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National Defence
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Ottawa, Ontario
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Quartier général de
la Défense nationale
Ottawa (Ontario)
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08 October 2002

Mrs. Louise Cobetto
Chairperson
Military Police Complaints Commission
270 Albert Street, 10th Floor
Ottawa ON K1P 5G8

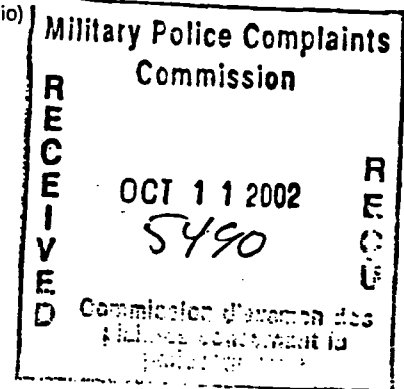
Dear Mrs. ^{Louise}~~Cobetto~~:

Further to my letter dated 25 July 2002, I have now had an opportunity to review the response of the Canadian Forces Provost Marshal (CFPM) to your Interim Report following the Commission's Public Interest Investigation pursuant to Subsection 250.38(1) of the *National Defence Act* (NDA) with respect to the complaints of Lieutenant-Colonel Tony Battista and Major Gordon Wight.

I am pleased to note that the CFPM has accepted the recommendations provided in your report that address policing duties and functions. I would also like to take this opportunity to comment on two other areas that are addressed in your recommendations. The first deals with the issue of the provision of information subject to solicitor/client privilege (Findings #17 and #18 and Recommendation #7) and the second relates to the ability of the Chain of Command to communicate with investigators (Finding #23 and Recommendation #9).

With respect to the question of providing information subject to solicitor/client privilege, I am fully satisfied with the explanation of the DND/CF position on this issue as set out in the CFPM's response. It is understood and agreed that there may well be situations where a waiver of the privilege will be sought to allow the Commission to perform its duties, and in such cases, a mechanism does exist within the institution to consider a request for waiver. I concur with the CFPM's view that the internal mechanisms for staffing and considering such requests in no way impacts upon the investigation or charge-laying independence of the Military Police.

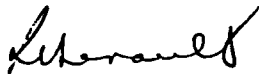
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With respect to communications between the chain of command and investigators, your Commission has been and will continue to be instrumental in enhancing the understanding of the different yet vital functions of these key players in the system and the need to respect these different roles, while at the same time cooperating to achieve the ultimate objective of a disciplined military force. I believe that much progress has been made in this regard in the last few years. However, our efforts to educate clearly must continue. While this matter might well be considered in the context of the upcoming NDA five-year review, I am of the view that this issue does not reflect a statutory or regulatory deficiency, but rather is a matter of recognizing and adjusting to the changes that were introduced in 1999.

In closing, I again express my thanks and appreciation for the Commission's efforts to not only resolve individual complaints but also identify systematic issues that impact on the performance of policing duties and functions.

Sincerely,

A handwritten signature in cursive script, appearing to read "R.R. Henault".

R.R. Henault
General