


ADMINISTRATION MANUAL
 TABLE OF CONTENTS
XII.2. PUBLIC COMPLAINTS

- A. ORIGINATOR
- B. REFERENCES
- C. COMMISSIONER'S STANDING ORDERS
- D. POLICY
- E. GENERAL
- F. ACCESS TO PERSONAL INFORMATION
- G. DISCLOSURE OF DISCIPLINE AS A RESULT OF A PUBLIC COMPLAINT
- H. PUBLIC MISCHIEF
- I. DISPOSITION OF SERIOUS COMPLAINTS/STATUTORY OFFENCES
 - 1. General
 - 2. Commander
 - 3. Immediate Officer/OC

APPENDIX SUBJECT
XII-2-1 Positions Authorized to Act on Behalf of the Commissioner

Chapter Rewrite 2003-12-31



2. PUBLIC COMPLAINTS

A. ORIGINATOR

A. 1. Public Complaints Unit, Professional Standards and External Review Directorate.

B. REFERENCES

- B. 1. *RCMP Act*, Part VII.
- B. 2. *Privacy Act*, Section 8.
- B. 3. I.3., Duties and Responsibilities.
- B. 4. III.11., Information Access.
- B. 5. VIII.4., Civil Actions and Statutory Offences.
- B. 6. *Operational Manual* II.1.
- B. 7. *Informatics Manual* IV.3.
- B. 8. National Public Complaints Investigators Guidebook.

C. COMMISSIONER'S STANDING ORDERS

RULES RESPECTING PUBLIC COMPLAINTS AGAINST THE ROYAL CANADIAN MOUNTED POLICE

Short Title

- 1. These Rules may be cited as the *Commissioner's Standing Orders (Public Complaints)*.

Interpretation

- 2. In these Rules,

"Act" means the *Royal Canadian Mounted Police Act*; (*Loi*)

Receipt of Complaint

- 3. A complaint received by the Force under paragraph 45.35(1)(b) or subsection 45.37(2) of the Act shall be recorded on a form approved by the Commissioner.
- 4. The appropriate officer shall be notified of all complaints made pursuant to subsection 45.35(1) of the Act.
- 5. (1) The Attorney General, Solicitor General or Minister of Justice responsible for

police affairs in a province shall be notified of all complaints concerning conduct of any member or other person appointed or employed under the authority of the Act that occurred in the course of providing services pursuant to an arrangement entered into under section 20 of the Act.

(2) Where a provincial government has entered into an arrangement under section 20 of the Act, the Attorney General, Solicitor General or Minister of Justice responsible for police affairs in the province shall be entitled to receive all information contained in any record established pursuant to paragraph 45.47(a) of the Act.

Transmission of Documents

6. (1) Any notice, report or other document in respect of a complaint, other than a complaint referred to the Commission, that is required by Part VII of the Act to be given to a complainant by the Commissioner or, in the case of a complaint made pursuant to paragraph 45.35(1)(b) of the Act, by the Force shall

(a) in the case of a report referred to in section 45.4 of the Act, be delivered by giving a copy of the report to the complainant or by sending a copy thereof by registered mail, addressed with the last known address of the complainant; and

(b) in any other case, be delivered by giving a copy of the notice, report or other document to the complainant or by sending a copy thereof by regular mail, addressed with the last known address of the complainant.

(2) Any notice, report or other document required by Part VII of the Act to be given to the member or other person whose conduct is the subject-matter of a complaint shall be delivered to the member or other person through normal Divisional distribution networks or by regular mail.

Investigation

7. A detachment commander shall conduct or cause to be conducted any investigation that is necessary to dispose of a complaint that has not been disposed of informally.

8. A member responsible for conducting the investigation of a complaint shall

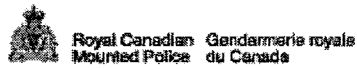
(a) conduct the investigation in an objective and neutral manner consistent with recognized investigative procedures; and

(b) impartially and diligently gather evidence with a view to bringing the investigation to a conclusion.

9. A member shall not investigate a complaint where that member may be in a conflict of interest situation.

10. An investigation into a complaint shall continue to conclusion whether or not the member or other person whose conduct is the subject-matter of the complaint resigns or terminates employment with the Force.

11. Interim reports made pursuant to section 45.39 of the Act shall contain sufficient

[Français](#)[Contact Us](#)[Help](#)[Search](#)[Publiservice](#)[Home](#)[RCMP Manuals](#)[Summary of Amendments](#)[Division Supplements](#)[RCMP Internet](#)[AM Table of Contents](#)[AM A-Z Index](#)[List of Bulletins in AM](#)

The wordmark for "Canada" is displayed in a stylized, serif font.



Administration Manual Bulletin

Bulletin No.
AM-2254

Issued
2009-06-11

Retain in Front of Chap.
XII.2.

Subject - Public Complaint Reports

This bulletin replaces XII.2.D.1.

1. When a public complaint is received or immediately after, record it on form 4110.
2. Send the signed form 4110 and any supporting documents to the National Headquarters Public Complaints Unit by fax to 613-993-1226, or scan the form and supporting documents and e-mail them to Groupwise account: Public Complaints - Plaintes du public.
3. After the public complaint investigation has been completed, send a copy of the finalized form 4110, the Letter of Disposition and/or Notice of Direction, to the National Headquarters Public Complaints Unit.
4. Do not send copies to the Commission for Public Complaints Against the RCMP (CPC). The National Headquarters Public Complaints Unit is responsible for providing copies to the CPC.

EXCEPTION: For "E" and "B" divisions, send all documentation outlined in sec. 1 to 3, by fax, or scan and send them by e-mail to your divisional Professional Standards Unit as soon as possible.

ORIGINATED BY:

Professional Standards and External Review Directorate

[Important Notices](#)

detail to indicate the progress of the investigation.

12. The provincial authority shall be notified of the disposition of a complaint received under paragraph 45.35(1)(c) of the Act.

Chapter Rewrite 2003-12-31

D. POLICY

D. 1. Replaced by bulletin AM-2254 dated 2009-06-11.

Amended 2009-06-11

- D. 2. Complaints made against members or persons appointed or employed under the *RCMP Act* or against the RCMP will be examined promptly and impartially reported, recorded and disposed of in accordance with RCMP directives, specifically the National Public Complaints Managers Manual.
- D. 2. a. Non-Part VII Public Complaints, will be processed according to division procedures.
- D. 3. A progress report will be sent to the complainant and the person who is the subject of the complaint within 45 days from the time the complaint was received; and thereafter, monthly, until the final letter of disposition is sent.
- D. 4. A CO will immediately forward to National Headquarters, ATTN: National Operations Centre (NOC) and the National Headquarters Public Complaints Unit (PCU) details of any complaint made against the RCMP or a member of the RCMP that:
- D. 4. a. has resulted or may result in adverse publicity about the RCMP,
- D. 4. b. may be raised in the House of Commons,
- D. 4. c. involves corruption, or
- D. 4. d. may result in calls for an inquiry into the internal management of the RCMP.
- D. 5. If a complaint is initiated by the Chair of the Commission for Public Complaints (CPC), under subsection 45.37(1) of the *RCMP Act*, and if, during the CPC investigation, further details or clarification are required, all information with respect to the CPC's questions and concerns will be reported directly to the Public Complaints Unit.
- D. 6. If a division is notified that the CPC will be conducting an investigation or a hearing under subsection 45.43(1) of the *RCMP Act*, the RCMP, by virtue of subsection 45.43(2) is not required to investigate, report or otherwise deal with the complaint. However, for the RCMP to be aware of all the circumstances surrounding the incident, divisions will investigate sufficiently to inform management of the circumstances. Caution must be exercised not to interfere or give the appearance of interference with the investigation being conducted by the CPC.

- D. 6. a. In such cases, the reporting procedures under section 45.39 of the *RCMP Act* do not apply.
- D. 6. b. Copies of the investigation reports must be sent to the Public Complaints Unit.
- D. 6. c. When the CPC announces it will be holding a hearing or conducting an investigation under Part VII of the *RCMP Act*, the administration services officer will ask the Regional Corporate Management Officer (CMO) to obtain a collator code for the hearing/investigation from the OIC Finance Branch, Corporate Management and Comptrollership.
1. The request will include the case file number and caption and a brief description of the case. A copy must be sent to the Public Complaints Unit.
 2. In assigning the collator code, the OIC Finance Branch, will send a copy to the Public Complaints Unit, and the Director, Legal Services.
- D. 6. d. The administration and personnel office will immediately inform all members or other persons employed under the *RCMP Act* that are involved in the complaint that all costs associated with it, including overtime, must be charged against the assigned collator code.
- D. 7. For the purposes of Section 45.47, *RCMP Act*, the documents which constitute a record of a public complaint are stipulated in the *National Public Complaints Managers Manual*.

E. GENERAL

- E. 1. Part VII, *RCMP Act*, refers to the Royal Canadian Mounted Police Public Complaints Commission. The *RCMP Act* has not been amended, but the Commission has adopted the name Commission for Public Complaints (CPC) against the RCMP. That name, the Commission, or the CPC will be used in this and related documents.
- E. 2. For this list of positions authorized to act on behalf of the Commissioner, see App. XII-2-1.

F. ACCESS TO PERSONAL INFORMATION

- F. 1. Disclosure of personal information is strictly regulated and may only be granted to aid a specific enforcement or investigative activity.
- F. 2. A public complaint investigator does not have unfettered access to a subject member's personnel and service files.
- F. 3. Access to a member's files may be granted with the written permission of the member, or the Public Complaints Unit.
- F. 4. The investigator must specify the purpose of the request in detail and describe the information to be disclosed.

G. DISCLOSURE OF DISCIPLINE AS A RESULT OF A PUBLIC COMPLAINT

- G. 1. Pursuant to the decision in *Southam Inc. v. Canada (Attorney General)*, 36 O.R. (Rd) 721, any person lodging a public complaint may obtain information with respect to both formal and informal RCMP discipline administered as a result of that public complaint.
- G. 2. A Letter of Disposition with respect to a complaint which resulted in informal discipline should inform the recipient whether or not discipline has been initiated and, if discipline has been completed, the sanction that was imposed.
- G. 3. A Letter of Disposition with respect to a complaint which resulted in formal discipline should inform the recipient that a copy of the Adjudication Board record of decision or transcript of proceeds may be obtained by contacting the RCMP Adjudications Registrar, 1200 Vanier Parkway, Ottawa, ON K1A 0R2.

H. PUBLIC MISCHIEF

- H. 1. Public mischief charges may be appropriate in some public complaint cases. However, it is inappropriate to threaten complainants during the public complaint process, including the final report, that they could or will be charged with public mischief.
- H. 2. After a public complaint has been disposed of, and enough evidence exists to support a charge of public mischief, the RCMP may proceed with the charge.

I. DISPOSITION OF SERIOUS COMPLAINTS/STATUTORY OFFENCES

I. 1. General

- I. 1. a. The following will not be disposed of informally:
 1. a complaint alleging serious misconduct, or
 2. any situation in which a subject member is arrested or a warrant to arrest is issued.
- I. 1. b. If a complaint contains more than one related allegation and if any one of the allegations is serious, all allegations will be formally investigated.

I. 2. Commander

- I. 2. a. If a complaint involves a serious allegation, including any suggestion, allegation or inference of bribery, corruption or similar offence by a member, notify your immediate officer/OC.
- I. 2. b. If, as a result of an investigation, a member is believed to have committed a statutory offence:
 1. it is within RCMP primary jurisdiction, take the same action as you would for any other person;
 2. it is outside RCMP primary jurisdiction, immediately refer the matter to the police

department having primary jurisdiction; or

3. you are doubtful about prosecution, refer the matter to the senior prosecuting authority.

I. 2. c. Send a copy of form 4110 to the subject member unless such notification would likely hinder the investigation.

I. 3. **Immediate Officer/OC**

I. 3. a. When you are informed of a serious complaint against a member, including bribery, corruption or similar offence, inform the Cr. Ops. Officer, and follow division directives.

Chapter Rewrite 2003-12-31
