

Civilian Review and
Complaints Commission
for the RCMP



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

ANNUAL REPORT
2016-2017

UNDER EMBARGO
Until tabled by
the Minister of Public Safety

Canada

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

VISION: Excellence in policing through accountability.

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

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

- receive complaints from the public about the conduct of RCMP members;
- conduct reviews when complainants are not satisfied with the RCMP's handling of their complaints;
- initiate complaints and investigations into RCMP conduct when it is in the public interest to do so;
- review specified RCMP activities; and
- report findings and make recommendations.

STRATEGIC OBJECTIVES:

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

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

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

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Minister of Public Works and Government Services

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

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

Dear Minister,

Pursuant to section 45.52 of the *Royal Canadian Mounted Police Act*, I hereby submit the annual report of the Civilian Review and Complaints Commission for the RCMP for the 2016–2017 reporting period for tabling in Parliament.

Yours truly,

A handwritten signature in white ink, appearing to read 'Ian McPhail', is positioned above the printed name.

Ian McPhail, Q.C.

Chairperson
June 2017

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MESSAGE FROM THE CHAIRPERSON



This past year marked a number of important milestones for the Commission.

This year marked the first anniversary of the CRCC's new Intake Unit and its move to the national capital region. Our public complaint, review and investigation teams operating in concert has allowed us to streamline processes, provide better service to the public and reallocate funding to new programs for the Commission.

For example, in 2016, following our investigation into policing practices in northern British Columbia, and amidst growing public concern surrounding policing in remote communities generally, the Commission established an office in British Columbia.

This will facilitate direct relationships with stakeholders and allow us to

conduct more public complaint investigations in the first instance and more closely monitor those left to the RCMP, thus modernizing our delivery service to better reflect the government's priority of improving the relationships with Indigenous peoples.

Significant inroads have been made during the last twelve months to increase public awareness of the Commission's role and I am encouraged by our developing relationships with a number of communities and Indigenous peoples.

Initial feedback from our partners in British Columbia indicates that we are on the right path. I am confident that we are advancing an oversight model that has potential for implementation in other parts of Canada and thereby contributing to the RCMP's ability to enhance public trust.

“ I am confident that we are advancing an oversight model that has potential for implementation in other parts of Canada and thereby contributing to the RCMP’s ability to enhance public trust. ”

As the government strives to strike a better balance between strengthening national security and upholding Charter and privacy rights, senior Commission staff participated in Public Safety Canada’s examination of review agencies. Furthermore, I had the opportunity to appear before the House and Senate committees on Public Safety and National Security to share my thoughts as to how the Commission could work collaboratively with a Committee of Parliamentarians charged with overseeing the government’s national security accountability framework.

Regrettably, the follow-up report to our 2013 Public Interest Investigation Report into Workplace Harassment in the RCMP found that our recommendations, which were aimed at addressing harassment and fostering respectful workplaces, have not been adequately implemented to date.

The 2017 follow-up report found that harassment remains a serious and persistent problem for the RCMP and that RCMP culture needs to change.

Since the public release of the report into workplace harassment in the RCMP, the Commission has heard from many serving and former RCMP members who endorse the findings and recommendations. The Commission recommended that the Minister of Public Safety professionalize elements of the RCMP organizational structure and moreover, that steps be taken to modernize the RCMP’s governance structure. If implemented, I believe the recommendations would contribute to enhancing public trust in this important Canadian Institution.

With the process of selecting the next Commissioner underway, I look forward to working with the RCMP as partners in the police accountability framework.

THE COMPLAINT & REVIEW PROCESS

THE PUBLIC COMPLAINT PROCESS

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

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

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

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

If the Commission Chairperson is of the opinion that it would be in the public interest for the Commission to investigate a complaint instead of the RCMP, the Commission will conduct a

Public Interest Investigation. Public Interest Investigations can be launched in relation to a complaint received from a member of the public, or as a result of a Chairperson-Initiated Complaint.

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

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

A complaint can be lodged with:

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

THE REVIEW PROCESS

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

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

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

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

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

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

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

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

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

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

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

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

The Commission's complaint and review process chart can be found in Appendix A.

THE YEAR IN REVIEW

PUBLIC COMPLAINTS

This year, the public lodged 2,761 complaints (of these complaints, 2,291 were lodged with the Commission, while 470 were made directly to the RCMP).

Of the total number of complaints received, 2,301 met the criteria laid out in section 45.53 of the *Royal Canadian Mounted Police Act* and were assigned to a public complaint investigator.

As with previous years, the top five allegation categories for public complaints in 2016-17 were:

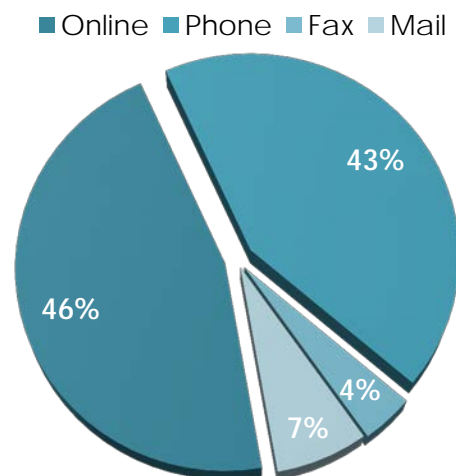
- Neglect of Duty
- Improper Attitude
- Improper Use of Force
- Irregularity in Procedure
- Improper Arrest

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

During the last twelve months, the Commission streamlined its complaint process to make it more accessible for the public and more efficient for the Commission's intake team. Improvements were made to processes related to its Case Management System, creating efficiencies and allowing for more robust statistical data analysis.

Additionally, the Commission actively promoted the use of its online complaint form, which led to a significant increase in the number of complaints filed online. This being said, Commission staff continued to process the same number of complaints lodged using its toll-free phone number.

HOW THE PUBLIC SUBMITS COMPLAINTS TO THE COMMISSION



As well, a newly designed information package was developed to provide complainants with an overview of the process. This new tool serves as a reference for complainants, explaining both the role of the Commission and the role of the RCMP.

NEW REQUESTS FOR REVIEW

If a complainant is not satisfied with the RCMP's handling of their public complaint, legislation allows for the complaint to be referred to the Commission for review. This year, the Commission received 233 new requests for review.

COMMISSION PUBLIC COMPLAINT REVIEW REPORTS

This year, the Commission issued 238 public complaint review reports, including:

- 167 reports (75%) agreeing with the RCMP's handling of the complaint.
- 57 interim reports (25%) disagreeing with the RCMP's handling of the complaint and/or making recommendations to the RCMP Commissioner.

The Commission issued 14 Final Reports after receiving the Commissioner's Response to findings and recommendations made by the Commission.

RCMP COMMISSIONER'S RESPONSES

This year, the RCMP Commissioner accepted approximately 82% of the Commission's adverse findings and 79% of its recommendations.

At this time, the Commission is awaiting the RCMP Commissioner's response to over 70 interim reports. The Commissioner's response forms part of the Commission's final report. Some of these interim reports have been with the RCMP for over a year. Complainants frequently contact the Commission to express their frustration over the RCMP's delays in responding to interim reports, which prevents the timely resolution of their cases.

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

Commission recommendations may include:

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

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.

Police Service Dog Bites a Suspect During his Apprehension by RCMP Members

The complainant's son fled from police upon being told that he was under arrest for breaching court-imposed conditions. In the ensuing chase, he was located by a police service dog (PSD) and was bitten. He suffered injuries that required surgery. The complainant alleged that excessive force was used in the apprehension of her son.

In its report disposing of the complaint, the RCMP did not support the complainant's allegations.

The Commission concluded in its Interim Report that the subject member unreasonably deployed his PSD by placing him in a cardboard dumpster, that the subject member did not maintain sufficient control over the PSD once deployed, and that his application of foot strikes in an attempt to disarm and secure the complainant's son was reasonable in the circumstances.

In his Response to the Commission's Interim Report, the RCMP Commissioner stated that he disagreed with the

findings that the subject member unreasonably deployed the PSD by placing him in the cardboard dumpster, and that the subject member did not maintain sufficient control over the PSD. The Commissioner made no mention of the finding with respect to the subject member's application of foot strikes in his Response. Consequently, the Commissioner did not support the Commission's recommendations with respect to providing the subject member with operational guidance, or reviewing the PSD's history to determine whether the PSD is suitable for continued deployment and/or requires retraining.

The Commission expressed particular concern with the Commissioner's failure to acknowledge the lack of control that the subject member had over the police service dog, especially given the subject member's own admissions regarding the difficulty he had in getting the PSD to release the subject. After considering the Commissioner's Response, the Commission was satisfied that its findings and recommendations, as detailed in the Interim Report, were supported and reiterated them in its Final Report.

Use of Force During Apprehension Under Mental Health Legislation

The complainant threatened to kill herself and left her home in a distraught state. After a family member contacted the RCMP, the complainant was apprehended under provincial mental health legislation and taken to a hospital for examination. She alleged that the RCMP used excessive force when apprehending her, and that the RCMP member involved refused to remove her handcuffs when she complained of the pain they caused.

In such a circumstance, the police officer was justified under the *Criminal Code* in using reasonable force to apprehend the complainant.

The RCMP did not support the allegations in its report disposing of the complaint.

The Commission determined that, having reasonable grounds to believe that the complainant had a mental disorder and that as a result of that disorder was likely to cause harm to herself, the RCMP member was authorized to apprehend the complainant under mental health legislation.

The Commission found that the force used was reasonable and not excessive.

The Commission also determined that the use of handcuffs was reasonable in the circumstances and that it was reasonable to wait until the arrival at the hospital to remove them from the complainant.

Entry into a Residence Following a Complaint of Domestic Violence

Mr. A filed a complaint including an allegation that RCMP members unlawfully entered his residence in response to a criminal complaint of domestic violence. The RCMP did not support this allegation in its report disposing of Mr. A's complaint.

The Commission found that the RCMP members entered for the very purpose explained in the RCMP's policy on violence in relationships and that it was reasonable for them to do so.

The *Criminal Code* provides a statutory authority for a police officer to enter a dwelling house to perform an arrest or prevent the continuation of a crime even though the police officer does not have a warrant or specific authorization to enter.

The law requires that the police officer have "reasonable grounds to suspect" that entry into the residence is necessary to prevent imminent bodily harm, as the facts of this case indicated.

Alleged Inadequate Investigation and Bias

The complainants were dissatisfied with the RCMP's investigation and failure to pursue charges relative to allegations of wrongdoing they had made against employees of a city. They also took issue with the RCMP's conduct in subsequent proceedings and correspondence. Among their allegations, the complainants claimed that the RCMP could not conduct a fair and unbiased investigation because of a conflict of interest, and that senior personnel failed to properly oversee the investigation.

The Commission initiated a public interest investigation concerning the complaint.

The Commission found in its Public Interest Investigation Report that there was no information to support the allegation that senior RCMP personnel failed to oversee and direct members in conducting and completing a

complete and thorough investigation; that there was no information to support the allegation that, because of a conflict of interest, the RCMP could not conduct a fair and unbiased investigation; that the communication between RCMP members and the complainants during the initial criminal investigation and subsequent correspondence was reasonable in the circumstances; and that the course of action followed by RCMP members in responding to the allegations made by the complainants against a specific member was reasonable in the circumstances, and a public complaint investigation was ultimately commenced and concluded.

The Commissioner agreed with all the Commission's findings, which were therefore reiterated in the Commission's Final Report.

CHAIRPERSON-INITIATED COMPLAINTS AND INVESTIGATIONS

Report into Workplace Harassment in the RCMP

In February 2016, pursuant to a request from the Minister of Public Safety, the Chairperson initiated a review into workplace harassment in the RCMP.

Following an extensive investigation, the Commission publicly released its report into workplace harassment in the RCMP in May 2017. The report contained 9 findings and 10 recommendations.

Most notably, the review concluded that abuse of authority remains a significant problem in the RCMP.

The Commission found deficiencies with the RCMP's harassment policy and procedures, as well as training. More broadly, the Commission determined that the RCMP failed to introduce sustained and comprehensive measures necessary to address the problem of harassment.

Given the long-standing issue of workplace harassment, which the Commission attributes in part to the culture of the RCMP, the Commission made two recommendations to the Minister of Public Safety: direct the RCMP to professionalize elements of the organizational structure; and modernize the RCMP governance structure to introduce civilian governance and/or oversight and to enhance accountability.

RCMP Policing in Northern British Columbia

In February 2017, the Commission released its Final Report on RCMP Policing in Northern British Columbia.

Launched in consideration of concerns raised by individuals and various human rights and civil liberties organizations, the investigation examined RCMP member conduct relating to:

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

While the Commission's investigation did not result in findings of systemic misconduct by RCMP members in northern British Columbia, it did find several policy and reporting weaknesses, issues with policy compliance by members, and the need for more robust training and supervision.

The Commission's report makes 45 findings and 31 recommendations aimed at enhancing RCMP transparency and accountability through improved policies, procedures, and training, enhanced supervisory review, and better reporting.

The community engagement carried out by the Commission, a key element of its investigation, revealed a perception of RCMP bias against Indigenous peoples, and a lack of trust in the RCMP in communities throughout the region. Engagement activities also highlighted a lack of public awareness of the Commission, its role and the public complaint process.

In recognition of the need to build relationships with communities served by the RCMP, the Commission has opened an office in British Columbia to enhance its presence, increase public awareness of its role, and ensure that it is positioned to respond to public concerns and complaints about RCMP policing in British Columbia, particularly with respect to Indigenous peoples and communities.

Police-Involved Shooting of Valeri George

In December 2016, the Commission issued its Final Report on the October 2009 Chairperson-initiated complaint into the shooting death of Valeri George in Buick Creek, British Columbia.

In September 2009, Mr. George stopped a vehicle occupied by his spouse and children, and shot out the tires. He then returned to his residence. After unsuccessful attempts to speak with Mr. George over the next few days, the RCMP deployed its North District Emergency Team (NDERT) to Mr. George's residence to effect a warrant for his arrest.

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

The Commission issued its Interim Report on the RCMP investigation of the Chairperson's complaint in June 2015.

The report contained 49 findings and 8 remedial recommendations addressing RCMP training and procedures with respect to Emergency Response Teams and critical incidents.

The Commissioner agreed with 42 of the Commission's findings, agreed with 3 findings with additional commentary, and disagreed with 4 findings.

The Commissioner agreed with 6 of the Commission's 8 recommendations; however, in several instances the Commissioner stated his support of a recommendation but outlined steps taken by, or current policies of, the RCMP that do not reasonably address the recommendation.

ONGOING INVESTIGATIONS

The Commission has over 30 Chairperson-initiated complaints and/or investigations underway. Of interest, 12 of these are led by the Commission's new office in British Columbia, of which six involve incidents where individuals were bitten by police service dogs.

The Commission's Chairperson-initiated complaints and investigations pertain to a broad range of issues, such as:

- whether the discharging of a firearm in the direction of a vehicle was reasonable;
- whether RCMP members responded in a reasonable and timely manner to a report of sexual assault by an Aboriginal youth;
- whether the forced removal of a detainee's bra was reasonable in the circumstances, in accordance with RCMP policies and whether those policies are adequate.

Of these ongoing Chairperson-initiated complaints and/or investigations, a number have been the subject of Interim Reports by the Commission, which is awaiting the RCMP Commissioner's written response to issue its Final Reports on those cases. For instance:

Chairperson-initiated Complaint into Fatal Collision

In April 2016, the Commission issued a report regarding a Chairperson-initiated complaint into a fatal collision following an attempted traffic stop. RCMP members had followed a vehicle that had failed to stop at a traffic checkpoint but discontinued the pursuit shortly thereafter. Moments later, the fleeing vehicle entered an intersection at a high rate of speed and collided with a truck, causing the death of a motorist. The Commission's report concluded that the RCMP's national policies relating to traffic checkpoints and police vehicle pursuits are inadequate, and made recommendations to improve them.

Public Interest Investigation Concerning RCMP's handling of Missing Persons Report

In June 2016, the Commission issued a Public Interest Investigation Report into a complaint relating to the RCMP's handling of a report of a missing Aboriginal woman. The young woman, who was reported missing by her mother, was eventually found murdered. In its Interim Report, the Commission found errors in the missing persons investigation and recommended changes to the RCMP's policies, procedures and training relative to the investigation of missing persons.

Complaints Concerning Witness Protection Program

In June and October 2016, and January 2017, the Commission issued three reports into complaints by persons protected under the Witness Protection Program or seeking protection under this program.

Complaint into Arrest and Detention of Aboriginal Woman

In July 2016 a complaint was received from an Aboriginal woman who had been arrested inside a home for public mischief, dragged from the home, and lodged in a jail cell for 9 hours with no charge.

She alleged that the arrest was not due to her behaviour but because she is Aboriginal.

This was a common theme in the Commission's report on policing in northern British Columbia. The Chairperson determined that it was in the public interest for the Commission to conduct the investigation itself.

The investigation revealed that poor supervision was a significant factor, and the scope was expanded by the Chairperson given that the complainant had no way of knowing this.

During the course of the investigation, it was also learned that a member of the RCMP had withheld evidence from the Commission; this matter is being handled by way of a Code of Conduct investigation.

The Commission took on this case as an example of how to better deal with Aboriginal people. The complaint investigation was not turned over to the RCMP, direct and regular feedback has been provided to the complainant, and the complainant has been provided details of the progress as the investigation continues, including receiving a summary of the Commission's findings and recommendations at the same time as the RCMP.

The matter is currently awaiting a response from the RCMP Commissioner on the findings and recommendations.

Implementation of Recommendations in Justice O'Connor's Report of the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar

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

As part of the review, the Commission is examining several aspects of the RCMP's national security activities, including:

- Centralization and coordination of national security operations
- National security training
- Domestic information-sharing
- Foreign information-sharing
- Border lookouts requests
- Detention of Canadians abroad

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

Police-Involved Shooting of Gregory Matters

In October 2015, the Commission issued its Public Interest Investigation Report on the shooting death of Gregory Matters in 2012 during a confrontation with an Emergency Response Team. The Commission made 57 findings and 9 recommendations concerning RCMP training, policies and procedures.

The Commission received the RCMP Commissioner's Response in this matter in January 2017.

The Commission awaits the appointment of a Vice-Chairperson to complete its Final Report in this matter.

RCMP Response to Anti-Fracking Protests

Between June and December 2013, several demonstrations resulted in confrontations between RCMP members and protestors, who were protesting the New Brunswick government's grant of permits and licences to Southwestern Energy Resources for shale gas testing and hydraulic fracturing (fracking).

The Commission received over 20 public complaints alleging improper arrest and excessive use of force, as well as a petition with more than 200 names that echoed the substance of the public complaints.

In response to this public concern, the Chairperson determined in July 2013 that the Commission would investigate these complaints itself, and the Chairperson subsequently initiated in December 2014 his own complaint into these incidents.

To date, Commission investigators have interviewed more than 120 RCMP members and civilian witnesses. As a result of its investigation, the Commission has received a significant amount of documentation (including written documentation and video evidence) from the RCMP, including as recently as March 2017.

BRITISH COLUMBIA OPERATIONS

The Commission's investigation into policing in northern British Columbia made it clear that an expanded presence in the province was required and that work with key stakeholders needed to be undertaken to build effective relationships with communities served by the RCMP.

Consequently, the Commission opened an office in British Columbia to enhance its presence in the province, increase public awareness of its role, and ensure that it is positioned to respond to public concerns and complaints about RCMP policing in British Columbia particularly with respect to Indigenous peoples and communities.

This year, the British Columbia Operations group focused its efforts on:

- Increasing the number of Commission-led investigations in the province;
- Monitoring ongoing RCMP investigations and implementation of Commission recommendations;
- Expanding public engagement with an emphasis on First Nations communities;
- Developing a more effective liaison function with key British Columbia stakeholders; and
- Fostering a greater use of informal resolution of public complaints and developing an approach that is respectful of Indigenous peoples' culture and practices.

While not exhaustive, the following provides an outline of the work being conducted by the British Columbia office:

- Twelve ongoing public interest investigations, most relating to conduct of RCMP members dealing with Indigenous peoples and reflecting problems identified in the *Policing of Northern British Columbia Report*;
- Three Chairperson-initiated public interest investigations. While two are on-going, one was completed by a Commission-led informal resolution using a psychologist;
- Outreach efforts consisting of 429 First Nations members in 13 communities; and
- Meetings with 17 different service providers and educators involving 61 people.

The progress made by the British Columbia office is encouraging, and reaction from stakeholders, including Indigenous communities, the Government of British Columbia and partner organizations, has been positive.

The Commission is playing a leadership role and through the first year of operation, setting the stage and modelling a process within the policing oversight community that is providing concrete results to the public and particularly Indigenous communities.

It is clear from this initiative that the concept of specialized processes tailored to various communities is an important and needed development in the evolution of civilian oversight of law enforcement in Canada.

PUBLIC EDUCATION AND STRATEGIC RELATIONSHIPS

The Commission's outreach efforts are focused on educating the public and building relationships with stakeholders to increase visibility of the Commission, and ensure that individuals who require its services are aware of its mandate and processes.

PUBLIC EDUCATION

For the first time in several years, public information and education materials were developed and made available in languages other than English and French to raise awareness of the Commission in northern communities.

The Commission also increased its presence on social media in an effort to reach a broader audience. This was done to promote the day-to-day work of the Commission and its outreach efforts, and increase opportunities for the public to engage with, and ask questions of, the Commission.

STRATEGIC RELATIONSHIPS

Contracting Provinces

Over the last year, the Commission continued to work with both RCMP and government officials to discuss updates on the number and nature of complaints in each province or territory. In addition, these meetings allowed the Commission to be aware of provincial and territorial government concerns and be responsive to their needs with respect to oversight of the RCMP.

Civilian Oversight Partners

In addition to attending events to expand its relationship with oversight partners, the Commission hosted its annual meeting of provincial police oversight agencies and special investigation units. This year's meeting included discussions on use of force and de-escalation techniques, as well as how, and in which circumstances, police oversight agencies should use social media.

As outgoing president of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE), the Chairperson co-hosted the Association's 2017 annual conference in Newfoundland and Labrador. Conference panelists included journalists, and representatives from both law enforcement oversight agencies and police unions. Sessions included presentations and discussion of issues such as crisis management, the civilianization of police oversight, and training for oversight agencies.

The Commission also continues its relationship with CACOLE's United States counterpart, the National Association for Civilian Oversight of Law Enforcement (NACOLE). This relationship allows both organizations to share best practices and possible solutions to common challenges faced by oversight agencies in both Canada and the United States.

CORPORATE OVERVIEW

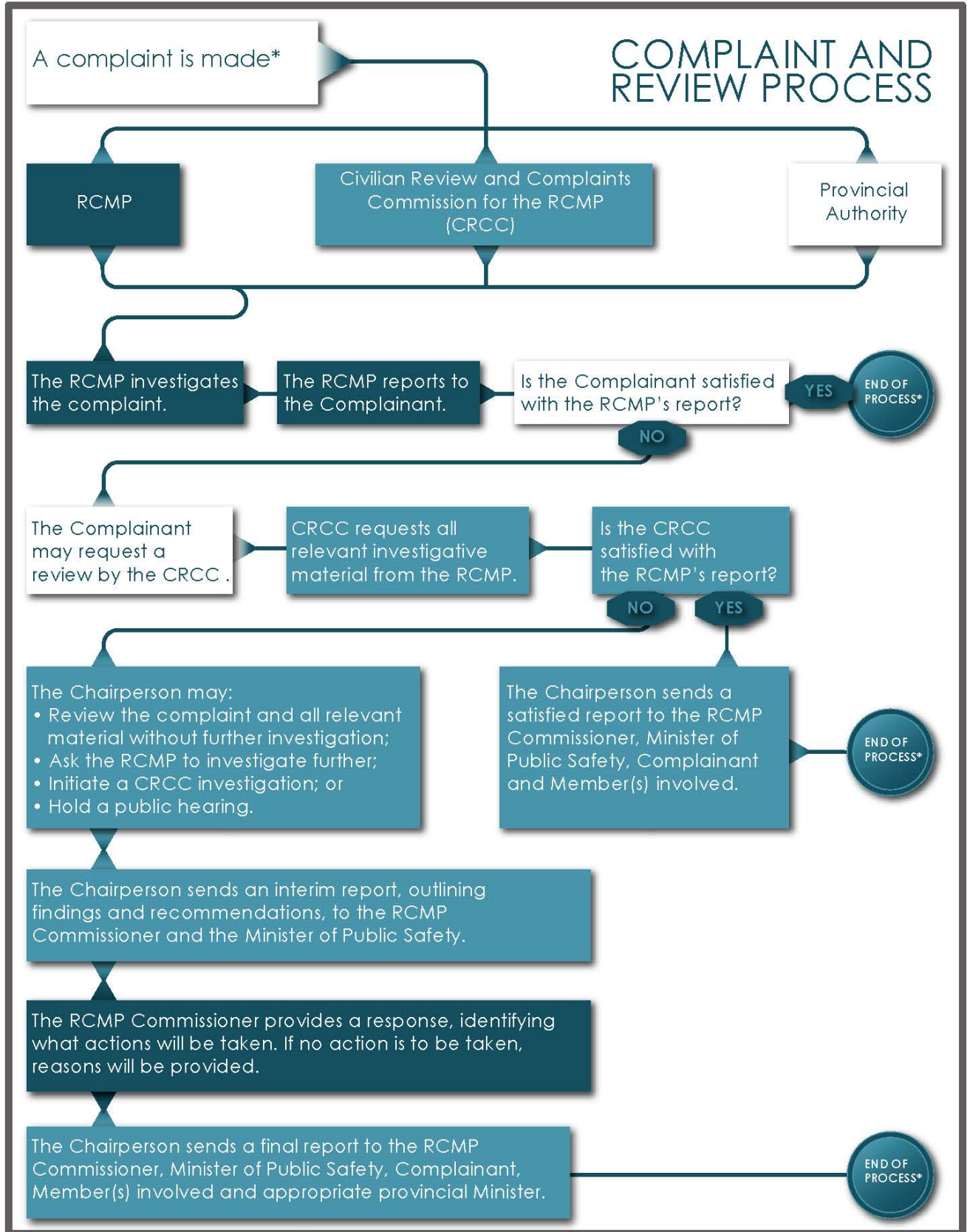
The Commission streamlined several internal processes to reallocate funds to new programs critical to its mandate.

Below are the Commission’s preliminary expenditures for fiscal year 2016-2017. Adjustments to these figures will be made and final amounts will be reported in the Public Accounts of Canada.

Total Expenditures 2016–2017	
Salaries	5.8 M
Operating Costs	2.4 M
Employee Benefit Plans	0.85 M
Total	9.0 M

Note: Numbers represented are in millions.

APPENDIX A



* 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.

APPENDIX B – SERVICE STANDARDS

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

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

This year, 80% of complaints accepted by the Commission were forwarded to the RCMP within the 4-day service standard. Additionally, 94% were forwarded within a 10-day timeframe.

This year, 82% of the Commission's Satisfied and Interim Reports were completed within the 120-day timeframe. Furthermore, 57% of its Final Reports were delivered within the 30-day timeframe. (Of note, 86% were completed within 60 days.)

APPENDIX C – CLASSIFICATION OF COMPLAINTS

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

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

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

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