

Royal Canadian Mounted Police
Commissioner



Gendarmerie royale du Canada
Commissaire

Guided by Integrity, Honesty, Professionalism, Compassion, Respect and Accountability

Les valeurs de la GRC reposent sur l'intégrité, l'honnêteté,
le professionnalisme, la compassion, le respect et la responsabilisation

MAY 18 2016

Mr. Ian McPhail, Q.C.
Chair
Civilian Review and Complaints Commission
for the RCMP
P.O. Box 1722, Station "B"
Ottawa, Ontario
K1P 0B3

Dear Mr. McPhail:

I understand that you recently testified before the Senate Standing Committee on National Security and Defence (SECD) and stated that the Commission's specified activity review regarding issues of workplace harassment in the RCMP had been delayed by a directive requiring members to notify the Commissioner's Office prior to speaking with them.

I enclose for your convenience the RCMP's "Internal Framework on Interaction with the Civilian Review and Complaints Commission (CRCC)", issued March 16, 2015. As I thought you were aware, the Framework was issued consistent with a request for a "single point of contact" at the RCMP made by the CRCC's Senior Director, Mr. Richard Evans, to the RCMP's Professional Responsibility Officer, Assistant Commissioner Craig MacMillan.

This Framework does not prevent employees from speaking to the CRCC without first speaking to the Commissioner. The Framework clearly states that if executive-level managers are contacted by the CRCC (my emphasis) they are to advise the Commissioner in writing of the nature and content of the contact. Non-executives in the same circumstance are to notify their divisional Professional Responsibility Unit. In both cases, the single point of contact – the National Public Complaints Directorate – will be informed of the contact.

I wish to assure you that the intent of the Framework is to ensure that the RCMP's interactions with the CRCC are informed, consistent and coordinated. It does not speak to members who may reach out to the CRCC and was not meant to apply in such cases. I apologize for any confusion the wording of the Framework may have caused you in that respect.

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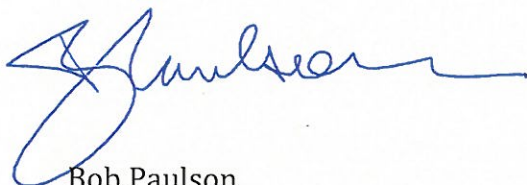
In your letter of April 20, 2016, you state: "I request that you authorize and encourage all members and employees who wish to contact the Commission directly be allowed to do so, for the purpose of this investigation." (*sic*). In light of what I've laid out above, it is clear that I need not specifically "allow" employees to contact the Commission directly, and it must therefore go without saying that reciprocal contact or an ensuing dialogue is equally without need of permission.

Permit me to suggest an alternative, more collegial means of accomplishing your objective. I would be pleased to have information regarding your specified activity review, including the Commission's contact information, posted on our internal website.

With respect to your request in the same letter that I provide you with a commitment that the RCMP will not seek the disclosure of information obtained from interviews, submissions, surveys or focus groups, I remind you that the *Privacy Act*, to which both of our organizations are subject, includes at its paragraph 3(f) along with the more commonly understood categories of personal information: "correspondence sent to a government institution by [an] individual that is implicitly or explicitly of a confidential nature...". I would expect that working cooperatively and within the confines of privacy legislation we will be provided with foundational information on the basis of which findings and recommendations are made, for example aggregate information derived from surveys and focus groups, that does not alter the confidential nature of information provided by individuals.

The RCMP has cooperated and will continue to cooperate with the Commission's efforts towards civilian review, and I look forward to your results.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Bob Paulson", with a large, stylized flourish at the end.

Bob Paulson
Commissioner

Enclosure

c.c.: The Honourable Ralph Goodale, M.P., P.C.



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MAR 16 2015

To: All employees

**SUBJECT: INTERNAL FRAMEWORK ON
INTERACTION WITH THE CIVILIAN
REVIEW AND COMPLAINTS COMMISSION
(CRCC)**

The coming into force of the *Enhancing Royal Canadian Mounted Police Accountability Act* on November 28, 2014, served to operationalize both the RCMP's National Public Complaints Directorate (NPCD) and the CRCC. The amendments to the *Royal Canadian Mounted Police Act* provided by the *Accountability Act* have established a series of new requirements and responsibilities for the RCMP, and provide increased authorities for the CRCC to conduct investigations, review public complaints, and undertake specified activity reviews. It also legislates the manner in which serious incidents involving RCMP personnel are to be administered and investigated.

In order to ensure that the RCMP's interactions with the CRCC in relation to these activities is undertaken in an informed and consistent basis across the organization, the NPCD has been designated by the Senior Executive Committee to act as the Force's single point of contact with the CRCC, and to assist and coordinate with communications between the CRCC and RCMP divisions.

À : Tous les employés

**OBJET : CADRE INTERNE GOUVERNANT
L'INTERACTION AVEC LA COMMISSION
CIVILE D'EXAMEN ET DE TRAITEMENT DES
PLAINTES (CCETP)**

La Direction nationale des plaintes du public (DNPP) et la CCETP sont devenues opérationnelles le 28 novembre 2014, avec l'entrée en vigueur de la *Loi visant à accroître la responsabilité de la Gendarmerie royale du Canada*. Les modifications apportées à la *Loi sur la GRC* par ladite loi ont créé une série de nouvelles exigences et responsabilités pour la GRC et confèrent à la CCETP des pouvoirs accrus pour mener des enquêtes, examiner les plaintes du public et effectuer des études systémiques des activités de la GRC. La nouvelle loi régit aussi la façon dont sont administrés et enquêtés les incidents graves mettant en cause des membres de la GRC.

Afin d'assurer l'uniformité et la justesse des échanges entre la GRC et la CCETP relativement à ces activités à l'échelle de l'organisation, la DNPP a été désignée par l'État-major supérieur pour agir à titre de point de contact unique de la GRC auprès de la CCETP et faciliter et coordonner les communications entre la CCETP et les divisions de la GRC.

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This approach will ensure the Commissioner's and related organizational obligations under the amended *RCMP Act* are met, while respecting the independence of external agencies and safeguarding investigational integrity.

Cette approche permettra de respecter les obligations du commissaire et les obligations connexes de l'organisation en vertu de la *Loi sur la GRC* modifiée, ainsi que de respecter l'autonomie des organismes externes et d'assurer l'intégrité des enquêtes.

In addition, the RCMP must avoid confusion between the RCMP and CRCC with respect to how information is to be sought, protected, shared and disclosed. The enactment of the amended *RCMP Act* provides a natural point for the Force to institute new and more rigorous internal protocols regarding interaction and communication with the CRCC.

La GRC doit également éviter toute confusion entre la GRC et la CCETP en ce qui trait à la demande, à la protection, à l'échange et à la divulgation de renseignements. L'entrée en vigueur de la *Loi sur la GRC* modifiée est l'occasion pour la Gendarmerie d'établir des protocoles internes plus rigoureux sur l'interaction et la communication avec la CCETP.

Effective immediately, the new internal framework for interacting with the CRCC will consist of the following:

Dès maintenant, veuillez procéder selon le nouveau cadre interne que voici.

1. All divisional, business line or policy centre executive level managers (e.g., Commanding Officers, CROPs) who are contacted directly by the CRCC for any reason must advise the Commissioner in writing, detailing the nature and contents of the contact. The written update is to be forwarded to the Commissioner's office by the division, with a copy to the Professional Responsibility Officer and the NPCD.
2. All non-executive RCMP personnel who are contacted directly by the CRCC relative to a specific file, as part of CRCC outreach activities or any other reason, are required to notify

1. Si la CCETP communique directement avec les cadres supérieurs au niveau des divisions, des secteurs d'activité ou des centres de décision (commandants divisionnaires, OREC) pour une raison quelconque, les cadres doivent aviser le commissaire par écrit de la nature et du contenu de la communication. La division doit transmettre le document au bureau du commissaire, ainsi qu'à l'agent de la responsabilité professionnelle et à la DNPP.
2. Si la CCETP communique directement avec les employés de la GRC qui ne sont pas cadres relativement à un dossier en

their respective Division Professional Responsibility Unit (PRU), which will in turn notify the NPCD. At that stage, the NPCD will contact the CRCC and coordinate subsequent interactions between the Force and the Commission.

3. Divisional, business line or policy centre personnel are not to initiate direct contact with the CRCC relative to a file or CRCC outreach activities without previously contacting their Division PRU, which in turn will contact the NPCD (unless specific arrangements have already been made in advance on a particular file, etc.). The NPCD and the Division PRU will jointly identify the most effective means to engage with the CRCC.

The intention of this framework is not to restrict the ability of divisions to conduct public complaint investigations or meet their responsibilities when responding to serious incidents. Instead, as noted, the RCMP is implementing these measures as a means to minimize the risks of inconsistencies, uncertainty in respect to roles and responsibilities, and miscommunication between the CRCC and RCMP. The NPCD is in place to provide assistance to the Divisions and policy centres on any issue arising in the public complaints process and to ensure that the RCMP's relationship with the CRCC is one that enhances the successful implementation of this civilian review regime.

particulier, dans le cadre d'activités de liaison de la CCETP ou pour toute autre raison, les employés doivent en aviser le Groupe de la responsabilité professionnelle (GRP) dans leur division respective, qui en avisera la DNPP. La DNPP communiquera alors avec la CCETP pour coordonner des échanges ultérieurs entre la Gendarmerie et la Commission.

3. Les employés dans les divisions, les secteurs d'activité et les centres de décision ne doivent pas communiquer directement avec la CCETP au sujet d'un dossier ou dans le cadre d'activités de liaison de la CCETP sans d'abord consulter le GRP divisionnaire, qui communiquera avec la DNPP (sauf si des dispositions préalables particulières ont déjà été prises pour le dossier, etc.). La DNPP et le GRP divisionnaire détermineront ensemble la meilleure façon de procéder avec la CCETP.

La GRC ne veut pas par l'entremise de ce cadre limiter la capacité des divisions de mener des enquêtes sur les plaintes du public ou d'assumer leurs responsabilités en cas d'incidents graves. Ces mesures visent plutôt à éviter le manque d'uniformité, l'incertitude à l'égard des rôles et responsabilités et les malentendus entre la CCETP et la GRC. La DNPP a pour mandat de fournir de l'assistance aux divisions et aux centres de décision relativement au processus d'examen et de traitement des plaintes du public et de voir à ce que la relation de la GRC avec la CCETP assure la mise en œuvre réussie de ce système d'examen civil.

For information regarding the public complaints process, or to raise concerns or questions in regard to the CRCC's role, please contact the NPCD by email at **Public Complaints-Plaintes_du_public@rcmp-grc.gc.ca**

Pour obtenir de plus amples renseignements sur le processus d'examen des plaintes du public ou si vous avez des préoccupations ou des questions au sujet du rôle de la CCETP, n'hésitez pas à communiquer avec la DNPP par courriel à **Public Complaints-Plaintes_du_public@rcmp-grc.gc.ca.**

Le commissaire,



Bob Paulson
Commissioner