



Military Police
Complaints Commission
of Canada

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

Chairperson

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April 30, 2025

Decision to Conduct a Public Interest Hearing MPCC 2024-037

Overview

1. I have decided to hold a public interest hearing into this complaint. Mrs. Orton, the complainant, asserts that military police were negligent during a welfare check on her husband, MCpl Shaun Orton. Tragically, he was later found to have died by suicide. Given the seriousness of the allegations, the broader systemic implications and public interest regarding suicide response, and the process considerations surrounding this case, a public interest hearing is warranted.¹

Background

2. On April 21, 2024, the complainant reported disturbing communications from her husband and her concerns regarding his safety to the military police. She alleges that the military police repeatedly dismissed her concerns and unreasonably delayed initiating a welfare check. A welfare check involves police officers verifying the well-being of an individual when there are concerns about their physical or mental health. The complainant states that when military police finally agreed to check, they stood outside her husband's house for 45 minutes before entering. Once her husband's body was found, she further alleges that military police called the Ottawa Police Service (OPS) – the OPS then noted that her husband was still alive and began first aid. Her husband was taken to hospital by ambulance where he was subsequently pronounced dead.
3. The complainant states she found a 10-page suicide note that military police had misplaced while removing her husband's body. Military police did not accompany her husband to the hospital or notify the complainant of his death. They did not take a noose or pills in the house as evidence. The complainant experienced numerous difficulties in obtaining information and updates from the military police. She also noted that the military police detachment Commanding Officer sent a priest to provide her with support without asking her permission and even though she had made known that she was Jewish.

¹ *National Defence Act*, RSC 1985 c N-5 at s. 250. 38 [NDA].

4. On June 11, 2024, the complainant filed a complaint with the Canadian Forces Provost Marshal (CFPM) office of Professional Standards.

Treatment of the Complaint by the CFPM

5. On July 30, 2024, the then Deputy CFPM office closed the file, without investigating the complaint, determining it “is more appropriately dealt through the ongoing criminal investigation into the said conduct related allegations in favour of the subject MPs” pursuant to 250.28(2)(b) of the *National Defence Act* (NDA).
6. On September 6, 2024, I wrote a letter to the then CFPM explaining that NDA s. 250.28(2)(b) allows the CFPM to terminate, or not commence, a Professional Standards investigation of a conduct complaint where there is another, more appropriate statutory process available to deal with the matter. This provision, along with paragraphs 250.28(2)(a) (frivolous and vexatious) and (c) (further investigation unnecessary or impracticable), constitute the only exceptions to the CFPM’s statutory duty in NDA s. 250.28(1) to investigate conduct complaints that are not disposed of by way of informal resolution or under subsection 250.27(4). I stressed that the clear expectation of the oversight regime for the military police set up in the NDA is that, outside of informal resolution (and the exceptions in NDA s. 250.27(4)) or subsection 250.28(2), the CFPM has no discretion and must dispose of conduct complaints on the merits.
7. I further explained that although the same event can give rise to both processes, a conduct complaint is not “more appropriately dealt with” by means of a criminal investigation. The fact that a criminal investigation might cover the same ground as a conduct complaint (which is still unclear to me in this case as I have yet to receive disclosure) is irrelevant to the receivability of the conduct complaint against the military police. Both processes are important but not substitutes for one another.
8. A criminal investigation is not a substitute for a conduct complaint investigation, which is legislatively mandated by Parliament with built-in transparency and accountability requirements. For example, in a criminal investigation, the complainant does not have the same right to be informed of the progress or results of the investigation.
9. The goals and thresholds of evidence for these processes are very different. A criminal investigation focuses on determining whether a crime has been committed and gathering evidence to support a prosecution. In contrast, a conduct complaint investigation examines whether the conduct of military police officers meets the standards of professional behaviour and accountability.

10. Finally, I explained to the CFPM that an internal Professional Standards Code of Conduct investigation – which he referenced as a possibility in his letter to the military police members identified in the complaint – was likewise not a valid substitute for a conduct complaint investigation. Such an investigation lacks transparency and oversight, excluding, as it would, both the complainant and the Military Police Complaints Commission (MPCC).
11. For these reasons I urged the CFPM to reconsider the decision to close the file, noting that he could instead place it in abeyance pending completion of the related investigation by the Canadian Forces National Investigation Service (CFNIS).
12. In a letter dated November 4, 2024, the CFPM declined to reconsider closing this conduct complaint without investigating it.

Disclosure Delayed by the CFPM

13. On September 25, 2024, the complainant requested the MPCC review her complaint.
14. On October 2, 2024, the MPCC requested disclosure from the CFPM's office of Professional Standards.
15. On November 4, 2024, the Deputy CFPM responded to the MPCC request for disclosure by indicating that a criminal investigation was underway into the allegations raised within the complaint. Therefore, the Deputy CFPM indicated that disclosure would be held in abeyance pending completion of this investigation or until the investigating unit (CFNIS) advised that disclosure would not impede the investigation.
16. On November 18, 2024, I wrote to the CFPM to reiterate our request for disclosure, noting that disclosure of relevant information to the MPCC would not impede the ongoing CFNIS investigation and that there was no legal basis to put the CFPM's disclosure obligation under NDA s. 250.31(2)(b) in abeyance. I offered to place the MPCC review in abeyance during the CFNIS investigation but requested that disclosure be provided as soon as possible so that the MPCC could at least review the file. On December 6, 2024, the CFPM refused this disclosure request.
17. On December 11, 2024, I placed the review of this complaint in abeyance during the CFNIS investigation. The MPCC subsequently made periodic inquiries into the status of that investigation. On February 24, 2025, the MPCC was advised by the complainant that the CFNIS investigation was completed. Following inquiries by the MPCC on February 24, March 3 and March 10, 2025, we finally received confirmation from the office of the CFPM on March 20, 2025, that the CFNIS investigation was indeed concluded. Consequently, on March 24, 2025, I advised the CFPM and the complainant that the MPCC would resume its review of the complaint and renewed the request for disclosure noting that it should be received at the MPCC by April 7, 2025, given I had requested disclosure six months earlier.
18. The CFPM has not provided the disclosure.

Considerations Relevant to a Public Interest Hearing Determination

19. Under the NDA, I have a broad discretion to decide whether the MPCC should conduct a public interest investigation or hearing. The NDA provides that:

250.38 (1) If at any time the Chairperson considers it advisable in the public interest, the Chairperson may cause the Complaints Commission to conduct an investigation and, if warranted, to hold a hearing into a conduct complaint or an interference complaint.²

20. The MPCC has recognized the following factors, which are not meant to be exhaustive, as relevant to decisions on the holding of public interest investigations or hearings in respect of complaints:

- The inherent seriousness of the alleged conduct;
- The systemic issues raised in the complaint;
- The involvement of senior officials or military officers;
- The public interest in the issues related to the complaint;
- Process considerations which suggest that it would be more fair, credible, coherent or efficient to deal with the complaint as a public interest case.

21. Not all these factors are engaged in all cases. Those relevant to this complaint are addressed below and establish the reasons for this decision.

The Allegations are Serious

22. The allegations in this complaint are serious. If substantiated, they could amount to a failure to conduct a welfare check in an adequate and timely manner which could have potentially saved a life. There is also an allegation that the military police mishandled important evidence like a suicide note.

23. The fact that there was a criminal investigation into this matter emphasizes the gravity of the allegations, which underscores the necessity of conducting a transparent and independent review of the complaint to ensure accountability and maintain public confidence in military policing.

The Complaint Raises Systemic Issues

24. Statistics Canada has reported that rates of mental health challenges were higher among Regular Members of the Canadian Forces than the general population – this is in part because military populations are at potential risk for trauma, separation from family, frequent moves, and stressful living conditions.³

² NDA, s. 250.38(1).

³ Statistics Canada, *Mental health of the Canadian Armed Forces*, (Ottawa: Statistics Canada, 2014).

25. Suicide prevention is also noted to be a top priority for the Canadian Forces, and military police are expected to be a reliable and informed component of suicide prevention and intervention.⁴
26. Indeed, welfare checks conducted by police are an important but very difficult duty, often involving people in vulnerable circumstances. Even when they are conducted in good faith and in accordance with the lawful duty of the responding police officers, welfare checks can have unintended harmful consequences. This is one of several complaints received regarding military police responses to mental health or suicide risk. The MPCC has previously recommended, and the CFPM accepted, the need for military police policy and specialized training on the issue.
27. I also note that the military police have in a past case mishandled the issue of suicide, including suicide notes – this is demonstrated in the [MPCC's 2015 Fynes Public Interest Hearing Final Report](#). The present case raises significant issues in military police readiness and capacity to respond in such cases, from dismissal of reported concerns to a lack of capacity to respond on scene.
28. To the extent that these issues may reflect gaps beyond this individual file, I consider that the issues raised in this complaint have systemic implications for military policing and the population they serve.

The Complaint is of Public Interest

29. The complaint raises issues that are of significant public interest. Suicide prevention has been recognized as an important public health concern. In 2023, the Canadian Forces Health Services issued its last [Report on Suicide Mortality in the Canadian Armed Forces](#), emphasizing the importance of addressing suicide prevention within military communities. Similarly, in 2022, Canada's first federal Minister of Mental Health and Addictions issued a Progress Report on the Federal Framework for Suicide Prevention, identifying gaps in accessing suicide prevention supports across the country. Additionally, the [Suicide Prevention and Intervention Guide for CAF Leadership](#) outlines a specific role for military police in responding to suicide risk.
30. In Canada, an estimated 4,500 lives are lost to suicide every year, yet there remains a stigma surrounding the topic.⁵ There is a clear public interest in drawing attention to the importance of mental health support and suicide prevention as it pertains to the policing duties and functions including the military police response to suicides and suicide risks.

⁴ Department of National Defence, *Joint Suicide Prevention Strategy, Canadian Armed Forces and Veterans Affairs Canada*, (Ottawa: Department of National Defence, 2017) and Directorate of Mental Health, *Suicide Prevention and Intervention Guide for CAF Leadership*, (Ottawa: Department of National Defence, 2024).

⁵ Public Health Agency of Canada. *Suicide in Canada: Key Statistics (infographic)*, (Ottawa: Public Health Agency of Canada, 2023).

Process Considerations Warrant a Public Interest Hearing

31. It is in the public interest to address the concerns raised in the complaint within a broader public forum because of the seriousness of the allegations, combined with the public interest in the proper handling of welfare checks, suicides, and suicide risks by military police. It would therefore be more beneficial, efficient, and appropriate to investigate this case through a public interest hearing rather than the more private process commonly used to review conduct complaints.
32. A public interest hearing also gives the MPCC additional legal tools to compel disclosure of relevant information, namely the power to summon witnesses and documents in NDAs. 250.41(1).
33. Given these considerations, it is in the public interest that the MPCC initiates a public interest hearing into this conduct complaint.

Decision

34. For these reasons, I designate this conduct complaint, MPCC 2024-037, an MPCC public interest hearing. The hearing will be conducted primarily virtually in a manner accessible to the public.
35. Despite many requests, the MPCC has yet to receive disclosure of relevant information and materials from the CFPM. The public interest hearing will not commence until the MPCC has received and reviewed this disclosure, at which point we will also be able to identify and notify all the subject military police members.
36. By declaring a public interest hearing, I am concurrently deciding that the Final Report in this matter will be made public, subject to the need to protect especially sensitive personal information.

SIGNED in Ottawa, Ontario, on this 30th day of April 2025.

Original document signed by:

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