

MANITOBA WILL BE MAKING CHANGES TO *THE PROVINCIAL POLICE ACT* IN 2009.

THE PROVINCE INVITES MANITOBANS TO PROVIDE THEIR COMMENTS TO HELP

SHAPE THE NEW LAW. CONSULTATION PAPERS HAVE BEEN PREPARED TO HELP

OBTAIN THE VIEWS OF MANITOBANS ON THE MAJOR ELEMENTS OF THE NEW ACT.

Background: Complaints Against the RCMP

Introduction

In Manitoba, complaints against members of the Royal Canadian Mounted Police (RCMP) are handled by the RCMP and the Commission for Public Complaints Against the RCMP (CPC).

This process is separate from Manitoba's Law Enforcement Review Agency (LERA), which is an independent agency that investigates complaints against municipal and local police officers. The RCMP is a federal police service and LERA does not have the authority to receive complaints from the public about RCMP officers.

CPC duties and functions

The commission is mandated to:

- receive complaints from the public about the conduct of members of the RCMP
- conduct reviews when complainants are not satisfied with the RCMP's handling of their matter
- conduct investigations
- hold hearings
- report their findings
- recommend changes in national policing policy and practice

Oversight agency role

The CPC is not part of the RCMP. It is an independent agency created by Parliament in 1988 to ensure that public complaints about the conduct of RCMP members are examined fairly and impartially.

Process

The chart at the end of this document outlines the CPC complaint process. Anyone who has a concern about the conduct of a RCMP member can make a complaint. Once a complaint has been received by the CPC, it is documented and sent to the RCMP for investigation. The law generally requires that the RCMP conduct the first investigation into a complaint. If that investigation does not satisfy the complainant, the CPC can get involved as a review body. At that point the chair of the CPC also has the option of having the CPC conduct its own investigation or hold a hearing.

Complaint dispositions

Informal resolution

The federal legislation that governs the RCMP lets them try to resolve complaints informally. Both the complainant and the RCMP members involved must agree to these informal dispositions. If a complaint is resolved informally and both parties are satisfied, the RCMP will prepare a summary of the complaint and how it was resolved. The RCMP ensure the complainant agrees with the summary document before signing it. It is important to note that RCMP policy does not allow for certain complaints to be resolved informally, including complaints that involve allegations of serious misconduct.

Dismissal of a complaint

The RCMP can refuse to investigate complaints:

- that are considered trivial, frivolous, or vexatious
- that would be dealt with better under another act of Parliament
- if they believe the investigation is not necessary or reasonably possible under the circumstances

If the RCMP refuses to investigate a complaint, they must give the complainant an explanation and the complainant can ask the CPC to conduct a review of that decision.

Investigation

When the RCMP investigates a complaint, they send regular reports to the complainant to update them on the status of the investigation. When the investigation is complete, the RCMP sends the complainant a final report letter summarizing the results of the investigation. This letter details what action, if any, the RCMP has taken or plans to take to address the complaint. If the complainant is satisfied, this will be the final step in dealing with the matter.

The RCMP must advise the complainant of his or her right to ask the CPC to review the complaint if they are not satisfied.

Withdrawal

Complainants can withdraw their complaints, but the RCMP must make sure that there is evidence that the complainant has a valid reason to withdraw. A complainant's belief that the RCMP is corrupt or that nothing good will come out of the matter is not considered a valid reason to withdraw a complaint. The reason for a withdrawal must be clearly documented on a form.

Reviews of investigations by CPC

If a review request is received from a complainant, the CPC will thoroughly review the complaint, the RCMP's response to it and all the material relevant to it. Following the review, the CPC can decide to investigate the complaint further, ask the RCMP to investigate further, end the matter or call a public hearing.

If the CPC is satisfied with the results of the RCMP investigation and the way the complaint was dealt with following their review, then the CPC chair sends a final report to everyone involved including the complainant, the member of the RCMP that was the subject of the complaint, the commissioner of the RCMP and the federal minister of Public Safety.

If the CPC does not agree with the results of the RCMP investigation, then the chair sends an interim report to the commissioner of the RCMP and the federal minister of Public Safety. Interim reports provide an explanation of the facts of the case, the findings of the CPC and recommendations for avoiding similar problems in the future.

The commissioner of the RCMP must respond to the interim report and clearly indicate whether (s)he accepts or rejects the recommendations. Where the commissioner rejects the recommendations, the legislation requires him or her to provide detailed and compelling reasons for doing so. In cases where the commissioner accepts the recommendations, (s)he must indicate how and when the recommendations will be implemented.

The CPC then prepares a final report that takes the response of the RCMP into account. The final report is sent to the federal minister of Public Safety and the commissioner of the RCMP. Copies of the final report are also sent to the complainant and the RCMP member or members against whom the complaint was laid. The CPC can choose to make the final report available to the public. They follow federal access to information and privacy legislation.

While the CPC can hold public hearings, they are rare. They are usually reserved for complaints where a public hearing seems to be the only way important details of a case will surface. Public hearings normally take place before a panel of commission members. The chair sends the panel's findings and recommendations to the commissioner of the RCMP, the federal minister of Public Safety, the complainant and other interested parties. The findings are also posted on the commission's website.

The commissioner of the RCMP must respond to the panel's recommendations through the same process.

Chair-initiated complaints

The chair of the CPC can initiate a complaint about the conduct of any RCMP member if (s)he believes there are reasonable grounds to do so.

Such cases could involve allegations of a severe or traumatic nature, allegations made by multiple complainants, or allegations involving an issue of particular interest to the public, such as those related to in-custody deaths or the use of conducted energy weapons. In such circumstances, the chair of the CPC can also call a public interest investigation. Once that is called, the CPC sends its own investigator to collect information and make a report to the chair. The CPC can choose to make the final report in such matters public.

Statistics

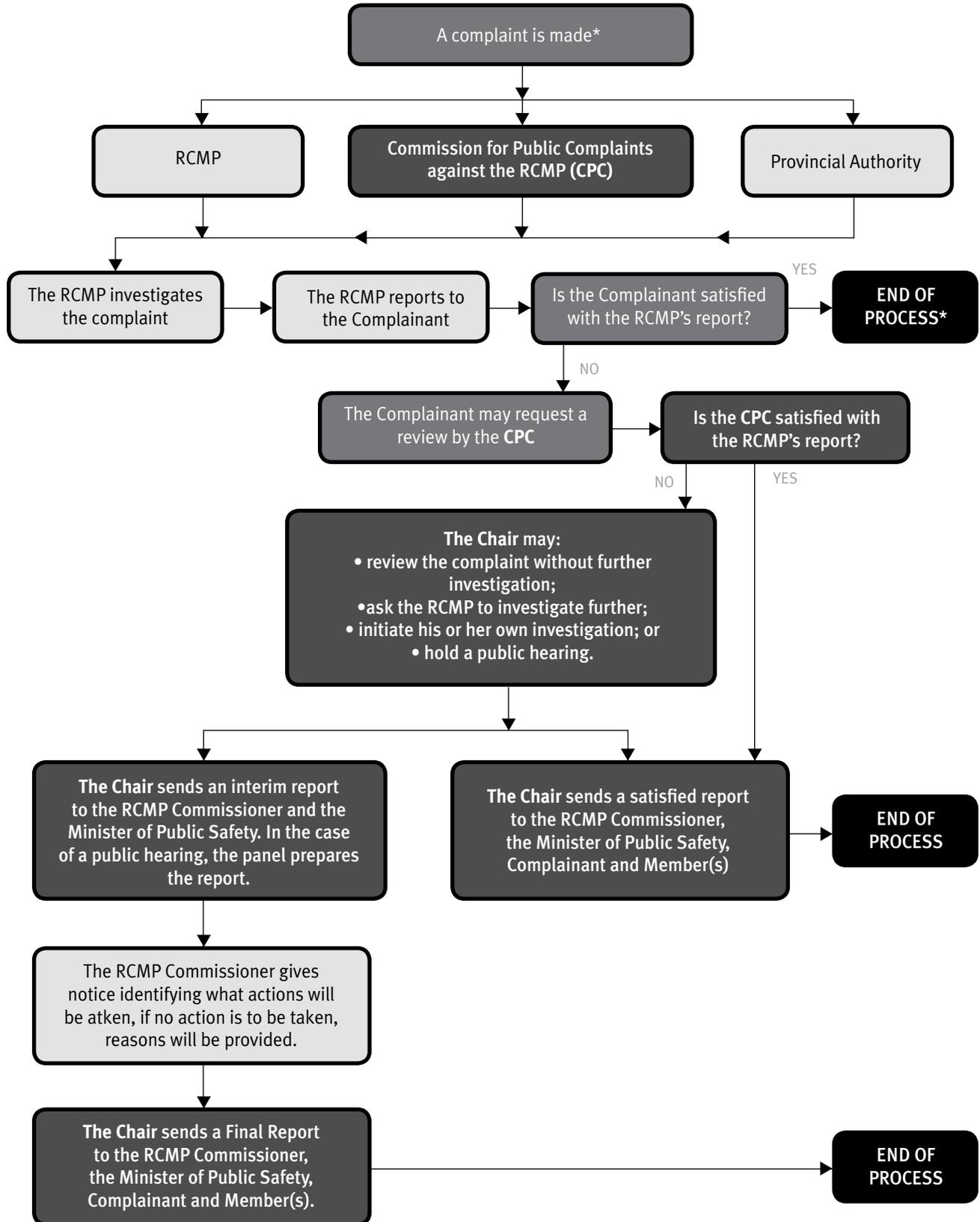
Statistics on complaints against the RCMP in Manitoba are available on the CPC website.

More information

This document is based in part on material provided by the CPC. Annual reports and other information about the CPC can also be found on their website at:

www.cpc-cpp.gc.ca

CPC complaint process flowchart



* The Chair can initiate his/her own complaints. In addition, at any stage of the process, the Chair may institute an investigation or hearing where (s)he considers it advisable to do so.