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Commissioner



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Protected "A"

JUL 26 2016

Mr. Ian McPhail, Q.C.  
Chair  
Civilian Review and Complaints  
Commission for the RCMP  
P.O. Box 1722, Station "B"  
Ottawa, Ontario K1P 0B3

Dear Mr. McPhail:

I acknowledge receipt of the Commission's interim report on the Public Interest Investigation regarding Policing in Northern British Columbia, file number PC-2013-1132.

I have completed a full review of this matter, including the findings and recommendations set out in the Commission's report.

I agree with Finding No. 1 that the RCMP National Headquarters *Operational Manual* definitions of "body search" and "strip search" are unclear and do not provide sufficient guidance for members to clearly differentiate between the two.

I agree with Finding No. 2 that the definition of "strip search" provided by the RCMP's national policy is not consistent with the definitions provided by current jurisprudence.

I agree with Finding No. 3 that the RCMP's national policy requirement that members obtain the approval of a supervisor for a strip search "when one is available" is insufficiently stringent to ensure that such approval will be sought in all but exigent circumstances.

I agree with Finding No. 4 that sections 4.3. and 4.4. of RCMP National Headquarters *Operational Manual* chapter 21.2. lack clarity with respect to when strip searches by a member of the opposite sex are permitted.

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I agree with Finding No. 5 that section 3. of RCMP National Headquarters *Operational Manual* chapter 21.2. does not provide clear direction to members on the required grounds to conduct an internal search, the necessary approvals or reporting requirements.

I agree with Finding No. 6 that, as written, section 5.2. of RCMP National Headquarters *Operational Manual* 21.2. is unclear and creates ambiguity regarding the section 2.4. requirement to articulate the reasons for and manner in which a search was conducted, and where this information should be recorded.

I agree with Finding No. 7 that the British Columbia RCMP policy mandating the removal of bras is contrary to common law principles. Absent reasonable grounds to conduct a strip search, the removal of a prisoner's bra is unreasonable. I acknowledge, as the Commission has, that removing a prisoner's brassiere or enjoining a prisoner to remove a brassiere constitutes a strip search, which requires reasonable grounds. I conclude that if the circumstances of the particular situation provide such reasonable grounds, the member will be required to follow the policies, procedures, approvals and reporting requirements attributed to strip searches.

I agree with Finding No. 8 that by limiting training on strip searches to a review of relevant policies, procedures, law and written assignments, the RCMP Cadet Training Program fails to provide adequate training to cadets on what constitutes a strip search.

I agree with Finding No. 9 that relying on member or detachment initiative to request training, rather than mandating ongoing practical training in body searches or any training in strip searches in the Division, fails to ensure that members have adequate knowledge and experience in these areas.

I agree with Finding No. 10 that from an accountability perspective, the Commission finds that RCMP's National Headquarters and British Columbia divisional personal search policies and practices are not adequate.

I generally agree with Finding No. 11 that the RCMP's personal search policy does not provide special measures to ensure the protection of a young person's rights consistent with the spirit of the *Declaration of Principle* in section 3 of the *Youth Criminal Justice Act* and police practices in some other jurisdictions. Although I agree that the RCMP's personal search policy must be consistent with



the spirit of the *Declaration of Principle* in section 3 of the *Youth Criminal Justice Act* (YCJA), I must take the opportunity to highlight that the leading case of the Supreme Court of Canada in *R v Golden* [2001] 3 SCR 679, was decided prior to the enactment of the YJCA which affords young persons charged with criminal offences enhanced procedural protections. In light of the above-noted, I conclude that the YCJA or the common law does not require that young persons be afforded an opportunity to consult counsel and/or a parent or a guardian prior to a police strip search. I nevertheless find that it is reasonable that members ensure that upon arrest or detention of a young person a parent, guardian or responsible adult is notified pursuant to the YCJA and Operational Manual Chapter 39.2., and that they also be notified if a strip search will be or has been conducted. Furthermore, I find that it is also reasonable that members be required to explain to the young person in a language appropriate to his age and understanding the reason and manner of the search.

With respect to Findings 12 and 13, I wish to echo the Commission's general comment in the interim report that "the descriptive statistics provide a useful quantitative summary of the data under investigation, but alone cannot be used to infer conclusions", but further emphasize that the RCMP generally agrees with the Commission's findings as a result of its own identification of the problems regarding inadequate supervisory review of public intoxication occurrence reports and inadequate articulation on the occurrence reports involving public intoxication incidents by members.

I agree with Finding No. 14 that the factor outlined in section 7.2.2.2. of RCMP National Headquarters *Operational Manual* chapter 18.1. "Arrest and Detention", referring to a person's ability to prevent injury to himself/herself or to others, is not entirely consistent with current jurisprudence and does not adequately reflect the broader range of risks captured under the concept of "danger to himself/herself and/or to others."

I agree with Finding No. 15 that RCMP National Headquarters *Operational Manual* chapter 19.2. "Assessing Responsiveness and Medical Assistance" provides clear guidance to members and provides accountability by requiring members to document details of their assessment and actions taken.

I agree with Finding No. 16 that RCMP National Headquarters *Operational Manual* chapter 19.9. "Release of Prisoners" aligns with section 497 of the *Criminal Code* yet fails to capture the complete list of exceptions listed under this provision.

I agree with Finding No. 17 that RCMP National Headquarters *Operational Manual* chapter 39.2. relating to the arrest of young persons is consistent with the notification requirements set out in the *Youth Criminal Justice Act*, but it does not provide guidance to members regarding notifying parents when a young person is arrested without a warrant and held in RCMP custody without being charged.

I agree with Finding No. 18 that section 1.3.3.1 of British Columbia RCMP *Operational Manual* chapter 100.5., in relation to the consideration of alternatives to detention and the release of intoxicated persons, is not consistent with national policy and the *Criminal Code*.

I agree with Finding No. 19 that the RCMP training on policing public intoxication is consistent with national and divisional policies and procedures.

I generally agree with Finding No. 20 that despite modest improvement in 2013, a significant proportion of Subject Behaviour/Officer Response reports failed in various ways to articulate use of force interventions according to policy and training requirements. I acknowledge the Commission's comment that a proportion of Subject Behaviour/Officer Response reports failed to align with the Incident Management/Intervention risk assessment framework however, I must also emphasize that the improvement in the style and degree of explanation of the risk assessment is substantive as more than half of the Subject Behaviour/Officer Response reports reviewed by the Commission in 2012 improved since 2010.

I agree with Finding No. 21 that the RCMP's national policy clearly establishes a member's responsibility for reporting use of force interventions.

I generally agree with Finding No. 22 that the RCMP's national policy on Subject Behaviour/Officer Response reporting does not provide clear direction to supervisors with regard to identifying, reporting and tracking use of force issues in the reports.

I generally agree with Finding No. 23 that the lack of information in the Subject Behaviour/Officer Response database on the identification and disposition of issues in use of force reporting reduces the value of the database as an accountability tool. I acknowledge that the Subject Behaviour/Officer Response reporting is an accountability tool however, I must also emphasize that its primary purpose is to provide a standardized and consistent method for



members to record and explain the intervention strategies used to manage a use of force incident. The fact that it gathers statistics is a secondary advantage. It is important to note that the Subject Behaviour/Officer Response is not a Records Management System. Since it is not a Records Management System, any feedback/comment from supervisors must be recorded on the actual Records Management System. As a result, a manual review of operational files is required in order to determine whether an issue was identified.

I generally agree with Finding No. 24 that supervisor training does not further inform national policy regarding the identification of issues in use of force reports.

I agree with Finding No. 25 that training materials and user guides related to the Incident Management/Intervention Model and Subject Behaviour/Officer Response reporting are consistent with national policies and comprehensive in setting out expectations for articulating use of force interventions.

With respect to Findings 26 and 27, I wish to echo the Commission's general comment in the interim report that "the descriptive statistics provide a useful quantitative summary of the data under investigation, but alone cannot be used to infer conclusions", but further emphasize that the RCMP generally agrees with the Commission's findings as a result of its own identification of the shortcomings regarding the completion of the mandatory Domestic Supervisor Quality Assurance template and the completion of said template during the shift the file was created.

I agree with Finding No. 28 that section 1.6.1. of the national policy on violence in relationships fails to clearly differentiate between offences under the *Criminal Code* and those under the other federal, provincial or territorial legislation. I acknowledge, as the Commission has, that as written, section 1.6.1. of the national policy on Violence in Relationships incorrectly conflates the authority deriving from the *Criminal Code of Canada*, a federal law, with that of provincial and territorial legislation.

I agree with Finding No. 29 that section 2.2.4. of the national policy on violence in relationships requiring members to obtain victim and witness statement if practicable appears insufficiently rigorous in light of the policy's requirement to investigate and document all complaints of violence in relationships. Although a member cannot force a victim or witness to provide a statement, requiring

members who do not obtain victim and witness statements to document the reasons why they were not obtained could enhance accountability and confidence in the RCMP's ability to conduct quality investigations in complaints of violence in relationships.

I agree with Finding No. 30 that section 2.2.7. of the national policy on violence in relationships is unclear and does not adequately reflect the *Criminal Code* provisions for search and seizure.

I agree with Finding No. 31 that the divisional policy does not provide clear direction to members making highest risk designations in violence in relationships cases.

I agree with Finding No. 32 that the divisional policy emphasizes the importance of supervision and provides for adequate quality assurance and oversight of violence in relationships investigations.

I agree with Finding No. 33 that the RCMP Cadet Training Program provides members with the basic required skills and competencies to deal with situations involving violence in relationships as well as to understand the legal authorities in this regard.

I agree with Finding No. 34 that the training provided to RCMP members in British Columbia appears to cover the essential elements of violence in relationships investigations.

With respect to Findings 35, 36, 37 and 38, I wish to acknowledge that the 2011 report by the British Columbia Civil Liberties Association, the 2012 report of the Missing Women Commission of Inquiry, the 2013 report by Human Rights Watch, and most recently the Commission's interim report regarding policing in Northern British Columbia have all highlighted areas of concern for missing person investigations. As a result, the new British Columbia Provincial Policing Standards have addressed the majority of the areas of concern for missing person investigations. The new British Columbia Provincial Policing Standards have legislated the following areas of concern:

- the investigative steps to be taken in a missing person investigation;



- the requirement that a missing person investigation must be commenced promptly regardless of the characteristics of the missing person, the length of time the person has been missing, the relationship between the reportee and the missing person or jurisdiction;
- the investigative steps to be taken in a high-risk missing person investigation;
- the requirement that when the initial or ongoing risk assessment determines that a missing person investigation is identified as a high-risk missing person investigation, appropriate resources must be immediately assigned.
- the investigative steps to be taken in a missing person investigations regardless of the characteristic of the missing person;
- the requirement that all reports of missing persons are accepted at the time they are made and given full consideration and attention regardless of:
  - o the missing person's gender, age, race, national or ethnic origin, colour, religion, sexual orientation, belief, social standing or lifestyle;
  - o the reportee's relationship to the missing person; and
  - o the length of time the person has been missing; (...)
- the requirement that senior officers and supervisors are responsible to ensure that investigations are given the right level of priority and resources, and are thoroughly investigated; and
- the requirement that the completed Missing Person Risk Assessment template and decision regarding risk must be approved by a supervisor and documented in the case file.

I must take the opportunity to highlight the intent of the new British Columbia Provincial Policing Standards which is to ensure that all missing person investigations are prioritized and undertaken at a high standard appropriate to identified risks.

With respect to the debriefing requirement, I wish to highlight that "E" Division's policy on Missing Persons requires member to conduct a debriefing when the person has a previous missing person history (e.g., chronic runaway/missing person).

I generally agree with Finding No. 39 that the RCMP in the North District appears to have made inappropriate use of the coding "Query to Locate" on missing persons files. I find it is important to note that the British Columbia Police Missing Persons Centre (Centre) conducted an informal review of missing persons, high-risk missing persons, and query to locate cases in the province and identified an error rate of 13-24% in the use of occurrence codes/types. As a result of the review conducted by the Centre and most recently the Commission's interim report regarding policing in Northern British Columbia, "E" Division is in the process of reviewing the policy and the query to locate occurrence code/type in order to determine if it should be removed entirely.

I agree with Finding No. 40 that the definitions and guiding principles of the revised national policy on missing persons address concerns raised by the 2012 Missing Women Commission of Inquiry.

I agree with Finding No. 41 that the national implementation of the Missing Persons Risk Assessment form addresses concerns raised in the Missing Women Commission of Inquiry, but the content of the form does not fully reflect new definitions in the 2014 national policy. I acknowledge, as the Commission has, that the establishment of the National Missing Persons Risk Assessment form is a positive step and broadly addresses recommendations made by the Missing Women Commission of Inquiry (2012) in British Columbia. Although the national policy on Missing Persons provides a flexible definition of high-risk person and high-risk lifestyle, the Commission has correctly identified that the National Missing Persons Risk Assessment form does not fully reflect the new definitions in the 2014 national policy on Missing Persons.

I agree with Finding No. 42 that the revised national policy on missing persons does not require members to fully articulate risk assessments on file.



I agree with Finding No. 43 that the national policy on missing persons does not explicitly require supervisors to document their observations and directions to members on the occurrence report.

I generally agree with Finding No. 44 that the *Lost/Missing Person Report and Search Results* provides a comprehensive and standardized method of collecting pertinent information at the outset, but the voluntary nature of its use by members detracts from the goal of standardizing the approach to missing persons investigations. I find it important to highlight that for the period of time in question, namely during the meeting of January 30, 2015, held between RCMP members and the Commission, the national policy on Missing Persons did not require the completion of the *Lost/Missing Person Report and Search Results* form, on a mandatory basis. The 12-page Intake form was not a mandatory requirement due to concerns over the volume of complaints, in particular frequent runaways. However, in light of the above-noted concern and the finding made by the Commission, the RCMP has developed a new mandatory Missing Persons Intake and Risk Assessment form which will assist members in determining the appropriate response and resources to allocate to a missing person file. In addition, I find it important to inform the Commission that the RCMP is currently in the process of analysing if the *Lost/Missing Person Report and Search Results* form should become mandatory in files involving a lost/overdue person.

I agree with Finding No. 45 that the RCMP does not have any mandatory training on missing persons investigations for members at Depot Division, at the Pacific Region Training Centre or in the Field Coaching Program. The Commission correctly identified that the action plan for the RCMP's Missing Persons Strategy (2014) highlights that three new online courses developed by the National Centre for Missing Persons and Unidentified Remains was projected to be completed by April 2015. Although the RCMP's intention was to create three courses regarding missing adults, missing children and unidentified remains, the RCMP created the following five Agora courses:

- 1- Missing Adults Level One Investigator National;
- 2- Missing Children Level One Investigator National;
- 3- Unidentified Remains Level One Investigator National;
- 4- Child Abduction- Applicable Legislation and Charging Guidelines – National; and
- 5- Child Abduction – Amber Alert – National



The above-referenced Agora courses are not mandatory. In light of this recommendation and the RCMP's interest of promoting a standardized approach, and to support effective, comprehensive and coordinated responses to missing person investigations, the RCMP is currently in the preliminary phases or creating a mandatory national course on missing persons. The anticipated diary date for the mandatory course on missing persons is April 2017. In addition to the mandatory course on missing person, Depot is currently in the process of creating a module for missing persons and it will be included in Version 9 of the Cadet Training Program which is expected to be launched in April 2017.

I support Recommendation No. 1 that the RCMP update its National Headquarters *Operational Manual* policy definitions for "body search" and "strip search" to eliminate ambiguity and ensure that the definitions are consistent with current jurisprudence. The RCMP has in fact amended its policy and it is currently with Policies and Publications. The amended national policy definition for "personal search" (previously referred as "body search") and "strip search" are consistent with current jurisprudence in addition to being sufficiently clear to guide members regarding whether a search is considered a personal search or a strip search.

I support Recommendation No. 2 that the RCMP amend chapter 21.2 of its national policy regarding personal searches to ensure more robust supervisory oversight by explicitly requiring a supervisor's approval prior to conducting a strip search unless exigent circumstances exist. The RCMP has in fact amended its policy and it is currently with Policies and Publications. RCMP's policy on Personal Search now stipulates that a strip search must be authorized verbally or in writing by a supervisor or a delegate, unless exigent circumstances exist.

I support Recommendation No. 3 that the RCMP amend chapter 21.2 of its national policy regarding personal searches to clarify if and when a strip search of a person of the opposite sex is ever permitted. Further, the policy should articulate the circumstances or criteria that must be met prior to conducting or overseeing a strip search of a person of the opposite sex (i.e. if immediate risk of injury or escape exists and/or in exigent circumstances). The RCMP has in fact amended its policy and it is currently with Policies and Publications. RCMP's policy on Personal Search now stipulates that all searches must be conducted by a member of the same sex, unless an immediate risk of injury or escape exists or in exigent circumstances.



I support Recommendation No. 4 that the RCMP amend its internal search policy to ensure that it clearly specifies the necessary grounds required prior to conducting an internal search as well as the required approvals. The RCMP has in fact amended its policy and it is currently with Policies and Publications. RCMP's policy on Personal Search now stipulates that an internal search must be authorized verbally or in writing by a supervisor or delegate, unless exigent circumstances exist. Furthermore, RCMP's policy on Personal Search also stipulates that reasonable grounds must exist in order for members to conduct an internal search to determine if a weapon or evidence is concealed in a body cavity.

I support Recommendation No. 5 that the RCMP amend chapter 21.2 of its national policy regarding personal searches to ensure that the policy addresses the member's requirement to articulate the reasons and manner of the search in writing, including the information members are required to document and where it must be recorded. The RCMP has in fact amended its policy and it is currently with Policies and Publications. RCMP's policy on Personal Search now stipulates that members must make accurate, detailed notes of the authorization, the reasons for the strip search and the manner in which it was conducted. Furthermore, RCMP's policy on Personal Searches now stipulates that a strip search must be documented on the C-13 form.

I support Recommendation No. 6 that the RCMP in British Columbia amend its policy regarding personal searches (*Operational Manual* chapter 21.2.) to reflect current jurisprudence. The RCMP is currently in the process of amending its divisional policy on Personal search in order for it to reflect the current jurisprudence.

I support Recommendation No. 7 that the RCMP enhance basic training at Depot Division to ensure that cadets are cognizant of the legal requirements, and relevant policies and procedures for all types of personal searches. The Training Program Support and Evaluation team at Depot have identified necessary changes in the Cadet Training Program. Once the national policy on Personal Search is published, Depot will enhance training around personal searches in order to ensure that cadets are cognizant of the legal requirements, and relevant policies and procedures for all types of personal searches.



I support Recommendation No. 8 that the RCMP enhance training in personal searches to ensure that Division members are cognizant of the legal requirements and relevant policies and procedures for body, strip and internal searches, and that such training also be included in the Operational Skills Maintenance Re-Certification. The RCMP is currently in the process of preparing a memorandum which will be sent to all divisions. The memorandum will notify the divisions of the amended national policy on Personal Search. Furthermore, the RCMP is currently in the process of including personal searches in the Operational Skills Maintenance Re-Certification.

I support Recommendation No. 9 that the RCMP amend its National Headquarters and British Columbia divisional *Operational Manual* personal search policies to enhance transparency and accountability by ensuring the policies include an appropriate means of recording, tracking, and assessing compliance, thus facilitating independent review. I recognize that the RCMP is unable to track or otherwise account for the frequency and/or types of searches conducted without manually reviewing files. As a result of the above-noted, the RCMP is currently in the process of amending the C-13 form in order to include a checkbox for all types of personal searches. Once the amendment to the C-13 form is completed, the form will be uploaded to the newly developed Prisoner Access Tool (PAT) application which will be available on desk top computers for members using PROS. The PAT application will allow the RCMP the ability to record, track and assess compliance of personal searches. In order to ensure a standardized approach to the completion of the C-13 form, I will direct members, who have access to PROS, to document the C-13 form electronically using the PAT application. This direction will ensure the RCMP's ability to record, track and assess compliance of personal searches. I can indicate to the Commission that the PAT application completed its user acceptance testing in December and the pilot project was planned for Red Deer in "K" Division and Swift Current in "F" Division on March 31<sup>st</sup>, 2016. In addition to the newly developed PAT application, I will direct that PROS be amended to include a box for all types of personal searches. The amendment to PROS will allow the RCMP the ability to record, track and assess compliance of personal searches with respect to individuals who are arrested and searched without subsequently being incarcerated. With respect to "E" Division, the RCMP is currently in the process of implementing the Commission's recommendation. More specifically, "E" Division will enhance transparency and accountability by ensuring that the Division includes an appropriate means of recording, tracking and assessing compliance of personal searches.



I generally support Recommendation No. 10 that the RCMP amend its national policy on personal searches to include specific guidance and direction in relation to strip searches of youth. The RCMP has in fact amended its policy and it is currently with Policies and Publications. RCMP's policy on Personal Search now stipulates that upon arrest or detention of a young person a parent, guardian or responsible adult must be notified pursuant to the YCJA and Operational Manual Chapter 39.2., and they must also be notified if a strip search will be or has been conducted. Furthermore, RCMP's policy on Personal Search now specifies that members must ensure that the reason and manner of a search be explained to a young person in a language appropriate to his/her age and understanding.

I generally support Recommendation No. 11 that the RCMP remind North District supervisors of the requirement to be thorough in their review of occurrence reports and, in particular, of the importance of ensuring that all occurrence reports are properly documented, especially those involving the arrest and detention of a person. I acknowledge the Commission's comment that supervisors are responsible to ensure that policy is followed and that reports are properly completed and documented, however, I must also emphasize that individual members are also responsible to ensure that they follow policy and that their reports are properly completed. In order to ensure that all occurrence reports are properly documented, especially those involving the arrest and detention of a person, I will direct that a message be sent to supervisors from the North District to remind them of the importance of ensuring that all occurrence reports are properly documented, especially those involving the arrest and detention of a person.

I support Recommendation No. 12 that the RCMP incorporate mandatory review of public intoxication occurrences in North District unit-level quality assurance and management reviews. The RCMP is currently in the process of devising a new "E" Division Review Guide on Arrest and Release of Intoxicated Persons. The intent of the Review Guide is to add Arrest and Release of Intoxicated Persons to the Unit Level Quality Assurance (ULQA). Once the Review Guide is approved, North District will be directing all detachments in North District to conduct a mandatory Arrest and Release of Intoxicated Persons ULQA in the 2016-2017 fiscal year to ensure compliance with policy. Should deficiencies in policy be found during the ULQA process at the detachment level, the Detachment Commander in collaboration with their Advisory Non-Commissioned Officer (NCO) will complete an action plan to address and correct the deficiencies.



I support Recommendation No. 13 that the RCMP amend the National Headquarters *Operational Manual* chapter 18.1., section 7.2. to reflect current jurisprudence. The RCMP has in fact amended its policy and it is currently with Policies and Publications. RCMP's policy on Arrest and Detention was amended to reflect current jurisprudence. More specifically, section 7.2.2.2. of Operational Manual Chapter 18.1. Arrest and Detention now stipulates that a person may be detained for public intoxication under the applicable provincial statute if it is obvious that the person could not prevent "danger to himself/herself, or to others."

I support Recommendation No. 14 that the RCMP amend the National Headquarters *Operational Manual* chapter 19.9 to capture the complete list of exceptions listed under section 497 of the *Criminal Code*. The RCMP has in fact amended its policy and it is currently with Translation. RCMP's policy on Release of Prisoners now captures the complete list of exceptions listed under section 497 of the *Criminal Code of Canada*.

I support Recommendation No. 15 that the RCMP amend National Headquarters *Operational Manual* chapter 39.2. relating to the arrest of young persons to include guidance to members on notification requirements in instances where a young person is arrested and held in custody without being charged – particularly in cases involving public intoxication. The RCMP has in fact amended its national policy and effective March 17, 2016, RCMP's policy on Arrest-Young Person now provides that at any time where a young person is arrested or detained in custody, a parent, guardian, or responsible adult should be contacted immediately.

I support Recommendation No. 16 that the RCMP amend section 1.3.3.1. of divisional *Operational Manual* chapter 100.5. to outline conditions for release that mirror the guidance provided in the *Criminal Code* and to be consistent with national policy, which directs members to consider "alternatives to detention", thereby allowing for the consideration of a broader range of release options. The RCMP has in fact amended its divisional policy and effective February 4, 2016, RCMP's policy on Liquor Control and Licensing Act and Regulations now provides that a member must seek if alternatives to detention are available.



I support Recommendation No. 17 that the RCMP in British Columbia's North District ensure that articulations of use of force interventions are clear and comprehensive, and fully align with policies, guidelines, and training requirements. The RCMP has already included the Subject Behaviour/Officer Response articulation in the Agora Incident Management/Intervention Model (IM/IM) recertification for all regular members from January 1, 2015 to February 1, 2016. The Subject Behaviour/Officer Response articulation was included in the Agora IM/IM recertification to ensure that members have a clear and comprehensive understanding of the importance of proper articulation in the Subject Behaviour/Officer Response report. In addition, the RCMP provided North District with the *Completing a Written Narrative Job Aid* tool which provides guidance to members on how to articulate use of force interventions.

I support Recommendation No. 18 that the RCMP establish criteria and reporting thresholds to aid in the identification of "issues", and provide clear direction on reporting and tracking use of force issues identified in reports. The RCMP is currently in the process of amending national policy on Subject Behaviour/Officer Response in order to provide clarification on the identification of issues and provide clear direction on reporting and tracking use of force issues identified in reports. Furthermore, the Commission correctly identified a discrepancy in the terminology used in "E" Division's Operational Manual Chapter 17.8. Subject Behaviour/Officer Response Reporting. Specifically, the divisional policy refers to "concern" rather than "issue". As a result of this discrepancy, the RCMP is currently in the process of amending its divisional policy in order for it to be consistent with the terminology used in the national policy.

I support Recommendation No. 19 that the RCMP modify the Subject Behaviour/Officer Response database and reporting policies to enhance accountability by ensuring issues identified through the reporting process can be monitored, tracked, and independently reviewed. The RCMP is in the process of amending the Subject Behaviour/Officer Response report in order to add a checkbox for issues. Once an issue is identified in the Subject Behaviour/Officer Response report by the supervisor, he or she will now be required to check the corresponding box. This will allow the RCMP the ability to track issues identified in the Subject Behaviour/Officer Response reports in addition to allowing an independent review of issues. Once the amendment to the Subject Behaviour/Officer Response report is completed, the RCMP will incorporate



the checkbox regarding the identification of issues in the Business Intelligence. This will allow Divisions to automatically be notified of issues on an on-going basis (i.e., bi-weekly reports) in addition to allowing Divisions the ability to review the issues identified on the Subject Behaviour/Officer Response report on an adhoc basis.

With respect to Recommendation No. 20 that the RCMP modify supervisor training to provide guidance on the identification and reporting of issues in use of force reports, I conclude that additional training in this narrow area is not required as a more direct action could accomplish the intended outcome. For this reason, I will direct that a communiqué be sent to the Divisions through the Criminal Operations Branch in order to provide guidance on the identification and reporting of issues in addition to information on the new issues checkbox. The communiqué will be disseminated down to supervisors.

I generally support Recommendation No. 21 that the RCMP ensure that yearly unit-level quality assurance and/or management reviews always include a review of violence in relationships. As a result of the findings and recommendations made by the Commission, the RCMP amended and subsequently published the national policy on Violence/Abuse in Relationships (previously referred as "Violence in Relationships") on March 2, 2016. I find that a national ULQA on Violence/Abuse in Relationships for this fiscal year would be of limited value as the current ULQA needs to be updated to reflect the changes in the Violence/Abuse in Relationships policy. Accordingly, I will direct that Violence/Abuse in Relationships be a mandatory national ULQA next year. With respect to "E" Division, I find it important to highlight that "E" Division's Review Services has historically included reviews of Violence in Relationship investigations in all Detachment Management Reviews as either a separate Violence in Relationships review category or within the Quality of Investigations review category. Furthermore, I find it is also important to highlight that "E" Division's Operational Supervision category is also reviewed in all Detachment Management Reviews which includes supervisory requirements which are mandatory for Violence in Relationships investigations.

I support Recommendation No. 22 that the RCMP amend section 1.6.1. of National Headquarters *Operational Manual* chapter 2.4. to correctly reflect the distinction between *Criminal Code* offences and provincial and territorial statutes. The RCMP has in fact amended the national policy and effective March 2, 2016, RCMP's policy on Violence/Abuse in Relationships now stipulates that members must notify the victim that charge(s) will be laid or recommended, if a *Criminal Code* offence or an offence under any other federal, provincial or territorial legislation has been committed.



I support Recommendation No. 23 that the RCMP amend section 1.6.1. of National Headquarters *Operational Manual* chapter 2.4. to enhance accountability by requiring members who do not obtain victim and witness statements to document the reasons they were not obtained. As previously mentioned, a member cannot force a victim or witness to provide a statement, however, requiring members who do not obtain victim and witness statements to document the reasons why they were not obtained could enhance accountability and confidence in the RCMP's ability to conduct quality investigations in complaints of violence in relationships. As a result of the above-noted, the RCMP amended its national policy and effective March 2, 2016, RCMP's policy on Violence/Abuse in Relationships now requires members who do not obtain victim, witness and accused person statements to document the reason(s) in his or her notebook and on the operational file.

I support Recommendation No. 24 that the RCMP amend section 2.2.7. of National Headquarters *Operational Manual* chapter 2.4. to make it consistent with the search and seizure provisions in section 117.04. of the *Criminal Code*. The RCMP has in fact amended its national policy on Violence/Abuse in Relationships in order to make it consistent with the search and seizure provisions in section 117.04. of the *Criminal Code of Canada*.

I support Recommendation No. 25 that the British Columbia RCMP ensure that the divisional policy adequately addresses the process for making highest risk designations. The RCMP is currently in the process of amending its divisional policy regarding Violence in Relationships in order to provide members with guidance or direction on how a highest risk designation is made.

I support Recommendation No. 26 that the RCMP review and amend its Missing Persons Risk Assessment form to ensure that it contains questions that assist members in assessing the full range of risks that pertain to high-risk persons, including runaways and individuals with a high-risk lifestyle. As previously mentioned, the RCMP has developed a new mandatory Missing Persons Intake and Risk Assessment form which contains questions that assist members in assessing the full range of risks that pertain to high-risk persons, including runaways and individuals with a high-risk lifestyle. The new mandatory Missing Persons Intake and Risk Assessment form contains a section dedicated to lifestyle risk factors. The lifestyle risk factors section reflects the flexible definition of high-risk lifestyle found in the national policy and provides space for narrative therefore allowing members the flexibility to identify other



high-risk factors than those identified in the form. In addition, the mandatory Missing Persons Intake and Risk Assessment form requires a supervisor to sign the form. As such, if the missing person is considered high-risk or maintains a high risk lifestyle, a supervisor will be appropriately engaged.

I support Recommendation No. 27 that the RCMP amend its national policy on missing persons to include a clear requirement to fully articulate risk assessments on file, and to update the risk assessment on file as a case progresses. The RCMP has in fact amended its national policy and it is currently with Translation. RCMP's policy on Missing Persons now stipulates that members are required to document the assessment of risk on the Records Management System. In addition, the member must throughout the investigation reassess the risk level and document the changes, if any.

I support Recommendation No. 28 that the RCMP amend national policy on missing persons to ensure that it requires supervisors to fully document observations and directions to members on file. The RCMP has in fact amended its national policy and it is currently with Translation. RCMP's policy on Missing Persons now stipulates that a supervisor must review all missing persons files to document direction and guidance to the members on the Records Management System.

I generally support Recommendation No. 29 that the RCMP update its national policy on missing persons to require members to complete the new *Lost/Missing Person Report and Search Results* form at the outset of an investigation. As previously mentioned, the RCMP has developed a new mandatory Missing Persons Intake and Risk Assessment form which will assist members in determining the appropriate response and resources to allot to a missing person file. The completion of the new Missing Persons Intake and Risk Assessment form is mandatory and provides a comprehensive and standardized method of collecting pertinent information at the outset of a missing person investigation.

I support Recommendation No. 30 that the RCMP review and amend the divisional missing persons policy in British Columbia to ensure that it is in line with the revised national policy. As previously mentioned, RCMP has in fact amended its national policy on Missing Persons and it is currently with Translation. Once the national policy is published, the revised national policy on Missing Persons will be forwarded to all divisions in order to ensure that all divisional policies be amended to reflect the revised national policy.



I support Recommendation No. 31 that in the interest of promoting a standardized approach, and to support effective, comprehensive and coordinated responses to missing persons investigations, the RCMP consider making training on the revised national missing persons policy requirements mandatory for members in contract policing. The RCMP is in preliminary phases of creating a mandatory national course on missing persons. The mandatory course will provide members guidance/information on the revised national policy on Missing Persons. The anticipated start date for the mandatory course on missing persons is April 2017. Furthermore, in the interest of promoting a standardized approach, and to support effective, comprehensive and coordinated responses to missing persons investigations, I wish to advise the Commission that Depot is in the process of creating a module for missing persons and it will be included in Version 9 of the Cadet Training Program which is expected to be launched in April 2017.

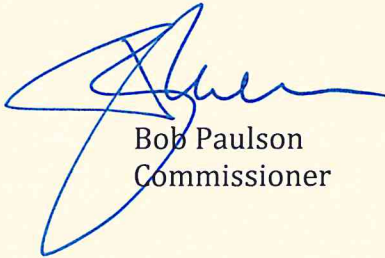
Finally, I would like to take the opportunity to inform the Commission that the RCMP has recently signed a Relationship Building Protocol with the Assembly of First Nations. The RCMP and the Assembly of First Nations are guided by a joint commitment to:

- ensure public safety and the safety and security of all persons in Canada without discrimination;
- promoting respect for the fundamental rights of First Nations as nations, peoples, communities and individuals;
- the peaceful resolution of public safety crises and disputes wherever possible;
- the development of strategies to facilitate healing and reconciliation between First Nations communities and the RCMP;
- the development of appropriate recruiting strategies for First Nations individuals who may be interested in the RCMP as a career of choice;
- First Nations involvement in the continued development of cultural awareness and anti-discrimination training to members of the RCMP; and
- Support action to address the safety and security of Indigenous women and girls.

The execution of the Relationship Building Protocol is a positive step by both the RCMP and the Assembly of First Nations to promote relationship building and cooperation in policing matters between interested First Nations and the RCMP.

I look forward to receiving your final report on this matter.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Bob Paulson", is written over the typed name and title.

Bob Paulson  
Commissioner