



ESTIMATES

Military Police Complaints Commission

2001-2002
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 to be tabled on or before 31 March 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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MILITARY POLICE COMPLAINTS COMMISSION

2001-2002

Estimates

A Report on Plans and Priorities

Approved

Honourable Arthur C. Eggleton
Minister of National Defence

<i>Table of Contents</i>	<i>Page No.</i>
Section I: Messages	1
A. Chair's Message	1
B. Management Representation Statement	2
Section II: Military Police Complaints Commission Overview	3
A. Mandate, Role and Responsibilities	3
B. Objective	5
C. Operating Environment	5
D. Financial Spending Plan	7
Section III: Plans, Results and Resources	8
A. Business Line Objective	8
B. Business Line Description	8
C. Key Results Commitments, Planned Results and Related Activities	8
D. Resources	10
Section IV: Financial Information	
Table 2 – Military Police Complaints Commission – Net Cost of Program for the Estimate Year	11

Section I: Messages

A. Chair's Message

At the conclusion of the first full year of operation of the Military Police Complaints Commission, much has been accomplished. The Commission's staff is approaching full strength and is housed in new accommodations adjacent to those of the Canadian Forces Grievance Board, with which space and several support services are shared as a matter of economy.

During the past year, the Commission received and analyzed more than eighty complaints and documented requests for information. Of these, the Commission has monitored the handling by the Provost Marshal of fifty-five conduct complaints, two of which have resulted (to date) in requests for review by the Commission because of dissatisfaction by the complainants with the Provost Marshal's disposition of their complaints. Furthermore, the Commission has investigated its first interference complaint, a complex and detailed case. Finally, this first year of operation included a high-profile public interest investigation by the Commission into the conduct of military police National Investigation Service members in their investigation of allegations of coffee poisoning involving ex-Warrant Officer Matt Stopford.

As a result of these initiatives, I believe we are well on our way to building a reputation for professionalism, integrity and independence in our work. 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 the Canadian public more generally.

In 2001/02 and beyond, the Commission will be working hard to consolidate and enhance that reputation. Building on a solid base of credibility we will, through our actions, reports and outreach efforts sensitize and inform stakeholders concerning our role and responsibilities within the military justice system. Given that the Commission has no control over the volume of cases it will have to deal with, it will be necessary to develop a contingency capacity in order to be able to handle temporary periods of high volume. The new fiscal year will also see an increased emphasis on business planning within the Commission, including further measures to increase efficiencies. These are challenges that the Commission looks forward to confronting.

B. Management Representation Statement

MANAGEMENT REPRESENTATION

Report on Plans and Priorities 2001-2002

I submit, for tabling in Parliament, the 2001-2002 Report on Plans and Priorities (RPP) for the Military Police Complaints Commission.

To the best of my knowledge the information:

- Accurately portrays the Commission's mandate, plans, priorities, strategies and expected key results of the organization.
- Is consistent with the disclosure principles contained in the *Guidelines for Preparing a 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's 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 results achieved with the resources and authorities provided.

Eric L. Shipley, Executive Director

Date: _____

Section II: Military Police Complaints Commission Overview

A. Mandate, Role and Responsibilities

Mandate

The Military Police Complaints Commission (MPCC) is a civilian body, external and independent of the Department of National Defence, established under Part IV of the amended National Defence Act (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 Complaints 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.

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 Department of National Defence (DND), the Canadian Forces (CF) and the Canadian public regarding the operations of the Military Police. It does this by providing, at the request of complainants, independent review of the Provost Marshal's disposition of conduct complaints and by dealing exclusively 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.

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, 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 (section 250.14).

Any person, including Department of National Defence (DND) personnel and Canadian Forces (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 (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 she 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 and the Chairperson, and at 30 days intervals thereafter, until it is completed.

If the complainant is dissatisfied with the direction or disposition taken by the Provost Marshal, he/she may ask the Complaints Commission to review the complaint. 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 the Department if he/she has reasonable grounds to believe that that person has improperly interfered with the investigation (section 250.19).

As regards these **interference complaints**, the Commission has exclusive responsibility to deal with them.

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, 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 (section 250.2). A conduct complaint or an interference complaint may be made, either orally or in writing (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 (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 her findings and recommendations to the Minister, the Chief of the Defence Staff and the Provost Marshal (subsection 250.32(3)).

On completion of an **investigation** or **public hearing** by the Commission, the Chairperson sends a report setting out her 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 Marshall (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 (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 her findings and recommendations (section 250.53).

A copy of the final report is sent to:

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

B. Objective

To promote the principles of integrity and fairness and to build a climate of confidence within the Department of National Defence (DND), the Canadian Forces (CF) and the Canadian public regarding the operations of the Military Police by ensuring independent, thorough, even-handed and expeditious consideration of complaints of misconduct by the Military Police or of interference in a Military Police investigation.

C. Operating Environment

The Commission is an agency of the federal government, distinct and independent from the DND/CF. It reports to Parliament through the Minister of National Defence. However, the Minister has no involvement in the operations of the Commission.

The Commission is, and must be seen to be, impartial and fair in its dealings with both complainants and Military Police members who are subjects of a 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 Military Police members. 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, Military Police members, witnesses and any 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, which the Commission itself investigates.

As the Commission can only deal with complaints that are actually made, it has no control over their volume or complexity. It must plan and organize so as to be able to accommodate this characteristic of its operating environment.

The Commission's high profile public interest investigation and report on the Samson-Stopford case (allegations of misleading) have elevated its profile, with the result that the Commission anticipates receiving an increasing number of requests for information.

D. Plan de dépenses

TABLEAU 1

Commission d'examen des plaintes concernant la police militaire – Dépenses planifiées et personnel
- Équivalents temps plein (ETP)

(en milliers de \$)	Dépenses prévues 2000-01	Dépenses planifiées 2001-02	Dépenses planifiées 2002-03	Dépenses planifiées 2003-04
Montant réparti provenant du MDN	5 029,0			
Budgétaire du Budget des dépenses principal - pour établir les niveaux de référence de 2001-2002 et des années à venir.		4 001,0	4 001,0	4 001,0
Moins : recettes disponibles	0	0	0	0
Total du Budget des dépenses principal	5 029,0	4 001,0	4 001,0	4 001,0
Moins : recettes non disponibles	0	0	0	0
Dépenses planifiées nettes	5 029,0	4 001,0	4 001,0	4 001,0
Équivalents temps plein	23,5	23,5	23,5	23,5

Nota :

La Commission d'examen des plaintes concernant la police militaire est considérée comme faisant partie du programme de la Défense nationale dans les comptes publics.

Section III: Plans, Results and Resources

A. Business Line Objective

To deal expeditiously with interference complaints received from military police members, to oversee the Provost Marshal's treatment of complaints about misconduct by military police members, and to review her handling of specific misconduct complaints when requested to do so by the complainant.

B. Business Line Description

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

The Commission, which reports annually to Parliament, monitors the handling, by the Provost Marshal, of conduct complaints and provides an independent and impartial review of cases referred to it by a complainant dissatisfied with the Provost Marshal's handling of their complaint. Furthermore, the Commission deals exclusively with any complaints by a member of the military police of interference in an 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.

For further details, please see Part C, paragraph 2 and 3 of Section II.

C. Key Result Commitments, Planned Results and Related Activities

Key Result Commitment #1

Enhance MPCC's secure and expeditious handling of complaints.

Planned Results

- provision of surge capability (to process temporary high volumes of cases)
- the timely issuance of the results of complaint reviews and investigations
- improved service to clients.

Related Activities

- recruit and train indeterminate employees for key positions
- identify contract personnel for possible temporary assignments
- develop manual on the complaints handling process.

Key Result Commitment #2

Raise the profile of the MPCC and its role.

Planned Results

- improve awareness in key audience sectors of the services and redress which the MPCC can provide
- enhanced contribution of the MPCC to the accountability and efficacy of the military police.

Related Activities

- Presentations by the Chair at key events and locales
- A comprehensive and attractive MPCC site on the internet
- Improved design and distribution of publications.

Key Result Commitment #3

Greater efficiency in the operation of the MPCC through shared services and support.

Planned Results

- maintain or improve service notwithstanding reduced budget
- benefit through greater collaboration with other small agencies.

Related Activities

- install and operate the Common Shared Financial System and other common services developed for small agencies by PWGSC
- partner with the Canadian Forces Grievance Board in the provision of common support services
- share experience and knowledge through the Small Agencies Administrative Network and other fora.

D. Resources

The resources displayed relate to the sole business line and will support the fulfillment of the Key Result Commitments.

Section IV: Information financière

TABLEAU 2

Commission d'examen des plaintes concernant la police militaire - Coût net du programme pour l'année estimée

(en milliers de \$)	
Dépenses planifiées nettes	4,001,0
<i>Plus : services reçus sans frais</i>	
Locaux fournis par Travaux publics et Services gouvernementaux Canada (TPSGC)	233,0
	<hr/> 233,0
<i>Moins : revenus non disponibles</i>	0,0
Coût net du programme pour 2001-2002	4,234,0