and easier to navigate.

In addition to this update, the Commission has been working toward meeting the *Standard on Web Accessibility* in order to ensure that its website is accessible to all Canadians, especially those with disabilities.

Expenditures

2012-2013

Salaries	5,968,704
Operating Costs	2,042,297
Total	8,011,001

REFLECTING ON OUR PAST

In preparing this final Annual Report of the Commission for Public Complaints Against the RCMP, I have reflected on the Commission's origins, its service to Canadians over the past 25 years and its tireless quest to enhance the quality of police services the RCMP delivers on a day to day basis in hundreds of communities across this country.

Between 1974 and 1981, the RCMP was the focus of two Commissions of Inquiry. The Marin Commission examined the RCMP's procedures relating to discipline, grievances and complaints from the public. The McDonald Commission focused on questionable activities of the RCMP's Security Service. Waning public trust of the RCMP's abilities to impartially address public concerns with the manner in which it was discharging its policing responsibilities was a central theme in the findings and recommendations of both Commissions.

The need for external review and investigation of police conduct was emerging as an essential safeguard for free and democratic societies around the world. There were many examples which underscored this need in the broader Canadian law enforcement community:

- the Royal Commission on the Donald Marshall case in Nova Scotia;
- the Public Inquiry into the Administration of Justice and Aboriginal People in Manitoba;
- the Commission of Inquiry into Policing in Relation to the Blood Tribe in Alberta;
- the Task Force on Race Relations and Policing in Ontario; and
- the Royal Commission of Inquiry in British Columbia into the assault of Michael Albert Jacobsen while in police custody which revealed that police lied under oath and engaged in a conspiracy of silence when confronted with the allegations.

These events led some provinces to establish public complaint processes for provincial and municipal police forces, but no such process was in place for public complaints about the conduct of RCMP members.

Although a series of legislative proposals were introduced in the House of Commons between 1978 and 1985 to address RCMP accountability and the public complaints process, it would not be until March 26, 1986, that the RCMP Public Complaints Commission was created through an amendment to the RCMP Act.

“External review and investigation of police conduct is emerging as an essential safeguard for free and democratic societies.”

- Richard Gosse, Q.C.
CPC's First Chair

The Commission was intended to overcome real or perceived difficulties arising from the RCMP investigating public complaints of improper conduct by its own members.

Its enabling legislation was proclaimed in force in September 1988 and would offer Canadians an independent and impartial lens through which the conduct of individual RCMP members and the policies that guide them, could be investigated. It was also intended to ensure fair treatment for RCMP members against whom false allegations of misconduct might be made.

The concluding sentence in the Commission's first Annual Report was, "Fairness will be the watchword of the Commission."

Over the past 25 years, the Commission has maintained this focus. There have been many notable incidents that have demonstrated the essential nature of the CPC's work in holding the RCMP accountable to the public it serves in an open, neutral and fair manner, such as the reports on the RCMP's use of the Carotid Control Technique, APEC, conducted energy weapons, the in-custody death of Ian Bush, the RCMP's role in the G8/G20 Summits and allegations of harassment in the RCMP workplace.

The past 25 years have brought changes that could not have been anticipated when the CPC was first established. Technology, multiculturalism, the global nature of business and economic pressures, the borderless nature of crime and the integration of domestic and international law enforcement operations have all contributed to a more complex environment for police and in particular for the RCMP with its multiple mandates and wide jurisdiction. Such changes must be reflected in the mechanisms designed to keep institutions accountable to the public they serve.

Bill C-42 addresses this changing environment and provides a new mechanism which will be better equipped to deal with the realities of today's RCMP and the expectations Canadians have of it. After 25 years of service, the CPC will be transformed into a new agency, the Civilian Review and Complaints Commission (CRCC).

While this new legislative framework will be essential to the success of the CRCC, it will not be the only element necessary. From the beginning, the CPC has needed the "buy in" of the RCMP to this public complaints process. In his first annual report, Commission Chair Richard Gosse noted that "... the RCMP Commissioner and the Force have displayed willingness to co-ordinate their responsibilities with the Commission's." The success of the RCMP depends on the shared commitment to the goal of a publicly accountable and trusted police force.

In my role as the Commission's Interim Chair for the past three years, I have come to appreciate how significant this shared commitment is in ensuring effective independent review of police conduct.

It has been my experience that, although at times our opinions have differed, the Commissioner and the senior management of the RCMP have supported the role of the CPC. There is recognition that the Commission's findings and recommendations are intended to assist the RCMP in shaping effective policies, practices, training and ensuring the highest level of professionalism amongst its members.

When I took office as the CPC's Interim Chair I noted that if the CPC was criticized by some for being too soft on the RCMP while at the same time seen as too harsh by others, the Commission was likely right where it needed to be. I believe the Commission's work in recent years has achieved this balance maintaining the "fairness" which was a founding principle of its work over the past quarter century.

I would like to recognize the invaluable contributions of the Commission's former chairs, vice-chairs, members and staff over the past 25 years. Their collective insights, wisdom and objective advice have enhanced the professionalism of policing services in Canada and created a strong foundation for effective oversight in the years to come.

As we move into this new era of RCMP oversight, I am confident that the legacy of the CPC and its constructive discourse with the RCMP will support the new Civilian Review and Complaints Commission in achieving its mandate and promote the public's confidence in Canada's national police force.

New legislation and an enhanced mandate will support the Commission's efforts in maintaining the confidence of Canadians in the RCMP.

- Ian McPhail, Q.C.