



Military Police
Complaints Commission
of Canada

Commission d'examen des plaintes
concernant la police militaire
du Canada

Chairperson

Présidente

270 Albert Street, 10th Floor
Ottawa, Ontario K1P 5G8

270, rue Albert, 10^e étage
Ottawa (Ontario) K1P 5G8

VIA EMAIL

December 23, 2024

The Honourable Bill Blair, P.C., C.O.M., M.P.
Minister of National Defence
National Defence Headquarters
MGen George R. Pearkes Building
101 Colonel By Drive
Ottawa, ON K1A 0K2

Subject: Proposed Bill Regarding Enhancing the Independent Civilian Oversight of the Military Police

Dear Minister:

I am writing to follow up on our meeting of 19 September 2024, and to reiterate the key points we discussed. Additionally, I am pleased to share with you a proposed Bill aimed at enhancing the independent civilian oversight of the military police. A clause-by-clause document will follow in the new year outlining the rationale for each proposal.

Proposed Bill

During our meeting I requested your assistance to ensure the legislative framework for civilian oversight of the military police is respected and upheld. I also underscored that many of the challenges we face stem from an outdated legislative framework.

The provisions in our proposed Bill (enclosed) would bring the oversight regime for the military police in line with the regime which now exists for the Royal Canadian Mounted Police, the federal police oversight body on which it was originally modelled. It is comprehensive in that it implements the recommendations of Justice Fish's report, along with additional reforms proposed by the Military Police Complaints Commission (MPCC). This proposed Bill aims to address long-standing issues within the oversight framework of the military police, providing the MPCC with the necessary tools and authority to conduct thorough investigations and align with the other police oversight agencies in Canada.

These reforms would not only benefit complainants and subjects but are also consistent with the priorities set out in the 2020 Speech from the Throne to enhance civilian oversight of law enforcement agencies and the commitment to modernize the military justice system included in the Minister of National Defence's mandate letter.

Resistance to Oversight

As I mentioned to you when we met in September, the office of the Canadian Forces Provost Marshal (CFPM) is currently interpreting the *National Defence Act* in a manner that compromises the ability of the MPCC to carry out its mandate as the civilian oversight body for the military police. This is particularly evident in their practice of shutting down complaints before they can be heard, which represents a significant denial of access to justice.

While the military police are independent in their investigations and operations, this independence does not grant the CFPM the authority to disregard an oversight mandate established by an Act of Parliament or restrict access to justice without consequences.

In our last annual report, we highlighted the resistance to civilian oversight we were encountering including the CFPM's refusal to disclose relevant information. Key issues included:

- **Refusal to Disclose Information:** The CFPM has withheld information necessary for effective oversight.
- **Restrictive Interpretation of the MPCC's Mandate:** For instance, there have been challenges to our jurisdiction to investigate cases where the subject of the complaint is a member of the military police serving with Professional Standards.
- **Decline in number of Accepted Recommendations:** In 2022, 100% of our recommendations were accepted. However, in 2023, only 39% were accepted, with 22% partially accepted and 39% rejected.
- **Refusal from the CFPM to Respond to Recommendations made in Interference Cases:** The CFPM has systematically refused to respond to recommendations made in interference cases.
- **Failure to Provide Notice of Right to Review:** In some instances, the CFPM has failed to inform complainants of their right to review decisions, which is a clear breach of the *National Defence Act* and restricts access to justice.

From Resistance to Refusal of Oversight

Despite outlining the above challenges in our last report, these issues have not only persisted but have worsened in 2024. The situation has escalated from resistance to outright refusal of the oversight regime mandated by Parliament by the CFPM's office.

This includes shutting down complaints without proper authority or under dubious interpretations of the *National Defence Act*. Examples include:

- **Harassment Charge Complaint:** A complaint was shut down by the CFPM's office where a woman was threatened with a harassment charge during an intervention with an off-duty police officer who clearly put himself on duty when he threatened to arrest her.
- **Welfare Check Complaint:** A complaint regarding a welfare check where the spouse of a complainant was found dead was shut down by the CFPM's office instead of being put in abeyance during a concurrent criminal investigation. The rationale provided was the existence of the criminal investigation, which demonstrates a profound misunderstanding of the distinct purposes of criminal and civilian oversight proceedings.
- **Mistreatment Complaint:** A complaint about an investigation into the mistreatment of a subordinate by a unit commander was shut down in favour of an internal Quality Assurance Review, rather than being properly addressed through the oversight process.

Legislative Reform

In 2023, we advocated for legislative reform by reaching out to [both you and your predecessor](#). We provided a comprehensive [matrix of proposals](#), incorporating recommendations from Justice Fish's report, and discussed additional reform ideas. These proposals were aimed at strengthening the oversight of the military police and enhancing the complaints process, highlighting their impact and significance.

Sadly, Bill-66 An Act to amend the *National Defence Act* and other Acts, does not include the much-needed reform to the oversight regime for the military police. Furthermore, [the implementation plan for Justice Fish's recommendations](#) places legislative reform for military police oversight at the very end of the implementation plan, potentially taking up to 10 years. We cannot afford to wait that long for several reasons, notably:

- **No significant changes since 1999:** as discussed in my previous letter there have been no significant updates to improve civilian oversight of the military police since 1999. This stagnation has left the oversight system outdated and ineffective in addressing current challenges
- **Lack of Appropriate Powers:** The MPCC lacks essential powers, such as subpoena power, except in public interest hearings. Some of the limitations severely hamper the MPCC's ability to conduct thorough and effective investigations.

- **Non-Compliance with Existing Legislation:** Even the minimal provisions currently outlined in the *National Defence Act* are sometimes not respected, rendering the oversight system ineffective.
- **Erosion of Public Trust:** Further delays in implementing necessary reforms risk eroding public confidence in its Government's institutions and Canada's civilian oversight regime of the military police.

Request for Action

In conclusion, legislative reform is essential to strengthen the MPCC's mandate. Civilian independent oversight of law enforcement is vital for police legitimacy and effectiveness. However, this legitimacy and effectiveness are compromised when the oversight body lacks the necessary tools and authority to perform its review and oversight roles effectively.

I am confident that with your support, we can achieve these necessary reforms and foster a more transparent and accountable oversight system for the military police.

Thank you for your consideration. I would be happy to have a follow up discussion with you if it would be helpful to you. I look forward to working with you to advance these necessary reforms.

Sincerely,

Original signed by:

Me Tammy Tremblay, MSM, CD, LL.M.
Chairperson

Encl.: Proposed Bill re Enhancing the Independent Civilian Oversight of the Military Police

c.c.: Minister of Justice, The Honourable Arif Virani, P.C., K.C., M.P.
Deputy Minister
Chief of the Defence Staff
Vice Chief of the Defence Staff
Canadian Forces Provost Marshal
Judge Advocate General
Canadian Forces Legal Advisor