



Military Police Complaints Commission
Commission d'examen des plaintes concernant la police militaire

31 March 2000

The Honourable Art Eggleton, PC, MP
Minister of National Defence
National Defence Headquarters
Major-General George R. Pearkes Building
Ottawa, Ontario
K1A 0K2

Dear Minister:

I have the honour of submitting to you, in accordance with Section 250.17 (1) of *An Act to Amend the National Defence Act and to make consequential amendments to other Acts*, the first **Annual Report of the Military Police Complaints Commission** to be tabled before the two Houses of Parliament.

This letter itself constitutes the annual report for 1999; this is because the Commission was officially inaugurated on 1 December 1999, and therefore its work was limited to the final month of the year.

Preliminary Remarks

The creation of the Commission required a great deal of preparatory work before it came into existence as an organizational and operational entity. It is for this reason that a full-time Chairperson designate, Mrs. Louise Cobetto, a lawyer, and two part-time members designate, Paul E Duffie, QC, a criminal lawyer practicing out of Grand Falls, New Brunswick, and Thomas G Flanagan, SC, former Chief of Police of the Ottawa Police Service, were appointed as of 1 September 1999. On 1 December 1999, Mrs. Cobetto became the first full-time Chairperson of the Commission and Mr. Duffie and Mr. Flanagan, the first part-time members.

The Intention of the Legislator

The Military Police Complaints Commission is a civilian oversight authority which is external, autonomous and independent of the Department of National Defence and the Canadian Forces. The Commission stemmed from the results and recommendations of various reports, including, among others, the Report of the Minister of Defence to the Prime Minister, Dickson I and II Reports and the Report of the Commission of Inquiry into the Deployment of Canadian Forces to Somalia (June 1997).

The Report of the Special Advisory Group on Military Justice and Military Police Investigation Services (March 1997), chaired by the late Right Honourable Brian Dickson, made recommendations that would ensure the independence of military police investigations from the chain of command. One of his recommendations stated that “An independent review capability is essential to ensure confidence and respect for the military justice system.”

In creating the Military Police Complaints Commission, the legislator clearly stated his intention to make the handling of complaints involving the military police more transparent and accessible by introducing a civilian oversight mechanism.

It should be understood that the military police have jurisdiction over all justiciables under the *Code of Service Discipline* in Canada and abroad. Their jurisdiction also extends to civilian personnel and the general public on Department of National Defence property. The 1,200 military police members serving within Canada, abroad and on peacekeeping missions around the world perform duties normally vested in all police services, in addition to duties associated with military operations.

Mandate

Our mandate consists of overseeing the process used by the Canadian Forces Provost Marshal to handle misconduct complaints and investigating allegations of interference in military police investigations. The Commission’s purpose in doing this is to maintain the values of integrity, trust and openness in military police investigations, promote the quality of police services and ensure compliance with standards of professional ethics.

The Commission will ensure that individuals who have complaints to submit or who are targeted by such allegations are treated fairly, objectively and impartially.

Powers

The Commission possesses the powers it needs to fulfil its mandate. Consequently, the Chairperson has the **exclusive authority** to conduct investigations into all interference complaints; she may review any complaints of misconduct upon the request of a dissatisfied complainant, continue studying a complaint even when it has been withdrawn, and, if she deems it appropriate and in the public interest, cause the Commission to conduct an investigation and, where circumstances warrant, convene a public hearing. This **special power** of the Commission to launch investigations and convene public hearings overrides any existing investigations pursued by the Provost Marshal into complaints of misconduct.

The Three Months of Preparation

The principal aim of the Chairperson was to get the Commission running smoothly within the shortest possible time. She wanted to fulfil the mandate set by the legislator, who wished to satisfy the expectations of the public, military police, and Canadian Forces by setting up an independent agency for reviewing complaints.

The Commission has managed to get itself organized in a very short time, thanks to the co-operation from the Canadian Forces personnel and the Department of National Defence, among others.

During this three-month period:

- we have held intensive talks with central agencies and the Department of National Defence in order to define our requirements in terms of facilities and human and financial resources;
- temporary accommodations were leased in the Lord Elgin Plaza in Ottawa and renovations of permanent premises have begun;
- we have begun recruiting Commission personnel. We have enlisted the services of an expert in police ethics in order to develop and implement internal procedures for accepting and reviewing complaints. A computer consultant has also been hired to install the systems we will ultimately need to automate the complaints handling process;
- we attended a series of consultative meetings with representatives of the Canadian Forces and the Department of National Defence to obtain a variety of basic information, to explain the Commission's functions and requirements and to review various other issues;
- the Chairperson has begun a tour of military bases in certain provinces, meeting with military police members and other officers and speaking to them about the Commission's mandate and members process for handling complaints;
- a toll free telephone line has been installed to facilitate public access to the Commission;

Activities

It is important to understand that complaints arising from incidents that occurred prior to 1 December 1999 cannot be addressed by the Commission under the new provisions of the *National Defence Act*.

In December 1999, the Commission received three complaints. After reviewing them, the Commission arrived at the conclusion that because these complaints concerned incidents that occurred prior to 1 December 1999 it had no jurisdiction to deal with them. They were referred to the Provost Marshal to be handled according to the procedure in place prior to that date.

Since its official inauguration on 1 December 1999, the Commission has accordingly focused its efforts on implementing its operations, developing the various computer systems appropriate to its needs and recruiting personnel. To this end, federal public service employees have been offered the positions of General Counsel, Executive Director and Chief of Integrated Services.

The Year 2000

The primary goal of the Commission in the year 2000 is to meet with its main clientele. Consequently, the Chairperson will meet with military police members as part of the tour of military bases she launched in 1999. She also plans to meet with other representatives of the military authorities and will ensure a highly professional assistance to complainants.

She will develop a communications program to help raise the profile of the Commission and its mandate and responsibilities, not to mention the rights of military police members. She plans to meet and exchange information with various stakeholders, including the Canadian Forces, the Department of National Defence and the Parliamentarians, enabling them to get acquainted with the mandate, vision and values of the Commission.

For the Military Police Complaints Commission, the year 2000 will be a pivotal year in terms of its development and the fulfilment of its role and mandate.

In fact, the Commission plans to make every effort to ensure the transparency, accessibility, integrity, fairness and professionalism of its actions and recommendations, thus making the intentions of the legislator a reality.

Yours sincerely,

Louise Cobetto, Lawyer
Chairperson