

Civilian Review and
Complaints Commission
for the RCMP



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

ANNUAL REPORT
2019-2020

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: The CRCC will become the national leader for independent review of policing activities through the provision of a relevant, timely and transparent complaint process.

MISSION: Deliver a robust complaint process which holds the RCMP accountable for its activities and the conduct of its members.

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;
- report findings and make recommendations; and
- promote public awareness of the complaint process.

STRATEGIC OBJECTIVES:

- Strengthening the public complaint process.
- Strengthening the Commission's review and investigative capacity.
- Enhancing relations with provincial and territorial governments, as well as police and federal review bodies.
- Conducting specified activity reviews of RCMP programs, policies and practices.
- Increasing outreach, public education and engagement efforts.

The Civilian Review and Complaints Commission for the RCMP can be found online at:
www.crcc-ccetp.gc.ca or www.complaintscommission.ca.

Telephone from anywhere in Canada: 1-800-665-6878

TTY: 1-866-432-5837

Minister of Public Works and Government Services

Cat. No.: PS75-2

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The Honourable Bill Blair, P.C., C.O.M., 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 2019–2020 reporting period for tabling in Parliament.

Yours truly,

A handwritten signature in white ink on a dark teal background. The signature is cursive and appears to read "Ms. Lahaie".

Micheline Lahaie
Chairperson

June 2020

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MESSAGE FROM THE CHAIRPERSON



The year 2020 has brought unprecedented public scrutiny of police conduct. Video recordings of police interactions with the public have become commonplace on the internet and the public has grown increasingly vocal in expressing their views on acceptable police conduct and their expectation that police be held accountable.

For the Civilian Review and Complaints Commission for the RCMP, this scrutiny has translated into increased public complaints and requests for review. Indeed, fiscal year 2019-20 was the third year in a row that the number of public complaints about RCMP member conduct rose. Given this new reality, we must continually review our processes and remain engaged with stakeholders to ensure that we understand what Canadians expect from our agency.

To that end, at the beginning of the fiscal year, I undertook extensive stakeholder engagements, with a specific focus on the provinces covered by RCMP contract policing. These engagements provided insight into RCMP policing challenges particular to each province and territory and served as an opportunity to take the pulse of police operations across the country.

These engagements also represented an opportunity to explain the Commission's mandate to senior government officials, to meet with the leadership of the RCMP and to bolster critical relationships with provincial oversight bodies and special investigation units.

In December 2019, the Commission and the RCMP signed their first Operations Memorandum of Understanding (MOU). While the signing of an MOU may seem like a relatively routine occurrence in government, this MOU, among other things, imposes timelines for the RCMP to respond to Commission reports.



POLICE MUST SECURE THE WILLING COOPERATION OF THE PUBLIC IN VOLUNTARY OBSERVANCE OF THE LAW TO BE ABLE TO SECURE AND MAINTAIN THE RESPECT OF THE PUBLIC.



- PRINCIPLES OF LAW ENFORCEMENT, SIR ROBERT PEEL, 1829

While the *Royal Canadian Mounted Police Act* defines the Commission's jurisdictional boundaries and legislates that the Commission establish service standards for all of our activities, it does not impose the same demand on the RCMP with respect to establishing service standards. This MOU, published on our website, both fills that legislative gap and establishes agreed upon processes for the sharing of information.

I join many of my predecessors in expressing my dismay about the length of time that it takes for the Commissioner to provide a response to Commission interim reports, with the average length of time for a response now having risen to 17 months.

This issue is of significant concern, as lengthy delays serve to obscure transparency, dilute the effects of findings and reduce or eliminate the value of recommendations.

Canadians have a right to know if the Commission's findings and recommendations have been accepted and indeed, if RCMP policies, procedures and training have been adjusted as a result. The old adage that justice delayed is justice denied is highly relevant in this situation. The impact of the delay in receiving Commissioner's responses to Commission interim reports was brought to fore in January 2020, specifically during the protests on Wet'suwet'en traditional lands.

At that time, the British Columbia Civil Liberties Association (BCCLA), and indeed, several third party complainants called upon the Commission to launch an investigation into the RCMP's response to protestors in the Wet'suwet'en territory. Many of the issues raised mirrored those addressed in the Commission's Chair-Initiated Complaint and Public Interest Investigation into the RCMP Response to Protests in Kent County, New Brunswick.

Rather than launching an investigation to look into matters previously contemplated by the Commission, I chose to release, in the absence of a reply from the Commissioner, select findings and recommendations from the Kent County report. The findings and recommendations made in that report had broad, far-reaching impact on policing that I determined the Canadian public should be able to access.

As the federal agency tasked with overseeing the RCMP, the Commission has a duty to play a coordination and leadership role within the Canadian police oversight community. To that end, in October 2019, I was pleased to host my counterparts from oversight bodies from across the country.

The Commission began hosting these meetings over a decade ago and I was privileged this year to be able to re-invigorate this important forum and bring together agency heads to discuss issues of common concern. The meeting tackled issues affecting a number of areas of modern policing, including trauma-informed interview techniques, the effects of police culture, and issues specific to Indigenous policing. I look forward to strengthening the bonds amongst all Canadian police oversight bodies and enhancing our joint expertise in the coming years.

This past year brought two significant changes to the Commission's work—one immediate and one future. The coming into force of The *National Security and Intelligence Review Agency Act* created the National Security and Intelligence Review Agency (NSIRA) to handle public complaints related to national security.

This new legislation shifted jurisdiction for public complaints about RCMP activities that are closely related to national security from the CRCC to the NSIRA. As the two agencies charged with oversight of the RCMP, the CRCC and the NSIRA have established a positive working relationship, including the standing up of a working group to consider public complaints related to national security. The Commission looks forward to continuing to build upon this burgeoning but critical relationship.

Acting on recommendations flowing from Justice O'Connor's report of the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar outlining the need for Canada Border Services Agency (CBSA) activities to be reviewed by the same body as the RCMP, the government, in January 2020, tabled legislation to create an independent review body for CBSA.

Complaints about the conduct of CBSA officers are handled internally, with no ability to request an independent review of an internal investigation. The new legislation addresses this gap in oversight. The CRCC would be renamed the Public Complaints and Review Commission (PCRC) and would have dual review agency responsibility for the RCMP and the CBSA. The Commission is actively preparing to take on this new and exciting challenge. We are well placed to take on the role of oversight body of the CBSA.

As with many federal agencies, the Commission was challenged to react quickly to the COVID-19 pandemic. While the pandemic proved to be a challenge on many levels from a personnel perspective, it also acted as a forcing function to change processes. Sometimes, a crisis can lead us to review the way that we do business and to find new ways to fulfill our mandate. I am pleased to say that the Commission transitioned exceptionally and, at every turn, Commission employees focused on ensuring that Canadians were well-served as we all learned how to work remotely.

The COVID-19 pandemic will continue to pose challenges in the coming year. The CRCC looks forward to taking on these challenges in what has become the “new normal” and will continue to deliver a robust complaint process for all Canadians, with RCMP accountability at the centre of all that we do.

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.

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

The Chairperson can also initiate a complaint. Chairperson-initiated complaints allow the Chairperson to set the scope of the investigation of a public complaint. These complaints are investigated 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.

Requests to review the RCMP's handling of a public complaint must be made within 60 days of receiving the RCMP's formal response to a complaint.

THE REVIEW PROCESS

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.

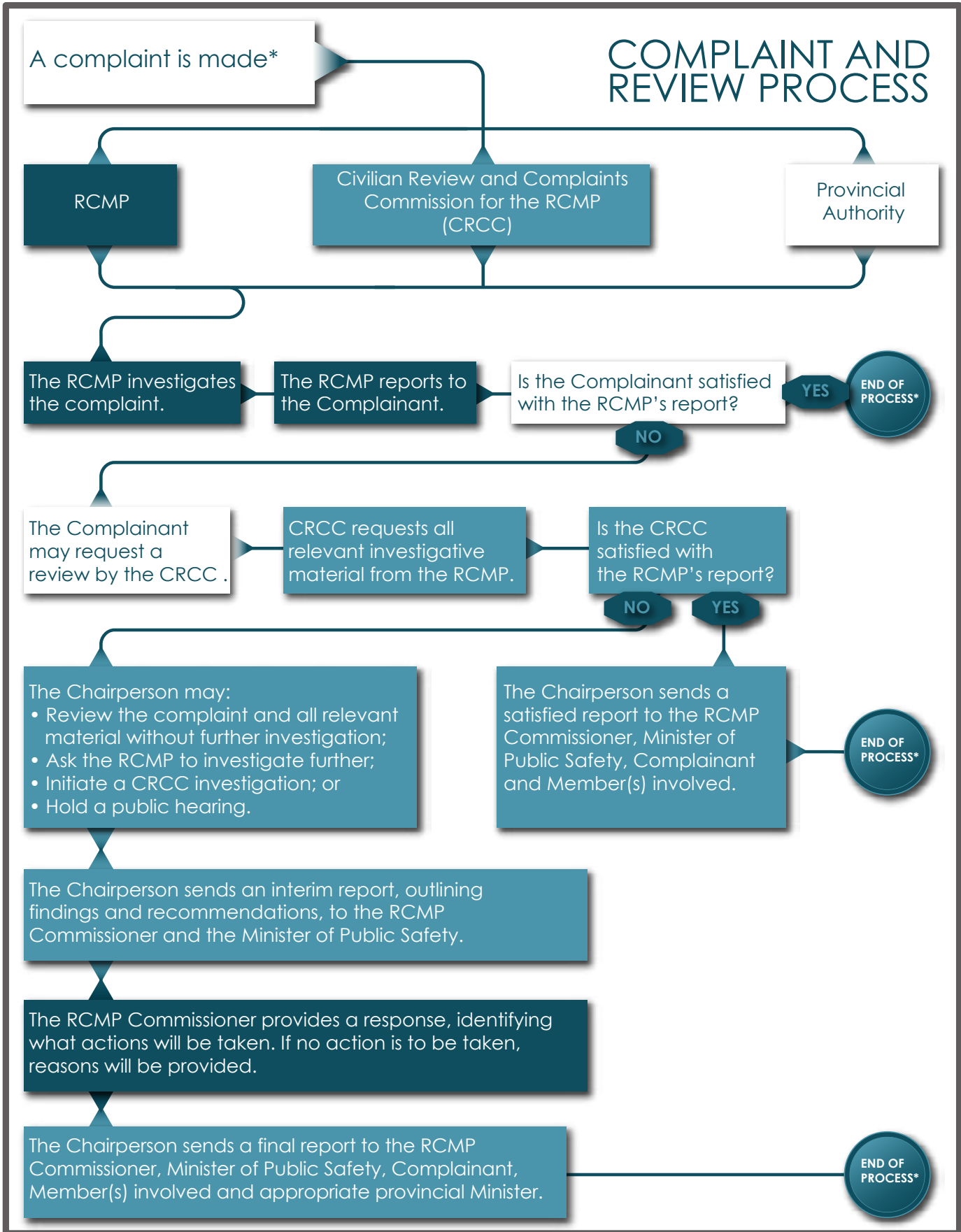
If the Commission is satisfied with the RCMP's investigation, the Chairperson issues a **Satisfied Report**, thereby ending the review process.

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

If 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.

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 completes the Commission's review process.



* 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.

2019 • YEAR IN REVIEW • 2020

Complaints

The public lodged **3,641** complaints

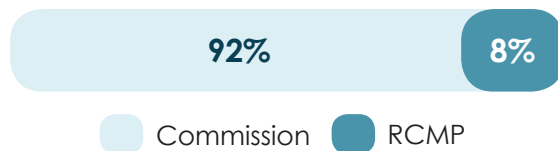
2,317

of those complaints met the criteria laid out in section 45.53 of the *Royal Canadian Mounted Police Act*

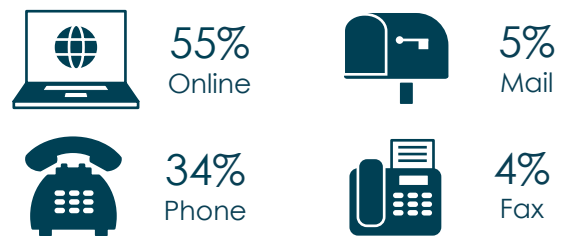
The public lodged **22%** more complaints than the previous year



Complaints lodged with the Commission vs. with the RCMP



How does the Commission receive complaints?



SERVICE STANDARDS



TOP ALLEGATION CATEGORIES

- Neglect of duty
- Improper attitude
- Improper use of force
- Improper arrest
- Improper search of premises
- Irregularity in procedure

2019 • **YEAR IN REVIEW** • 2020

Reviews

The Commission issued

394

review reports



The RCMP Commissioner accepted approximately

76% of Commission
recommendations

85% of adverse Commission
findings

ONGOING INVESTIGATIONS

The Commission has the following public interest investigations and systemic reviews underway:

- RCMP's Investigation of the Death of Colten Boushie
- RCMP's Policies and Procedures regarding Street Checks
- RCMP's Policies and Procedures regarding Strip Searches
- RCMP Use of Force against Elderly Couple
- RCMP's Bias-Free Policing Model
- RCMP's Crime Reduction-Type Units

To learn more, visit the Commission's website

The Commission received **296** requests to review the RCMP's handling of public complaints

TOTAL EXPENDITURES

Salaries	7.1 M
Operating Costs	2.4 M
Employee Benefit Plans	1.0 M
Total	10.5 M

Note: Numbers represented are in millions

CRCC FINDINGS AND RECOMMENDATIONS

RCMP DELAYS IN RESPONDING IMPACT PUBLIC CONFIDENCE IN THE COMPLAINT PROCESS

174

AS OF MARCH 31, 2020
A TOTAL OF **174** INTERIM
REPORTS WERE WAITING FOR A
COMMISSIONER'S RESPONSE

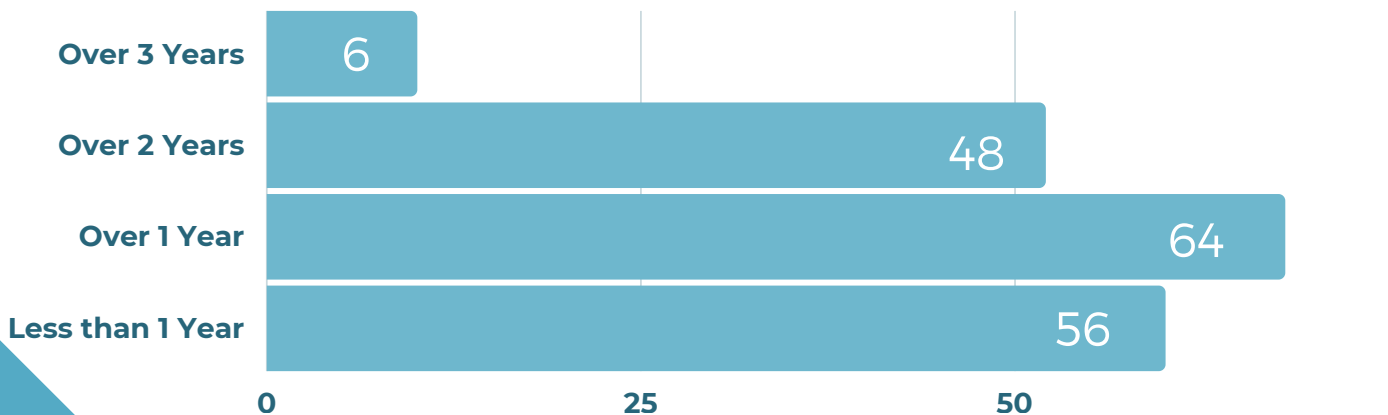


538 days

THE AVERAGE TIME THAT AN
INTERIM REPORT HAS
BEEN WAITING FOR A
COMMISSIONER'S RESPONSE IS
538 CALENDAR DAYS

Note: these reports are still waiting for a response:
this is not the average time to receive a response

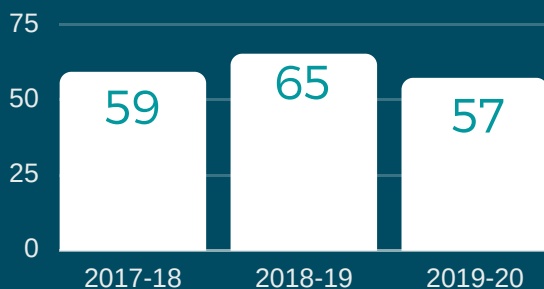
INTERIM REPORTS AWAITING COMMISSIONER'S RESPONSE



THE COMMISSION HAS ISSUED

181

INTERIM REPORTS SINCE 2017*

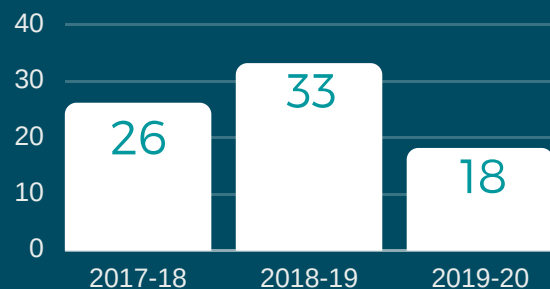


*Fiscal years are between April 1 and March 31

THE RCMP HAS RESPONDED TO

77

INTERIM REPORTS SINCE 2017*



THE CRCC AND THE RCMP SIGNED AN OPERATIONAL MEMORANDUM OF UNDERSTANDING IN DECEMBER 2019 SETTING OUT SERVICE STANDARDS AIMED AT PROVIDING THE PUBLIC WITH TIMELY REPORTS INTO CONCERNS ABOUT RCMP MEMBER CONDUCT.

The MOU between the CRCC and the RCMP is available on the Commission's website.

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.

RCMP RESPONSE DISPROPORTIONATE: ALTERNATIVE APPROACH WOULD HAVE YIELDED BETTER & SAFER RESULTS

Disproportionate RCMP members executed a search warrant at a home they mistakenly believed was linked to a break and enter investigation. An occupant of the home who was arrested during the police search filed a complaint, which included allegations that the RCMP members:

- Failed to comply with a judicial requirement on the face of the warrant;
- Unnecessarily used force to break down a locked door;
- Used excessive force, including the drawing and displaying of firearms; and
- Unreasonably arrested the occupant.

The RCMP's investigation into the public complaint supported only the first allegation. The Commission's review concluded that the RCMP's disposition of the complaint was unreasonable. Specifically, the Commission found that the failure of the RCMP members to comply with a judicial requirement on the face of a search warrant rendered the entire search inconsistent with section 8 of the *Canadian Charter of Rights and Freedoms* and was therefore unreasonable.

The Commission also concluded that there were no exigent circumstances to justify breaking down the locked door and conducting a forced entry. Entering through a separate unlocked door (which was available to them) would have been more respectful and more likely to promote voluntary compliance with police rather than a dynamic entry via the locked door. While the chosen approach may have been appropriate to a high-risk situation, no objective evidence was articulated to establish such a risk in this case.

The Commission also expressed concern with respect to the drawing and displaying of firearms. An overemphasis on the display of firearm or military-style tactics risks losing public approval and respect. Police must be extremely mindful of the public reaction to their actions. The public perception that police act in a heavy-handed or unreasonable manner can easily lead to a breakdown of police–community relations.

In this case, there was no objective evidence to support a heightened risk assessment. The decision to have multiple RCMP members enter the home with firearms drawn was unreasonable and disproportionate to the objective evidence available to them. The Commission also found that the involved RCMP members failed to comply with the RCMP's internal policy, which required them to file a specific report concerning the drawing and displaying of firearms.

With respect to the occupant's arrest, the Commission found that the RCMP members lacked the objective reasonable grounds to arrest them and also raised concerns with the length and purpose of their detention.

The Commission considered the totality of the situation and concluded that the RCMP investigation was hindered by tunnel vision and failed to objectively assess the available evidence. Alternative approaches likely would have yielded better and safer results. The police approach to this matter was completely disproportionate to the gravity of the criminal offence under investigation and was wholly unreasonable.

The Commission made a total of 12 recommendations to the RCMP, including:

- The delivery of operational guidance, mentoring, or training to the involved RCMP members;
- The involvement of a use of force expert to assist in refining the risk assessment skills of the involved RCMP members;
- Consideration to require mandatory operational plans within the division when executing search warrants; and
- Distribution of the Commission's report to the Detachment Commander of the involved detachment for the purpose of improving investigative quality going forward.

ARREST FOR OBSTRUCTION ON AN INDIGENOUS RESERVE WARRANTED BUT RCMP RESPONSE REQUIRED AWARENESS AND SENSITIVITY

Members of the RCMP were investigating an incident involving a weapon on a First Nations reserve. An RCMP member from the Integrated Police Dog Services Unit was attempting to track the suspect, who had fled on foot, with a police service canine.

A woman (who was not the suspect that police were searching for) was present in the area of the search. An RCMP member directed her repeatedly to return to her residence but she did not immediately leave the area. The RCMP member arrested her for obstruction. During the arrest, the woman pulled her arms away and went limp. Another RCMP member carried her to the police vehicle. She was transported to the RCMP detachment and spent two hours in cells.

The woman complained alleging that RCMP members:

- Arrested her without justification and used excessive force in performing the arrest;
- Failed to properly cover up her bare chest during the arrest; and
- Intentionally damaged her necklace.

The RCMP's final report into the public complaint did not support any of the allegations.

The Commission concluded that it was reasonable to arrest the complainant for resisting or obstructing a peace officer, and that the force used in performing the arrest was reasonable.

The Commission further found that the complainant's allegation that her chest had become exposed during the arrest was not corroborated. There was insufficient information to conclude that the arresting members had improperly removed articles of clothing, or that they had allowed the complainant's chest to be improperly exposed during the arrest.

There was also insufficient information to conclude that RCMP members had intentionally damaged the complainant's necklace. The force applied by the arresting members, and the resistance provided by the complainant, may have caused the chain of the necklace to break.

However, the Commission deemed it necessary to comment on the woman's treatment at the RCMP detachment following the arrest even though this specific issue was not part of the complaint.

At the detachment, the complainant was searched and placed in a cell for two hours, during which time she showed signs of distress. The prisoner log book indicated that the complainant was "held for investigation."

The Commission discussed the special considerations applicable to the arrest and detention of Indigenous persons. The Commission stated that the overrepresentation of Indigenous groups in the criminal justice system is widely recognized in Canada.

Furthermore, the impact of colonialism continues to reverberate across Indigenous communities. Commissioners of the RCMP have repeatedly acknowledged that the conduct of its members has systematically contributed to some of the grave injustices faced by modern Indigenous peoples. Historical events are inextricably linked to the policing of Indigenous communities, where a lack of trust between police and the community are central challenges to effective policing. Police response to criminal incidents in such communities requires awareness and sensitivity to these fundamental contextual factors.

Contributing to safer and healthier Indigenous communities is one of the five current strategic priorities for the RCMP. As part of achieving this objective, the RCMP has recognized the value of the following relevant initiatives:

- Working collaboratively with the communities to ensure enhanced and optimized service delivery by developing relevant and culturally competent police services;
- Maintaining and strengthening partnerships with Indigenous communities, policing and government partners, stakeholders and with Indigenous organizations;

- Promoting and using alternative / community justice initiatives for Indigenous people.

The Commission found no indication that the RCMP members whose conduct was the subject of the complaint had considered or applied the above principles when they attended the First Nations reserve where the complainant was arrested. While the complainant's arrest may have been necessary to preserve the integrity of a criminal investigation, there was no clear reason for the subsequent decision to transport the complainant to an RCMP detachment and to place her in a cell for two hours "for investigation."

The Commission concluded that while the involved RCMP members' conduct generally fell within the range of reasonableness, it was important for the members to evaluate their decisions in the context of the relevant strategic priorities for the RCMP. The Commission reminded the RCMP members that every response to an incident on an Indigenous reserve is an opportunity to improve Indigenous policing, to build community trust, and to demonstrate sensitivity to the historical and modern injustice experienced by Indigenous peoples.

RCMP APOLOGIZES TO FAMILY FOR LACK OF COURTESY AND COMPASSION FOLLOWING THE DRUG OVERDOSE DEATH OF A FAMILY MEMBER

Multiple callers reported an intoxicated person squatting in the middle of a main street on a cold winter evening. Two RCMP members responded and found the individual sleeping in a snowbank. The RCMP members approached and noted signs of impairment. Wearing insufficient winter clothing for the freezing conditions and unable to recall their address, the impaired person was arrested for public intoxication and detained at a local remand centre.

At the remand centre, a nurse examined the impaired person within minutes and cleared the person for incarceration. The nurse concluded that the impairment was alcohol related and the person was placed in a cell designed for intoxicated detainees. A few hours later, the person died. The medical examiner later concluded that opioid drug intoxication was a contributing factor in the death and noted that no alcohol was detected in the person's blood.

The family complained that the RCMP's communication with the family was unreasonable and that the impaired person should have been taken to the hospital instead of the remand centre.

The RCMP agreed that the communication with the family was unreasonable and offered an apology to the family.

The Commission's review concluded that the RCMP's finding and apology was reasonable. The Commission noted that the RCMP member's actions contravened the RCMP's policies and that the family deserved to be treated with courtesy, compassion, and respect, in a manner consistent with the core values of the RCMP.

The Commission agreed with the RCMP's conclusion that the arrest and detention for intoxication in a public place was reasonable based on signs of impairment from alcohol—signs that were observed and confirmed by a medical professional. The Commission observed that, since the death, the RCMP has introduced new policy and training to identify and respond to opioid use and overdoses

RCMP JUSTIFIED IN ISSUING ROADSIDE LICENCE SUSPENSION TO IMPAIRED DRIVER

RCMP members smelled marijuana as they approached the driver of a vehicle parked on the side of the road. The driver admitted smoking prescription marijuana following an anxiety attack while driving. The RCMP members observed some signs of impairment by the driver and issued a roadside licence suspension.

The driver filed a public complaint alleging that the roadside licence suspension was discriminatory on the basis of disability.

The RCMP's investigation did not support the allegation.

The Commission agreed with the RCMP that the complainant chose to consume marijuana while in the driver's seat of the vehicle. Treatment of the medical condition's symptoms did not require the complainant to do so.

Under provincial legislation, police are only required to have a reasonable suspicion that a person has consumed a drug that affects their physical or mental ability in order to issue a roadside license suspension. The Commission found that the physical evidence, the driver's admission of marijuana consumption, and the driver's behaviour provided the necessary grounds to issue the suspension.

RCMP RESPONSE TIME AND INVESTIGATION OF COLLISION REASONABLE

The complainant had parked on the shoulder of a rural roadway to browse a yard sale. When they were finished, the complainant prepared to make a left turn into a nearby driveway so that they could turn the car around and head back in the opposite direction. The complainant saw a car approaching in their rearview mirror but they believed it was safe to turn. However, as they began to turn, the other car hit their vehicle. Neither driver was seriously injured.

In their public complaint, the complainant was very concerned by the amount of time it took for the RCMP member to come to the scene, and they alleged that the RCMP member did not conduct a proper investigation.

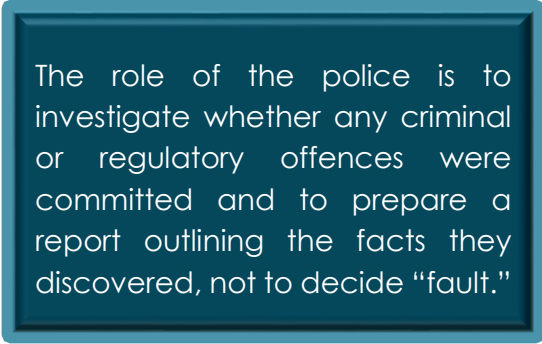
The RCMP did not charge the other driver with any offences, but the complainant believed that the other driver was speeding. The complainant was adamant that the other driver was at fault, and they believed that the RCMP should have conducted a collision reconstruction to examine the tire marks on the highway to estimate the speed of the other vehicle. The complainant also believed that the RCMP member's supervisor had been rude and refused to provide a copy of the accident report.

The Commission found that the RCMP member responded as quickly as possible and within a reasonable time, given the large area that they were responsible for and the fact that they were responding to another priority matter far from the scene when they got the report of the collision. They acted appropriately by assessing the scene, recording the relevant details, and ensuring public safety.

In terms of the investigation, the Commission found that the RCMP member conducted a reasonably thorough investigation in the circumstances of a minor collision. The complainant was at the hospital by the time the RCMP member arrived, but the RCMP member took a statement from the other driver in the collision, interviewed potential witnesses, asked another RCMP member to take a statement from the complainant, and completed an accident report.

The Commission noted that it would be unrealistic and unreasonable to expect a collision reconstruction for a collision where there was no criminal offence alleged, and no serious injuries. A collision reconstruction is an expensive and time-consuming operation that involves specially trained experts, highly specialized equipment, and road closures.

While the complainant was very concerned about who was “at fault” in the collision, such questions are generally a matter for civil courts or the insurers.



The role of the police is to investigate whether any criminal or regulatory offences were committed and to prepare a report outlining the facts they discovered, not to decide “fault.”

The complainant believed that the other driver should have been charged with speeding, but the other driver had a credible version of events, stating that they left tire marks and crossed the road's dividing line because they braked and tried to avoid the collision. The Commission found that there was insufficient evidence to support charges.

Finally, the Commission found that the RCMP member's supervisor had declined to provide a copy of the entire accident report because RCMP policy limited the information that they could give out. It was open to the complainant to seek the report through their insurer or the province. In the circumstances, the Commission found on a balance of probabilities that the supervisor had not been rude.

RCMP INVESTIGATION INTO SUDDEN DEATH FLAWED: MEDICAL EXAMINER PROVIDED WITH INACCURATE INFORMATION

RCMP members investigated the sudden death of a person found in a residential garage. The RCMP suspected that the cause of death was suicide by carbon monoxide poisoning. There were several vehicles in the garage with varying amounts of fuel remaining. The investigators took only one formal statement during the investigation and relied for the most part on the medical examiner's findings to conclude their investigation.

It was later learned that the police gave the medical examiner inaccurate information about the fuel types and amounts in some of the vehicles in the garage. Despite this error being known, no steps were taken by either the investigator's supervisor or the public complaint investigators to ensure that the medical examiner was given the correct information. The family's legal counsel filed a complaint alleging that the RCMP failed to conduct a reasonable investigation.

The RCMP's investigation into the public complaint did not support the allegation.

The Commission's review concluded that the RCMP's decision was unreasonable. Specifically, the Commission found that it was unreasonable for the RCMP to give inaccurate information to the medical examiner regarding the vehicles in the deceased's garage, and that this error was not corrected by a supervisor or by RCMP members involved later in the public complaint process.

The Commission's recommendations included the following:

- The RCMP should apologize to the complainant for the failure to conduct a reasonably thorough investigation into the sudden death.
- The RCMP members involved in the sudden death investigation should receive operational guidance about the requirement to conduct reasonably thorough sudden death investigations and providing correct information to the medical examiner in sudden death investigations.
- The RCMP should continue its investigation into the sudden death by obtaining statements from the witnesses identified in the letter of complaint and provide this additional information to the medical examiner for the medical examiner's further consideration regarding the manner of death.
- The public complaint investigators should receive operational guidance about the requirement to conduct reasonably thorough public complaint investigations.

The RCMP Commissioner did not agree that the investigation was unreasonable. She acknowledged that there was an error related to the status and fuel amounts of the various vehicles in the garage; however, she felt that this type of error could be made by any professional.

The RCMP Commissioner also said that it was reasonable for the investigators to not take additional statements, given that the cause of death had already been determined.

In its final report, the Commission maintained its finding that the investigation was unreasonable. The Commission found that the RCMP Commissioner's response overlooked the fact that the cause of death was based in part on the incorrect information that was provided to the medical examiner.

The Commission recognized that the time lapse since the incident was now sufficient to have concern over the recall abilities of the witnesses as well as the trauma and impact from having to relive an emotional time.

The Commission concluded that the provision of the correct information to the medical examiner for consideration was the most effective and empathetic manner to determine whether any further action should be taken.

PERCEIVED BIAS OR CONFLICT OF INTEREST IN THE PUBLIC COMPLAINT PROCESS MUST BE AVOIDED

A man was found unresponsive in a creek and was pronounced dead shortly thereafter. RCMP members attended the scene and determined that there did not appear to be anything suspicious about the man's death.

The Coroner concluded that the man died of drowning and that it was reasonable to conclude that he fell into the creek accidentally.

A relative of the deceased submitted a complaint in which they alleged that RCMP members did not conduct a thorough investigation into the passing of the deceased, nor was the follow-up investigation done thoroughly. The RCMP did not support the complainant's allegations.

The Commission found that the RCMP members conducted a reasonably thorough investigation into the man's death, considering that there did not appear to be any suspicious circumstances or any information suggesting that a criminal offence had taken place. Also, following expressions of concern by the relative, RCMP members conducted a reasonably thorough follow-up review of the investigation.

The RCMP members involved in the initial investigation spoke with the deceased's wife and interviewed the last person to have seen the man alive. They also inspected and photographed the scene. The information obtained indicated the man had been working on the trails leading to waterfalls.

The first RCMP member on scene concluded that "[a]t this time there is nothing suspicious about the death." In the circumstances, this was a reasonable conclusion. The RCMP member took steps to ascertain the circumstances surrounding the man's death, and to determine whether it was suspicious, in accordance with RCMP policy.

From the information available to the Commission, there did not appear to be any evidence to suggest that a criminal offence had occurred. The Commission further noted that the provincial Coroner, the only authority who may determine the cause of death according to RCMP policy, classified the death as an accidental drowning by means of falling into a creek.

The relative also took issue with the allegedly inadequate follow-up review of the investigation following their expression of concern to the RCMP. The Commission found that, following the expression of concerns by the relative, RCMP members conducted a reasonably thorough follow-up review of the investigation into the man's death.

A number of RCMP members, including senior members, reviewed the file and analyzed the relative's allegations. Follow-up interviews and conversations also took place with the deceased's wife, which further confirmed the information indicating that the death appeared to be accidental.

All these members concluded that no further investigation was necessary, as there existed no suspicious circumstances to suggest that a criminal offence took place.

The Commission noted that the report of the first RCMP member on scene summarized their actions and the events that occurred at the scene, and that the RCMP member included relevant information in the file. However, the RCMP member should have included greater detail in their initial report.

Although it did not affect the outcome of the Commission's review, the Commission reminded the RCMP member of the importance of detailed record keeping. This matter was raised with the RCMP member by the senior member, and the first member completed a supplementary report detailing their actions and the events of that day more completely. The Commission was satisfied that appropriate remedial action had been taken.

Also, in the request for review of the RCMP's handling of the public complaint, the relative questioned the propriety of having the public complaint investigation conducted by an RCMP member who was involved in the initial investigation.

The RCMP's *National Public Complaints Guidebook* states that, when assigning an investigator, the RCMP must consider "[a]ctual or perceived risks or any conflicts of interest which may impact on the member's ability to conduct the investigation. If an actual conflict exists or if the perceived conflict of interest is of significant concern seek out another investigator."

Although the senior RCMP member who conducted the public complaint investigation was not the primary investigating officer in this case and, as such, was not a subject member of the public complaint, the senior member was involved in the investigation at the scene, albeit in a limited role.

There was no information to suggest that the senior RCMP member conducted the public complaint investigation in a biased or partial manner. The member conducted the public complaint investigation, but the decision maker with regard to the complaint was a different, more senior RCMP member.

The Commission acknowledged that, in detachments with a small number of RCMP members, there can sometimes be a dearth of senior members available to conduct public complaint investigations. Although it did not affect the outcome of the Commission's review of this matter, the Commission reminded the RCMP that perceived bias or conflict of interest in the public complaint process should be avoided. Accordingly, wherever practicable, members who have been directly involved in the incident being complained of should not act as the public complaint investigator in relation to that incident. Both the senior member and their superior were provided with copies of the Commission's report.