



September 6, 2011

Distribution List

Our File: MPCC-2011-004 (Fynes)

In accordance with the provisions of subsection 250.4(1)(b) of the *National Defence Act* (NDA), this letter will serve as notice of my decision to cause the Military Police Complaints Commission to hold a public interest hearing into the above complaint.

The complainants' son, Corporal (Cpl) Stuart Langridge, committed suicide at Canadian Forces Base/Area Support Unit (CFB/ASU) Edmonton on March 15, 2008. Mr. and Mrs. Fynes are complaining about the police investigations conducted by the Canadian Forces National Investigation Service (CFNIS) after their son's death and about the conduct of CFNIS members in their interactions with them. Their allegations include:

- CFNIS did not conduct independent investigations into this matter;
- The investigations they did conduct were inadequate and biased;
- The investigations were aimed at exonerating Canadian Forces (CF) members of any responsibility for their failure to prevent Cpl Langridge's death and for the manner in which the complainants were subsequently treated;
- CFNIS failed to investigate important issues;
- CFNIS participated in efforts to explain and justify the conduct of CF members instead of conducting independent investigations into potential criminal or service offences committed by CF members;
- CFNIS members allowed non-Military Police members of the CF and a broader CF concern about potential litigation to influence or dictate their decisions about the type of information to be provided to the complainants and the manner in which that information would be provided; and
- The CFNIS members involved lacked professionalism and competence in their handling of various aspects of the case, and in particular in failing to disclose the existence of a suicide note from their son to the complainants.

On April 29, 2011, I made a decision to conduct a public interest investigation into this complaint. This decision was based on the nature and seriousness of the allegations, as well as on the loss of confidence in internal CF processes by the complainants.

Based on a preliminary review of the investigative files and on an interview with the complainants to clarify their allegations, the Commission has identified the 13 subjects of this complaint and provided them with notification. The enclosed list of allegations was prepared on the basis of the information received from the complainants and was provided to the subjects of the complaint.

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This preliminary review of the documentary materials and interview with the complainants has led me to conclude that the nature of the issues raised in this complaint makes the holding of a public hearing not only warranted in the public interest, but necessary in order properly to dispose of this complaint.

The allegations in this complaint put into question the very ability of the Military Police (MP) to conduct independent investigations into the behaviour of members of the CF, particularly when decisions made by the Chain of Command are involved. If these allegations are substantiated the implications are of profound significance. One of the MP's central functions is to enforce criminal and military law within the CF. For this purpose, the MP investigates and reports on misconduct by CF members, thereby ensuring that members of the CF act in accordance with the law and the military Code of Service Discipline. If, as alleged in this complaint, a bias did exist that prevented CFNIS from uncovering and exposing information detrimental to the Canadian Forces, then the ability of the MP to carry out this important function would be significantly impaired. Similarly, and perhaps even more importantly, if the CFNIS did not possess the required degree of independence to make decisions about what issues to investigate, how to investigate these issues, and what information to provide to complainants without being influenced by the interests of other elements of the CF, or if the CFNIS improperly failed to exercise this independence, then it would be difficult if not impossible for the Military Police to carry out its core functions.

The allegations in this complaint strike at the very core of how the Military Police performs its role. Independent oversight is meant to ensure that the MP can perform its functions with a high degree of professionalism and that public confidence in the police is maintained. Because the allegations here raise the possibility that the Military Police is unable to perform some of its most basic duties in support of the military justice system and the rule of law, they must be examined to the fullest, and this examination must take place in an open, public and transparent setting. Ensuring that independent police investigations are conducted into potential criminal or service offences committed by members of the military is in the interest of the public as a whole.

Openness is particularly important in light of the fact that these allegations themselves raise issues about transparency. Allegations that a failure to provide information was influenced by other CF interests or motivated by litigation concerns, and that MP members participated in efforts to justify CF actions instead of investigating them, by definition raise concerns about a possible lack of transparency in MP processes. As a result, the process used to shed light on this matter and determine whether these allegations are well founded should itself be open and transparent.

The allegations in this complaint have significance and implications beyond the specific facts and the specific parties in this case. They potentially raise complex issues about the policies, practices and organization of the Military Police. These issues will be better addressed in the context of a public hearing where evidence relevant to this complaint can be examined in depth through an open process, and where all parties can be provided with a full opportunity to present their views and to bring or challenge evidence.

The holding of public hearings is the most appropriate process to provide the necessary level of accountability and transparency in this case. The public's interest to be informed of, and to come to an understanding about, these important issues will be supported by the Commission receiving evidence to support or refute these allegations in a public hearing.

For all these reasons, I consider that it is warranted in the public interest to hold a hearing into this complaint. I have not come to this decision lightly, considering the significant investment in time and in resources involved in the holding of a hearing, particularly in this time of necessary fiscal restraint. However, because of the nature of the allegations, holding a public interest hearing is the only appropriate manner to dispose of this complaint.

The Commission will make every effort to proceed as expeditiously as possible in order to minimize the time required to resolve this complaint. The hearing process will commence with a case conference on October 13, 2011. By that time, the Commission will expect the parties to have retained counsel, if they wish, and to be in a position to advise the Commission of any preliminary issues and of their views on scheduling so that a date can be set for the beginning of the hearing of evidence.

Yours truly,



Glenn M. Stannard
Chairperson

Enclosures: Decision letter of April 29, 2011
List of allegations

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