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Undesignated as of March 10, 2015
under the authority of
Colonel Robert P. Delaney, OMM, CD
Canadian Forces Provost Marshal

COMMANDER
CANADIAN FORCES MILITARY POLICE GROUP
NOTICE OF ACTION

WITH RESPECT TO THE
MILITARY POLICE COMPLAINTS COMMISSION'S
INTERIM REPORT IN ITS PUBLIC INTEREST HEARING
RELATING TO A COMPLAINT BY
MR. AND MRS. FYNES
REGARDING THE CONDUCT OF MEMBERS OF
THE CANADIAN FORCES NATIONAL INVESTIGATION SERVICE

File: MPCC-2011-004

December 2014

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**A. CANADIAN FORCES PROVOST MARSHAL REVIEW
 OF THE COMMISSION CHAIR'S FINDING**

Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
ALLEGATIONS RELATING TO INDEPENDENCE AND IMPARTIALITY			
1	<p>The NIS investigations were not conducted in an independent and impartial manner. NIS lacks the independence, on a structural level, to conduct such investigations.</p>	<p>UNSUBSTANTIATED</p> <p>The Commission saw no evidence supporting this allegation. The Commission has identified deficiencies in all three investigations conducted in this case. However, there is no evidence any of these deficiencies were the result of lack of independence or bias on the part of the CFNIS members involved or the CFNIS as an institution. Rather, the deficiencies largely resulted from inexperience, faulty assumptions and inadequate supervision.</p>	<p>Noted.</p> <p>Notwithstanding that this allegation was found to be unsubstantiated, deficiency comments made by the Commission will be addressed in the responses to recommendations 1-4 and 38-42 which fall out of this finding.</p>
<p>The evidence provides no indication of any interference or attempt by the CF members to dictate or influence the conduct of the three CFNIS investigations or their ultimate conclusions. There is also no evidence of any bias or desire to protect CF interests having influenced the conduct of the investigations or the conclusions reached.</p> <p>The Commission has noted some of the events in this case did raise concerns about maintaining confidence in the CFNIS' independence. In particular, the failure of the CFNIS members involved</p>			

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		<p>in the 2009 and 2010 investigations to conduct more extensive investigations, after they had obtained and reviewed the CF's internal investigations into the same matters, could impact on the CFNIS' ability to demonstrate its independence. However, the evidence did not demonstrate the review of the CF investigations actually impacted the conduct of the investigations or the conclusions reached.</p> <p>There was no evidence indicating the CFNIS, as an institution, lacked the independence to conduct the investigations. However, some of the policies and processes in place give rise to concerns about the CFNIS' ability to maintain its independence. In particular, it was found the CFNIS does not have final decision-making authority to refuse to release information, which might impact on ongoing investigations or police methods. However, there is no evidence information that could compromise CFNIS investigations or methods was in fact released despite the CFNIS' objection. As such, there is no evidence the policies and processes impacted on CFNIS independence in practice.</p>	

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2	<p>The 2008, 2009 and 2010 investigations were aimed at exonerating the Lord Strathcona's Horse (Royal Canadians) regiment (LDSH) Chain of Command and the Canadian Forces (CF) more generally of any responsibility for their failure to prevent Cpl Langridge's death and for the manner in which the complainants were subsequently treated.</p>	<p>UNSUBSTANTIATED</p> <p>There is no question all three investigations were incomplete and left many questions unanswered. However, there is no evidence these deficiencies were caused by any bias on the part of the members involved, nor that the investigations were aimed at exonerating anyone. In order to reach a contrary conclusion, the Commission would be required to find there was a conspiracy commencing with the front line investigators up to the highest ranking CFNIS members. Such planning and thought process were not presented in any fashion in this case.</p> <p>On the contrary, the evidence shows the CFNIS members all sought to complete their tasks to the best of their ability. There is no evidence indicating any dishonesty or inappropriate motivations on the part of any of the CFNIS members involved in the investigations. Further, the evidence reveals many of the events that led the complainants to believe the investigations were biased, did not, in fact, happen as the complainants believed they had.</p>	<p>Noted.</p> <p>Consultations will take place with the RCMP to have the investigation reviewed or redone at their discretion.</p>

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3	<p>The 2008 Sudden Death investigation report contained findings that were inaccurate, that the investigator was not qualified to make, and that were aimed at attacking Cpl Langdrige's character and exonerating CF members of any wrongdoing or liability.</p>	<p>SUBSTANTIATED IN PART</p> <p>The Commission finds the Concluding Remarks for the 2008 investigation contained information that was inaccurate or not supported by the evidence uncovered during the investigation. They contained a statement indicating Cpl Langdrige's addiction issues had caused him to suffer from mental health issues, which the investigator was not qualified to make, and which was not supported by the evidence. The revised Concluding Remarks authored by the supervisors for the 2008 investigation continued to include information not supported by the evidence about Cpl Langdrige's mental health and addiction issues. The Concluding Remarks also included a comment indicating Cpl Langdrige's death occurred despite the structure and support provided by his Unit. The conclusion was not supported by the evidence and may well have been inaccurate.</p> <p>However, there is no evidence the statements were aimed at attacking Cpl Langdrige's character or at exonerating CF members. On the contrary, the evidence indicates the CFNIS members involved had no improper motivations or bias and no intent to attack Cpl Langdrige's character or exonerate the CF.</p>	<p>The members of the CFNIS strive for accuracy and completeness in documentation following investigations. There are several layers of review followed by a signature of the Officer Commanding the detachment before files are considered closed. The MP Chain of Command will continue to review conclusions drawn by investigators.</p> <p>It must be noted however, that the reports generated by the CFNIS document investigations carried out for the purpose of determining whether any crimes or breaches of the Code of Discipline have been committed and whether charges ought to be laid as a result. These reports are not prepared for the purposes of informing complainants of the outcome of any investigation.</p>

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4	<p>The 2008 Sudden Death investigation was overly intrusive in light of its initial aim of determining the cause of death. Obtaining and including in the file Cpl Langridge's medical records was unnecessary for this purpose.</p>	<p>The Commission notes the Concluding Remarks were modified in 2010 following the Fynes' complaints during meetings with CFNIS members. In recognition of the great distress these Concluding Remarks caused the complainants, all objectionable statements were removed. However, there was no recognition by the CFNIS or its members that the original Remarks were inaccurate or unsupported by the evidence.</p> <p>UNSUBSTANTIATED</p> <p>The Commission is satisfied it was both relevant and necessary for the purposes of this investigation to obtain Cpl Langridge's medical records.</p> <p>Those records had relevance to the sudden death investigation. They could be used to confirm suicide as the most likely cause of death because they contained information about Cpl Langridge's mental health issues and past suicide attempts.</p> <p>The records were especially relevant to the investigation of potential negligence, which was also one of the stated goals set out in the investigation plan for the 2008 investigation. In this respect, the Commission has, however, found the investigation conducted into potential negligence was incomplete, and the medical records obtained were insufficient.</p>	<p>Noted.</p> <p>As is the case for all evidence, medical records are obtained where necessary for the purposes of determining any indication on which to form a belief that there were reasonable and probable grounds to investigate any potential breaches of the Code of Service Discipline or potential criminal acts.</p>

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5	<p>When they did start to examine the issue of underlying causes of Cpl Langridge's suicide in the 2008 investigation, NIS investigators failed to pursue this examination in a complete and unbiased manner. The investigators were selective in the information they obtained and included, and their selection was not objective or impartial. The conclusions drawn by the investigators were based on incomplete facts which contained numerous contradictions and discrepancies.</p>	<p>The CFNIS members cannot be faulted both for doing too much and for not doing enough. The Commission has found more should have been done to investigate negligence but finds there is no support for the allegation the investigation was overly intrusive.</p> <p>SUBSTANTIATED IN PART</p> <p>The Commission has found there was no bias on the part of the CFNIS members involved in the investigation. There is no evidence they selected information in a manner that was not objective or impartial.</p> <p>However, the evidence does reveal many aspects of the investigation were incomplete. Both in terms of investigating the cause of death and investigating potential negligence, the evidence reveals many obvious investigative steps were not taken and many clearly relevant documents were not obtained. Hence, Cpl Langridge's parents and common-law spouse were never interviewed; Cpl Langridge's medical records from civilian hospitals were never obtained; medical personnel from civilian hospitals and key care providers from the military medical community were not interviewed; members of Cpl Langridge's CoC were not interviewed; the activities</p>	<p>Noted.</p> <p>Consultations will take place with the RCMP to have the investigation reviewed or redone at their discretion.</p>

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		<p>and whereabouts of Cpl Langridge during the days immediately preceding his death were not ascertained; and, the authenticity of his suicide note was never confirmed or investigated. Other steps directly relevant to ruling out foul play, including such obvious matters as confirming the lack of access to Cpl Langridge's room by a third person, were also not pursued.</p> <p>These deficiencies were the result of poor planning and poor execution of the investigation as well as inadequate supervision. The Investigation Plan, in particular, was especially inadequate, and there was no intervention by supervisors to correct the situation.</p> <p>In terms of the conclusions drawn, there was sufficient evidence to support ruling out foul play at an early point in the sudden death investigation. As such, despite other deficiencies in this aspect of the 2008 investigation, it cannot be found the conclusions were based on incomplete facts. However, the contradictions and discrepancies in the facts relevant to potential negligence were not sufficiently investigated. Insofar as there were conclusions drawn in this regard, they were based on incomplete facts.</p>	

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6	<p>The NIS investigators in the 2008 Sudden Death investigation met with CF members from the LDSH regiment prior to attending the scene. They were influenced by these meetings and discussions and this tainted the remainder of their investigation.</p>	<p>UNSUBSTANTIATED</p> <p>There is no evidence whatsoever to support his allegation. On the contrary, the evidence reveals the CFNIS investigators did not meet with members of the LDSH Regiment prior to attending the scene. Their investigation was not "tainted" by any such meeting or by any other event or discussions.</p> <p>When the CFNIS investigators arrived at the Base, they attended the MP guardhouse. There, they met with local MP members and, subsequently, with the ME investigator. At the scene, they also interacted with first responders including MP members and Base Firefighters. They met with LDSH members only after attending at and processing the scene and only for the legitimate purpose of conducting interviews in support of their investigation or discussing administrative matters related to Cpl Langridge's property.</p> <p>As can be expected during the initial phases of any investigation, the CFNIS investigator encountered rumours and other unconfirmed information about Cpl Langridge and his last days in the course of their interactions with MP members and witnesses at the scene. However, it is clear they recognized the speculative and fragmentary nature of such statements, and attempted, albeit without great</p>	<p>Noted.</p>

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7	<p>NIS members involved in the conduct of the 2008 Sudden Death investigation provided inaccurate information to the Alberta Medical Examiner (ME) about whether Cpl Langridge was the subject of disciplinary action in the CF. This resulted in an inaccurate mention on the ME certificate that Cpl Langridge had "disciplinary issues". NIS refused to make any attempt to have this inaccuracy corrected.</p>	<p>success, to discern what, if any, truth lay behind them.</p> <p>UNSUBSTANTIATED</p> <p>The evidence before the Commission has revealed the CFNIS investigators were not, in fact, responsible for the comment included in the ME Certificate. The information they provided to the ME investigator was accurate. When they provided preliminary or unconfirmed information, they specified the information had not been verified, and they offered further clarification when they obtained additional information.</p> <p>The mention of disciplinary issues included in the ME certificates was the result of the ME Investigator's own interpretation and not of statements made by the CFNIS members. As such, the CFNIS cannot be faulted for not volunteering to provide assistance to the complainants in having the Certificate corrected. The complainants should have pursued this issue directly with the Office of the Alberta Medical Examiner.</p>	<p>Noted.</p>
8	<p>The NIS and its members made inaccurate statements about where Cpl Langridge was residing immediately prior to his death. Those statements were aimed at</p>	<p>UNSUBSTANTIATED</p> <p>The evidence reveals, during an interview with the complainants, one CFNIS member did discuss his belief – based on initial review of the materials – Cpl</p>	<p>Noted.</p>

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	<p>exonerating the LDSH Chain of command of any responsibility and were examples of NIS participation in broader efforts by the CF to exonerate themselves from any responsibility.</p>	<p>Langridge did not reside in the Defaulters' room at the time of his death. This information was not accurate. However, it is clear the statements were based on an honest misunderstanding, and the member made it clear he intended to verify the information.</p> <p>There were also inaccuracies in some of the notations about Cpl Langridge's address included in the 2008 investigative file. The evidence shows these statements were in the nature of clerical errors.</p> <p>None of the statements made were aimed at exonerating the Regiment of responsibility, nor were they examples of CFNIS participation in any efforts to exonerate the CF from responsibility. In fact, the Commission has found no evidence of participation by the CFNIS in any such efforts.</p>	
9	<p>NIS members commented, during a meeting with the complainants, that a statement made by their Assisting Officer indicating that the complainants were "deceived, misled and intentionally marginalized in their dealings with DND and the CF" was likely the result of Stockholm syndrome. This demonstrated a</p>	<p>UNSUBSTANTIATED</p> <p>The CFNIS members adamantly denied making any comment related to "Stockholm syndrome". The evidence before this Commission provides no confirmation of any such comment having been made. The recording for the meeting when the comment was alleged to have been made contains no trace of it. The recording was submitted to expert</p>	<p>Noted.</p>

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10	<p>previously-held view by NIS members that any views critical of the CF must be wrong. Such views prevented NIS members from conducting independent investigations into the actions of CF members.</p> <p>NIS agreed to participate in an intended briefing that was offered to the complainants by the CF and that was to include information about the CF Board of Inquiry, as well as about the CFNIS investigations. NIS failed to preserve its independence by failing to ensure that its police investigations were kept separate and distinct from other internal CF processes.</p>	<p>analysis by the Commission as a result of allegations by the complainants that the recording had been altered. That analysis confirms the recording was not altered.</p> <p>UNSUBSTANTIATED</p> <p>The Commission found no evidence a common briefing about the CFNIS investigations and the CF's BOI was ever planned or offered to the complainants. The evidence reveals the only briefing offered to the complainants by the CFNIS related solely to the CFNIS' own investigations.</p> <p>It appears the complainants' impression there was a plan to provide a common briefing may have arisen as a result of their communications with Col Blais, who had been named as the point of contact to answer their questions on behalf of the CF. These communications included several discussions relating to the briefings or updates to be provided about the BOI and the CFNIS investigations. As the issues were discussed together, it may have appeared to the complainants the briefings would also be joined.</p> <p>Although the Commission has found there was no plan to provide a joint briefing, it also finds the communications with Col Blais about CFNIS issues</p>	<p>Noted.</p> <p>The only source of information about CFNIS investigations is the CFNIS. The CFNIS conducts its policing duties and functions independent of the Chain of Command. All future family briefings will be conducted solely by MP.</p>

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11	<p>NIS participated in broader CF efforts to provide explanations and justifications in response to the complainants' concerns, instead of conducting independent investigations in response to those concerns.</p>	<p>opened the door to creating confusion about the CFNIS' role and were problematic in terms of maintaining confidence in CFNIS independence. UNSUBSTANTIATED.</p> <p>This allegation related to the complainant's concerns about CFNIS participation in public affairs coordination with the CF. The evidence does not support a conclusion the CFNIS participated in efforts to present the CF's perspective to the public. There is no evidence the CF exerted control or influence over the CFNIS' public message, nor is there any evidence the CFNIS modified its messages about its investigations to serve the CF's interests or public relations strategy. In addition, the evidence indicates the CFNIS did not participate in a CF-wide Task Force constituted to advance the CF's interests in civil litigation or to present the CF's positions to the public.</p> <p>However, the CFNIS did participate in extensive public relations coordination involving other CF organizations. While the CFNIS generally retained control over the information released about its investigations and activities, the evidence reveals there were no formal policies or processes in place to protect the CFNIS' independence in terms of authority over the release of its information. This gives rise to concrete concerns about maintaining</p>	<p>Noted.</p> <p>The CFNIS conducts its policing duties and functions independent of the Chain of Command with its own integral CF PAFFO support that releases police information on the sole authority of the CFPM. It must be noted however, that the CFMP Gp is organized as a unit of the wider Canadian Armed Forces and not a police force governed by its own Police Act. It is subject to the same policies and administrative procedures as any other unit in the CAF and therefore all non-police related comments and communications approaches must be processed in coordination with the wider CAF.</p> <p>Comments made by the Commission concerning public affairs and their impact on MP independence will be addressed in recommendations 38-41 which fall out of this finding.</p>

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		<p>confidence in CFNIS independence. The Commission has noted that having clear policies governing such matters, rather than relying on a general practice which may or may not be known or adhered to by all CF PAOs, would provide effective safeguards.</p> <p>The evidence also reveals the CFNIS, in this case, often participated in preparing joint media response lines or public statements with other CF organizations. This was done because the case raised issues of concern to many different CF organizations. CFNIS messages were, at times, delivered by CF spokespersons, and messages related to the CF's interests were, at time, included in the CFNIS own media lines. This risked creating confusion and impacted the CFNIS's ability to demonstrate independence.</p> <p>When the CF high command commented on the matter while it was still under investigation, because the CFNIS had not been careful to keep its public messages separate from those of the broader CF, there was a risk of creating an impression the CFNIS might be influenced by the positions taken by members of the CF CoC. The Commission has found the CFNIS does not have authority to prevent comment by the CF about matters it is investigating. However, the CFNIS can contribute to fostering</p>	

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12	<p>Concerns raised by the complainants in discussions with CFNIS members (particularly, concerns about damages to Cpl Langridge's vehicle while in CF custody) were discussed by NIS members with non-MP members of the CF (in particular, Land Forces Western Area). This was done for the purpose of participating in CF efforts to explain and justify their actions and not for the purpose of conducting an independent investigation.</p>	<p>greater confidence by keeping its own messages separate, not speaking on behalf of the CF, and not allowing the CF to speak on its behalf.</p> <p>UNSUBSTANTIATED</p> <p>The evidence before the Commission shows no inappropriate discussions took place between the CFNIS members and the LFWA CoC. The discussions that did take place were limited to legitimate information-sharing, and no details about the CFNIS investigation were provided.</p> <p>There was no impropriety in discussing the complainants' administrative concerns with the LFWA CoC. These concerns were unrelated to the CFNIS investigation or mandate and were brought to the CF's attention in an effort to assist the complainants. When they initially learned about these efforts, the complainants were grateful and did not express any concerns about lack of CFNIS independence or improper contacts with the CF. There is no evidence the discussions about these matters involved any attempt by the LFWA CoC to influence or interfere with the CFNIS investigation, let alone that this was the result.</p>	<p>Noted.</p>

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13 (a)	<p>NIS and its members failed to provide adequate and timely information to the complainants. NIS participated in broader Canadian Forces efforts to withhold information from the complainants. NIS members allowed non-MP members of the CF, including CF legal advisers, to influence or dictate their decisions about the type of information provided to the complainants and the manner in which this information would be provided. NIS members allowed a broader CF concern over potential litigation between the complainants and the CF to dictate or influence their decisions about the information to be provided to the</p>	<p>There is also no evidence the discussions were related to CFNIS participation in any CF efforts to explain or justify the CF's actions. The LFWA CoC's concern to ensure the CDS was aware of all ongoing investigations prior to issuing public comments was legitimate. The CFNIS Detachment OC's own individual concern about the same issue was unrelated to the interests of the police investigation, but the evidence reveals it had no impact on the conduct of the investigations or the conclusions reached.</p> <p>SUBSTANTIATED IN PART</p> <p>The evidence has revealed many of the redactions applied to the copies of the 2008 investigation report provided to the complainants were difficult to understand or justify. The complainants were not provided with satisfactory explanations for the redactions. Many of the redactions were applied by a separate DND organization, the DAIP, while others resulted from the MP's own failure to include certain information when compiling the file.</p> <p>The redactions applied are of concern, and what the evidence has revealed about the process in place for the release of CFNIS information also raises concerns. In particular, the fact the CFNIS does not have final decision-making authority to refuse to release information which may compromise its</p>	<p>Noted.</p> <p>Comments made by the Commission concerning DAIP authority to release information and its potential effect on police independence will be addressed in recommendations 42-43 which fall out of this finding.</p>

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	<p>complainants and the manner in which that information would be provided. In particular:</p> <p>a) NIS improperly withheld information from the complainants about its 2008 Sudden Death investigation by providing a copy of the report which contained numerous redactions having no justification in law or privacy protection. The complainants were provided with an incomplete file with no specific or satisfactory explanation for withholding information.</p>	<p>ongoing investigations or disclose police methods, can have an impact on the CFNIS' ability to maintain and protect its independence. While this has not happened in practice, the existing process is of concern. In addition, delegating decisions about redactions to be applied to CFNIS information also raises concerns in terms of maintaining confidence in the CFNIS' independence.</p> <p>However, the evidence does not support a conclusion the redactions were an attempt by the CFNIS or its members to withhold information from the complainants. There is also no evidence of CFNIS participation in broader CF efforts to withhold information from the complainants in connection with the release of this report, nor of any concerns about the CF's litigation interests having influenced decisions about the information released. While the CFNIS did allow non-MP members of the DND, namely the office of the DAIP, to make decisions about the release of the information contained in its investigative file, this was done pursuant to the process in place for the release of information and not with any improper intent or motivation.</p>	

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
13(b)	<p>b) NIS members failed to provide regular updates to the complainants as promised. Communication was irregular and contained unexplained gaps of many months</p>	<p>SUBSTANTIATED</p> <p>The evidence reveals the CFNIS members involved failed to provide timely and adequate information to the complainants throughout the course of all three investigations conducted. The complainants were never updated or briefed about the 2008 investigation until over a year after it was concluded. They were never provided with an explanation of the reasons for the CFNIS' failure to disclose Cpl Langridge's suicide note to them in a timely manner.</p> <p>When they did receive a briefing about the 2008 investigation, the complainants were provided general information and justifications but no specific information answering their questions. Commitments to provide information at a later date were not honored.</p> <p>During the 2009 and 2010 investigations, the complainants were not provided with the regular updates they had specifically promised by the CFNIS members. A limited number of updates were initially provided, but then a period of five months elapsed without any update or contact. Even when they did receive updates, the complainants were given no substantive information about the investigations. In particular, the CFNIS members made numerous</p>	<p>Noted.</p> <p>Deficiency comments made by the Commission will be addressed in the responses to recommendations 14-21 which fall out of this finding.</p>

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13(c)	<p>c) NIS acquiesced and participated in an effort by the CF to prevent the complainants from communicating with CF members. The complainants received a letter advising them that, in light of anticipated litigation, they were not to communicate directly with any member of the CF. No exception was made to allow the complainants to communicate with the NIS members investigating their complaints and NIS members in fact did not contact the complainants during this period.</p>	<p>promises and commitments to the complainants about how the investigations would be conducted. The investigations were not conducted as promised, and the CFNIS members never advised the complainants about the changes in approach.</p> <p>The Commission finds there was no acceptable justification for the failure to provide regular updates and substantive information to the complainants. The Detachment OC assumed responsibility for providing updates and information in connection with the 2009 and 20120 investigations but did not ensure they were, in fact, provided.</p>	<p>Noted.</p>
	<p>UNSUBSTANTIATED</p> <p>While the CFNIS' failure to maintain contact with the complainants and provide them with information was serious, the Commission has found no evidence it was the result of influence by CF members or legal advisors. As well, the Commission has found it was not motivated by concern over the CF's litigation interests. There is also no evidence the CFNIS participated in any CF efforts to withhold information from the complainant or to prevent the complainants from communications with the CF.</p> <p>The evidence reveals the "no contact" letter sent by CF legal representatives in September 2010 had no</p>		

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13(d)	<p>d) NIS cancelled a planned verbal briefing on the 2009 and 2010 investigations that was to be provided to the complainants. This decision was made because the complainants requested that their lawyer attend the briefing as an observer. In cancelling a briefing about the police investigations because of potential litigation between the complainants and the CF, the NIS failed to act independently.</p>	<p>impact on the CFNIS' interactions with the complainants. The CFNIS was not involved in the decision to send this letter, nor were they consulted about it or even aware of it. Had they known about the letter, the evidence indicates the CFNIS members would not have viewed it as precluding them from contacting the complainants. On its face, it is also doubtful the CF's correspondence could fairly be interpreted as seeking to limit or limiting the complainants' contact with the CFNIS. SUBSTANTIATED IN PART</p>	<p>Noted.</p>
	<p>The Commission finds the CFNIS did cancel a verbal briefing initially offered to the complainants because they requested their lawyer be present as an observer. This decision was made by the CFNIS DCO, but two of the subjects of the complaint, the CFNIS CO and the Detachment OC, participated in the decision.</p> <p>The Commission finds the decision to cancel the briefing was not appropriate. The CFNIS members had obligations to provide information to the complainants, particularly in light of the commitments they had made to them and the CFNIS' poor track record for maintaining contact during the investigations. Their desire not to become involved in the civil litigation process, while understandable, was not a sufficient or acceptable reason to fail to honor</p>		<p>The CFPM will liaise with civilian policing partners to determine a balanced approach with respect to communications with complainants in the face of ongoing litigation that is reflective of best practice.</p>

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		<p>their obligations and commitments to the complainants in this case.</p> <p>There is no evidence the decision to cancel the briefing was influenced or dictated by non-MP CF members. Because of solicitor-client privilege, it cannot be known what advice, if any, was obtained from CF legal advisors when the decision was made. However, the evidence indicates no concerns arise in this respect as the CFNIS generally obtains advice only from members of the military prosecution service, and this does not raise police independence concerns.</p> <p>The evidence before the Commission does not conclusively refute the possibility that concern over the CF's litigation interests may have influenced the decision to cancel the briefing. The evidence is not conclusive as to whether consideration of the specific fact the CF was involved in the litigation played a part in the decision, although the testimony of at least one of the subjects of the complaint did indicate the CF's litigation interests may have been a factor considered in the decision. While this is not sufficient to conclude the CFNIS failed to act independently, it does raise concerns about its ability to maintain confidence in its independence.</p> <p>SUBSTANTIATED</p>	
13(e)	e) The written briefing provided to the complainants by NIS in May 2011		Noted.

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	<p>in replacement for the planned verbal briefing did not contain sufficient information to answer the complainant's questions.</p>	<p>The evidence reveals the information contained in the written briefing provided to the complainants was inadequate and insufficient to answer the complainants' questions.</p> <p>The decision to provide a letter instead of a verbal briefing was, by its very nature, bound to result in the complainants receiving less information. Further, the letter, as drafted, provided no information about the rationale for the conclusions reached in the two investigations. The letter failed to honour the commitment made by the CFNIS members to the complainants that full justification would be provided if a decision was made not to proceed with charges. The letter also contained no information about the investigative steps taken in the 2009 and 2010 investigations and, as such, failed to inform the complainants the investigations did not proceed as earlier promised by the CFNIS members. Some of the information contained in the letter was inaccurate and some of the characterization of the nature and scope of the activity undertaken were potentially misleading.</p>	<p>Deficiency comments made by the Commission will be addressed in the responses to recommendations 14-21 which fall out of this finding.</p>

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
ALLEGATIONS RELATING TO INSUFFICIENT INVESTIGATION OR FAILURE TO INVESTIGATE			
14	<p>The investigations conducted by CFNIS were inadequate. The investigations failed to properly address the issues to be investigated. NIS members failed to investigate other issues, and failed to provide an appropriate response to the complainants with respect to the concerns they specifically brought to their attention.</p>	<p>SUBSTANTIATED</p> <p>The Commission has identified significant deficiencies in all three investigations conducted. In each case, the CFNIS members failed to identify and/or investigate significant issues properly or at all. Irrelevant investigative avenues or steps were pursued while relevant ones were not. Supervisors failed to intervene to correct misconceptions or inadequate approaches taken by the investigators. Instead, at times, they directed relevant investigative steps not be taken.</p>	<p>Noted.</p> <p>Consultations will take place with the RCMP to have the investigation reviewed or redone at their discretion.</p>
15	<p>NIS failed to properly investigate in a timely manner the potential criminal or service offences committed by members of the LDSH Chain of Command and other CF members prior to Cpl Langridge's death. Conduct requiring further investigation, follow-up and analysis was uncovered during the 2008 investigation and was specifically brought to the attention of the NIS by the complainants. This conduct was</p>	<p>SUBSTANTIATED</p> <p>During the 2008 investigation, the CFNIS investigators obtained or had the means of obtaining information regarding Cpl Langridge's last weeks including the regimental response to his distress and the medical treatment he received. This information suggested an investigation was required to determine whether there were instances of negligence, which could have contributed to Cpl Langridge's death.</p> <p>The CFNIS members involved in the 2008</p>	<p>Noted.</p> <p>Consultations will take place with the RCMP to have the investigation reviewed or redone at their discretion.</p>

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
	not adequately investigated.	<p>investigation did not consider any potential offences beyond the possibility Cpl Langridge might have been under a defective suicide watch when he died. They failed to investigate even this question adequately, and they failed to recognize and therefore failed to investigate all other relevant negligence-related issues. They failed to interview many important witnesses and also failed to obtain relevant records and evidence. As a result, key questions were never investigated, and easily accessible evidence was never gathered.</p> <p>In 2010, the complainants specifically requested an investigation be conducted into alleged criminal negligence in relation to Cpl Langridge's death. Despite assurances made to them these allegations would result in an extensive investigation, the CFNIS members involved in the 2010 investigation did not gather any new evidence or undertake any investigative steps. Instead, the preliminary assessment they conducted relied largely on the flawed and inadequate 2008 investigation despite the concerns specifically brought to the CFNIS' attention by the complainants about that investigation.</p> <p>The Commission finds the CFNIS failed to investigate the negligence-related issues adequately both in 2008 and 2010 and failed to conduct the follow-up investigation and inquiries, which would have been</p>	

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
16	<p>NIS failed to investigate the potential service offences committed by CF members in the application of (or failure to apply) suicide prevention policies in Cpl Langridge's case. NIS failed to investigate what policies were applicable and whether they were followed. In particular, NIS failed to investigate whether a requirement existed for the CF to conduct a Summary Investigation for each instance of attempted suicide by a member and whether this was in fact done in Cpl Langridge's case.</p>	<p>necessary as a result of the information uncovered during the 2008 investigation and the allegations brought forward by the complainants.</p> <p>SUBSTANTIATED</p> <p>Although the evidence is clear Cpl Langridge's suicidal ideation was known by the base medical community and the LDSH CoC prior to his death, at no point did any of the subjects of the complaint investigate the existence or application of suicide prevention policies with respect to Cpl Landridge.</p> <p>Relevant policies or orders directed base commanders and COs to develop and implement intervention plans to provide for a rapid, coordinated and effective response to reports of suicidal behaviour. The CFNIS members involved in the 2008 and 2010 investigations did not investigate whether this imposed a duty to develop and implement such a plan, nor whether the LDSH had developed the necessary interventions plans. The CFNIS members also did not investigate whether any offences could result from the failure to conduct an SI after each of Cpl Langridge's suicide attempts, despite CF orders requiring this to be done and despite evidence the LDSH CoC and the base medical community were aware of at least two suicide attempts for which no SI was conducted.</p>	<p>Noted.</p> <p>Consultations will take place with the RCMP to have the investigation reviewed or redone at their discretion.</p>

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
17	<p>In the conduct of the 2008 Sudden Death investigation and the subsequent 2010 Criminal Negligence investigation, NIS members failed to conduct the necessary follow-up and analysis to resolve conflicts and discrepancies in the information obtained, including in relation to the alleged "suicide watch" (or lack thereof) conducted prior to Cpl Langridge's death.</p>	<p>SUBSTANTIATED</p> <p>In the course of the 2008 investigation, the CFNIS members received contradictory information about a potential suicide watch having been planned or conducted for Cpl Langridge. They also received conflicting information about the purpose of the conditions imposed on Cpl Langridge and whether they constituted a suicide watch.</p> <p>The Commission finds the inquiries made by the CFNIS members about this issue were not focused or adequate. Many critical questions were left unanswered or were not thoroughly addressed. Contradictions in the evidence arose, and the CFNIS members failed to probe the witnesses critically, assess the evidence, and conduct the necessary follow-up inquiries. As a result, relevant evidence was never obtained, and relevant questions were never answered.</p> <p>The CFNIS members conducting and supervising the 2010 investigation similarly failed to conduct the necessary follow up and analysis. Because they conducted no investigation at all, they did not gather any evidence or information that might have assisted in resolving the contradictions and discrepancies in the information available. The limited analysis conducted did not address the relevant issues or</p>	<p>Noted.</p> <p>Consultations will take place with the RCMP to have the investigation reviewed or redone at their discretion.</p>

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
18	<p>The activity undertaken by the NIS investigators in the 2008 Sudden Death investigation had no clearly defined and understood purpose. NIS investigators failed to produce a report that provided a satisfactory explanation for the issues they undertook to investigate. NIS failed to provide clarity for its own personnel and for the complainants about what those issues were.</p>	<p>answer the relevant questions.</p> <p>SUBSTANTIATED IN PART</p> <p>The CFNIS members who conducted and supervised the 2008 investigation did not exhibit a strong working understanding of the basic purpose of process for conducting a sudden death investigation. They did not have an adequate understanding of the role of the ME and how it related to their own role.</p> <p>The investigators understood the ultimate goal of the investigation was to rule out foul play. However, they did not appear to have a clear understanding of what was required to achieve this goal.</p>	<p>Noted.</p> <p>Deficiency comments made by the Commission will be addressed in the responses to recommendations 1-13 which fall out of this finding.</p> <p>The CFPM acknowledges the relative inexperience of the members who conducted and supervised these investigations. However, since 2008, the CFNIS has gained considerable experience with investigating sudden deaths with 173 investigations done by MP including 74 overseas.</p>
		<p>The CFNIS members failed to assess the death scene and the evidence critically, and they failed to adjust their approach based on what the evidence revealed. They did not appreciate or assess the abundant evidence indicating Cpl Langridge's death was the result of suicide, and they did not take into consideration the opinion of the ME Investigator at the scene. They failed to make note of significant information available at the scene and they failed to gather, preserve, and protect from contamination evidence that would have been significant and even essential if the possibility of foul play became a realistic suspicion.</p>	

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
19	<p>NIS failed to properly investigate in a timely manner the potential service offences committed by members of the CF in designating Cpl Langridge's former partner as next-of-kin. Facts requiring further investigation, follow-up and analysis were specifically brought to the attention of the NIS by the complainants and were not adequately investigated, including facts relating to CF interactions with the funeral director and with the complainants about the Registration of Death documents and facts</p>	<p>By March 19, 2008, it would have been appropriate, in view of the evidence gathered, to determine Cpl Langridge had not died as the result of homicide. Instead, the CFNIS members placed undue emphasis on the need to "keep an open mind" throughout the entirety of the investigation. As a result, the determination there was no foul play involved in the death was unnecessarily delayed.</p> <p>While generally complete, the police notes and SAMPIS entries made in the course of the 2008 investigation did not provide sufficient information about important decisions made and did not provide a clear picture of the issues under investigation or the conclusions reached regarding each of these issues.</p> <p>SUBSTANTIATED</p>	<p>Noted.</p> <p>Consultations will take place with the RCMP to have the investigation reviewed or redone at their discretion.</p> <p>It must also be noted that the CFNIS has an embedded Legal Adviser and investigators are and will continue to be encouraged to seek legal advice where required.</p>
	<p>The evidence reveals numerous serious deficiencies in the 2009 investigation conducted by the CFNIS.</p> <p>The investigation largely proceeded on the basis of faulty and untested assumptions. The allegations were never properly identified nor understood. Relevant questions were not asked or answered in the investigation. No conclusions were reached about who made the PNOK decision and on what basis. Other relevant issues related to the role of the executor, the registration of death, the misplaced paperwork and the involvement of a JAG officer in the</p>		

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
	<p>relating to Cpl Langridge's missing paperwork located after his death.</p>	<p>PNOK decision-making process were never explored.</p> <p>A fundamental flaw in the investigation was the total failure to seek legal advice. The issues raised in addressing the PNOK allegations were numerous and of considerable complexity encompassing questions of military, provincial and case law. The conclusions reached were based on the lead investigator's own understanding of legal norms and principles. The investigator involved had no legal training and did not have the expertise necessary to be able to draw legal conclusions with respect to the investigation. It should have been apparent to all CFNIS members involved that legal advice was required.</p> <p>The investigation into the facts of the complaint also suffered from other shortcomings. Sources of evidence were unduly limited by the failure to conduct interviews with fact witnesses. Assumptions were made which were not supportable on the actual facts. Members of the Regiment CoC involved in the PNOK decision were never interviewed. The issues of Cpl Langridge's marital status and the complainants' input into the funeral arrangements were not adequately investigated.</p> <p>Throughout the investigation, supervisors were not sufficiently informed or aware of the issues being</p>	

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
20	<p>In the conduct of the 2009 PNOK investigation, NIS members failed to investigate the actual issue that they had been asked to investigate: whether service offences were committed in appointing Cpl Langridge's former common law partner as next-of-kin for purposes of arranging the funeral. By focusing only on whether or not Cpl Langridge's former partner still qualified as his common law spouse under CF policies, NIS members failed to answer the actual question brought to them for investigation.</p>	<p>investigated. They provided limited input and did not intervene to correct the investigators' faulty assumptions or ensure a legal opinion was obtained before legal conclusions were drawn. SUBSTANTIATED The Commission finds the CFNIS members failed to identify the central issue of the complaint. Because the lead investigator involved focused his investigation very narrowly on the issue of whether Ms. A was Cpl Langridge's common-law spouse at the time of his death, the entitlements associated with being recognized as NOK, particularly in relation to funeral planning, were not investigated. Although the complaint lacked clarity, and although it was, in part, based on faulty assumptions as well, the complainants were ultimately concerned the role of planning the funeral had been given to someone who was not entitled. The CFNIS failed to investigate this issue. Although not noted in the investigation plan, an allegation about funeral planning was considered. However, the investigation of this allegation focused only on the complainants' participation in funeral planning and still missed the central issue of who should have been entitled to plan the funeral.</p>	<p>Noted. Consultations will take place with the RCMP to have the investigation reviewed or redone at their discretion.</p>

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
21	<p>NIS failed to investigate or refer to the police of competent jurisdiction for investigation the potential criminal or service offences committed by Cpl Langridge's former partner and the two CF members who accompanied her during her visit to the funeral director. Conduct which required further investigation, follow-up and analysis (including conduct which may have amounted to fraud in the provision of false information for the purpose of obtaining benefits) was specifically brought to the attention of the NIS by the complainants and was not adequately investigated.</p>	<p>As a result, the CFNIS failed to answer the actual question brought to them for investigation.</p> <p>SUBSTANTIATED IN PART</p> <p>The CFNIS did not conduct an investigation into the attendance at the funeral home by CF members or Ms. A. The Commission finds, while reasons of jurisdiction justify not investigating Ms. A's involvement, it is not clear there would have been a jurisdictional bar to investigating the actions of the CF members who attended at the funeral home.</p> <p>In addition, the Commission finds it would have been a best practice to advise the complainants the CFNIS did not intend to investigate some of their allegations or refer them to other law enforcement agencies. The CFNIS should then have provided the complainants with information about other agencies that may have been able to investigate their complaints.</p>	<p>Noted.</p> <p>Comments made by the Commission concerning provision of information to complainants will be addressed in recommendation 20 which falls out of this finding.</p>
22	<p>NIS failed to investigate, follow-up, or provide a response to the complainants with respect to the concerns they raised about how Cpl Langridge's vehicle was damaged while in CF custody.</p>	<p>This allegation was withdrawn by the complainants during the hearing.</p>	<p>Noted.</p>
23	<p>NIS failed to investigate, follow-up or provide a response to the</p>	<p>This allegation was withdrawn by the complainants during the hearing.</p>	<p>Noted.</p>

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
24	<p>complainants with respect to the concerns they raised about damage done to Cpl Langridge's blackberry and computer while in the NIS and CF custody.</p> <p>NIS failed to investigate, follow-up or provide a response to the complainants with respect to the concerns they raised about the information they obtained from Rogers telephone indicating that someone was accessing the internet from Cpl Langridge's blackberry after his death.</p>	<p>This allegation was withdrawn by the complainants during the hearing.</p>	<p>Noted.</p>
<p>ALLEGATIONS RELATING TO PROFESSIONALISM AND COMPETENCE</p>			
25	<p>The CFNIS members involved in the investigations lacked the necessary skills, professionalism and competence to conduct these investigations and to resolve the issues brought to their attention by the complainants.</p>	<p>SUBSTANTIATED</p> <p>The evidence reveals the CFNIS WR Detachment members involved in the investigations, including those involved in providing supervision and oversight for the investigations, did lack the necessary skills and, at times, the competence to carry out their duties. The evidence shows this was mostly due to lack of adequate experience, particularly with respect to the conduct of sudden death investigations.</p> <p>Some of the deficiencies in the investigations were</p>	<p>Noted.</p> <p>Comments made by the Commission will be addressed in recommendations 1-4 and 8-15 which fall out of this finding.</p> <p>The CFPM acknowledges the relative inexperience of the members who conducted and supervised these investigations. However, since 2008, the CFNIS has gained considerable experience with investigating sudden deaths with 173 investigations done by MP including 74 overseas.</p>

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		<p>sufficiently egregious to put in question the skills and professionalism of the members involved. Examples of this type of conduct include: the supervisor's direction not to interview Cpl Langridge's parents and common-law spouse in the 2008 investigation; the failure of the members involved to understand the legal requirements applicable for conducting searches and seizures; the failure to disclose the suicide note; the failure to seek legal advice in the 2009 investigation; and the inordinate amount of time taken to complete the 2009 and 2010 investigations.</p> <p>The evidence also reveals numerous instances of lack of professionalism on the part of the CFNIS members. The failure to take steps to ensure Cpl Langridge's suicide note was provided to the complainants when its existence was revealed to the BOI; the failure to provide an immediate and unqualified apology to the complainants; the failure to provide the complainants with an explanation regarding the reasons for the late disclosure; and the failure to put in place clearly understood processes and policies for the timely disclosure of suicide notes in the future; were prime examples. The general conduct of the CFNIS members in interacting with the complainants, including the failure to fulfill commitments and the failure to provide timely and accurate information, also constitutes a deficiency of professionalism.</p>	<p>Consultations will take place and partnerships with our civilian policing partners, through new or existing MOUs, will be leveraged to determine what opportunities may be available for CFNIS investigators to gain field experience in sudden death investigations. Best practices with respect to necessary qualifications will be determined and implemented, subject to the exigencies, of the service to ensure that policing duties and functions are performed that reflect the standards required of policing in Canada.</p>

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26	<p>NIS failed to advise the complainants of the existence of a suicide note left for them by Cpl Langridge and failed to provide the note until many months after Cpl Langridge's death and after the investigation was concluded. NIS never came forward to reveal the existence of the note, which was learned by the complainants through other means. Once the complainants were advised, NIS failed to send the original note until the complainants made a specific request.</p>	<p>While many of the deficiencies observed in the conduct of the CFNIS members were the result of inexperience and honest mistakes or misunderstandings, there was a lack of professionalism displayed in the failure of the CFNIS members involved, particularly those in leadership or supervisory positions, to step forward, take responsibility, and appropriately correct the situation when serious mistakes were revealed.</p> <p>SUBSTANTIATED</p>	<p>Noted.</p> <p>The CFPM recognizes the importance of providing the suicide note to the family.</p> <p>Comments made by the Commission will be addressed in recommendations 8-10 which fall out of this finding.</p>
	<p>The evidence confirms the CFNIS failed to disclose Cpl Langridge's suicide note to the complainants at any time during the 2008 investigation. There is no evidence early disclosure of the existence and content of the note and, in particular, of the funeral wishes it contained could have caused any jeopardy to the investigation. In fact, in the early days of the investigation and well before Cpl Langridge's funeral, sufficient evidence had already been gathered as a practical matter to rule out foul play.</p> <p>It is clear there were never any reasons to suspect foul play in this case. The conduct of the investigation reveals the CFNIS members were not actively investigating suspicions of foul play but were simply refraining from drawing a final conclusion until confirmation was obtained from the ME as to the</p>		

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		<p>cause of death. This was not sufficient reason to withhold disclosure of the information contained in the suicide note to Cpl Langridge's family. Moreover, the evidence has revealed there was no basis for reasonable suspicion about the authenticity of the note and, indeed, no steps were taken to confirm it.</p> <p>The evidence also confirms the CFNIS did not come forward to reveal the existence of the suicide note at any time after the investigation was concluded. When the BOI inquired about the existence of a suicide note, the CFNIS members took no steps to ensure it was disclosed to the family. When the BOI disclosed the existence of the note to the complainants, the CFNIS initially resisted their request to obtain the original suicide note. There was no rational justification for this response, which only increased the distress caused to the complainants as a result of the failure to disclose their son's suicide note to them.</p> <p>The Commission finds the failure to disclose the suicide note for over 14 months after the death shocking and beyond comprehension.</p> <p>Once the failure was discovered, the evidence reveals the CFNIS members failed to provide an immediate and unqualified apology to the complainants. The CFNIS members also failed to</p>	

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		<p>make the necessary inquiries to discover the actual reasons the note had not been disclosed. As a result, they were unable to provide the complainants with a real explanation, and some of the information they provided to the complainants, the public and other members of the CF, was not entirely accurate.</p> <p>The CFNIS members failed to put in place sufficient measures to ensure this type of failure does not happen again. The modification of written policies and procedures took an excessively long time to complete, and current policies are insufficient to address the issue and, in particular, to ensure funeral wishes are disclosed to families in a timely manner. While CFNIS leadership did provide verbal directives and conduct case-by-case monitoring in an effort to avoid similar incidents, the CFNIS members failed to develop and disseminate within the organization an appropriate understanding of the criteria to be used to determine when suicide notes should be disclosed and released.</p>	
27	<p>NIS members failed to promptly cut down Cpl Langridge and show respect for his body once they arrived at the scene.</p>	<p>UNSUBSTANTIATED</p> <p>The evidence demonstrates the CFNIS members present at the death scene showed no disrespect to Cpl Langridge's body. The expert evidence heard by the Commission confirms police attending at a death scene should not move or disturb the body unless absolutely necessary. The evidence also establishes</p>	<p>Noted.</p>

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		<p>the sole authority to move or remove Cpl Langridge's body belonged to the Alberta Medical Examiner. The practice of the Alberta ME's office was not to lower a body until they were ready to remove it from the scene. The expert evidence also shows it would have been improper to attempt to cover the body in any way prior to the removal. There is no evidence Cpl Langridge's body was made into a spectacle. To the contrary, appropriate steps were taken to ensure the body could not be viewed by passersby.</p> <p>The Commission cannot conclude the time that elapsed between the discovery of Cpl Langridge's body and the removal of his body from the scene was unreasonable. The evidence establishes the time taken was not outside the reasonable range even if some of the steps taken by the CFNIS investigators to document the scene prior to the removal of the body were not strictly necessary. The investigators were inexperienced and this caused some delay, but they acted in good faith to do what they believed was necessary in order to preserve potential evidence. The ME Investigator agreed, in the spirit of cooperation, to wait until the CFNIS investigators had documented the scene before moving Cpl Langridge's body but could have hastened the removal if it had been necessary.</p> <p>SUBSTANTIATED</p>	
28	NIS failed to dispose of the seized exhibits when closing the Sudden		Noted.

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	<p>Death investigation in July 2008 and failed to have the items returned to the complainants in a timely manner.</p>	<p>The evidence shows the CFNIS members took no steps to have the seized exhibits disposed of at the conclusion of the investigation. Because there were no adequate processes in place at the Detachment, disposal of exhibits did not generally proceed in a timely manner and was, in fact, often delayed for years. In this case, it was only because the lead investigator received a request from the Director of Estates in October 2008 that steps were eventually taken to return the exhibits. A letter requesting authority for disposal was then promptly sent to the Regiment CO, but almost three more months elapsed before a response was received. Once it was, the items were promptly returned to the Regiment. Additional delays in having the items returned to the complainants by the Regiment related to communications between the Regiment and the complainants and were unrelated to any action by the CFNIS members.</p> <p>Based on the policies in place at the time, it was reasonable for the CFNIS members involved to send a request for disposal authority. However, the Commission notes the policies were confusing and difficult to understand, and clarification would be appropriate in this respect. In particular, where items are no longer needed for an investigation or, at the latest, when a death investigation is concluded and no charges are anticipated, items should be returned</p>	<p>Comments made by the Commission will be addressed in recommendations 8-10 which fall out of this finding.</p>

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
29	<p>NIS members failed to complete the 2009 PNOK and the 2010 Criminal Negligence investigations within a reasonable time.</p>	<p>immediately.</p> <p>SUBSTANTIATED</p> <p>The specific allegations forming the basis of the 2009 investigation were unusual, and the members had to contend with changes of personnel during the investigation due to deployment or reassignment. However, 535 days to complete the investigation is simply not reasonable. There were long periods of delay in which nothing was accomplished and the investigation seemed to stagnate. It was the responsibility of the supervisors to ensure the investigation continued to move forward and was completed in a reasonable time. In this investigation, this responsibility fell particularly on the shoulders of the OC, who led the file at its outset and was ultimately responsible for the conduct of the file. While personal circumstances may have prevented him from being able to fully engage in the latter stages of the investigation, this does not excuse the inordinate amount of time it took to complete the investigation.</p> <p>The time taken to complete the 2010 is similarly unreasonable. In fact, throughout most of the period when the investigation remained open, absolutely nothing was done to investigate the allegations, review the materials available or perform any</p>	<p>Noted.</p> <p>The CFPM recognizes the importance of timely investigations. He has addressed timeliness of investigations in Commander's O-Groups and will continue to do so.</p>

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
30	<p>NIS members failed to provide their written briefing within a reasonable time after the verbal briefing on the 2009 and 2010 investigations was cancelled in February 2011.</p>	<p>analysis. The evidence indicates a decision had been made to conclude the 2010 investigation as early as August 2010. The decision to keep the investigation open in case new information came to light in the 2009 investigation or in order to provide a common briefing to the complainants was simply not reasonable. The two investigations were not factually related. As such, there was no reason to expect relevant evidence could be uncovered during the 2009 investigation. Further, the conclusion of the 2010 investigation should not have been delayed for the sole purpose of providing a common briefing to the complainants, especially considering the briefing, in fact, never took place.</p> <p>SUBSTANTIATED</p>	<p>Noted.</p> <p>Deficiency comments made by the Commission will be addressed in the responses to recommendations 14-21 which fall out of this finding.</p>
	<p>After the CFNIS made the decision to cancel the verbal briefing initially offered to the complainants, a delay of over two months elapsed before they were provided with the written briefing promised in replacement. The evidence reveals no acceptable justification for this delay. The draft briefing was prepared and approved by CFNIS HQ in early March 2011, but the letter was not signed and sent by the OC until late April 2011. While this may, in part, be explained by some personal issues impacting on the availability of the OC, the Commission has heard not evidence to explain why other members of the Detachment could not have attended to this matter.</p>		

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
31	<p>The NIS members involved in the investigations lacked the experience and training necessary to perform those investigations. They did not appear to have knowledge of the appropriate steps to take and appeared paralysed in any ability to take initiative.</p>	<p>SUBSTANTIATED</p> <p>The evidence reveals the CFNIS members involved in the investigations had only limited field experience related to the investigation of sudden deaths in a domestic context.</p> <p>The lack of experience of the members involved in the 2008 Sudden Death investigation was particularly striking. The lead investigator had never previously conducted a death investigation or attended a death scene. His immediate supervisor had also never been involved in conducting or supervising a death investigation. The other members of the investigative team had limited experience with death investigations in a domestic context.</p> <p>Many of the deficiencies observed in the 2008 investigation were a direct result of the lack of experience of the members involved. From the outset, the investigation lacked focus, clear objectives, or a meaningful plan. In the name of keeping an open mind, the members did not form or test hypotheses and lacked the flexibility and judgment to respond appropriately to new information or address, in a critical fashion, ambiguity and contradictions in the evidence. The members did not appear to understand how to properly handle seized items, including the suicide note. The supervisors</p>	<p>Noted.</p> <p>Consultations will take place with the RCMP to have the investigation reviewed or redone at their discretion.</p> <p>CFPM acknowledges the relative inexperience of the members who conducted and supervised these investigations. However, since 2008, the CFNIS has gained considerable experience with investigating sudden deaths with 173 investigations done by MP including 74 overseas.</p> <p>Comments made by the Commission will be addressed in recommendations 1-4 which fall out of this finding.</p>

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
		<p>failed to provide appropriate supervision and guidance to the investigators.</p> <p>Neither the very serious deficiencies in the sudden death investigation identified by the Commission, nor the lack of experience which led to them, were recognized as problems by the CFNIS witnesses, including members of the CoC who testified before the Commission. There is no evidence these problems have been addressed by the CFNIS.</p> <p>The evidence shows the problems encountered were not the result of lack of training. The CFNIS members received appropriate formal training to conduct criminal investigations, including training relevant to the processing of death scenes.</p> <p>With respect to the 2009 and 2010 investigations, because the nature of the allegations and the investigations to be conducted were common or usual, it is not surprising most of the members had limited experience in conducting similar investigations. Unlike the situation for the 2008 Investigation, however, it cannot be concluded the deficiencies in these two investigations were caused by lack of experience.</p>	
32(a)	NIS reports contained inaccurate factual statements. In particular:	<p>SUBSTANTIATED IN PART</p> <p>Many of the statements contained in the 2008 report</p>	<p>Noted.</p> <p>Deficiency comments made by the Commission will</p>

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
	<p>a) The 2008 investigation report contained incorrect facts, including an account of a suicide attempt and hospitalization of Cpl Langridge, whereas hospital records show he was not hospitalized during this period and the MP making the statement took no notes about the incident. The inaccurate factual statements were not re-examined by NIS members when the complainants brought new facts to their attention.</p>	<p>simply recorded the information received by the investigators. While this information was not always accurate, the CFNIS members cannot be faulted for reporting what they learned. On the contrary, this is a necessary part of police work. The example listed in this allegation refers to information provided to the CFNIS by Sgt Murrin of the local MP. The Commission finds this information was accurately reported by the investigators. While some aspects of it may have been incorrect or questionable, it is clear the suicide attempt referred to did, in fact, occur. This information was not an example of inaccurate information included in the report by the CFNIS members.</p> <p>However, the Commission finds the report did contain other information that was inaccurate because it was not adequately recorded by the investigators. In particular, some of the interview summaries prepared by the CFNIS members did not accurately reflect the information received, including inaccurate notations indicating Cpl Langridge attempted suicide in 2003, and indicating Sgt Hiscock had stated there was no suicide watch for Cpl Langridge. While these were clearly the result of unintentional errors, poor recordkeeping could be observed in many instances, and this had an impact on the information available to supervisors reviewing the entries as well as on the information ultimately provided to the CF CoC when</p>	<p>be addressed in the responses to recommendations 28-42 which fall out of this finding.</p>

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
32(b)	b) The written briefing for the 2009 and 2010 investigations had been opened at the request of the complainants.	<p>the investigation was concluded.</p> <p>UNSUBSTANTIATED</p> <p>The information contained in the written briefing was not inaccurate. The evidence reveals there was a lack of clarity as to the identity of the complainant within the 2009 investigative file. However, the evidence also reveals the CFNIS members involved in the investigation generally viewed by Fynes as the true complainants while they viewed the Ombudsman's investigator as a "third party complainant" or a conduit for the Fynes' complaint. The Commission finds this approach was reasonable.</p>	Noted.
32(c)	c) The statement in the 2009 investigation written briefing that the NDA trumps all provincial law was inaccurate.	<p>SUBSTANTIATED</p> <p>The Commission finds the unqualified statement included in the written briefing was inaccurate in the context of this investigation. Whether federal law (in this case the <i>National Defence Act</i>) will prevail over provincial law in specific circumstances depends on a number of factors, which were not considered by the CFNIS members. Provincial law should not have been dismissed out of hand in this case, and it may well have been relevant to answer some of the questions under investigation. In order to clarify the situation, a legal opinion was necessary.</p>	<p>Noted.</p> <p>MP are trained at the MP Academy to recognize the interaction between federal and provincial laws. They are and will continue to be encouraged to seek legal advice where required.</p>

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
33(a)	<p>Inaccurate rationales were provided by NIS members to explain or justify the actions taken by NIS. In particular:</p> <p>a) NIS members, during a meeting with the complainants, justified the NIS decision not to provide the suicide note sooner on the basis that it had to be kept in case of appeals.</p>	<p>However, the Commission notes the statement included in the briefing was not intended to mislead the complainants. It accurately reported the legal theory adopted during the investigation. It was inaccurate because of a failure in the legal analysis, not because of a failure to provide information to the complainants.</p> <p>UNSUBSTANTIATED</p> <p>The Commission has reviewed the transcripts for the three CFNIS interviews with the complainants and has heard evidence from the members involved in the meetings. The Commission finds there was no discussion related to the possibility of appeals during any of the meetings. While the CFNIS members did, at times, take the position it was legitimate not to disclose the existence of the suicide note to the complainants early in the investigation, and, in particular, prior to the funeral, there is no evidence they ever referred to the possibility of appeals to justify the failure to disclose the note for 14 months.</p> <p>In a response provided to the Fynes through Col Blais, the CFNIS members did refer to a policy providing for the retention of exhibits to provide for an</p>	Noted.

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
33(b)	b) NIS members inaccurately stated that the responsibility for failing to promptly cut down Cpl Langridge's body rested with the Alberta Medical Examiner.	<p>appear period. However, this reference was not included in the response directly addressing the failure to disclose the suicide note.</p> <p>UNSUBSTANTIATED</p> <p>The Commission finds the CFNIS members accurately described the legal authority to make decisions for the removal of Cpl Langridge's body. In this respect, they correctly stated the authority rested solely with the Alberta ME. However, the Commission has also noted the responses provided to the complainants about this issue were not entirely accurate. By focusing solely on the legal authority to make the decision, the responses implied the CFNIS investigators played no part in delaying the removal of Cpl Langridge's body. This was not consistent with the facts. While the CFNIS did not have authority to make the decision, the evidence has revealed it was because of a request by the CFNIS investigator that the ME investigator waited a longer period prior to removing Cpl Langridge's body.</p>	Noted.
33(c)	c) NIS members took the position that it was not their responsibility if the ME overheard things during the processing of the scene and made his	<p>UNSUBSTANTIATED</p> <p>The evidence reveals the CFNIS investigators were not, in fact, responsible for the comment included in</p>	Noted.

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Finding Number	Allegation	MPCC Finding	CFPM COMMENTS
33(d)	<p>inaccurate comment about the disciplinary issues on that basis.</p> <p>d) NIS members advised the complainants that, under MP policies, they were allowed to retain the exhibits for a period of one year to provide for an appeal period.</p>	<p>the ME Certificate. The statements made by the CFNIS members about this issue were accurate.</p> <p>SUBSTANTIATED IN PART</p> <p>In a response provided to the complainants to explain the failure to return the exhibits in a timely manner after the 2008 investigation, the CFNIS members did make reference to a policy providing for a retention period for the time during which an appeal may be launched. Like many of the other policies referred to in the response, this policy had no application to this case as no charges had been brought.</p> <p>The response provided no explanation about the reasons for not returning the exhibits earlier. By referring to all the policies related to the return of exhibits, including the one about the appeal period, the response implied these policies were the reason the exhibits were not returned immediately upon the conclusion of the investigation. This was not an accurate explanation.</p>	<p>Noted.</p> <p>The CFPM recognizes the importance of providing the suicide note to the family.</p> <p>As a part of the ongoing review of policies, directives, orders and SOPs, the order dealing with suicide notes found at the death scene or in the course of a sudden death investigation will be revised, considering protocols for ensuring the apparent wishes of the deceased soldier be brought to the attention of the family or other most appropriate person prior to the soldier's funeral. The new order will provide clarity for distribution of suicide notes in non-criminal cases.</p>

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**B. CANADIAN FORCES PROVOST MARSHAL RESPONSES
 TO THE COMMISSION CHAIR'S RECOMMENDATIONS**

Recommendation Number	MPCC Recommendation	CFPM Response
INVESTIGATIVE DEPLOYMENTS FOR SUDDEN DEATH		
<p>There is no substitute for experience in the conduct of sudden death investigations. The evidence before the Commission suggests a lack of relevant domestic experience for the Canadian Forces National Investigation Service ("CFNIS") in the investigation of sudden deaths. In order to allow the CFNIS to gain the requisite domestic experience, while ensuring that in the interim, investigations of sudden deaths on Defence Establishment property are conducted under the direction of appropriately experienced lead investigators, the Commission recommends:</p>		
1	<p>The Canadian Forces Provost Marshal (CFPM) direct appropriate protocols be entered into with federal, provincial or municipal police agencies, to ensure ongoing opportunities for CFNIS investigators to gain sufficient field experience in sudden death investigations to qualify as lead investigators for CFNIS sudden death investigations, such experience consisting of active and significant involvement in a minimum of 15 sudden death investigations.</p>	<p>The CFPM will seek substantive positions to allow secondment to civilian police agencies. Current secondments exist but with no provisions for backfill to cover the shortfall. Consultations will take place and partnerships with our civilian policing partners, through new or existing MOUs, will be leveraged to determine what additional opportunities may be available for CFNIS investigators to gain sufficient field experience in sudden death investigations to qualify as lead investigators. Best practices with respect to necessary qualifications required will be determined and implemented, subject to the exigencies of the service, to ensure that policing duties and functions are performed that meet the standards required of policing in Canada.</p>
2	<p>The CFPM direct the existing Military Police Policy and Technical Procedure (MPPTP) Chapter 7, Annex 1 (or corresponding MP Order) dealing with sudden death investigations, be amended to permit the assignment of federal, provincial or municipal police investigators as lead investigators for sudden death investigations occurring on Defence Establishment property.</p>	<p>The MPPTPs are currently being reviewed in their entirety and converted to MP Orders. The order dealing with sudden death investigations will be amended to permit the involvement of federal, provincial or municipal police investigators in support of sudden death investigations occurring on Defence Establishment property.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
3	The CFPM direct all sudden death investigations on Defence Establishment property to be led by experienced federal, provincial or municipal police investigators until such time as sufficient numbers of CFNIS investigators possess the necessary field experience in sudden death investigations to qualify as lead investigators.	Jurisdiction in respect of sudden death investigations on Defence Establishment property will be exercised by Military Police. Since 2008, MP have gained significant experience through the investigation of 178 sudden deaths occurring within their jurisdiction. Experienced federal, provincial or municipal police investigators, including our embedded RCMP Inspector, will be consulted where required if sufficiently experienced investigators are unavailable.
4	The CFPM direct protocols and agreements be established with the federal, provincial or municipal police agencies to secure their agreement to provide lead investigators for the investigation of sudden deaths on Defence Establishment property.	Protocols will be sought, where required, with federal, provincial or municipal police partners to formalize their agreement to provide support to MP for the investigation of sudden deaths on Defence Establishment property.

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Recommendation Number	MPCC Recommendation	CFPM Response
<p>POLICIES, ORDERS AND DIRECTIVES: DOCUMENTATION REVIEWS</p>		
<p>Expert evidence from federal, provincial and municipal officers before this Commission demonstrates that many of the CFNIS policies, orders and directives currently in place are inadequate to deal with issues arising from sudden deaths. Some are inconsistent with one another; others are insufficiently detailed or explicit; and other still do not represent best practices. The Commission recommends:</p>		
5(a)	<p>With respect to policies, orders and directives in general, a) the CFPM direct all existing Military Police (MP) and CFNIS policies, orders, directives and Standard Operation Procedures (SOPs) related, directly or indirectly, to sudden death investigations, be reviewed for consistency and compatibility with other existing orders, policies, directions and SOPs, and necessary adjustments be made to ensure such consistency;</p>	<p>As part of the CFMP Gp reorganization, the Deputy Provost Marshal Policy and Plans (DPM Policy and Plans) was identified to review all existing Military Police (MP) orders, directives and Standard Operation Procedures (SOPs) and convert them to MP Orders where required. As part of that process, any related, directly or indirectly, to sudden death investigations, will be reviewed for consistency and compatibility with other existing orders, policies, directions and SOPs, and necessary adjustments will be made to ensure such consistency.</p>
5(b)	<p>b) the CFPM direct that all new MP and CFNIS policies, directives, orders and SOPs be the subject of a similar review for consistency before adoption;</p>	<p>DPM Policy and Plans is in the process of reviewing all new MP policies, directives and orders for consistency before adoption. CFNIS will ensure a similar review for consistency. SOPs are subject to regular audits for consistency.</p>
5(c)	<p>c) the CFPM direct ongoing review of MP and CFNIS orders, policies, directives and SOPs related to sudden death investigations, including comparison to best practices by other Canadian police services, to ensure continuing consistency with recognized best practices.</p>	<p>This ongoing review is already being carried out by DPM Policy and Plans.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
6(a)	<p>With respect to specific policies, orders and directives:</p> <p>a) the CFPM direct deletion from MPPTP Chapter 7, Annex I, section, "Death", paragraph 1 (or corresponding MP Order) of the following sentence:</p> <p><i>i. All deaths will be handled IAW (in accordance with) the same stringent standards as homicide.</i></p>	<p>As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will carefully consider the wording and spirit of the Commission's recommendation.</p>
6(b)	<p>b) the CFPM direct replacement of the deleted extract with a provision stating:</p> <p>i. all instances of sudden or unexplained death or of human remains being found on Defence Establishment property be approached initially as potential homicides until reasonably determined otherwise;</p> <p>ii. for deaths for which foul play has not been reasonably ruled out, and for deaths determined in fact to be homicide, stringent procedures designed to collect and safeguard evidence to preserve its integrity and continuity continue to be applied;</p> <p>iii. for deaths reasonable determined not to be potential homicides, different investigative procedures, including turning over various investigative responsibilities to provincial coroners or medical examiner (ME), will be appropriate.</p>	<p>As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will carefully consider the wording and spirit of the Commission's recommendation.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
6(c)	c) the CFPM direct the addition of the above provision in CFNIS SOP 237.	As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will carefully consider the wording and spirit of the Commission's recommendation.
6(d)	d) the CFPM direct deletion of the portion of MPPTP Chapter 7, Annex 1, section, "Suicide and Attempted Suicide" (or corresponding MP Order), stating: <i>Administrative details (previous attempts, possible causes, marital status, alcohol or drug dependencies, etc.) need not be actively pursued and should only be reported if they are offered unsolicited to MP. It must be recognized that a Board of Inquiry or Summary Investigation designed to determine the administrative details will be initiated and will report relevant facts to the appropriate departmental authority.</i>	As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will carefully consider the wording and spirit of the Commission's recommendation.
6(e)	e) the CFPM direct replacement of the deleted extract, consistent with CFNIS SOP 237, with a provision instructing investigators to: <i>gain a comprehensive understanding of the background of the deceased, including medical and psychological state, (medication or alcohol consumption)</i>	As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will carefully consider the wording and spirit of the Commission's recommendation.

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Recommendation Number	MPCC Recommendation	CFPM Response
6(f)	<p>f) the CFPM direct deletion in clause 3 of the "General Statement" section of CFNIS SOP 237, of the following:</p> <p><i>Do not make assumptions or lose evidence based on misconceptions or inexperience.</i></p>	<p>As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will carefully consider the wording and spirit of the Commission's recommendation.</p>
6(g)	<p>g) the CFPM direct replacement of the deleted extract with a new section:</p> <ul style="list-style-type: none">i. cautioning investigators against making hasty assumptions;ii. affirming the investigative propriety of formulating hypotheses to be tested against the facts and evidence as discovered;iii. cautioning investigators to bear in mind at all times the need to preserve the integrity and continuity of evidence until its potential relevance has been reasonably ruled out.	<p>As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will carefully consider the wording and spirit of the Commission's recommendation.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
6(h)	<p>h) the CFPM direct deletion from clause 11 in the "Action" section of CFNIS SOP 237, of the following extract:</p> <p><i>Where there is no suspicion of foul play, you are generally permitted to act under the authority of the respective Province's Coroners Act. The relevant act will typically authorize the investigator to exercise any power of the Coroner, including possession of the body, entering and inspecting any place where the body is or from which it was removed. Investigators under this authority are generally permitted access to the location the deceased was prior to death, to inspect and extract information from any record or writing relating to the deceased, or seize anything that you have reasonable grounds to believe is material to the investigation.</i></p>	<p>As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will carefully consider the wording and spirit of the Commission's recommendation.</p>
6(i)	<p>i) the CFPM direct replacement of the deleted extract with a provision consistent with the law and jurisprudence in each province setting out the powers, if any, for MP to act under the authority of that jurisdiction's Coroners Act or equivalent.</p>	<p>As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will carefully consider the wording and spirit of the Commission's recommendation.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
SUPERVISION	<p>The evidence before this Commission demonstrates inconsistent and in some cases inadequate supervision. Meaningful supervision requires an informed understanding of the issues under investigation in order to provide meaningful feedback to the investigators, as well as diligent supervisory follow-up on issues of concern to ensure allegations have been properly and fully investigated. The Commission recommends:</p>	<p>As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will develop a detailed order with respect to case management. As part of that development, DPM Policy and Plans will consider the wording and spirit of the Commission's recommendation.</p>
7(a)	<p>The CFPM direct policies and practices with respect to supervision be put into effect stating:</p> <p>a) investigations involving complex facts or allegations require active, informed and involved supervision;</p>	<p>As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will develop a detailed order with respect to case management. As part of that development, DPM Policy and Plans will consider the wording and spirit of the Commission's recommendation.</p>
7(b)	<p>b) where an investigation is led by an investigator with limited experience in the specific type of investigation being undertaken, the Case Manager must have significant experience in such investigations;</p>	<p>As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will develop a detailed order with respect to case management. As part of that development, DPM Policy and Plans will consider the wording and spirit of the Commission's recommendation.</p>
7(c)	<p>c) in all cases involving complex facts or allegations, Senior MP advisors must be alert to possible gaps in experience by investigators or Case Managers and must manage resources, including human resources, accordingly;</p>	<p>As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will develop a detailed order with respect to case management. As part of that development, DPM Policy and Plans will consider the wording and spirit of the Commission's recommendation.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
7(d)	d) supervisors are to record in the General Occurrence (GO) file any directions given with respect to the conduct of an investigation, including the reasons for those directions.	The order will include a requirement that any directions given as oversight or supervision will be entered in SAMPIS.
<p>RETURN OF PROPERTY AND EVIDENCE</p> <p>The evidence before this Commission demonstrates there was no well understood process in place at CFNIS WR Detachment for the return of property and evidence, and that policies dealing with these matters were incoherent and lacking in clarity, with the result that return of property and evidence was delayed beyond what was reasonably necessary. The Commission recommends:</p>		
8(a)	<p>The CFPM direct that seized property and evidence no longer required for investigations be returned to the rightful owners and/or disposed of in a timely manner, pursuant to the following principles:</p> <p>a) property or evidence is to be returned to its rightful owner or otherwise disposed of when it is no longer needed for investigative purposes;</p>	<p>As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will develop a detailed order with respect to the return of property and evidence that is reflective of best practice. As part of that development, DPM Policy and Plans will consider the wording and spirit of the Commission's recommendation.</p> <p>It must be noted that the return of the deceased's personal property is a civil matter governed by inheritance law. Following the death of a service person, the CAF always appoints a Committee of Adjustment that is specifically mandated to collect and to prepare an inventory of the deceased member's personal belongings found in the care or custody of service authorities. Once approved by the Director of Estates, the</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
8(b)	b) in sudden death investigations, property or evidence is no longer needed for investigative purposes when the death is reasonably determined not to have been a homicide, and/or there is no reasonable prospect of a criminal or service charge being laid;	Committee of Adjustment disposes of the personal belongings of the service estate. When the member dies having made a valid will, the personal belongings are forwarded as directed by the legal representative of the member's estate.
8(c)	c) in sudden death investigations, property or evidence is no longer needed for investigative purposes at the latest at the conclusion of the investigation, where a determination has been made that no criminal or service charges will be laid in connection with the death;	As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will develop a detailed order with respect to the return of property and evidence. As part of that development, DPM Policy and Plans will consider the wording and spirit of the Commission's recommendation.
8(d)	d) in cases where a determination has been made that no charges will be laid in connection with the death, property and evidence no longer needed for investigative purposes in relation to a sudden death is to be returned immediately with no waiting period and with no disposal authority needing to	As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will develop a detailed order with respect to the return of property and evidence that is reflective of best practice. As part of that development, DPM Policy and Plans will consider the wording and spirit of the Commission's recommendation.

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Recommendation Number	MPCC Recommendation	CFPM Response
	be sought;	respecting the return of a deceased service member's personal property discussed above.
8(e)	e) the policy with respect to return of suicide notes should be in accordance with recommendations 11 to 13.	As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will develop a detailed order with respect to the return of property and evidence that is reflective of best practice. As part of that development, DPM Policy and Plans will consider the wording and spirit of the Commission's recommendation.
9	The Commission recommends the CFPM direct amendment of the applicable portions of MPPTP Chapter 7 and Chapter 7, Annex C (or corresponding MP Order(s)), CFNIS SOP 208, CFNIS SIP 237 and CF MP GP Order 2-391 and its relevant annexes, in accordance with the principles set out in this recommendation.	As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will develop a detailed order with respect to the return of property and evidence that is reflective of best practice. As part of that development, DPM Policy and Plans will consider the wording and spirit of the Commission's recommendation, subject to the legal obligations respecting the return of a deceased service member's personal property discussed above.
10	The Commission recommends the CFPM direct every CFNIS Detachment establish clear processes and allocate the necessary resources for the timely return of exhibits by ensuring investigators are responsible to make notations in the file once exhibits are no longer required for the investigation, and that a designated person is responsible	As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will develop a detailed order with respect to the return of property and evidence that is reflective of best practice. As part of that development, DPM Policy and Plans will consider the wording and spirit of the Commission's recommendation, including the requirement to ensure the timely release of exhibits, subject to the legal obligations

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Recommendation Number	MPCC Recommendation	CFPM Response
	for ensuring the exhibits are then returned immediately, with clear timelines established and supervisors monitoring the process.	respecting the return of a deceased service member's personal property discussed above.
<p>SUICIDE NOTES</p> <p>A prominent place in the PIH hearings was occupied by the issue of the failure by the CFNIS to ensure timely disclosure of the existence of a suicide note in this case and to provide it to the family. The evidence discloses serious efforts have been made to improve policy and practice on this topic, but further policy clarity and practical guidance are still needed. The Commission recommends:</p>		
11	The CFPM direct the review and revision of Clause 21 of CFNIS SOP 237 dealing with Sudden Death, by including a revision within the SOP that provides for a stand-alone clause ensuring there is greater clarity relative to the release of suicide notes found at the scene of a suicide or in the course of a sudden death investigation.	As a part of the ongoing review of policies, directives, orders and SOPs, CFNIS will add a stand-alone clause considering the wording and spirit of the Commission's recommendation.
12	The CFPM direct the section dealing with suicide notes found at the death scene or in the course of a sudden death investigation be revised, the revision to be focused on protocols for ensuring the apparent wishes of the deceased soldier be brought to the attention of the family or other most appropriate person prior to the soldier's funeral.	As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans, and the CFNIS will consider the wording and spirit of the Commission's recommendation with focus on any apparent wishes of the deceased person that may need to be brought to the attention of the family or other most appropriate person prior to the deceased person's funeral.

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Recommendation Number	MPCC Recommendation	CFPM Response
13(a)	<p>The CFPM direct that, in drafting the new provision, the following principles are to be reflected:</p> <ul style="list-style-type: none">a) the default position should always favour early disclosure of the existence and contents of suicide notes. Disclosure should only be delayed where there is a compelling reason to do so, based on concrete facts and evidence and not on abstract possibilities.	<p>In drafting the new provision, DPM Policy and Plans, and the CFNIS will consider the wording and spirit of the Commission's recommendation.</p>
13(b)	<p>b) the criteria for determining the timing of disclosure should not be whether it has been determined the death was suicide. Instead, the question should be whether there is any actual, realistic reason to suspect foul play or to have doubts about the authenticity of the note.</p>	<p>In drafting the new provision, DPM Policy and Plans, and the CFNIS will consider the wording and spirit of the Commission's recommendation.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
13(c)	c) where there is a realistic suspicion of foul play, the criterion for determining whether the suicide note can be disclosed should be whether disclosure could harm the investigation. If a realistic harm cannot be identified, the suicide note should be disclosed.	In drafting the new provision, DPM Policy and Plans, and the CFNIS will consider the wording and spirit of the Commission's recommendation.
13(d)	d) where questions about authenticity of the suicide note are invoked as a reason to delay disclosure, testing must be conducted to confirm authenticity.	In drafting the new provision, DPM Policy and Plans, and the CFNIS will consider the wording and spirit of the Commission's recommendation.

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Recommendation Number	MPCC Recommendation	CFPM Response
13(e)	e) where funeral wishes or other time-sensitive information is contained in the suicide note, this should be taken into account in the determination. In such cases, if suspicion does exist and disclosure is delayed as a result, all available measures should be taken to conduct testing of the suicide note immediately. While it may not be possible to obtain absolute confirmation of the suicide note's authenticity prior to the funeral, preliminary testing such as handwriting comparison could provide at least the necessary indications to determine whether the level of suspicion is sufficient to deprive a family of the opportunity to fulfill what may well be their loved one's last wishes.	In drafting the new provision, DPM Policy and Plans, and the CFNIS will consider the wording and spirit of the Commission's recommendation.
13(f)	f) a desire to protect the family from potential "harm" that could result from early disclosure of a suicide note, if it was later discovered the suicide note was not authentic, is not sufficient reason to delay disclosure. If no realistic harm to the investigation could result from disclosure, the proper procedure will be to disclose the existence and contents of the suicide note to the family, and to advise them final confirmation of the cause of death or authenticity of the suicide note has not yet been obtained. Under such circumstances, families should be allowed to make their own	In drafting the new provision, DPM Policy and Plans, and the CFNIS will consider the wording and spirit of the Commission's recommendation.

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	<p>decisions about whether to honour any wishes contained in the suicide note.</p>	
13(g)	<p>g) once the family has received a copy of the suicide note, the CFNIS may need to retain the original for a certain period of time. The level of suspicion required to justify retaining the original will not be as great as what would be required to justify not telling the family about the suicide note at all. If releasing the original could hinder the investigation - including by making it unavailable for testing or use as evidence if subsequent information revealed this was necessary - there will be justification for not proceeding immediately.</p>	<p>In drafting the new provision, DPM Policy and Plans, and the CFNIS will consider the wording and spirit of the Commission's recommendation.</p>
13(h)	<p>h) in all cases, the original suicide note should be returned to the family at the end of the investigation, unless court proceedings justify retaining it longer.</p>	<p>In drafting the new provision, DPM Policy and Plans, and the CFNIS will consider the wording and spirit of the Commission's recommendation. It must be noted that the return of the deceased's personal property is a civil matter governed by inheritance law. Following the death of a service person, the CAF always appoints a Committee of Adjustment that is specifically mandated to collect and to prepare an inventory of the deceased member's personal belongings found in the care or custody of service authorities. Once approved by the Director of Estates, the Committee of Adjustment disposes of the personal belongings of the service estate. When the member dies having made a valid will, the</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
		personal belongings are forwarded as directed by the legal representative of the member's estate.
<p>INTERACTIONS WITH COMPLAINANTS AND FAMILIES</p> <p>Briefings to complainants or families should always be conducted with a view to addressing the needs of the complainants or of the families of deceased soldiers who are the subject of sudden death investigations. The Commission recommends:</p>		
14	<p>The CFPM direct briefings to families at the end of a sudden death investigation contain meaningful, substantive information that addresses the main points covered in the investigation and answers the family's questions. Where questions cannot be addressed immediately, there must be follow-up to provide substantive responses.</p>	<p>As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans and the CFNIS will review the material with respect to the family briefings. They will liaise with our civilian policing partners to develop a policy that is reflective of best practice. As part of that development, they will consider the wording and spirit of the Commission's recommendation.</p>
15	<p>The CFPM direct family briefing presentations be conducted, not by means of PowerPoint presentations or similar formal formats, but rather in an interactive, less formal manner that addresses the facts and findings from the point of view of the family and is geared to its perspective.</p>	<p>As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans and CFNIS will review the material with respect to the family briefings. They will liaise with our civilian policing partners to develop a policy that is reflective of best practice. As part of that development, they will consider the wording and spirit of the Commission's recommendation.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
16	The FPM direct the portion of the CFNIS SOP 237 dealing with Sudden Death - Next of Kin Briefings, be amended to specify that the lead investigator, or a person involved in the investigation having full knowledge of all aspects of the investigation, must attend at a family briefing along with the other designated personnel.	As a part of the ongoing review of policies, directives, orders and SOPs, CFNIS will review the material with respect to the family briefings. They will liaise with our civilian policing partners to develop a policy that is reflective of best practice. As part of that development, they will consider the wording and spirit of the Commission's recommendation.
17	The CFPM direct the portion of CFNIS SOP 237 dealing with Sudden Death - Next of Kin Briefings, be amended to delete the provision requiring the Assisting Officer (AO) to attend at family briefings, and to replace it with a provision providing the family with a choice as to whether the AO will attend.	As a part of the ongoing review of policies, directives, orders and SOPs, CFNIS will review the material with respect to the family briefings. As part of that review, they will consider the wording and spirit of the Commission's recommendation.
18	The CFPM direct these procedures for briefings with respect to sudden death investigations also be followed for briefings to victims or complainants in relation to any other CFNIS investigation, where briefings are provided.	As a part of the ongoing review of policies, directives, orders and SOPs, CFNIS will review the material with respect to the family briefings for consistency with briefings to victims or complainants in relation to any other CFNIS investigation, where briefings are provided.

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Recommendation Number	MPCC Recommendation	CFPM Response
19	<p>The CFPM direct that, in addition to the two briefings provided for in the Sudden Death SOP, the CFNIS provide ongoing contact, information and services for the family of the deceased in death investigations and for complainants in other investigations. Contact and services should be at least at the same level as services provided to victims pursuant to applicable victim services policies (i.e. MPPTP Chapter 5, Annex F (and corresponding MP Orders); CFNIS SOP 204; and CF MP GP Order 2-915 and its relevant annexes).</p>	<p>It will remain CFNIS policy that, where appropriate, the CFNIS will provide ongoing contact, information and services for the family of the deceased in death investigations and for complainants in other investigations pursuant to applicable victim services policies.</p>
20	<p>The CFPM direct that, in cases where MP decides not to investigate complaints (or ancillary complaints), the complainant must be informed promptly of the decision not to investigate, as well as of any other methods for potential recourse (such as contacting civilian law enforcement authorities) so as to allow the complainant to pursue such alternatives in a timely manner.</p>	<p>It will remain CFNIS policy that, where appropriate, in cases where MP decide not to investigate complaints, the complainant will be informed promptly of the decision not to investigate, as well as of any other methods known to MP for potential recourse.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
21	<p>The CFPM direct that MP investigators not make commitments or specific representations to complainants as to the approach or steps to be taken in an investigation. Where, however, such commitments or representations are made, the complainants must be advised of any change in the actual approach or steps taken.</p>	<p>As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will review the order with respect to investigations. As part of that review, DPM Policy and Plans will consider the wording and spirit of the Commission's recommendation.</p>
<p>INVESTIGATIVE PLANS</p> <p>The evidence before this Commission suggests Investigation Plan (IP) are vital both as a planning tool for investigators and as a means to provide information on ongoing investigations to supervisors and the chain of command. The Commission recommends:</p>		
22(a)	<p>The CFPM direct the establishment of a policy, directive or order with respect to Investigative Plan (IP):</p> <p>a) to require the IP to set out the investigative steps necessary to determine each of the issues requiring</p>	<p>As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans and the CFNIS will develop an order specifically addressing investigative plans. They will liaise with our civilian policing partners to develop an order that is reflective of best practice. As part of that development, they will consider the wording and spirit of the</p>

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Recommendation Number	MPCC Recommendation investigation, as well as the link between the proposed steps and relevant issues;	CFPM Response
22(b)	b) to require all allegations that investigators believe merit investigation be specifically identified in the IP:	Commission's recommendation. As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans and CFNIS will develop an order specifically addressing investigative plans. They will liaise with our civilian policing partners to develop an order that is reflective of best practice. As part of that development, they will consider the wording and spirit of the Commission's recommendation.
22(c)	c) to specify the notation "completed" in the IP should be used only to indicate the relevant question has been answered; and	As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans and CFNIS will develop an order specifically addressing investigative plans. They will liaise with our civilian policing partners to develop an order that is reflective of best practice. As part of that development, they will consider the wording and spirit of the Commission's recommendation.
22(d)	d) to specify where the evidence relevant to an investigative step is inconclusive a notation is to be made as to whether the issue will be pursued further along with an indication of the reasons for the decision.	As a part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans and CFNIS will develop an order specifically addressing investigative plans. They will liaise with our civilian policing partners to develop an order that is reflective of best practice. As part of

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Recommendation Number	MPCC Recommendation	CFPM Response
		that development, they will consider the wording and spirit of the Commission's recommendation.
<p>INTERVIEWS WITH WITNESSES AND COMPLAINANTS</p> <p>Interviews with witnesses or complainants must be meticulously documented to avoid subsequent possible controversy or confusion. The Commission recommends:</p>		
23	The CFPM direct that, where feasible, all CFNIS interviews with witnesses or potential complainants be recorded in full by audio or audio-visual means.	In accordance with best practices, where possible, all CFNIS interviews with witnesses or potential complainants are and will continue to be recorded in full by audio or audio-visual means.
24	The CFPM direct complex allegations or complaints made to MP investigators be specifically reviewed with the complainants in order to ensure the essence of the allegation is understood, with the investigator verifying with the complainant whether a complaint is being made and what it is about.	I am satisfied that this material is covered as part of the basic investigators course at the MP Academy. MP are aware that complex allegations or complaints must be understood in order to adequately investigate complaints made to police.

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Recommendation Number	MPCC Recommendation	CFPM Response
<p>SEARCH WARRANTS</p> <p>The Commission is alarmed by the evidence of incomplete or defective understanding of the law of search and seizure applicable to MP that emerged through testimony. The Commission recommends:</p>		
25	The CFPM direct a review of training offered and demonstrated knowledge required for MP personnel with respect to the law of search and seizure related to police powers.	The Directorate of Selection and Training continually reviews all training provided to Military Police. Training with respect to search and seizure is provided at the Academy in Borden and is part of that review.
26(a)	The CFPM direct mandatory training with respect to police powers of search and seizure including: a) the information required to obtain judicial search warrants;	I am satisfied that all MP trained at the Academy already receive this training. It must also be noted that all MP have access to legal advice in the field with respect to police powers of search and seizure.

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Recommendation Number	MPCC Recommendation	CFPM Response
26(b)	b) powers of consensual search;	I am satisfied that all MP trained at the Academy already receive this training.
26(c)	c) powers of warrantless search and the circumstances when such powers can be exercised;	I am satisfied that all MP trained at the Academy already receive this training.
26(d)	d) powers of search and seizure under Provincial legislation related to sudden death investigation, including under <i>Coroners Acts</i> or the <i>Code of Discipline</i> .	I am satisfied that all MP trained at the Academy already receive this training.

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Recommendation Number	MPCC Recommendation	CFPM Response
26(e)	e) powers of search and seizure under the <i>National Defence Act</i> , including powers of a Commanding Officer to issue warrants in connection with the <i>Code of Discipline</i> .	I am satisfied that all MP trained at the Academy already receive this training.
<p align="center">INVESTIGATOR CONTINUITY DURING INVESTIGATIONS</p> <p>Lack of continuity in complex investigations poses significant challenges to effective and timely investigation. The Commission recommends:</p>		
27(a)	<p>The CFPM direct that where a new MP Investigator assumes responsibility for an ongoing investigation:</p> <p>a) a full face-to-face briefing be conducted with the investigator by the departing investigator;</p>	Where possible, and subject to the exigencies of the service, a new MP Investigator who assumes responsibility for an ongoing investigation will receive a full face-to-face briefing by the departing investigator.

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Recommendation Number	MPCC Recommendation	CFPM Response
27(b)	b) prior to such briefing, the departing investigator conduct a detailed file review to ensure all documentation the new investigator may reasonably be expected to require is readily accessible;	Where possible, and subject to the exigencies of the service, the departing investigator will conduct a detailed file review to ensure all documentation the new investigator may reasonably be expected to require is readily accessible.
27(c)	c) where special circumstances make the departing investigator unavailable, the briefing and/or file review be conducted by the departing investigator's direct supervisor.	Where possible, and subject to the exigencies of the service, where circumstances make the departing investigator unavailable, the briefing and/or file review will be conducted by the departing investigator's direct supervisor.

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Recommendation Number	MPCC Recommendation	CFPM Response
<p>RECORDKEEPING: GENERAL OCCURENCE FILES AND SAMPIS</p> <p>Investigations depend on meticulous and accurate recordkeeping, both for the integrity of the investigation itself and for possible use of evidence and information for various judicial and/or regulatory purposes. The Commission recommends:</p>		
28(a)	<p>The CFPM direct the CFNIS to ensure all significant investigative steps be accurately recorded in the GO file, including but not limited to:</p> <p>a) all documents obtained in the course of the investigation, as well as the source of the documents;</p>	<p>As part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will review the order with respect to investigations and ensure that it is clearly articulated that all documents obtained in the course of the investigation, as well as the sources of the documents, must be accurately recorded in SAMPIS. DPM Policy and Plans will liaise with our civilian policing partners to develop an order that is reflective of best practice.</p>
28(b)	<p>b) a list of any documents related to the law reviewed by investigators, including, CF policy documents, orders, legislation or case law, as well as copies of such documents;</p>	<p>DPM Policy and Plans will liaise with our civilian policing partners to develop an order that is reflective of best practice.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
28(c)	c) any evaluation or summary of the documents prepared by investigators;	DPM Policy and Plans will liaise with our civilian policing partners to develop an order that is reflective of best practice.
28(d)	d) a notation of any documents of particular relevance or importance to the investigation;	As part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will review the order with respect to investigations and ensure that it is clearly articulated that all documents obtained in the course of the investigation, as well as the sources of the documents, must be accurately recorded in SAMPIS. DPM Policy and Plans will liaise with our civilian policing partners to develop an order that is reflective of best practice.
28(e)	e) a summary of any command team briefings and briefing material, including PowerPoint presentations used in the meeting;	As part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will review the order with respect to investigations and ensure that it is clearly articulated that all documents obtained in the course of the investigation, as well as the sources of the documents, must be accurately recorded in SAMPIS. DPM Policy and Plans will liaise with our civilian policing partners to develop an order that is reflective of best practice.

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Recommendation Number	MPCC Recommendation	CFPM Response
28(f)	f) a notation of any decisions or conclusion that were reached based on the meeting;	practice. As part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will review the order with respect to investigations and ensure that it is clearly articulated that all documents obtained in the course of the investigation, as well as the sources of the documents, must be accurately recorded in SAMPIS. DPM Policy and Plans will liaise with our civilian policing partners to develop an order that is reflective of best practice.
28(g)	g) a notation of any direction that was given as a result of the meeting.	As part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will review the order with respect to investigations and ensure that it is clearly articulated that all documents obtained in the course of the investigation, as well as the sources of the documents, must be accurately recorded in SAMPIS. DPM Policy and Plans will liaise with our civilian policing partners to develop an order that is reflective of best practice.
29	The Commission recommends the CFPM direct that complainants in an investigation be clearly identified in SAMPIS from the outset of the investigation.	The policy will remain that, where possible, complainants in an investigation are clearly identified in SAMPIS from the outset of the investigation.

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Recommendation Number	MPCC Recommendation	CFPM Response
30	<p>The CFPM direct where circumstances surrounding a sudden death give rise to the possibility of criminal charges or charges under the <i>Code of Service Discipline</i>, including charges arising from negligence, that such matters be investigated separately and a separate GO file be created for investigative purposes.</p>	<p>Where circumstances surrounding a sudden death give rise to the possibility of criminal charges or charges under the <i>Code of Service Discipline</i>, such matters are generally investigated together under one GO file. CFPM will liaise with our civilian policing partners to develop an order that is reflective of best practice.</p>
31	<p>In order to ensure investigative assessments (also known as "preliminary investigations") are detailed and comprehensive, the CFPM direct the amendment of MPPTP Chapter 2, Annex H (and corresponding MP Orders) and SOP 238 to require investigators to record in detail the steps taken in reaching a conclusion about whether a complaint requires further investigation, the facts considered in reaching the conclusion, and the sources for those facts.</p>	<p>As part of the ongoing review of orders the investigative assessment issue will be considered. DPM Policy and Plans will liaise with our civilian policing partners to develop an order that is reflective of best practice. As part of that development, they will consider the wording included in the Commission's recommendation.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
32	The CFPM prohibit the practice of making unattributed or misattributed modifications to GO file entries, and prohibit in particular the existing practice of supervisors amending and/or altering GO file documents created by subordinates without notation in the file indicating the change in authorship of the document.	This issue has been addressed and will be further addressed during the Orders review process. Where supervisors amend and/or alter GO file documents created by subordinates, a notation in the file indicating the change in authorship of the document will be made.
33	The CFPM direct engagement by the MP with SAMPIS software vendor, Versaterm, to design and implement a version control/revision control system by which SAMPIS preserves the original version of all entries made in a GO file and tracks and logs detail in any and all changes made to each entry.	There is an on-going process where the CF MP Gp is consulting with Versaterm. This process is complex and involves entities in addition to the CFMP Gp and the company, such as various levels of other government departments and other police organizations. The recommended changes will be discussed and requested but this is a long-term commitment with no set end-date.

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Recommendation Number	MPCC Recommendation	CFPM Response
34(a)	<p>The CFPM direct engagement by the MP with Versaterm to customize the SAMPIS system and/or to develop policies and procedures to minimize the possibility of inadvertent incomplete disclosure of a GO file. The systems or policies developed should provide:</p> <p>a) each printout of a GO file that is disclosed includes all documents on the file, with any redacted pages or entries being identified, and the total number of pages for all information available in the file being disclosed;</p>	<p>This process is complex and involves entities in addition to the CFMP Gp and the company, such as various levels of other government departments and other police organizations. The recommended changes will be discussed and requested but this is a long-term commitment with no set end-date.</p> <p>The CFMP Gp follows the disclosure and release of information law and policy that is applicable to every CAF organization. This includes the Access to Information Act, the Privacy Act and the specific DAODs on Access to Information. Policies for disclosure of police information are in place but these will be reviewed to ensure completeness.</p>
34(b)	<p>b) each printout of a GO file that is disclosed includes a notation of the date when each entry was created, as recorded in the system.</p>	<p>This process is complex and involves entities in addition to the CFMP Gp and the company, such as various levels of other government departments and other police organizations. The recommended changes will be discussed and requested but this is a long-term commitment with no set end-date</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
35	<p>The CFPM direct MP participation in collaboration between Versaterm and other police clients, including joining user groups and advisory committees, in order to help guide the development of future SAMPIS product enhancements to meet developing needs and trends in policing and public safety.</p>	<p>Members of CFMP Gp are part of the Versaterm Users Group and attend annual events sponsored by Versaterm in support of product enhancement.</p>
<p>MP USE OF CANADIAN ARMED FORCES INVESTIGATIONS</p> <p>The Canadian Armed Forces (CAF) conducts its own administrative investigative proceedings in connection with sudden deaths, suicides and attempted suicides of its members. Use by MP investigators of materials from such administrative proceedings carries with it serious risks for MP investigations. The Commission recommends:</p>		
36	<p>The CFPM direct policy guidance and training for MP investigators on the challenges and pitfalls of utilizing any materials from CAF investigations, including Board of Inquiry (BOI) and Summary Investigations (SI).</p>	<p>As part of the CFMP Gp reorganization, DPM Policy and Plans will review all existing Military Police (MP) orders, directives and Standard Operation Procedures (SOPs) and convert them to MP Orders where required. As part of that process, an order will be developed to address the use of material from a concurrent administrative investigation.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
37(a)	<p>The CFPM direct that such training and guidance:</p> <p>a) alerts MP investigators to the risks of reviewing statements previously obtained under compulsion, including the risk that any statements subsequently obtained by the MP may be found inadmissible in eventual prosecutions;</p>	<p>As part of the CFMP Gp reorganization, DPM Policy and Plans will review all existing Military Police (MP) orders, directives and Standard Operation Procedures (SOPs) and convert them to MP Orders where required. If required, an order or policy will be developed to address the use of material compiled as part of a concurrent administrative investigation. As part of that development, DPM Policy and plans will consider best practices and the wording and spirit of the Commission's recommendation.</p>
37(b)	<p>b) reminds MP investigators that facts uncovered in CAF investigations can never form the basis for an investigative assessment and that investigative assessments must be based either on the facts alleged by complainants or on the facts uncovered by the MP through preliminary investigation or prior related MP investigation;</p>	<p>As part of the CFMP Gp reorganization, DPM Policy and Plans will review all existing Military Police (MP) orders, directives and Standard Operation Procedures (SOPs) and convert them to MP Orders where required. If required, an order or policy will be developed to address the use of material compiled as part of a concurrent administrative investigation. As part of that development, DPM Policy and plans will consider best practices and the wording and spirit of the Commission's recommendation.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
37(c)	c) caution MP investigators that where materials or conclusions from CAF investigations have been reviewed, MP conclusions must nevertheless be based on their own investigation of the case.	As part of the CFMP Gp reorganization, DPM Policy and Plans will review all existing Military Police (MP) orders, directives and Standard Operation Procedures (SOPs) and convert them to MP Orders where required. If required, an order or policy will be developed to address the use of material compiled as part of a concurrent administrative investigation. As part of that development, DPM Policy and plans will consider best practices and the wording and spirit of the Commission's recommendation.
<p>MEDIA RELATIONS MATTERS AFFECTING BOTH CAF AND MP</p> <p>Police independence in a CAF context requires not only MP independence in fact, but also public perception of such independence. Public relations and media communications initiatives where both CAF and MP are involved present challenges for which clearer policies and procedures are necessary. The Commission recommends:</p>		
38	The CFPM direct policy guidance be provided for MP members with respect to media and public relations practices, to safeguard both the fact and the perception of police independence.	All Media relations concerning police matters are coordinated through the CFPM PAO on the authority of the CFPM. There are currently a number of existing policies in place provided to all MP members with respect to media and public relations practices. <u>Defence Administrative Orders and Directives 2008 series – Public Affairs Policy: These are orders that apply to members of the Canadian Armed</u>

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Recommendation Number	MPCC Recommendation	CFPM Response
		<p>Forces and directives that apply to employees of the Department of National Defence. Public Affairs is a responsibility of the Canadian Armed Forces and the Department of National Defence chain of command, and must be adequately resourced and fully integrated into the decision-making process for policy development, program, design, service delivery, and military operations. (promulgated in 1998)</p> <p><u>Public Affairs Guidance: Civilian and military charges and ongoing investigation:</u> This document is intended to provide public affairs officers, military police personnel and commanders with a basic understanding of jurisdiction and the types of charges, and recommend PA strategies for dealing with investigations and charges within the civilian and military justice systems. (promulgated in 2010, updated version currently awaiting approval)</p> <p><u>CFNIS Public Affairs Policy:</u> The aim of this standard operating procedure is to promulgate CFNIS media policy and to provide direction to CFNIS members in developing case-specific public affairs plans to support serious and sensitive investigations and effectively handle media queries. (promulgated, revised in August 2003)</p> <p><u>CF MP Gp Orders 1-510 Public Affairs:</u> The aim of this order is to outline the policy and proper procedure to be followed by MP personnel in their interactions with Base/Wing Public Affairs Officers and the media. (not yet promulgated, draft under review)</p> <p>As part of the ongoing review of policies, directives, orders and SOPs, DPM Policy and Plans will review the order with respect to media and public relations practices, and will consider the wording and spirit of the Commission's recommendation in order to safeguard both the fact and the perception of police independence.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
39(a)	<p>The CFPM direct such policy guidance be based on the following principles:</p> <p>a) all MP contact with the media, formulation of media lines and release of public statements are to be separate from CAF public releases and formulation of media lines;</p>	<p>The CF MP Gp PAO is responsible to the CFPM for all public affairs activities, media relations and related management issues. All MP-related public affairs documents are produced by the CF MP Gp PAOs only and approved by the CF MP Gp chain of command prior to release.</p> <p>As part of the ongoing review of MP policies, directives, orders and SOPs, DPM Policy and Plans will review the CF MP Gp order with respect to media and public relations practices, and will consider the wording and spirit of the Commission's recommendation in order to safeguard both the fact and the perception of police independence.</p>
39(b)	<p>b) MP personnel are not to participate in joint statements or media lines with the CAF;</p>	<p>There will be times where the CFPM participation in response to or in support of a broader CAF/DND matter will be required. Nonetheless, the CFPM is steadfast on the question and maintenance of police independence with respect to information relating to police investigations. The CFPM will not normally participate in any joint statement with respect to a specific investigation.</p>
39(c)	<p>c) MP media lines or public statements are not to include CAF messages;</p>	<p>Although the CFPM is independent with respect to MP investigations, the CF MP Gp is still a unit of the CAF responsible to the VCDS.</p> <p>As part of a broader response to address CAF/DND matters such as security issues, it is likely and possible that CAF media lines will be required to help clarify the situation. In that regard, close coordination is conducted among concerned CAF/DND accounts to facilitate the release of clear, precise and coherent information readily accessible to the news media or the public.</p> <p>It is important to reiterate that all MP-related public affairs documents,</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
39(d)	d) where MP personnel are present during media conference or similar public events, questions regarding MP matters must be answered only by MP representatives.	including media lines or public statements, are produced by the CF MP Gp PAOs and approved by the CF MP Gp chain of command. MP personnel, like all other CAF personnel, must follow the Public Affairs Policy DAOD 2008 series, including DAOD 2008-2 Media Relations and Public Announcements. In accordance with those references, all CAF members may agree to be interviewed by the media in their official capacity provided it is to speak about what they do. However, because of the nature of MP work, media requests must be carefully considered before being accepted. Advice must be sought by MP personnel through their chain of command and from Base/Wing PAOs.
40	The Commission recommends the CFPM direct discussions with appropriate CAF officials, aimed at establishing a framework protocol for media and public relations on topics where both MP and CAF are involved.	I am satisfied that the existing media and public relations protocol framework meets the needs of the CAF and CF MP Gp concerning matters requiring both CAF and MP involvement. Consequently, I am of the view that a new framework protocol is not required and as such, will not direct that such discussions ensue. CF MP Gp PAOs are responsible to the CFPM for all MP-related public affairs activities, media relations and related management issues. They actively participate in daily, CAF departmental communications meetings for situational awareness and co-ordination purposes. It is important to reiterate that all MP-related public affairs documents are produced by the CF MP Gp PAOs only and are approved by the CF MP Gp chain of command prior to release.
41(a)	The Commission recommends the CFPM direct the framework protocol include the following principles: a) only the MP has authority for release of information about its activities and investigations;	As referenced above, I am satisfied with the existing media and public relations framework protocol for the CAF and CF MP Gp. The CF MP Gp PAO is responsible to the CFPM for all MP-related public affairs activities, media relations and related management issues. All MP-related public affairs documents are produced by the CF MP Gp PAOs only and are

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Recommendation Number	MPCC Recommendation	CFPM Response
41(b)	b) all media questions regarding MP matters raised during CAF media events are to be referred to MP representatives and vice versa;	approved by the CF MP Gp chain of command prior to release.
41(c)	c) MP messages are not to be included in CAF media lines or public statements and vice versa;	CF MP Gp PAOs actively participate in daily CAF departmental communications meetings for situational awareness and co-ordination purposes, as noted in my response to recommendation 40.
41(d)	d) consultations between CAF and MP on media relations matters are to occur between the CFPM and the Vice Chief of Defence Staff or their direct delegates.	As part of a broader response to address CAF/DND matters such as security issues, it is likely and possible that CAF media lines will be required to help clarify the situation. In that regard, close coordination is conducted among concerned CAF/DND stakeholders to facilitate the release of clear, precise and coherent information readily accessible to the news media or the public. It is important to reiterate that all MP-related public affairs documents, including media lines or public statements, are produced by the CF MP Gp PAOs only and are approved by the CF MP Gp chain of command prior to release. There are robust media relations procedures already in place that encourage this type of consultation as explained at recommendations 40, 41(a) and 41(b).

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Recommendation Number	MPCC Recommendation	CFPM Response
<p>THE ATIP PROCESS</p> <p>Lack of clarity regarding roles and responsibilities in the Access to Information and Privacy (ATIP) request process, as generally governed by the Access to Information Act and the Privacy Act, may have a negative impact on the perception of police independence in terms of release of information connect with MP investigations. It may also impact the MP's ability to protect the integrity of its investigations. The Commission recommends:</p>		
42	<p>The CFPM enter into immediate discussions with the Minister of National Defence and other appropriate DND and/or CAF officials to ensure the MP receive full delegation of ATIP powers, duties or functions of MP documents and information that may impact on ongoing investigations or police methods as well as final decision-making authority to release information according to legislation.</p>	<p>The CFPM will explore the feasibility of receiving delegated powers from the MND.</p>
43	<p>The CFPM direct training for all MP members regarding the ATIP process as it relates to MP-generated information or documents.</p>	<p>As part of the CFMP Gp reorganization, DPM Policy and Plans will review all existing Military Police (MP) orders, directives and Standard Operation Procedures (SOPs) and convert them to MP Orders where required. As part of that process, the ATIP order will be reviewed to confirm the ATIP and Disclosure process. This information is also part of the basic police training at the MP Academy.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
<p align="center">INDEPENDENT COUNSEL FOR SUBJECTS AT PIH PROCEEDINGS</p> <p>The experience at the PIH confirms the Commission's experience in previous PIH proceedings that the joint representation by Government Counsel of the subjects of a complaint along with numerous other individuals and institutions connected with the CAF and with Government, is problematic. It creates issues from a practical/logistical point of view, in terms of an appearance of fairness and in terms of protecting public confidence in the integrity of the PIH process. The interests of the subjects will not necessarily be aligned or be perceived to be aligned with the interests of the CAF, Government and military witnesses or institutional Government clients also being represented by Department of Justice (DOJ) lawyers. The Commission recommends:</p>		
44	<p>The CFPM direct negotiations be entered into with appropriate Government officials, including the Treasury Board of Canada and, if appropriate, the DOJ, to allow the subject(s) of a complaint to be indemnified for reasonable legal fees incurred in retaining independent (private) legal counsel for PIH proceedings.</p>	<p>The TB Policy on Legal Assistance and Indemnification already allows for private counsel to be requested. The policy on Legal Assistance and Indemnification is issued by the Treasury Board Secretariat pursuant to s. 7 of the <i>Financial Administration Act</i>, and applicable to all Departments as defined in s. 2 of the FAA except where otherwise excluded by statute. The CFPM, the Canadian Forces and the Department of National Defence do not exercise any control or authority over that policy.</p> <p>The current policy allows for the provision of private legal counsel where warranted. In fact, in the two previous Public Interest Hearings before the Commission MPs were represented by independent private legal counsel. I am satisfied that the current government policy meets the needs of the Military Police.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
45	<p>WAIVER OF PRIVILEGE</p> <p>The Commission recognizes the common law privilege with respect to non-disclosure of solicitor-client communications is nearly absolute. However, the Commission is also aware that this privilege may be waived by a client. The position of the Government of Canada is that only the Minister of National Defence is the "client" with respect to all information and communications with a legal component exchanged by or with members of the MP and the CAF and that only the Minister can claim or waive privilege. Especially where a blanket claim of privilege is asserted, this can block access by the Commission to material that was or ought to have been before the MP or the CFNIS as part of their investigations and thus can compromise the Commission's ability to exercise its statutory oversight mandate. The Commission recommends:</p> <p>The CFPM recommend to the Minister of National Defence, where claims of solicitor-client privilege are made over communications relevant to the subject matter of a PIH, to enter into an arrangement with the Commission to allow the Commission to access and review the materials, while otherwise keeping them confidential, in order to allow the Commission to discharge its oversight mandate. Such agreement could include, where appropriate, the hearing of evidence relevant to matters covered by the privilege claim in <i>in camera</i> proceedings.</p>	<p>The <i>National Defence Act</i> does not permit the Commission, an investigative body, to accept or receive any evidence or other information that would be inadmissible in a court of law by reason of any privilege under the law of evidence. This prohibition includes solicitor client privileged information. During the Second Independent Review of a portion of the <i>National Defence Act</i>, Justice LeSage considered a request by the Commission to recommend an amendment to the legislation to allow the Commission to receive and consider solicitor client privileged information. He rejected this request and reiterated the legal principle that solicitor client privilege should remain as close to absolute as possible.</p> <p>Despite this legislated restriction, the Commission is able to make a request for waiver of solicitor client privilege to the Minister of National Defence on a case-by-case basis.</p>

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Recommendation Number	MPCC Recommendation	CFPM Response
46(a)	The CFPM recommend to the Minister of National Defence: a) to consider potential claims of solicitor-client privilege on a case-by-case basis;	The Commission is always able to make a request for waiver of solicitor client privilege to the Minister of National Defence on a case-by-case basis.
46(b)	b) to consider waiving privilege over communications relevant to the subject matter of a PIH, except where the privilege relates to the legal interests of the subjects of the complaint;	The Commission is able to make a request for waiver of solicitor client privilege to the Minister of National Defence on a case-by-case basis.
46(c)	c) where the privilege relates to the legal interests of the subjects of the complaint, to delegate the decision to claim or to waive privilege to the subjects of the complaint.	The Commission is able to make a request for waiver of solicitor client privilege to the Minister of National Defence on a case-by-case basis.

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