

MILITARY POLICE
C O M P L A I N T S
C O M M I S S I O N



COMMISSION D'EXAMEN
DES PLAINTES CONCERNANT
LA POLICE MILITAIRE

August 30, 2002

The Honourable John McCallum, P.C., B.A., Ph.D.
Minister of National Defence
National Defence Headquarters
Major-General George R. Pearkes Building
Ottawa, Ontario
K1A 0K2

Dear Minister:

In accordance with the requirements of the Treasury Board, I am pleased to transmit the first performance report of the Military Police Complaints Commission for the period ending March 31, 2002 for tabling in Parliament this Fall.

Yours truly,

Louise Cobetto
Chairperson

MILITARY POLICE COMPLAINTS COMMISSION

DEPARTMENTAL PERFORMANCE REPORT

**FOR THE PERIOD ENDING
MARCH 31, 2002**

**The Honourable John McCallum, P.C., B.A., Ph.D.
Minister of National Defence**

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Minister's Message

It gives me great pleasure to present to Parliament and Canadians the 2001-2002 Departmental Performance Report for the Military Police Complaints Commission. Having just come into force on December 1, 1999, this represents the first Departmental Performance Report of the Commission. It is therefore the first opportunity to recognize the achievements of the Chairperson and her team in establishing an organization while receiving and responding to complaints falling within its mandate.

Since its inception, the Military Police Complaints Commission has actively promoted the acceptance and observance of high professional standards in the Military Police organization, standards by which all police services today are judged. I am particularly satisfied to note that the Chief of the Defence Staff and the Canadian Forces Provost Marshal have accepted all of the findings and recommendations put forth by the Chairperson of the Commission during this reporting period. This is a clear demonstration that improvements have been acknowledged as justified, serving as well to support the Commission's efforts to bring change to existing systems and practices.

I have noted, with interest, the challenges being experienced by the Commission, past and present, as articulated in this report. Challenges create opportunities. I look forward to the continuing development of the Commission and take this opportunity to commend the Chairperson and her team for their hard work and contribution towards the establishment of this highly professional independent oversight body. I am pleased to express my support for the Military Police Complaints Commission as it continues to mature organizationally and to deliver its mandate with high quality reports.

The Honourable John McCallum, P.C., B.A., Ph.D.
Minister of National Defence

SECTION 1 – STRATEGIC CONTEXT

In response to the report of the Special Advisory Group on Military Justice and Investigation Services, chaired by the late Right Honourable Brian Dickson, former Chief Justice of the Supreme Court of Canada, and the report of the Commission of Inquiry into the Deployment of Canadian Forces to Somalia, chaired by the Honourable Justice Gilles Létourneau, the Minister of National Defence introduced legislation in the House of Commons in 1998 to substantially modify the *National Defence Act*.

The need to separate, on an institutional basis, the military justice system's investigative, defence, prosecutorial and judicial functions was recognized. In addition, there was a requirement to clarify the roles and responsibilities of the principal players in the military justice system as well as the charge laying functions of the military police and the authorities of police units. All of these factors highlighted the need for an independent, external, civilian oversight agency leading to the establishment, on December 1, 1999, of the Military Police Complaints Commission.

The Military Police organization is one of the last of the Canadian police services to be held accountable for its actions before a civilian oversight body. Complaints concerning members of the Military Police must be thoroughly and professionally examined. That examination must be independent and unbiased. Employees of the Department of National Defence and members of the Canadian Forces, as well as the Canadian public, must have confidence in the integrity of the military justice system and in the role played by the Military Police within that system. It is the role and responsibility of the Military Police Complaints Commission to promote the principles of integrity and fairness that will contribute to a climate of confidence with respect to the conduct of military police members in the performance of their policing duties and functions and the absence of interference with military police investigations.

SECTION 2 - OPERATING ENVIRONMENT

The Military Police Complaints Commission (MPCC), hereafter referred to as the Commission, is an agency of the Federal Government, distinct and independent from the Department of National Defence and the Canadian Forces (DND/CF). It carries out quasi-judicial functions pursuant to the powers conferred by the *National Defence Act*. The mandate of the Commission is to monitor and review complaints about the conduct of members of the Military Police in the performance of their policing duties or functions and to deal with complaints of interference in Military Police investigations. If considered to be in the public interest, the Chairperson may cause the Commission to conduct an investigation and, if warranted, to hold a public hearing into a conduct complaint or an interference complaint. An Annual Report, prepared by the Chairperson on the activities of the Commission during that year and containing any recommendations, is submitted to the Minister of National Defence for tabling in Parliament.

The Commission has no decision-making authority. It formulates recommendations that may result in the censuring of the personal conduct of those who are the subject of complaint, but these recommendations are intended first and foremost to rectify the situations leading to complaints in order to prevent their recurrence. If the person reviewing findings or recommendations of the Commission decides not to act on them, the reasons for not acting must be provided. The mandate of the Commission is considered to be substantially fulfilled by rendering the handling of complaints concerning members of the Military Police more transparent and accessible.

The Commission is, and must be seen to be, impartial and fair in its dealings with both complainants and members of the Military Police, who are subjects of complaint. When monitoring and reviewing the Provost Marshal's disposition of a complaint, the Commission does not act as an advocate for either the complainant or members of the Military Police. Rather, its role is to inquire into complaints independently and impartially to arrive at objective findings and recommendations based on the information provided by complainants, members of the Military Police, witnesses and any others who may assist in uncovering the truth concerning events being investigated. The same norms are applied when the Commission deals with interference complaints lodged by a member of the Military Police. The Commission has the exclusive power to investigate interference complaints.

One of the challenges faced by the Commission, and a peculiarity of its operating environment, is the lack of control over the volume or complexity of complaints received. Consequently, the Commission must manage its activities to accommodate this ebb and flow of complaints in a cost effective manner.

For a complete description of what constitutes a conduct or interference complaint and the processes involved in dealing with each, as well as the Annual Reports of the Commission that have been tabled in Parliament, please visit the website of the Commission at www.mpcc-cppm.gc.ca.

SECTION 3 - PERFORMANCE ACHIEVEMENTS

In the 2001-2002 Report on Plans and Priorities for the Military Police Complaints Commission, three strategic outcomes, or commitments, were cited. Following is a report of the Commission's progress towards the achievement of these commitments.

- **Commitment #1 - Enhance MPCC's secure and expeditious handling of complaints**

In an effort to manage the unpredictable volume and complexity of complaints received, the Commission committed to the recruitment and training of indeterminate employees for key positions. In addition, contract personnel with the necessary skill set would be identified for temporary employment during peak periods.

In 2001, the Commission was successful in recruiting and training indeterminate employees for key positions in the Operations and Legal Directorates of the organization. (A basic organization chart for the Commission is included as Annex A to this report.) By March of 2002, a number of suitable contract personnel were identified to assist during peak periods. Additional work remains to be done in this area.

Further, the Commission committed to the timely issuance of the results of complaint reviews and investigations as well as improved service to clients. Much has been done in this regard, but much also remains to be done. The time taken to deliver the results of reviews and investigations by the Commission compares favourably with other organizations possessing similar quasi-judicial mandates. Nevertheless, continuous improvement in this service standard will continue to be a priority focus of the Commission. Procedures on the complaints handling process have been developed. A schematic chart of the complaint handling process is included as Annex B to this report. A complaint tracking system has been fully implemented and is operational.

In support of the Government-On-Line priority of the Federal Government, decisions were taken in this reporting period to implement a secure Public Key Infrastructure (PKI) network at the Commission. This initiative will situate the Commission well towards meeting the goals of government in this priority area. It also serves to provide secure remote access for conducting investigations by the Commission.

For a summary of the types and numbers of complaints handled by the Commission during this reporting period, please refer to the Case Statistics in Annex C of this report.

- **Commitment #2 - Raise the profile of the MPCC and its role**

Planned results associated with this commitment included an improved awareness in target audiences of the services and redress that the Commission can provide and the contribution it can make to accountability and efficacy of the Military Police. Activities associated with this outcome included presentations by the Commission Chairperson at Canadian Forces bases and wings, the development and implementation of the Commission's site on the internet and improved design and distribution of publications.

A very ambitious schedule of visits by the Chairperson to Canadian Forces bases and wings on both the east and west coasts of Canada was planned for the Fall of 2001. The horrendous events of September 11, 2001 in New York City and the resulting aftermath necessitated the cancellation of most of these visits. They will be rescheduled to continue with the realization of this commitment while respecting the renewed security focus and stresses placed on our military.

The Commission was successful in the development and activation of a very attractive web site. As with most web sites, it continues to be a work in progress but is at least now available to those seeking additional information about the organization and its activities. Refinements are ongoing. Those with an interest are invited to visit our website at www.mpcc-cppm.gc.ca.

In addition, to further enhance the profile of the Commission while simultaneously informing the reader, a new pamphlet and bookmarks were developed during this performance period for distribution to complainants and subjects of complaint as well as members of the general public. The design and distribution of the Chairperson's Interim and Final Reports has also been improved.

- **Commitment #3 - Greater efficiency in the operation of the MPCC through shared services and support.**

Planned outcomes for this commitment included the maintenance or improvement of services and the realization of benefits through collaboration with other small agencies. Activities related to this commitment included the installation of the Common Departmental Financial System (CDFS) and other common services developed for small agencies by Public Works and Government Services Canada (PWGSC). The intention to partner with the Canadian Forces Grievance Board (CFGB) for the provision of common support services and the sharing of experience and knowledge through participation in the Small Agencies Administrative Network (SAAN) were cited in the Commission's Report on Plans and Priorities.

During this reporting period, considerable effort has been expended towards the achievement of this commitment. The CDFS system has been installed and is operating well. Other systems have also been implemented, such as the Human Resource Information System (HRIS), and are now beginning to show results in improved efficiencies. The Complaint Tracking System has previously been referred to.

Considerable effort and resources were devoted to the planned partnership with the CFGB for the provision of common support services. Regrettably, these efforts did not come to fruition. The Grievance Board relocation plan removes the advantage of our common location resulting in this partnership being no longer feasible. However, the Commission was able to sign a Memorandum of Understanding with PWGSC for the provision of comprehensive human resource services as well as pay and compensation services. An examination of similar possibilities for the provision of information technology (IT) services has resulted in a decision to proceed gradually with acquiring support from PWGSC while investing in the training of existing resources.

The Commission has been a regular participant in the meetings of the Small Agencies Administrator's Network (SAAN) and has found this to be an invaluable experience in the sharing and exchanging of information and knowledge with other participants thereby accelerating the pace of learning for all organizations.

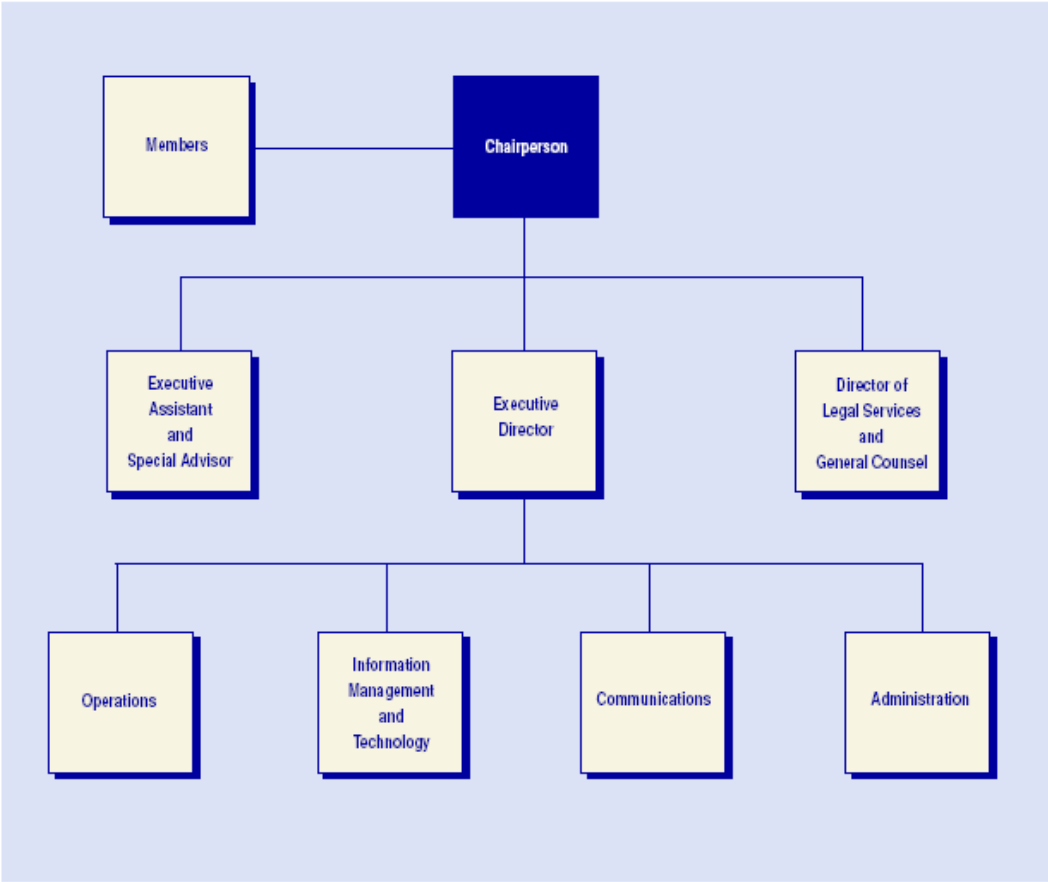
CONCLUSION

In efforts to deliver on commitments during this performance period, the Commission has faced a number of challenges. This report has already discussed the unpredictable nature of the volume and complexity of complaints brought before the Commission and the resulting impact on both human and financial resources. Operationally, the Chairperson has expressed her concern about the possible reluctance of members of the Military Police to make interference complaints against those holding more senior ranks for fear of reprisals. Organizationally, as is the case throughout government, there is a need to stabilize the organization by focusing management attention on employee retention. Corporately, there are the important initiatives of government, including Modern Comptrollership and Human Resource Management Reform, to respond to in addition to other central agency reporting requirements. For the future, the Commission will need to focus its attention on recommendations for the five-year review of the *National Defence Act*.

Nevertheless, in this Departmental Reporting period, the Commission has maintained and enhanced its efforts and commitment to establishing a reputation for professionalism, integrity and independence. All findings and recommendations contained in reports from the Commission were fully endorsed and accepted by the Chief of the Defence Staff and the Canadian Forces Provost Marshal. Moreover, the Commission is making its intended contribution to increase confidence in the Military Police, both within the Department of National Defence and the Canadian Forces and amongst Canadians everywhere.

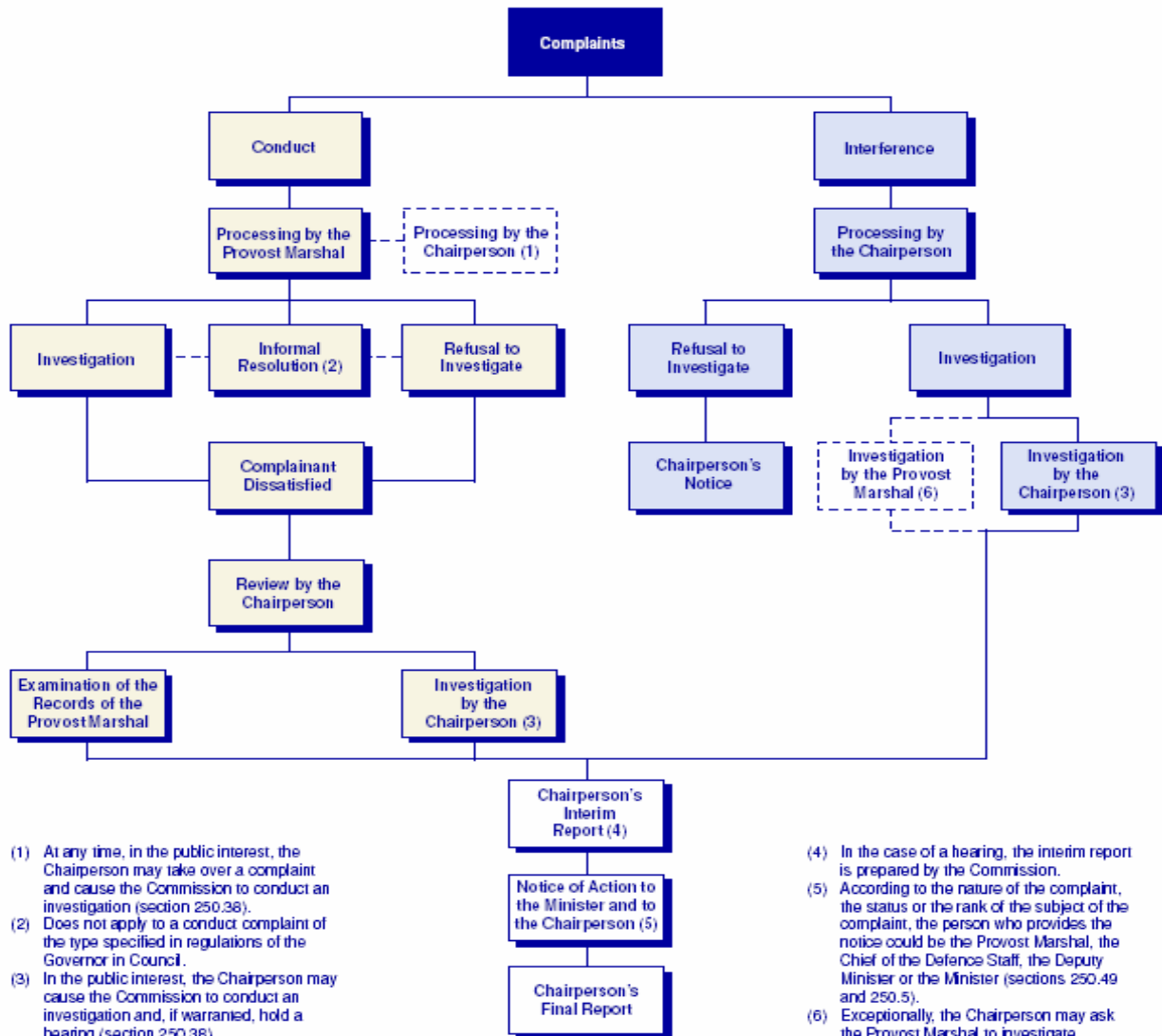
In 2002 and beyond, the Commission intends to increase its commitment to a client-centred focus by enhancing its informal and expeditious handling of complaints, by focusing on outreach efforts to inform stakeholders of the Commission's role, responsibilities and operational procedures, and by continuing efforts to realize greater efficiencies.

ANNEX A
ORGANIZATION CHART



ANNEX B

COMPLAINTS HANDLING PROCESS

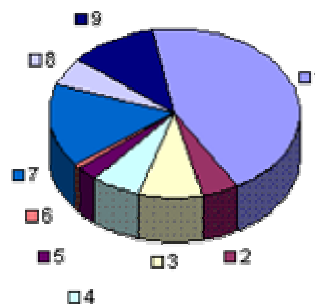


ANNEX C

Case Statistics 2001 – 2002

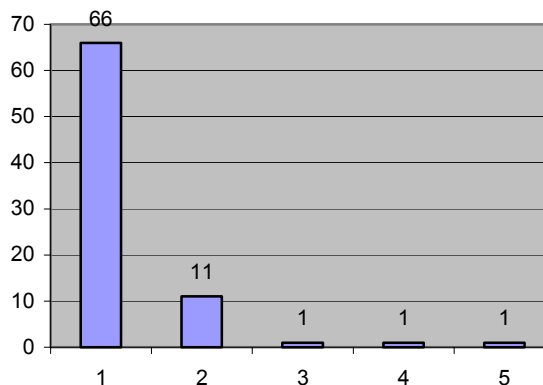
Allegations of misconduct by policing duties and functions: 108

- 1- The conduct of investigation (48)
- 2- The rendering of assistance to the public (5)
- 3- The execution of a warrant or another judicial process (9)
- 4- The handling of evidence (7)
- 5- The laying of a charge (3)
- 6- Attendance at a judicial proceeding (1)
- 7- The enforcement of laws (17)
- 8- Responding to a complaint (6)
- 9- The arrest or custody of a person (12)



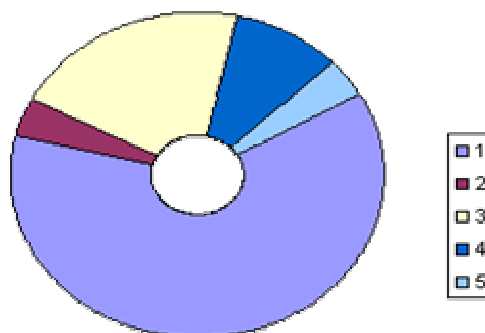
Operational Files

- 66 Conduct Complaints
- 11 Requests for Reviews
- 1 Investigations in the Public Interest
- 1 Interference Complaint
- 1 Request to Withdraw Complaint



Reports by the Chairperson

- 1- Findings (33)
- 2- Observations (2)
- 3- Recommendations (11)
- 4- Interim Report (5)
(4 requests for review,
1 interference complaint)
- 5- Final Reports (2)
(1 request for review,
1 interference complaint)



ANNEX D

Financial Performance Overview

The Military Police Complaints Commission continually strives to improve the efficiency and effectiveness of its operations and to rationalize costs related to the agency's performance. The Commission's operating budget is directly affected by the volume of complaints received and their complexities. Consequently, the Commission must manage its activities to accommodate this ebb and flow of complaints in a cost-effective manner.

In the 2001-2002 *Report on Plans and Priorities* (RPP) of the Military Police Complaints Commission (MPCC) planned spending was indicated as \$4.0 million. Through *Supplementary Estimates*, the MPCC received an additional amount of \$0.2 million, including contributions to employee benefit plans. The Commission spent \$3.6 million or 87 % of its \$4.2 million total authorities.

Financial Summary Tables

The Military Police Complaints Commission is a single business line agency, and as such, the pertinent financial tables are as follows:

- Table 1: Summary of Voted Appropriations**
- Table 2: Comparison of Total Planned Spending to Actual Spending**
- Table 3: Historical Comparison of Total Planned Spending to Actual Spending.**

The tables contain financial information such as:

Planned Spending – the planned spending at the beginning of the fiscal year as set out in the *2001-2002 Estimates – Report on Plans and Priorities*;

Total Authorities – the level of spending authorized by Parliament, including the *Supplementary Estimates*, to take into account the development of priorities, increased costs and unanticipated events;

Actual Spending – the amounts actually spent in the 2000-2001 fiscal year indicated as in the *Public Accounts*.

TABLE 1. Summary of Voted Appropriations

(thousands of dollars)

Vote	2001-2002		
	Planned Spending	Total Authorities	Actual Spending
<i>Military Police Complaints Commission</i>			
20 Operating Expenditures	3,653	3,828	3,287
(S) Contributions to Employee Benefit Plan	348	348	348
Total	4,001	4,176	3,635

Total Authorities are comprised of Main Estimates plus Supplementary Estimates plus other authorities

TABLE 2. Comparison of Total Planned Spending to Actual Spending

(thousands of dollars)

Vote	2001-2002		
	Planned Spending	Total Authorities	Actual Spending
Military Police Complaints Commission			
Full-time Equivalents (FTE)	23.5	23.5	23.5
Operating ⁽¹⁾	4,001	4,176	3,635
Capital	-	-	-
Total Gross Expenditures	4,001	4,176	3,635
Less: Respendable Revenues	-	-	-
Total Net Expenditures	4,001	4,176	3,635
Other Revenues and Expenditures			
Cost of Services Provided by Other Departments ⁽²⁾			134
Net Cost of the Program	4,001	4,176	3,769

Total Authorities are comprised of Main Estimates plus Supplementary Estimates plus other authorities

1. Operating includes contributions to employee benefit plans

2. Includes employee benefits covering the employer's share of insurance premiums and costs paid by Treasury Board Secretariat.

TABLE 3. Historical Comparison of Total Planned versus Actual Spending

(thousands of dollars)

Vote	2001-2002			
	Actual 2000-2001	Planned Spending	Total Authorities	Actual Spending
Military Police Complaints Commission	-	4,001	4,176	3,635
Total	-	4,001	4,176	3,635

Total Authorities are comprised of Main Estimates plus Supplementary Estimates plus other authorities

Note: fiscal year 2001-2002 was the Commission's first full year of operations therefore a historical comparison of previous year's expenditures is not available.

ANNEX E

HOW TO REACH THE COMMISSION

There are several ways to reach the Commission:

Call our information line at (613) 947-5625 or toll-free at 1 800 632-0566 and speak to an intake officer.

Send us a fax at (613) 947-5713 or toll-free at 1 877 947-5713.

Write us a letter describing your situation and mail it with any supporting documents to:

Military Police Complaints Commission
270 Albert Street
10th floor
Ottawa, ON K1P 5G8

Visit our office for a private consultation.
Appointments are recommended.

E-mail us at: commission@mpcc-cppm.gc.ca.
Do not send confidential information.
We cannot guarantee confidentiality at this time.

Visit our website at: www.mpcc-cppm.gc.ca.