



Military Police Complaints Commission

2002-2003
Estimates

Part III – Report on Plans and Priorities

Canada

The Estimates Documents

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament. The Estimates, which are tabled in the House of Commons by the President of the Treasury Board, consist of three parts:

Part I – The Government Expenditure Plan provides an overview of federal spending and summarizes both the relationship of the key elements of the Main Estimates to the Expenditure Plan (as set out in the Budget).

Part II – The Main Estimates directly support the *Appropriation Act*. The Main Estimates identify the spending authorities (votes) and amounts to be included in subsequent appropriation bills. Parliament will be asked to approve these votes to enable the government to proceed with its spending plans. Parts I and II of the Estimates are tabled concurrently on or before 1 March.

Part III – Departmental Expenditure Plans which is divided into two components:

- (1) **Reports on Plans and Priorities (RPPs)** are individual expenditure plans for each department and agency (excluding Crown corporations). These reports provide increased levels of detail on a business line basis and contain information on objectives, initiatives and planned results, including links to related resource requirements over a three-year period. The RPPs also provide details on human resource requirements, major capital projects, grants and contributions, and net program costs. They are tabled in Parliament by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*. These documents are tabled in the spring and referred to committees, which then report back to the House of Commons pursuant to Standing Order 81(4).
- (2) **Departmental Performance Reports (DPRs)** are individual department and agency accounts of accomplishments achieved against planned performance expectations as set out in respective RPPs. These Performance Reports, which cover the most recently completed fiscal year, are tabled in Parliament in the fall by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*.

The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of public funds.

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Available in Canada through your local bookseller or by mail from
Canadian Government Publishing (PWGSC)
Ottawa, Canada K1A 0S9

Telephone: 1-800-635-7943
Internet site: <http://publications.pwgsc.gc.ca>

Catalogue No. BT31-2/2003-III-64

ISBN 0-660-61820-6

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

Military Police Complaints Commission

**2002-2003
Estimates**

A Report on Plans and Priorities

Approved

Honourable Arthur C. Eggleton
Minister of National Defence

Table of Contents	Page No.
Section I: Chairperson’s Message	1
A. Management Representation Statement	2
Section II: <i>Raison D’être</i>	3
A. Mandate	3
B. Mission	3
Section III: Plans and Priorities by Strategic Outcomes	3
A. Plans and Priorities by Strategic Outcomes	3
Section IV: Organization	8
A. Business Line Objective	8
B. Business Line Description	8
C. Strategic Outcomes and Business Lines	9
D. Accountability	9
E. Commission Planned Spending	13
Section V: Annexes	14
A. Financial Information	14
B. Legislation Administered by the Commission	14
C. Annual Reports	14
D. Contact for Further Information	15

Section I: Chairperson's Message

As we enter the Commission's third year of operation, I am delighted to have this opportunity to provide Canadians with an overview of our achievements during the past 12 months and our plans and priorities for the future.

With the establishment of permanent offices and a staff nearing full strength, the Commission is equipped to fulfill its mandate to monitor and review complaints about the conduct of the Military Police in the performance of its policing duties and functions and to deal with complaints of interference in Military Police investigations.

During the 2001-2002 fiscal year¹, the Commission received and analyzed more than seventy-two complaints and documented requests for information. Of these, fifty-six were conduct complaints and one was an interference complaint. Also during the fiscal year, the Commission worked on nine requests for review by complainants who were dissatisfied with the initial disposition of their complaints by the Canadian Forces Provost Marshal.

In addition to the conduct reviews, the Commission worked on two complex "public interest" complaints, initiated at my behest, during the previous fiscal year. With respect to reports, the Commission completed five interim reports and two final reports.

Through both our administrative and operational efforts the Commission has maintained and enhanced its efforts and commitment to establishing a reputation for professionalism, integrity and independence. The Commission is making its intended contribution to increased confidence in the Military Police, both within the Department of National Defence and the Canadian Forces and amongst Canadians everywhere.

In 2002-2003 and beyond, the Commission intends to increase its commitment to a client-centred focus by enhancing its informal and expeditious handling of complaints, by establishing a priority for electronic access to Commission information and services and by increasing efforts to inform stakeholders of the Commission's roles and responsibilities. In addition to public engagement, and in concert with government-wide objectives, the Commission is also dedicated to public accountability and sound management through the government's modern comptrollership initiative.

The Commission is conscious of these challenges and opportunities and will endeavour to provide the Canadian Forces and Canadians generally with the high quality, cost effective programs and services they want, expect and deserve.

¹ Statistics compiled from April 1, 2001 to January 28, 2002.

A. Management Representation Statement

MANAGEMENT REPRESENTATION STATEMENT

I submit, for tabling in Parliament, the 2002-03 Report on Plans and Priorities (RPP) for the Military Police Complaints Commission.

To the best of my knowledge the information in this document:

- Accurately portrays the Commission's plans and priorities.
- Is consistent with the reporting principles contained in the *Guide to the Preparation of the 2002-2003 Report on Plans and Priorities*.
- Is comprehensive and accurate.
- Is based on sound underlying Commission information and management systems.

I am satisfied as to the quality assurance processes and procedures used for the RPP production.

The reporting structure, on which this document is based, has been approved by Treasury Board Ministers and is the basis for accountability for the outcomes achieved with the resources and authorities provided.

Name: _____
Robert A. MacDougall
Executive Director

Date: _____

Section II: *Raison D'être*

A. Mandate

The Military Police Complaints Commission (MPCC) is a civilian body, external and independent of the Department of National Defence (DND) and the Canadian Forces (CF), established under Part IV of the *National Defence Act* (NDA) (Sections 250.1 to 250.53). Its mandate is to monitor and review complaints about the conduct 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. In this regard, the MPCC undertakes quasi-judicial functions.

B. Mission

Our mission is to promote the principles of integrity and fairness and to build a climate of confidence within the CF and DND and the Canadian public regarding the operations of the Military Police by ensuring independent, thorough, even-handed and expeditious consideration of complaints of Military Police misconduct or of interference in a Military Police investigation.

Section III: Plans and Priorities by Strategic Outcomes

A. Plans and Priorities by Strategic Outcomes

Challenges and Relationships

The Commission is a quasi-judicial agency, which reports to Parliament through the Minister of National Defence.

The Commission is, and must be seen to be, impartial and fair in its dealings with both complainants and subjects of a complaint. When monitoring and reviewing the Provost Marshal's handling of a conduct complaint, the Commission does not act as an advocate for either complainants or the subjects of complaint. 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, subjects of complaint, witnesses and others who may assist in uncovering the truth concerning events being investigated.

The same norms must be 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.

The Commission has no control over the volume or complexity of the complaints it receives. Consequently, one of the challenges facing the Commission is to manage the ebb and flow of complaints in a cost effective manner.

Citizens want fair, equitable, affordable, timely and convenient access to information and services that affect them. They want government to be responsive to their concerns without being intrusive. They want to be more involved in their governance and have a more direct say in decision making. Most of all, perhaps, citizens want government to act responsibly and to be transparent in the way it functions, and accountable for what it says and does. Towards meeting these challenges, the MPCC will continue to build and nurture its reputation as a Commission dedicated to service with professionalism, integrity and independence.

Plans and Priorities

If the Commission is to successfully address the issues and challenges it is facing, the Commission must be selective in what it does. To this end, the Commission shall continue to focus its time, energy and resources on achieving its mandate, improving operating efficiency wherever possible, and being mindful and supportive of the Government's national priorities.

The Commission has established three strategic outcomes that it intends to pursue and achieve over the course of a three to five year time horizon (2001-02 to 2005-06). These strategic outcomes and associated activities were described in the Commission's first RPP for fiscal year 2001-02. For fiscal year 2002-03, the Commission intends to continue on this course of action.

Plans and priorities for 2002-03 associated with the efficiency of MPCC operations have been modified slightly as a result of the Government's national priorities such as Government-on-Line and Service Improvement Initiatives. Assessment of the previous year's performance has resulted in a shift in strategy by MPCC management with respect to the delivery of some of its support services, notably in informatics and administrative services.

The priorities and resources that the MPCC intends to pursue and dedicate towards the accomplishment of its strategic outcomes for 2002-03 are:

Strategic Outcome I

(\$1,277,000)

Enhance MPCC's informal and expeditious handling of complaints.

Priorities

- Resolution of matters before the Commission as informally and expeditiously as the circumstances and the consideration of fairness permit.
- Client-focused service.
- Establish contingencies to handle fluctuations in the volume of complaints.

Plans

- Identify and contract for external expertise as required.
- Develop policies and procedures for the complaints handling process by building on experience acquired to date within the Commission and by drawing on best practices from elsewhere.
- Implement recruitment initiatives and provide training and professional development to ensure a well-functioning organization.

Performance Monitoring

- Evaluate the feedback from clients and stakeholders on the reports prepared and submitted by the Chairperson.
- Communication with complainants and subjects of complaints.
- Implementation of a computer software tracking system to monitor the volume of complaints as well as the tracking of complaints being processed by the Commission.

Strategic Outcome 2

(\$449,000)

Improve awareness and raise the profile of the MPCC with respect to its mission, mandate, role and results achievement.

Priorities

- Improve awareness among key stakeholders regarding the MPCC's mandate and services.
- Broaden the MPCC's corporate image through branding, marketing and other outreach programs.
- Increase citizen-centred focus by implementing electronic access providing clients and other interested parties with comprehensive and timely access to MPCC information and services.

Plans

- Increase the number of presentations to Military Police detachments and other Canadian Forces personnel by the Chairperson and other members of the MPCC on the topic of complaints in general and interference complaints in particular.
- The hiring of a Communications professional and the implementation of a communications strategy.
- The introduction of a permanent Commission Website

Performance Monitoring

- Monitor feedback from presentations, reports, and clients.
- Establishment of data gathering mechanisms to monitor the MPCC's profile in the Department of National Defence, the Canadian Forces and the Canadian Press as well as complying with the federal government's annual reporting requirements.
- Monitor Website traffic.

Strategic Outcome 3

(\$1,927,000)

Provide quality public service through greater efficiency in the operation of the MPCC through technology, partnerships and adoption of best practices.

Priorities

- Maintain or improve service delivery and continued commitment to modern comptrollership.
- Benefit through greater collaboration with other small agencies or through the introduction of alternative service delivery practices.
- Prudent investment in technology to promote a results-based approach to service delivery.

Plans

- Install a Records Management Information System and expand the functionality of other common systems applications previously implemented by the Commission.
- Establish partnerships with other agencies or through contracting out in the provision of common support services.
- Share experience and knowledge through the Small Agencies Administrative Network and other forums.
- Stay abreast with the Government-On-Line initiative in the provision of electronic connections for Canadians with MPCC's services and information.

Performance Monitoring

- Monitor development and implementation of the Records Management Information System and ensure compliance with Treasury Board guidelines.
- Develop a Government-On-Line Strategy and action plan for MPCC incorporating status-reporting practices in accordance with key deliverables and milestones.
- Establish service standards for business processes directly linked to serving clients and stakeholders.

Section IV: Organization

A. Business Line Objective

To deal with all matters before the Commission as informally and expeditiously as the circumstances of fairness permit, including:

- Interference complaints received from Military Police members;
- Investigations, and, if warranted, public hearings into complaints deemed to be in the public interest by the Chairperson;
- Oversight of the Provost Marshal's treatment of complaints about misconduct by Military Police members; and,
- To review the handling of specific misconduct complaints when requested to do so by complainants.

B. Business Line Description

The MPCC deals with the processing of complaints having to do with the Military Police.

The Commission, which reports annually to Parliament, provides an independent and impartial review of conduct complaints referred to it by complainants dissatisfied with the Provost Marshal's disposition of their complaint. Furthermore, the Commission deals exclusively with interference complaints, which are filed by Military Police members who believe that any officer, non-commissioned member or senior official has improperly interfered in their investigation. As well, if considered to be in the public interest, the Chairperson may, at any time, cause the Complaints Commission to conduct an investigation and, if warranted, to hold a public hearing into a conduct or interference complaint.

C. Strategic Outcomes and Business Lines

The Commission has only one business line. All MPCC resources are dedicated to achieving its business line objective. The following table provides a crosswalk of the resource relationship between Strategic Outcomes and its Business Line.

Strategic Outcomes				
	Expeditious Handling of Complaints	Raise Profile of MPCC	Greater Efficiency in MPCC Operations	Total
<i>(thousand of dollars)</i>				
Business Line:				
Investigation and Review of Complaints	1,277.0	449.0	1,927.0	3,653.0*
Full time Equivalents	10.5	2.5	10.5	23.5

*Excludes Employee Benefit Plan Costs

D. Accountability

Roles and Responsibilities

The fundamental role of the Military Police Complaints Commission is to promote the principles of integrity and fairness and to build a climate of confidence within the CF, DND and the Canadian public regarding the operations of the Military Police. It does this by providing, at the request of complainants, an independent review of the Provost Marshal's handling of conduct complaints and by dealing directly with complaints by Military Police of interference in the conduct of their investigations. In carrying out its responsibilities, the Commission may conduct investigations and, where circumstances warrant, convene public hearings at the Chairperson's discretion.

The MPCC is responsible for ensuring that legitimate complaints of individuals are dealt with in a fair and impartial manner; that those against whom allegations are made are treated with fairness and objectivity; and, in examining complaints, that consideration is given to the public interest in the fair and proper enforcement of the law. This will assist in the continuing development of a professional, effective, mutually beneficial relationship between the Military Police and other stakeholders. Furthermore, the MPCC has a duty to deal with all matters before it as informally and expeditiously as the circumstances and the consideration of fairness permit (NDA, Section 250.14).

Any person, including DND personnel and CF members, whether or not they have suffered wrongful treatment, may make a complaint about the conduct of a Military Police member in the performance of his/her policing duties or functions (NDA, Section 250.18).

The Provost Marshal is responsible for dealing with conduct complaints in the first instance. On receiving or being notified of a conduct complaint, the Provost Marshal shall consider whether it can be disposed of informally, and shall do so with the consent of the complainant and the person who is the subject of the complaint. If this cannot be achieved, the Provost Marshal will either investigate or refuse to investigate.

If the Provost Marshal decides to investigate, and the investigation is not completed within 60 days, the Provost Marshal shall send a report on the status of the complaint to the complainant, the person who is the subject of the complaint (provided this would not affect or hinder the investigation) and the Chairperson, and at 30-day intervals thereafter, until it is resolved.

If the complainant is dissatisfied with the direction or disposition taken by the Provost Marshal, the complainant may ask the Complaints Commission to review the complaint. (NDA, Section 250.31)

Any member of the Military Police who conducts or supervises a Military Police investigation, or who has done so, may make a complaint against any officer or non-commissioned member or any senior official of DND if the complainant has reasonable grounds to believe that person has improperly interfered with the investigation (NDA, Section 250.19). The Commission has exclusive responsibility to deal with interference complaints. When the Chairperson decides to investigate an interference complaint, she shall inform within sixty days and each thirty days afterwards, the complainant, the person who is the subject of the complaint (provided this would not affect or hinder the investigation), the Judge Advocate General and the Provost Marshal of the status of the complaint.

No complaint (conduct or interference) may be made more than one year after the event giving rise to the complaint. However, at the request of the complainant, the Chairperson could decide if it is reasonable in the circumstances to extend the time limit (NDA, Section 250.2). A conduct complaint or an interference complaint may be made either orally or in writing (NDA, Section 250.21).

If at any time the Chairperson considers it advisable in the public interest, she may cause the Commission to conduct an investigation and, if warranted, to hold a public hearing into a conduct complaint or interference complaint (NDA, Section 250.38). The Chairperson's decision to cause an investigation or a public hearing to be held suspends any investigation underway with the Provost Marshal.

On completion of a review by the Commission, the Chairperson sends a report setting out the findings and recommendations to the Minister, the Chief of the Defence Staff and the Provost Marshal (NDA, Subsection 250.32(3)).

On completion of an investigation or public hearing by the Commission, the Chairperson sends a report setting out the findings and recommendations to the Minister, the Chief of Defence Staff or the Deputy Minister, as the case may be, the Judge Advocate General and the Provost Marshal (NDA, Section 250.39 and Section 250.48).

One of the above-mentioned persons shall review the Chairperson's report and notify the Minister and the Chairperson of any action that has been or will be taken with respect to the complaint.

The person who reviews the Chairperson's report is not bound by its findings and recommendations. However, if the person decides not to follow the findings and recommendations, the reasons for not so acting must be included in the notice to the Chairperson. (NDA, Section 250.51)

After receiving and considering the notice of the person who reviewed the interim report, the Chairperson shall prepare a final report setting out findings and recommendations (NDA, Section 250.53).

A copy of the Chairperson's final report is sent to:

- the Minister of National Defence;
- the Deputy Minister of National Defence;
- the Chief of the Defence Staff;
- the Judge Advocate General;
- the Provost Marshal;
- the complainant;
- the subject of the complaint; and
- all persons having a substantial and direct interest in the complaint.

Organization Structure

The Commission is a federal agency which reports to Parliament through the Minister of National Defence. In order to fulfil its mission, the Commission delivers a single program, which consists of one business line. The reporting structure established for the delivery of MPCC's business line is:

- Chairperson: The Chairperson reports to Parliament through the Minister of National Defence.
- Executive Director: The Executive Director reports to the Chairperson and is responsible for operations, communications and corporate support services. The Executive Director manages 15.5 FTE's and an annual operating budget of \$2.7 million.
- General Counsel and Director of Legal Services: The General Counsel and Director of Legal Service reports to the Chairperson and is responsible for legal counsel and advice, and the library. The General Counsel and the Director of Legal Services manages 4.5 FTE's and an annual operating budget of \$427 thousand.

E. Commission Planned Spending

The resources displayed relate to MPCC's sole business line contributing towards the attainment of its Strategic Outcomes.

TABLE I - Planned Spending and Full time Equivalents (FTE)

(thousand of dollars)	Forecast Spending 2001-2002*	Planned Spending 2002-2003	Planned Spending 2003-2004	Planned Spending 2004-2005
Budgetary Main Estimates (gross)	4,001.0	4,010.0	4,010.0	4,010.0
Less: Respendable revenue	-	-	-	-
Total Main Estimates	4,001.0	4,010.0	4,010.0	4,010.0
Adjustments	175.0	-	-	-
Net Planned Spending	4,176.0	4,010.0	4,010.0	4,010.0
Plus: Cost of services received without charge	134.0	134.0	134.0	134.0
Net Cost of Program	4,310.0	4,144.0	4,144.0	4,144.0
Full Time Equivalents	23.5	23.5	23.5	23.5

* Reflects the best forecast of total new planned spending to the end of the fiscal year.

Section V: Annexes

A. Financial Information

TABLE 2 - Net Cost of Program for the Estimate Year

(thousand of dollars)	2002-2003
Net Planned Spending	4,010.0
Plus: <i>Services Received without Charge</i>	
Contributions covering employees' share of insurance premiums and expenditures paid by Treasury Board Secretariat	134.0
Total Cost of Program	4,144.0
Less: Non-respendable Revenue	0.0
2002-2003 Net Cost of Program	4,144.0

B. Legislation Administered by the Commission

The Chairperson has responsibility to Parliament for the following:

National Defence Act, Part IV, sections 250.1 to 250.53(2), R.S., c. N-4, s. 1 (S.C. 2000, c. 13)

C. Annual Reports

Statutory and other reports produced by the Commission:

- Estimates, Part I
- Estimates, Part II
- Reports on Plans and Priorities
- Departmental Performance Report
- Part VII of the Official Languages Act
- Employment Equity Action Plan and Annual Report
- Official Languages Action Plan and Annual Report
- Reports on the Access to Information Act and the Privacy Act
- Delegation of Staffing Authority

D. Contact for Further Information

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