The Civilian Review and Complaints Commission for the RCMP (the Commission) is an agency of the federal government, distinct and independent from the RCMP.

**VISION:** Excellence in policing through accountability.

**MISSION:** To enhance the accountability of the RCMP by providing civilian review of RCMP activities and member conduct.

**MANDATE:** As set out in Parts VI and VII of the *Royal Canadian Mounted Police Act*, the mandate of the Commission is to:

- Receive complaints from the public about the conduct of RCMP members;
- Conduct reviews when complainants are not satisfied with the RCMP’s handling of their complaints;
- Initiate complaints and investigations into RCMP conduct when it is in the public interest to do so;
- Review specified RCMP activities; and
- Report findings and make recommendations.

**STRATEGIC OBJECTIVES:**

- Strengthen the public complaint process.
- Strengthen the Commission’s investigative capacity.
- Conduct specified activity reviews of RCMP programs, policies and practices.
- Enhance relations with provincial and territorial governments, as well as police and federal review bodies.
- Increase outreach, public education and engagement efforts.

The Civilian Review and Complaints Commission for the RCMP can be found online at:
www.crcc-ccetp.gc.ca or www.complaintscommission.ca.

**Telephone from anywhere in Canada:** 1-800-665-6878

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Minister of Public Works and Government Services

**Cat. No.:** PS75-2

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

Minister of Public Safety and Emergency Preparedness
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister,

Pursuant to section 45.52 of the Royal Canadian Mounted Police Act, I hereby submit the annual report of the Civilian Review and Complaints Commission for the RCMP for the 2017–2018 reporting period for tabling in Parliament.

Yours truly,

Guy Bujold
Chairperson

June 2018
# TABLE OF CONTENTS

**MESSAGE FROM THE CHAIRPERSON** .................................................................................................................. 1

**THE COMPLAINT & REVIEW PROCESS** ........................................................................................................... 3

  THE PUBLIC COMPLAINT PROCESS .................................................................................................................. 3

  THE REVIEW PROCESS .................................................................................................................................. 4

**THE YEAR IN REVIEW** .................................................................................................................................. 5

  PUBLIC COMPLAINTS ................................................................................................................................... 5

  NEW REQUESTS FOR REVIEW .......................................................................................................................... 6

  COMMISSION PUBLIC COMPLAINT REVIEW REPORTS .................................................................................. 6

  RCMP COMMISSIONER’S RESPONSES ........................................................................................................ 6

  SAMPLE REVIEW FINDINGS ............................................................................................................................ 7

  CHAIRPERSON-INITIATED COMPLAINTS AND INVESTIGATIONS .................................................................... 15

  ONGOING INVESTIGATIONS ............................................................................................................................ 17

  STRATEGIC RELATIONSHIPS AND PUBLIC EDUCATION ............................................................................ 21

  CORPORATE OVERVIEW ............................................................................................................................... 23

**APPENDIX A – PROCESS CHART** .................................................................................................................... 24

**APPENDIX B – SERVICE STANDARDS** ........................................................................................................... 25

**APPENDIX C – CLASSIFICATION OF COMPLAINTS** .................................................................................... 26
MESSAGE FROM THE CHAIRPERSON

I was privileged to take on the interim leadership position at the Civilian Review and Complaints Commission for the RCMP in October 2017.

Civilian review of policing is an essential aspect of maintaining the public trust in the nature and quality of policing in Canada. Without such trust, the rule of law that underpins a successful democracy is in peril.

Since my appointment, I have developed a growing appreciation of the challenges and complexities that law enforcement bodies and their members face on a daily basis. Policing comes with great powers and thus incredible responsibility.

Law enforcement policies and decisions, and individual member actions and conduct are subject to a growing number of oversight and review bodies such as special investigation units, civilian review agencies and police boards. And all of this is happening under increasing public scrutiny and rising expectations.

The federal law enforcement review and oversight landscape is also changing. Bill C-59, currently before Parliament, outlines the mandate for a National Security and Intelligence Review Agency. Its mandate will intersect with the Commission’s with respect to the review of RCMP national security investigations. In addition, there are renewed calls for the creation of a review body for the Canada Border Services Agency.

These changes are rooted in a belief that increasing the transparency and accountability of policing is essential to upholding the trust of citizens in policing and hence improving the effectiveness and efficiency of law enforcement.

For its part, the Commission has also undergone a number of changes. Existing processes and practices have been reviewed to make them more effective and efficient.

For example, the Complaints Intake Unit, in cooperation with the RCMP’s National Public Complaints Directorate, created online resources that simplify the process of filing complaints for the public.
The Reviews and Investigations Unit has been restructured to enhance its ability to meet service standards and eliminate the current backlog.

The Research, Policy and Strategic Investigations Unit undertook a review of the Commission’s policies to identify and incorporate ways to ensure greater consistency in the Commission’s decision-making.

The Commission faced a number of challenges in 2017-2018. To strengthen leadership, the government appointed a Vice-chairperson in March 2018. This appointment, along with the future appointment of a permanent Chairperson, will enhance the Commission’s governance structure.

As Interim Chairperson, one of my priorities was ensuring that the Commission’s relationship with the RCMP is guided by the principles of respect, professionalism, fairness, confidentiality, independence and trust.

A healthy tension is intrinsic to a good working relationship—it’s a question of balance. Too much tension leads to inefficiencies, while too little can create the perception of dependence, thereby compromising the accountability and credibility of both organizations.

I look forward to working with the RCMP’s new Commissioner to maintain an effective working relationship between the Commission and the RCMP.

It has been my distinct pleasure to lead the Commission over these last months. I am confident that the organization, heading into its 30th year of operation, is well-positioned to fulfill its mandate and continue its critical role of enhancing the Canadian public’s trust in the police.
THE COMPLAINT & REVIEW PROCESS

THE PUBLIC COMPLAINT PROCESS

The Commission accepts complaints about the on-duty conduct of RCMP members from individuals:

- Directly involved;
- Who witnessed the conduct itself;
- Authorized to act on behalf of the complainant.

Complaints about RCMP member conduct can also be made by the Commission Chairperson if the Chairperson determines that there are reasonable grounds to investigate. Chairperson-Initiated complaints are processed in the same manner as a complaint from a member of the public.

A complaint must be made within a year of the alleged conduct occurring.

Public Interest Investigations can be launched in relation to a complaint received from a member of the public, or as a result of a Chairperson-Initiated Complaint.

The Commission may refuse to deal with a complaint if it:

- Is not filed within a year of the occurrence;
- Concerns decisions regarding disciplinary measures;
- Has been, or could be, more appropriately dealt with through a different process; or
- Is trivial, frivolous, vexatious or made in bad faith.

A complaint can be lodged with:

- The Commission;
- Any RCMP member;
- The provincial authority responsible for receiving complaints against police in the province in which the subject of the complaint took place.

If the Commission Chairperson is of the opinion that it would be in the public interest for the Commission to investigate a complaint instead of the RCMP, the Commission will conduct a Public Interest Investigation.

A Chairperson-Initiated complaint allows the Commission Chairperson to set the scope of the RCMP’s investigation of a public complaint.

A Public Interest Investigation is a public complaint investigation conducted by the CRCC rather than the RCMP.
THE REVIEW PROCESS

When a complaint is made, typically the RCMP carries out the initial investigation into the complaint and reports back to the complainant.

If a complainant is not satisfied with the RCMP’s handling of their complaint, they may request that the Commission conduct a review of the RCMP’s investigation.

Upon such a request, the Commission obtains all relevant material from the RCMP and assesses the RCMP’s investigation of the complaint.

The role of the Commission is to make findings after an objective examination of the information available and to make recommendations that improve policy and performance of the RCMP and its members.

If, in conducting its review, the Commission finds the RCMP did not conduct a thorough investigation, the Chairperson can request that the RCMP make further enquiries.

Following its review, if the Commission is satisfied with RCMP’s handling of the complaint, the Chairperson issues a Satisfied Report to the RCMP Commissioner, the Minister of Public Safety, the complainant, and the member(s) involved, thereby ending the review process.

If, at the conclusion of the review, the Commission is not satisfied with the RCMP’s handling of the complaint, the Chairperson will issue an Interim Report, outlining various findings and recommendations directed at the RCMP, which will be sent to the RCMP Commissioner and the Minister of Public Safety.

Once the Interim Report has been reviewed by the RCMP, the RCMP Commissioner gives notice, identifying which recommendations the RCMP will act on. If no action is to be taken, the Commissioner must provide reasons.

After receiving the Commissioner’s Response, the Chairperson considers the RCMP’s position and prepares a Final Report. This report is then provided to the RCMP Commissioner, Minister of Public Safety, the complainant, the member(s) involved, and the appropriate provincial Minister. This completes the Commission’s review process.

The Commission is an independent agency and does not act as an advocate either for the complainant or for RCMP members.

Complainants must request a review within 60 days of receiving the RCMP’s formal response to their complaint.

The Commission’s complaint and review process chart can be found in Appendix A.
THE YEAR IN REVIEW

PUBLIC COMPLAINTS

This year, the public lodged 2,644 complaints (of these complaints, 2,328 were lodged with the Commission, while 316 were made directly to the RCMP).

Of the total number of complaints received, 2,248 met the criteria laid out in section 45.53 of the Royal Canadian Mounted Police Act and were assigned to a public complaint investigator.

As with previous years, the top five allegation categories for public complaints in 2017-18 were:

- Neglect of Duty
- Improper Attitude
- Improper Use of Force
- Improper Arrest
- Irregularity in Procedure

A detailed summary of all complaint allegation types can be found in Appendix C.

HOW THE PUBLIC SUBMITS COMPLAINTS TO THE COMMISSION

IMPROVED PUBLIC COMPLAINT FORM

This year, the CRCC and the RCMP collaborated to develop a common public complaint form. This form is available on the CRCC’s website and at every detachment.

The introduction of this standardized form contributes to the Commission’s strategic goal of strengthening the public complaint process and ensures that both the CRCC and the RCMP have the complaint information required to perform their duties in a timely manner.
NEW REQUESTS FOR REVIEW

If a complainant is not satisfied with the RCMP’s handling of their public complaint, legislation allows for the complaint to be referred to the Commission for review. This year, the Commission received 229 new requests for review.

COMMISSION PUBLIC COMPLAINT REVIEW REPORTS

This year, the Commission issued 247 public complaint review reports, including:

- **162** reports (73%) agreeing with the RCMP’s handling of the complaint.
- **59** interim reports (27%) disagreeing with the RCMP’s handling of the complaint and/or making recommendations to the RCMP Commissioner.

The Commission issued **26** Final Reports after receiving the Commissioner’s Response to findings and recommendations made by the Commission.

RCMP COMMISSIONER'S RESPONSES

This year, the RCMP Commissioner accepted approximately **88%** of the Commission’s adverse findings and **68%** of its recommendations.

A significant number of the Commission’s interim reports await the RCMP Commissioner’s response, despite some having been with the RCMP for over 18 months. Delays in receiving these responses impact the Commission’s ability to conclude its reviews and investigations, and resolve public complaints, in a timely manner. Complainants frequently express frustration over these delays.

The Commission is, however, aware of RCMP efforts to address this issue, and notes that the Commissioner’s Responses to Commission reports almost doubled in 2017-18 with the Commission receiving 26 responses, compared to 14 the previous year.

**The Commission’s recommendations vary in response to the individual complaints being reviewed, and, while some are based on broader organizational policies and processes, many are specific to the complaint in question.**

Commission recommendations may include:

- Members receive guidance or further training;
- RCMP policies, procedures or guidelines be clarified or amended;
- Supervisors receive guidance on their roles and responsibilities;
- Public complaint investigators receive guidance or further training regarding their role in the public complaint process;
- Public complaint investigations be carried out even though the RCMP had determined that such investigations were not necessary; and,
- The complainant be provided with an apology.
SAMPLE REVIEW FINDINGS

The public complaint process entitles complainants who are not satisfied with the RCMP’s investigation and handling of their complaint to have it independently reviewed by the Commission.

The following are examples of findings and recommendations made by the Commission during the last reporting year.

Unreasonable Arrest, Improper Search and Improper Use of Force

A man returned home in his vehicle to find two RCMP members at his residence with a warrant for his son. The members informed the man that he was driving with a suspended licence, was under arrest for driving while disqualified, and would be issued a ticket. The man proceeded to enter his home, resisting the members’ attempts to stop him. The members gained control of the man and proceeded to search him. The man was ultimately released after being issued the ticket and a summons to appear in court.

The man filed a public complaint alleging that he was improperly ticketed and that members failed to advise him that he was under arrest prior to searching him and using force against him.

The RCMP investigated the complaint and found that the members involved had acted reasonably.

The Commission conducted a review of the RCMP’s investigation and disagreed.

The Commission found that the arrest was not reasonable, as the arresting members did not have a warrant.

As a result, the Commission also found that both the members’ search of, and use of force against, the complainant were unreasonable.

Additionally, the Commission found that the witness interviews were carried out by the supervisor of one of the subject members and that this could give rise to a reasonable apprehension of bias.

The Commission recommended that the arresting officer be provided operational guidance, and that the RCMP issue an apology to the man for his arrest. The Commission also recommended that all public complaint investigations be conducted impartially.
The RCMP Commissioner agreed with the Commission’s findings and recommendations. In his response, he noted that he was satisfied that existing RCMP policies dictate the requirement that all public complaint investigations be conducted in an impartial manner. The Commissioner directed that the RCMP member who had investigated this public complaint receive operational guidance on this issue.

**RCMP Had Reasonable Grounds for Arrest Following a Public Disturbance**

An RCMP member arrived at a fast-food restaurant in his police vehicle and found two men arguing and yelling at one another. It appeared that the matter was escalating to the point of a physical confrontation.

The member activated his vehicle siren to get the attention of both men, and then exited his vehicle to separate them. Once aware of the presence of a police officer, one of the men calmed down immediately while the other remained aggressive, made closed fists and appeared to prepare to engage in a physical altercation.

This man began to walk away during the member’s investigation, and was informed by the member that he was under arrest for causing a disturbance. The man then began directing his outbursts at the member. The member handcuffed the man without incident and he was detained in the police vehicle.

Once the man calmed down, and the member had gained an understanding of what had transpired, the member offered the man various options to assist him, including providing him an explanation of the peace bond application process.

The member ultimately released the man without charge and provided him with his business card should he need further assistance.

Later that day, the man filed a complaint alleging that his arrest was unlawful and constituted assault, and that the member involved had made improper comments to him.

The RCMP conducted an investigation and concluded that both allegations were unsupported.

Unsatisfied with this outcome, the complainant referred the matter to the Commission for review.

Recordings of the incident clearly showed the complainant in a public area screaming and cursing for five minutes. The Commission found that the RCMP member had reasonable grounds to arrest him for causing a disturbance and exercised an appropriate level of discretion in releasing him without charge once it was apparent that there would be no further disturbance.

In addition, the Commission found that comments made by the member were not unreasonable in the context of a heated interaction.
The Commission determined that the RCMP’s disposition of this matter was reasonable.

**Unreasonable Assault Investigation**

Following a woman’s report of domestic assault, two RCMP members arrived at her residence and placed her husband under arrest.

The husband, and other witnesses present, denied that an assault had taken place.

Based on the conflicting versions of events, the members concluded that they did not have reasonable grounds to charge or detain the husband. They made the decision to separate the individuals for the night, and take statements once those involved were no longer intoxicated.

The woman was taken to a women’s shelter and advised that she could return to the residence the following day to pick up her belongings.

The woman filed a public complaint alleging that the RCMP members involved failed to investigate her complaint of family violence, provide her with protection to retrieve her belongings from the home, and return her phone calls. The complainant also alleged that she was removed from her home without a thorough investigation having been completed.

The RCMP investigated the complaint and did not support any of the allegations.

Following a review of the RCMP’s investigation into the complaint, the Commission found that the members’ decision to bring the complainant to a women’s shelter was reasonable.

However, the Commission found that the investigation into the woman’s complaint of assault, as well as the supervision of that investigation, were not reasonably conducted. Further, the Commission found that the RCMP should have offered her police assistance to retrieve her belongings.

The record also indicates that calls made by the complainant to the members were not returned.

The Commission made a number of recommendations, including that an apology be issued to the complainant, that an experienced investigator be assigned to investigate the woman’s criminal allegation of assault, and that members involved receive close supervision, and be provided with training or operational guidance concerning RCMP policies to ensure adequate handling of family violence incidents.

The Commission also recommended that consideration be given to compensating the complainant for personal property damaged as a result of the RCMP’s failure to assist her in retrieving her belongings.
While the RCMP agreed with all the Commission’s findings, it did not support the Commission’s recommendations with respect to conducting a new investigation into the complainant’s allegation of assault, providing additional supervision for the members involved, carrying out a quality assurance exercise, or making a payment to the complainant.

The Commission reiterated all of its recommendations in its Final Report.

In addition to the main findings in this matter, this report raised concerns with the Commission’s access to the RCMP’s policies.

In its response to the Commission’s Interim Report, the RCMP raised concerns that the Commission was relying on outdated RCMP divisional policies concerning family violence in arriving at its conclusion.

In its Final Report, the Commission noted that since it does not have direct access to the RCMP’s policy suite, it must rely on the RCMP proactively providing updated policies in paper format.

The Commission noted that this issue was raised before the Senate Standing Committee on National Security and Defence in 2017, and was identified in testimony as an issue that negatively and significantly affects the Commission’s ability to handle complaints in a timely and informed manner.

Access to the RCMP policy suite remains an outstanding issue.

Incomplete Investigation Leads to Unreasonable Charges

An incident of two women involved in a physical dispute was reported to the RCMP, who investigated and charged one of the women with assault with a weapon. The charge was ultimately withdrawn and both women filed, and were issued, common-law peace bonds limiting contact with one another. Alleged breaches of the peace bonds led to additional calls to the RCMP by both women.

The woman who had initially been charged by the RCMP filed a complaint against members of the local detachment alleging that the member who charged her with assault with a weapon ought to have known that there were insufficient grounds to support the charge, and that the subsequent investigation into the assault allegation was not thorough. The complaint also alleged that members of the local RCMP detachment failed to enforce the no-contact order against the other woman involved, failed to investigate a separate criminal allegation made by the complainant, and ignored requests by the complainant to destroy her fingerprints and photographs.

The RCMP’s investigation into the complaint only supported the allegation concerning the request to destroy fingerprints and photographs.
Upon review, the Commission found that the RCMP’s investigation into the assault allegation made against the complainant was not thorough, that it was therefore unreasonable to charge her with assault with a weapon, and that members failed to reply to legitimate enquiries from the complainant concerning requests to destroy her personal information.

With respect to the complaint of the RCMP’s failure to enforce a no-contact order, the Commission found that members involved acted reasonably. The Commission also found that the RCMP conducted a reasonable investigation into criminal allegations reported by the complainant.

The Commission recommended that the RCMP issue an apology to the complainant for the handling of the investigation into the assault allegations made against her. Additional recommendations directed that the investigating member be subject to a file review to ensure that prior investigations were carried out adequately, and that he also be provided with operational guidance concerning quality of investigations and the laying of charges.

Finally, the Commission recommended that the RCMP verify whether the complainant’s non-conviction has been purged from file and photographs and fingerprints destroyed.

The RCMP agreed with all the Commission’s findings and generally agreed with all recommendations. With regard to the recommendation concerning a file review, the RCMP proposed an alternate course of action that would achieve the same goal; a suggestion deemed satisfactory by the Commission.

**Unreasonable Arrest following Allegation of Domestic Violence**

After a man reported to the RCMP that he had been assaulted by his girlfriend, the responding member knocked on the door to the residence and when the woman answered, the member asked her to step outside and placed her under arrest for assault.

As she was being escorted in handcuffs to the police vehicle, her boyfriend took photographs on his cell phone and uploaded them to Facebook.

The woman was transported to a correctional facility, lodged temporarily in cells, and ultimately charged and released. At trial, the woman was acquitted.

The woman filed a complaint alleging improper arrest, and failure on the part of the arresting member and by other members at the detachment to provide her with access to her medication.
The complaint also alleged that RCMP members failed to conduct a complete and thorough investigation into the complainant’s allegation of a criminal offence with respect to the photos taken during her arrest, and the posting of those photos to social media.

The RCMP investigated the complaint and did not support any of the allegations.

The Commission found that it was reasonable for the RCMP not to investigate the matter of the photos taken during the complainant’s arrest and posted to social media. The photos were taken outdoors in a public place.

As there is no law that precludes a person from taking photos in such circumstances, there was no basis for the RCMP members to begin a criminal investigation. The record does indicate that the member did ask the boyfriend, out of respect, to stop taking photos of the complainant.

However, the Commission found that it was unreasonable for the responding member to have arrested the complainant and that she was treated unreasonably while in custody.

Police officers must have reasonable grounds to arrest an individual. In this instance, the member had limited information available—having only had a brief conversation with the boyfriend—prior to making the decision to arrest the complainant, without warrant.

Further, the couple was not cohabitating—it was the complainant’s apartment. The boyfriend had no legal right to be in the residence without her consent, and in his initial statement he indicated that the complainant had asked him to leave before she assaulted him.

In this case, the member did not document any attempt to obtain a formal statement or verbal account of events from the complainant or document any steps taken to conduct a primary aggressor analysis. The complainant maintained that she asked for an opportunity to provide evidence of an altercation that would have supported her version of events in which the boyfriend was the aggressor, but was ignored.

With respect to the treatment of the complainant while in custody, the RCMP did not support the allegation that the member refused to provide medication to the complainant. Rather, the member was unaware that the medication was required.
The Commission’s review found that the member did not properly complete the RCMP prisoner booking form. The portion of the form that includes a field for “medication required” was crossed out by the arresting member.

While RCMP national policy does not state that completion of this form is mandatory, had the form been completed, the complainant’s need for medication would have been revealed.

The Commission recommended that the RCMP modify its national policy concerning prisoner handling to include a requirement to complete the prisoner booking form.

The Commission also recommended that the RCMP modify its national policy concerning prisoner handling to include a requirement to complete the prisoner booking form.

The RCMP Investigation of Domestic Dispute and Public Complaint Appropriate and Reasonable

The RCMP received a report of a domestic dispute from a man claiming that his spouse had made threats to kill him and had damaged furniture with a knife. After the man provided a statement at the local RCMP detachment, members attended the residence.

The spouse was uncooperative, refused to open the door, appeared to be in distress, and had an unidentified object in her hand. Concerned for the woman’s safety, members entered the apartment using a key and consent provided to them by the husband. The woman was arrested for uttering threats, placed in handcuffs, and taken to hospital for a mental health assessment.

Following the assessment, the woman was lodged in RCMP cells for the night and released the following morning on no-contact conditions. The woman was ultimately convicted of uttering threats and acquitted on a charge of assault with a weapon.

The woman filed a public complaint alleging that her arrest and the force used were unreasonable, and that a member had failed to respond to a letter she had sent.
The RCMP conducted an investigation into the complaint and concluded that the complainant’s allegations were unsupported.

Following a review of the complaint, the Commission determined that the RCMP’s disposition of the matter was reasonable.

Upon arriving at the home, RCMP members announced themselves and attempted to communicate with the complainant, who was uncooperative. When the RCMP members entered the residence with permission from the husband, the complainant turned off the lights and became verbally aggressive.

Responding members had reasonable grounds to arrest the complainant based on the criminal complaint made by her husband. The complainant was notified of the reason for her arrest at the time.

The force used during the arrest included a strong grip on the complainant’s arm and the application of handcuffs. At the time of the arrest, the complainant was uncooperative and the knife she had allegedly used to threaten her husband had not yet been located. In light of these factors, it was deemed that the amount of force used to effect the arrest was proportional and in accordance with RCMP policy.

Regarding the complainant’s allegation that her letter to an RCMP member went unanswered, the letter was not properly processed due to administrative oversight. The RCMP did nonetheless apologize for the failure to pass the letter on to the appropriate individual. The Commission was satisfied with the RCMP’s apology.

The Commission was also satisfied that all appropriate RCMP policies and procedures were followed in this matter.
CHAIRPERSON-INITIATED COMPLAINTS AND INVESTIGATIONS

Police-Involved Shooting of Gregory Matters

In October 2017, the Commission issued its Final Report following a public interest investigation into the shooting death of Gregory Matters during a confrontation with an emergency response team.

The Commission’s investigation of this tragedy did not identify serious, systemic shortcomings with RCMP policies or procedures.

The Commission’s investigation in fact found that significant efforts were made to have Mr. Matters surrender peacefully, and that members had reasonable grounds to enter the Matters’ properties without a warrant. The Commission also found that the use of lethal force against the threat posed by Mr. Matters was reasonable in the circumstances and in accordance with RCMP policy and training. The Commission made additional findings with respect to issues such as the securing of evidence, the RCMP’s management of the investigation, emergency response team training, use of force options, and the RCMP’s use of technology.

The Commission made a number of recommendations intended to improve RCMP operational procedures, practices, and training, including several aimed at providing members responding to crisis situations with additional non-lethal use of force options.

The Commission’s Final Report including the RCMP Commissioner’s response can be accessed on the Commission’s website.

SCOPE OF INVESTIGATION

The Commission assessed RCMP member conduct to determine whether:

- RCMP members or other persons appointed or employed under the authority of the RCMP Act involved in the events of September 9 and 10, 2012, from the moment of initial contact through to the subsequent shooting death of Mr. Matters, complied with all appropriate training, policies, procedures, guidelines and statutory requirements;
- RCMP national, divisional and detachment-level policies, procedures and guidelines relating to such incidents are adequate; and
- Actions taken by the RCMP in response to the incident were taken in accordance with all applicable policies, procedures, guidelines and statutory requirements.
Chairperson-Initiated Complaint into Fatal Collision

In December, 2017, the Commission issued its Final Report concerning a fatal collision following an attempted traffic stop.

RCMP members had followed a vehicle that had failed to stop at a traffic checkpoint but discontinued the pursuit shortly thereafter. Moments later, the fleeing vehicle entered an intersection at a high rate of speed and collided with a truck, causing the death of a motorist.

The Commission’s review of this tragedy found that members did not conduct themselves in accordance with existing RCMP policy.

The Commission also found that RCMP national policies relating to traffic checkpoints and police vehicle pursuits were inadequate.

The Commission made a number of recommendations intended to improve RCMP policies, operational procedures, practices, and training relating to checkpoint operations and police vehicle pursuits.

FINDINGS & RECOMMENDATIONS

The Commission made 6 findings and 11 recommendations.

The RCMP Commissioner:
- Agreed with 4 findings;
- Disagreed with 2 findings;
- Supported 6 recommendations;
- Disagreed with 5 recommendations.

The RCMP has accepted a majority of these recommendations and agreed to amend its national policy concerning police pursuits in a manner consistent with the Commission’s recommendations.

The Commission believes that its recommendations in this matter, if implemented, will result in safer practices that will reduce the risks to police, the public, and suspects during traffic checkpoints and police vehicle pursuits.

The Commission’s Final Report including the RCMP Commissioner’s response can be accessed on the Commission’s website.
ONGOING INVESTIGATIONS

The Commission has over 30 Chairperson-initiated complaints and/or investigations underway.

**RCMP’s investigation of the death of Colten Boushie**

The Commission initiated a complaint and a public interest investigation into the RCMP’s investigation of the death of Colten Boushie and the events that followed.

In August, 2016, Colten Boushie was shot and killed outside Biggar, Saskatchewan on a rural farm property. Mr. Boushie’s uncle, Alvin Baptiste, filed a complaint regarding the RCMP’s response to the shooting, specifically the search of Mr. Boushie’s mother’s home, the manner in which the next of kin notification was carried out, and the nature of RCMP media releases about the shooting.

At the request of the Boushie family, the Commission is also conducting a review and further investigation of the RCMP’s disposition of their complaint.

The Commission’s investigation will determine whether:

- RCMP members or other persons appointed or employed under Part I of the RCMP Act involved in this matter conducted a reasonable investigation into the death of Mr. Boushie;
- Actions taken by the RCMP in response to this matter were taken in accordance with all applicable RCMP training, policies, procedures, guidelines, and statutory requirements;
- Relevant RCMP national, divisional, and detachment-level training, policies, procedures, and guidelines are reasonable; and
- The conduct of RCMP members or other persons appointed or employed under Part I of the RCMP Act involved in this matter amounted to discrimination on the basis of race or perceived race.

Ongoing Commission investigations can be categorized as:

- In progress;
- Subject of Interim Reports by the Commission; awaiting RCMP Commissioner’s written response to issue Final Reports; and/or
- On hold pending the outcome of other proceedings or investigations that may inform the Commission’s investigations (i.e. criminal trial, Coroner’s Inquest).
The Commission has received significant materials from the RCMP in this matter, and the review is underway. In addition, an investigative team has been assembled to conduct interviews and to produce expert opinions on particular issues.

**RCMP Response to Anti-Fracking Protests**

The Commission received more than 20 complaints related to the confrontations between protestors and members of the RCMP with regard to the shale gas testing/hydraulic fracturing (“fracking”) protests in Kent County, New Brunswick in 2013.

The complaints included allegations of unreasonable arrest, failure to wear identification, interference with the right to peaceful protests, disrespectful treatment, failure to allow access to legal counsel following arrest, and failure to provide medical care.

The Chairperson deemed it in the public interest for the Commission to investigate those complaints.

During the course of the investigation, additional questions surfaced about the RCMP’s response to the protests. In December 2014, the Chairperson initiated his own complaint into those events.

To date, approximately 130 civilian witnesses and RCMP members have been interviewed by Commission investigators.

The Commission has encountered a number of delays and the voluminous nature of the material in this matter has presented significant challenges. The Commission has taken concrete steps to move this file forward and to complete the report in as timely a fashion as possible.

**RCMP Sexual Assault Investigation**

In 2016, following concerns expressed by a trial judge regarding the conduct of RCMP members who investigated a sexual assault involving a minor, the Commission Chairperson initiated a complaint and public interest investigation focused on whether:

- RCMP members involved in the sexual assault investigation complied with all appropriate training, policies, procedures, guidelines and statutory requirements; and

- RCMP national, divisional, and detachment-level training, policies, procedures, and guidelines relating to sexual assault complaints, prisoner handling, and young persons are reasonable.

In 2014, a youth was arrested for breaching court-ordered conditions and while detained, disclosed that she had been sexually assaulted. An RCMP member noted the youth’s intoxicated state and told her that he would take a statement regarding her allegations the following day.
An external police agency was called in by the RCMP to investigate the incident, which resulted in a recommendation of charges against the elderly couple. These charges were not approved by the Crown attorney.

A Code of Conduct investigation was also launched by the RCMP, which resulted in a finding that there had been no contravention of the Code of Conduct on the part of the members involved.

The Commission’s investigation is examining the conduct of the members involved in the incident and whether relevant RCMP policies, practices and training were followed.

To date, Commission investigators have reviewed relevant documentation, including cell phone videos, and the investigative report and Use of Force report generated by the external police agency’s independent investigation into the incident.

Upon completion of its investigation, the Commission will issue an Interim Report including its findings and any recommendations to the RCMP.
Systemic Review of the RCMP’s Policies and Procedures Regarding Strip Searches

In March 2018, the Chairperson initiated a review of the RCMP’s strip search policies and procedures. This review is a follow-up to the Commission’s Chair-Initiated Complaint and Public Interest Investigation into Policing in Northern British Columbia. As part of the review the Commission is examining:

- The degree to which relevant recommendations made by the Commission were implemented by the RCMP;
- Whether national and divisional policies and training are adequate, appropriate, sufficient and clear; and
- Whether, in practice, the RCMP is abiding by and has the means of assessing and evaluating RCMP member compliance with relevant policies.

Although related to the Commission’s review of policing in Northern British Columbia, the focus of this particular investigation is nation-wide.

Once the investigation is complete, a report containing any findings and recommendations will be provided to the Minister of Public Safety, the RCMP Commissioner, and provincial ministers responsible for policing in contract provinces. The report will also be made publicly available.
STRATEGIC RELATIONSHIPS AND PUBLIC EDUCATION

STRATEGIC RELATIONSHIPS

In addition to hosting its annual Fall meeting of provincial police oversight agencies and special investigation units, the Chairperson met individually with the heads each of these agencies to discuss opportunities for joint outreach initiatives, the collection and use of national oversight data and the resulting ability to provide the public with a more comprehensive overview of policing in Canada.

The Chairperson had the opportunity to address the RCMP Professional Responsibility Sector Symposium in January and the RCMP Senior Management Team in February 2018 to outline his views on each organization’s role in building public trust.

Commission staff attended the Canadian Association of Civilian Oversight of Law Enforcement (CACOLE) annual general meeting in Winnipeg, Manitoba. Attendees included representatives from federal and provincial government, police boards, law enforcement, academia, police oversight agencies and the legal community.

Topics of discussion included the role of governance in effective civilian oversight of policing, bias-free policing, the role of use of force experts, ethics in law enforcement and the role of mediation in resolving complaints.

The Commission also continues its relationship with CACOLE’s United States counterpart, the National Association for Civilian Oversight of Law Enforcement (NACOLE). This relationship allows both organizations to share best practices and possible solutions to common challenges faced by oversight agencies in both Canada and the United States.

This year, the Commission provided provinces that contract RCMP policing services with a report that compares the number and nature of public complaints in their respective provinces/territories with Canada-wide statistics.
PUBLIC EDUCATION

One of the Commission’s priorities in 2017-18 was to establish and resource a regional office in British Columbia with a focus on responding to public complaints from Indigenous communities. Significant outreach efforts were expended in order to inform the Commission’s approach.

From April 1, 2017, to March 31, 2018, the BC Office conducted outreach with just over 1,000 Indigenous community members across BC, including tribal governance bodies, community service providers, educators, grassroots community members and youth. Larger outreach sessions were also held with Metis Nation of BC, Nuu-chah nulth Tribal Council, Tl’azt’en, Namgis, and Gwa’sala-‘Nakwaxda’xw First Nations.

The Commission also participated in a number of community workshops with the Independent Investigations Office of BC and the BC Civil Liberties Association. Collaboration with other agencies assists in increasing awareness of the distinct roles and mandates of the different oversight agencies and advocacy groups.

Public awareness and understanding of the Commission’s role and processes are essential to its success. Outreach activities undertaken by the Commission have revealed that some communities and cultural groups are not well informed about the Commission’s role. This lack of awareness was particularly evident in Indigenous communities.

Developing engagement and outreach initiatives that inform all parties about the services the Commission provides, and clearly outline how to access these services, will strengthen public confidence in the Commission and its capacity to ensure RCMP accountability.
CORPORATE OVERVIEW

The Commission has continued refining its internal services programs to maximize financial allocation to core program activity. A full review of staffing priorities was conducted in the fall of 2017, resulting in a re-profiling of resources to meet program demand in the Commission’s Complaint Intake, Review and Investigations, and Research, Policy and Strategic Investigations units.

Significant resources were dedicated to working with central agencies to address human resource and pay system challenges and manage the impact of these on the Commission’s workforce.

During this reporting period the Commission also made significant investments in its information technology (IT) infrastructure, as part of its five-year IT/IM plan, to ensure its operating platform is responsive to new business requirements, including; specialized investigative tools, evolving information management policy and protocols, IT security and the ever-greening of desktop and user tools and interfaces.

Below are the Commission’s preliminary expenditures for fiscal 2017-2018. Adjustments to these figures will be made and final amounts will be reported in the Public Accounts of Canada.

<table>
<thead>
<tr>
<th>Total Expenditures 2017–2018</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries</td>
<td>6.7 M</td>
</tr>
<tr>
<td>Operating Costs</td>
<td>2.3 M</td>
</tr>
<tr>
<td>Employee Benefit Plans</td>
<td>0.9 M</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9.9 M</strong></td>
</tr>
</tbody>
</table>

Note: Numbers represented are in millions.
A complaint is made*

The Chairperson can initiate a complaint. In addition, at any stage of the process, the Chairperson may institute an investigation or a hearing where it is considered in the public interest to do so.

The Chairperson sends an Interim Report, outlining findings and recommendations, to the RCMP Commissioner and the Minister of Public Safety.

The RCMP investigates the complaint.

The RCMP reports to the Complainant.

Is the Complainant satisfied with the RCMP’s report?

The Complainant may request a review by the CRCC.

CRCC requests all relevant investigative material from the RCMP.

Is the CRCC satisfied with the RCMP’s report?

The Chairperson may:
- Review the complaint and all relevant material without further investigation;
- Ask the RCMP to investigate further;
- Initiate a CRCC investigation; or
- Hold a public hearing.

The Chairperson sends a Final Report to the RCMP Commissioner, Minister of Public Safety, Complainant, Member(s) involved and appropriate provincial Minister.

The RCMP Commissioner provides a response, identifying what actions will be taken. If no action is to be taken, reasons will be provided.

The Chairperson sends a Satisfied Report to the RCMP Commissioner, Minister of Public Safety, Complainant and Member(s) involved.

End of process*
APPENDIX B – SERVICE STANDARDS

To ensure timely responses to public complaints, the following response times have been put in place by the Commission for its role in the complaint and review process:

<table>
<thead>
<tr>
<th>Action</th>
<th>Response Time</th>
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<tbody>
<tr>
<td>The Commission forwards public complaints it receives to the RCMP.</td>
<td>4 days</td>
</tr>
<tr>
<td>The RCMP investigates and delivers a report to the complainant.</td>
<td>Determined by the RCMP</td>
</tr>
<tr>
<td>The Commission requests all relevant material from the RCMP upon being notified by the complainant that they are not satisfied with the RCMP’s response.</td>
<td>4 days</td>
</tr>
<tr>
<td>The Commission conducts its review and sends either:</td>
<td>120 days</td>
</tr>
<tr>
<td>• a Satisfied Report to the complainant, the RCMP and the Minister of Public Safety; or</td>
<td></td>
</tr>
<tr>
<td>• an Interim Report to the RCMP with findings and recommendations.</td>
<td></td>
</tr>
<tr>
<td>The RCMP responds to the Interim Report.</td>
<td>Determined by the RCMP</td>
</tr>
<tr>
<td>The Commission issues its Final Report.</td>
<td>30 days</td>
</tr>
</tbody>
</table>

This year, 94% of complaints accepted by the Commission were forwarded to the RCMP within the 4-day service standard.

This year, 72% of the Commission’s Satisfied and Interim Reports were completed within the 120-day timeframe. Furthermore, 88% of its Final Reports were delivered within the 30-day timeframe.
APPENDIX C – CLASSIFICATION OF COMPLAINTS

The RCMP classifies the allegations made in public complaints into 16 categories. To provide consistency for complainants, the Commission uses the same classifications. The full list, and corresponding definitions, is included here:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A – Improper Attitude</td>
<td>This category addresses allegations related to a member’s deportment and may include behaviours that are characterized as abusive, rude, vulgar, profane, discourteous, impolite, disrespectful, sarcastic, arrogant, indifferent, angry, obnoxious, belligerent, aggressive, intimidating, threatening, combative, provoking, ridiculing, and/or mocking. Allegations may also relate to a perceived lack of impartiality or fairness, lack of empathy, lack of concern for someone’s welfare, or a wanton lack of discretion.</td>
</tr>
<tr>
<td>B – Improper Use of Force</td>
<td>This category addresses allegations of a use of force that was unnecessary, inconsistent with the circumstances, applied too frequently, harshly, or for an excessive a duration. Allegations may include inappropriate use of soft-hand and hard-hand techniques, police holds, dog bites, tear gas or pepper spray, asps or baton, tasers, or any other weapon or instrument, whether prescribed or not.</td>
</tr>
<tr>
<td>C – Improper Use of Firearms</td>
<td>This category addresses an improper use of force specific to the use, display, or discharge of a firearm.</td>
</tr>
<tr>
<td>D – Irregularity in Procedure</td>
<td>This category addresses a violation of the intent and spirit of an “administratively enforced” statute, such as the Privacy Act, the Access to Information Act, the RCMP Act and any Force policy relating to those acts. Some of the more common allegations relate to members obtaining information, directly or indirectly, from a police data bank, without justification, and / or for reasons not consistent with a duty being prescribed by law or Force policy. Also included in this category are CRCC findings (Interim Reports) of improper termination of a public complaint.</td>
</tr>
<tr>
<td>E – Driving Irregularity</td>
<td>This category addresses allegations of improper or unsafe use of police transport by a member, whether in violation of any law, or without due consideration of others. In particular, it refers to public complaints about pursuits and emergency vehicle operations.</td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
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<tr>
<td>F – Neglect of Duty</td>
<td>This category addresses allegations that a member failed or refused to perform a duty, or provide a service that members are expected to provide, or did perform a duty or provide a service, but in a manner which does not meet RCMP standards. Included are allegations of refusal to identify oneself, refusal or failure to provide timely and adequate service, mismanagement of a public complaint, inadequate or incompetent investigations, improper care and handling of prisoners, failure to release detained persons into a safe haven at the time of release, and failure to provide adequate, prompt, and competent medical care. This category also includes relatively common allegations of deficient reporting that a member failed or refused to record/report the facts of a public complaint, a service provided, or investigation conducted. It also includes allegations that a member fabricated, recorded, or reported facts that were incorrect or untrue, or that a member concealed and/or failed to record, or report correct or true facts – referring to notebooks, occurrence reports, crime reports, reporting forms, court documents, or records of any type, including written, audio, video, audio-video, electronic, etc.</td>
</tr>
<tr>
<td>G – Statutory Offence</td>
<td>This category addresses allegations of violations of the Criminal Code, Federal statute, provincial statute, or municipal by-law, even though such complaints may be referred to the Crown or the appropriate RCMP Officer for decisions on possible prosecution or RCMP Code of Conduct proceedings.</td>
</tr>
<tr>
<td>H – Mishandling of Property</td>
<td>This category addresses allegations relating to property held in police custody. It includes loss of property (including money), unreasonable detention of property, damage to property in police custody, improper disposal of property, or failure to account for money or property.</td>
</tr>
<tr>
<td>I – Evidence Irregularity</td>
<td>This category addresses allegations that a member provided erroneous testimony in a judicial proceeding. It also addresses allegations that a member failed or refused to report the facts of a public complaint, a service provided, or investigation concealed, and/or failed to testify to correct or true facts.</td>
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<tr>
<td>J – Oppressive Conduct</td>
<td>This category addresses severe misuse of police authority or powers, aggravated harassment, unfounded, unfair, or embellished charging, and threats or intimidation via any of the foregoing.</td>
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<tr>
<td><strong>K – Improper Arrest</strong></td>
<td>This category addresses allegations of a violation of the intent and spirit of the Charter. Public complaints often allege violations of Charter section 10 (failure to inform person promptly of reason for arrest and of rights to counsel, and/or promptly provide person with opportunity to exercise rights, etc.) which are part and parcel of a proper arrest.</td>
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<tr>
<td><strong>L – Improper Persons / Vehicles Search</strong></td>
<td>This category addresses personal or vehicular searches where there is an allegation of a violation of the intent and spirit of the Charter.</td>
</tr>
<tr>
<td><strong>M – Improper Search of Premises</strong></td>
<td>This category addresses allegations of a violation of the intent and spirit of the Charter relating to the search of a premise, including unlawfully entering for the purposes of a search and/or remaining in a premise pursuant to a search.</td>
</tr>
<tr>
<td><strong>N – Policy</strong></td>
<td>This category addresses public complaints about RCMP policies or their application.</td>
</tr>
<tr>
<td><strong>O – Equipment</strong></td>
<td>This category addresses public complaints about RCMP equipment or its use.</td>
</tr>
<tr>
<td><strong>P – Service</strong></td>
<td>This category addresses public complaints about a lack of response or an inability to provide adequate, timely service. This refers to a general police service, as opposed to a specific service provided by a specific member as referred to in the Neglect of Duty category.</td>
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</tbody>
</table>