



Military Police
Complaints Commission
of Canada

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

National Defence Act – Part IV
Section 250.53

FINAL REPORT

Following a Public Interest Investigation
Pursuant to Section 250.38(1) of the *National Defence Act*,
of a Conduct Complaint by the Registrar of the
Military Police Complaints Commission of Canada
Regarding the Conduct of Master Corporal William Armstrong,
Corporal Jeffery Graham, Warrant Officer Carol Bastien,
Sergeant Pierre Compeau, Sergeant Stephen Bultinck, and
Lieutenant Cindy Côté,
2 Military Police Regiment, Kingston, Ontario

File: MPCC 2020-013
Ottawa: March 22, 2022

Bonita Thornton
Interim Chairperson

TABLE OF CONTENTS

I	Executive Summary	i
II	Factual Background to the Complaint	1
III	Timeline.....	4
IV	The Complaint.....	30
V	The Commission’s Investigation of the Conduct Complaint.....	31
VI	Analysis, Findings and Recommendations.....	40
6.1	Question #1 - Whether the Military Police members who came into contact with a member of the Canadian Armed Forces who was suffering from a mental illness took reasonable steps in the circumstances to address the situation.....	40
6.1.1	Background.....	40
6.1.2	The Interview Evidence	42
6.1.2.1	Evidence of Master Corporal William Armstrong (Subject)	42
6.1.2.2	Evidence of Corporal Jeffery Graham (Subject)	43
6.1.2.3	Evidence of Sergeant Pierre Compeau (Subject).....	46
6.1.2.4	Evidence of 2 nd Lieutenant Liam Buckley (Witness).....	47
6.1.2.5	Evidence of 2 nd Lieutenant Michael Moore (Witness)	48
6.1.2.6	Evidence of Officer Cadet Amanda Ales (Witness).....	48
6.1.2.7	Evidence of Officer Cadet Sophia King (Witness).....	49
6.1.2.8	Evidence of Captain Ian McNaught (Witness).....	49
6.1.2.9	Evidence of Captain Ryan Carter (Witness).....	49
6.1.2.10	Evidence of Corporal Andrew La Plante (Witness).....	51
6.1.2.11	Evidence of Chief Petty Officer 1 st class Nathalie Scalabrini (Witness).....	52
6.1.2.12	Evidence of Sergeant Anthony Vincent, Watch Commander (Witness).....	52
6.1.2.13	Evidence of Sergeant Stephen Bultinck (Subject).....	54
6.1.2.14	Evidence of Major Darren Lemire (Witness)	54
6.1.2.15	Evidence of Warrant Officer Carol Bastien (Subject).....	54
6.1.2.16	Evidence of Chief Petty Officer 1 st class Darryl Mogridge (Witness).....	55
6.1.3	Other Evidence.....	55
6.1.4	Analysis	56
6.2	Question #2 - Whether Military Police members who were furnished with an allegation and evidence concerning a situation that appeared to constitute criminal harassment conducted a reasonable investigation into the matter.....	63
6.2.1	The Interview Evidence	63
6.2.1.1	Evidence of the female Officer Cadet (Witness)	63
6.2.1.2	Evidence of Master Corporal William Armstrong (Subject)	63
6.2.1.3	Evidence of Sgt Anthony Vincent (Witness).....	68
6.2.1.4	Evidence of Sergeant Stephen Bultinck (Subject).....	70
6.2.1.5	Evidence of Warrant Officer Carol Bastien (Subject)	70
6.2.1.6	Evidence of Lieutenant Cindy Côté (Subject)	72
6.2.1.7	Evidence of Sergeant Chad Monaghan (Witness)	73
6.2.2	Other Evidence.....	74

6.2.3	Analysis	76
6.3	Question #3 - Whether Military Police members who were told by a complainant that she feared for her safety from a man harassing her took reasonable steps in the circumstances.....	90
6.3.1	The Interview Evidence	90
6.3.1.1	Evidence of the female OCdt (Witness)	90
6.3.1.2	Evidence of Master Corporal William Armstrong (Subject)	91
6.3.1.3	Evidence of Corporal Jeffery Graham (Subject)	92
6.3.1.4	Evidence of Sergeant Anthony Vincent (Witness)	93
6.3.1.5	Evidence of Sergeant Stephen Bultinck (Subject)	94
6.3.1.6	Evidence of Warrant Officer Carol Bastien (Subject)	94
6.3.1.7	Evidence of Sergeant Pierre Compeau (Subject)	94
6.3.1.8	Evidence of Captain Pascal Delisle (Witness)	95
6.3.2	Other Evidence.....	96
6.3.3	Analysis	97
6.4	Question #4 - Whether the investigation into sexual offences allegedly committed by the female OCdt was reasonably conceived and carried out.....	106
6.4.1	The Interview Evidence	106
6.4.1.1	Evidence of the female OCdt (Witness)	106
6.4.1.2	Evidence of Corporal Jeffery Graham (Subject)	108
6.4.1.3	Evidence of Chief Petty Officer 1 st class Line Laurendeau (Witness).....	111
6.4.1.4	Evidence of Corporal Sandra Bidgood (Witness).....	112
6.4.1.5	Evidence of Sergeant Anthony Vincent (Witness)	113
6.4.1.6	Evidence of Sergeant Stephen Bultinck (Subject)	113
6.4.1.7	Evidence of Lieutenant Cindy Côté (Subject)	114
6.4.2	Other Evidence.....	115
6.4.3	Analysis	116
6.5	Question #5 - Whether Military Police supervisors provided adequate oversight concerning the mental health and personal safety issues in both the criminal harassment and sexual offences investigations.....	123
6.5.1	The Interview Evidence	123
6.5.1.1	Evidence of Major Darren Lemire (Witness)	123
6.5.1.2	Evidence of Chief Petty Officer 1 st class Darryl Mogridge (Witness).....	123
6.5.1.3	Evidence of Lieutenant Cindy Côté (Subject)	125
6.5.1.4	Evidence of Warrant Officer Carol Bastien (Subject)	130
6.5.1.5	Evidence of Sergeant Stephen Bultinck (Subject)	132
6.5.1.6	Evidence of Sergeant Anthony Vincent (Witness)	134
6.5.1.7	Evidence of Sergeant Véronique Tapp (Witness).....	135
6.5.2	Analysis	136
VII	Recommendations	146
7.1	Correcting the Criminal Harassment General Occurrence File	146
7.2	Correcting the Sexual Crimes Other General Occurrence File.....	147
7.3	Clarifying the Use of Street Checks and General Occurrence Reports.....	147
7.4	Victim Services.....	149
7.5	Apology to the Female Officer Cadet	153

7.6	Apology to the Male Officer Cadet’s Family	154
7.7	Adopting a Risk Management Strategy.....	155
7.8	Establishing a Good Relationship with the Office of the Judge Advocate General	156
7.9	Providing Guidance about Peace Bonds.....	157
7.10	Carrying Out Quality Assurance Measures.....	159
7.11	Criminal Harassment Training	160
7.12	Authority to Act under Mental Health Statutes	161
7.13	Training Concerning Caution Flags in the Security and Military Police Information System.....	164
7.14	Remedial Measures for Corporal Graham.....	165
7.15	Notice of Action	167
7.16	Liaison Between the Royal Military College of Canada and the Military Police Kingston Detachment.....	168
7.16.1	Lieutenant Colonel Craig Moore	168
7.16.2	Colonel Corinna Heilman.....	169
7.16.3	Second Lieutenant Michael Moore.....	170
7.16.4	Sergeant Pierre Compeau	170
7.16.5	Chief Petty Officer 1 st class Line Laurendeau.....	171
7.16.6	Chief Petty Officer 1 st class Darryl Mogridge.....	171
7.16.7	Major Ryan Jones	171
7.16.8	Sergeant Shari Robichaud	172
7.16.9	Sergeant Anthony Vincent.....	172
VIII	Summary of findings and recommendations.....	175

APPENDICES

- 1. Glossary of Terms and Acronyms**
- 2. Appendix A – Statement of the Female Officer Cadet**
- 3. Appendix B - Handwritten Notes of the Female Officer Cadet**

I EXECUTIVE SUMMARY

Introduction

This Military Police Complaints Commission (MPCC) Public Interest Investigation (PII) relates to complaints made to the Military Police Kingston Detachment by two Officer Cadets at the Royal Military College of Canada (RMC). The subject-matter of this PII came to the attention of the MPCC through a related complaint of interference in a Military Police investigation (MPCC 2019-023). That complaint raised issues about the conduct of certain members of the Military Police of such seriousness that the MPCC concluded it needed to self-initiate a complaint for the first time in its history.

The serious issues at the heart of this investigation concern the Military Police responses to a young woman who was the victim of criminal harassment and a young man who was experiencing a mental health crisis. Both of them reached out to the Military Police for assistance. In the case of the young woman, in addition to being left unprotected, this victim of criminal harassment was blamed for her situation and her reputation was tainted by the actions of the Military Police. In the case of the young man, the actions of the Military Police did not help him deal with his mental health difficulties and may even have exacerbated them. The goal of the MPCC report is to identify the serious short-comings demonstrated by the events which are the subject matter in issue, for the Military Police to take responsibility for their failures, and to take concrete actions so that they do not repeat them.

Factual Background

The subject-matter of this PII first came to the attention of the Military Police when a female Officer Cadet from the RMC came to the Kingston detachment to make a complaint that she was being harassed by a male Officer Cadet.

She was interviewed by Master Corporal (MCpl) William Armstrong¹, a member of the Kingston detachment, and furnished him with verbal and written information concerning the harassment she alleged she suffered. In a written statement, she stated that the male Officer Cadet suffered from an obvious mental illness and was at risk of harming himself. She also said that she feared the male Officer Cadet posed a danger to her.

The female Officer Cadet provided evidence to satisfy the criteria for the offence of criminal harassment as set out in section 264 of the *Criminal Code*. She provided the Military Police with documentary proof that she had been subjected to a huge number of communications from the male Officer Cadet over a long period of time despite her attempts to get him to stop, including blocking him from her social media. These communications included photos of herself from throughout her life. When she did not reply to some messages, the male Officer Cadet would come to her dormitory room or contact her family. The male Officer Cadet conveyed threats to the female Officer Cadet in various ways, including by equating himself with the obsessive serial killer character ‘Joe’ in the television program *You* and equating the female Officer Cadet with ‘Beck’, one of Joe’s victims. He also said he wished she would ‘disappear’.

In a written statement and notes she brought with her to the interview with the Military Police, the female Officer Cadet used words such as feeling “exposed, invaded, vulnerable” and “I wanted to be free of him” and “I did not know what to do to fix this” and “I felt manipulated and helpless” to establish that she was being harassed. MCpl Armstrong noted that after the male Officer Cadet sent the female Officer Cadet a continuous flow of messages after she went to the Military Police, she was too tired and emotionally distraught to attend classes the next day.

The male Officer Cadet said that if the female Officer Cadet kissed him “all the craziness debt and obsessing would go away”. The female Officer Cadet wrote that every time she got upset the male Officer Cadet would admit he was a stalker, but said she was to blame. The male Officer Cadet would tell the female Officer Cadet to block him on social media, but then would

¹ All ranks in this report are those at the time of the events.

find other ways to send her messages. MCpl Armstrong noted that he learned from the screenshots the female Officer Cadet sent him that the male Officer Cadet admitted he stalked the female Officer Cadet, and he was aware that his behaviour was inappropriate. These facts point to an awareness on the part of the male OCdt that his behaviour with the female OCdt was harassing in nature.

The female Officer Cadet made it clear that she feared the male Officer Cadet. She wrote: “I had to be his friend because I was scared he would hurt me if I wasn’t”. She also wrote: “I was desperate and trapped and scared”. The female Officer Cadet’s fear was based on the deluge of contacts, the delving into her personal life and that of her family, the coming to her residence demanding entrance, and the threats, including equating the female Officer Cadet with a murder victim.

Following the interview with the female Officer Cadet, an investigation plan was developed, but no supervisor reviewed that plan. No steps were taken to assess any risk to the female Officer Cadet’s safety, no inquiries were made concerning the male Officer Cadet’s mental health situation, nor were any steps taken to investigate the complaint. The Military Police determined that the elements of the offence of criminal harassment as set out in section 264 of the *Criminal Code* were not met. The Military Police therefore suggested that the female Officer Cadet seek a surety to keep the peace (known as a ‘peace bond’) pursuant to section 810 of the *Criminal Code* with respect to her fears that the male Officer Cadet might cause harm to her.

A week after the female Officer Cadet’s interview, the Military Police were called to the male Officer Cadet’s quarters at the RMC because his roommate discovered he had fashioned a “noose” out of a belt. The male Officer Cadet volunteered to go to the hospital and was escorted there by the Military Police. Had the male Officer Cadet not volunteered, the Military Police would have been obliged to call the local civilian police service for assistance as they have no legal authority to apprehend someone under Ontario’s *Mental Health Act*. A report of this incident was made by one of the attending members in the Street Check format. This meant that it was not referenced when the Military Police subsequently dealt with the male Officer Cadet. In

addition, no connection was made to the General Occurrence report filed a week earlier concerning the female Officer Cadet's report of being harassed.

The harassment claim by the female Officer Cadet was cleared by a supervisor with a notation that there was "Insufficient Evidence to Proceed". That supervisor, however, did not look at any of the evidence supplied by the female Officer Cadet. The Officer Commanding of the Military Police Kingston Detachment then wrote to the Director of Cadets at the RMC to say that, following an investigation, the Military Police had concluded that there was insufficient evidence to support a charge of criminal harassment against the male Officer Cadet. She was apparently unaware that there had been no such investigation.

Shortly after this letter was sent, the male Officer Cadet came to the Military Police Kingston Detachment to complain that he had given money to the female Officer Cadet with the expectation that a romantic relationship would develop but this had not happened. In the course of an interview, Corporal Jeffery Graham, the Military Police member assigned to the complaint, asked the male Officer Cadet if he needed to see a doctor. While the male Officer Cadet said he did not, he did say that he had been diagnosed as autistic and was being considered for a medical release. Cpl Graham concluded that the male Officer Cadet committed the offence of soliciting a sexual service and told him that he would 'probably' face a criminal charge. Six days later, the male Officer Cadet attempted suicide. After a second suicide attempt, he was put on life support and at last report remains in a compromised state.

Two weeks later, the female Officer Cadet was interviewed to hear her response to the male Officer Cadet's allegation that she had taken money from him without entering into an expected relationship. Cpl Graham conducted the interview and made it clear that he disapproved of her accepting money from the male Officer Cadet whom he thought was being exploited due to his mental illness. Cpl Graham considered charging the female Officer Cadet with fraud (for taking the male Officer Cadet's money without intending to enter into a relationship), public mischief (for falsely reporting that she was being harassed by the male Officer Cadet in order to avoid repaying her debt to him), and receiving material benefit from sexual services (for taking money from the male Officer Cadet that she knew was part of the offence of soliciting a sexual service).

At the end of the interview with the female Officer Cadet, Cpl Graham said that the male Officer Cadet clearly had a mental problem and that the female Officer Cadet should do everything possible to protect herself from him. The female Officer Cadet was not charged at that time, nor were charges ever brought against her. She was not informed by the Military Police that they would not be proceeding with charges against her. Almost a week after the interview, the female Officer Cadet wrote to Cpl Graham to say that she felt she was being blamed for the situation with the male Officer Cadet. Cpl Graham's response to this email was to say that it was inappropriate to contact him in this way.

The Military Police concluded that no criminal acts were clearly identified in the relationship between the two Officer Cadets, nor were there any chargeable suspects. The investigation file concerning the female Officer Cadet's alleged offences, however, still indicates that the various offences were "founded", meaning that after a police investigation it has been determined that the reported offence did occur or was attempted.

It was learned that the male Officer Cadet's belongings had been collected and returned to his family subsequent to his second suicide attempt. However, the family indicated they did not receive a journal in which the male Officer Cadet wrote his thoughts. An RMC staff member who found the journal in the male Officer Cadet's dorm room considered it to contain medical information, which the RMC does not provide to the parents of Officer Cadets. However, one of the medical staff who treated the male officer cadet stated that the journal was the personal property of the male Officer Cadet. In any event, the journal was shredded and potential evidence about the male Officer Cadet's state of mind was lost.

The Complaint

A complaint of interference in a Military Police investigation concerning an attempted suicide at the RMC prompted the MPCC to examine the whole of the General Occurrence report concerning the alleged interference as well as other General Occurrence reports related to the Military Police investigations concerning two Officer Cadets, including the one who attempted suicide.

As a result of the review of those General Occurrence reports, a conduct complaint was initiated by the MPCC. The complainant is the MPCC itself, as represented by its Registrar. The conduct complaint is related to interactions between two students at the RMC, and the MP response as outlined in the Factual Background set out above. Given the scope and importance of the conduct issues uncovered, it was determined that the conduct complaint should proceed as a Public Interest Investigation.

Five questions were drafted to guide the investigation, as opposed to allegations. Those five questions are as follows:

- i. Whether the Military Police members who came into contact with a member of the Canadian Armed Forces who was suffering from a mental illness took reasonable steps in the circumstances to address the situation.
- ii. Whether Military Police members who were furnished with an allegation and evidence concerning a situation that appeared to constitute criminal harassment conducted a reasonable investigation into the matter.
- iii. Whether Military Police members who were told by a complainant that she feared for her safety from a man harassing her took reasonable steps in the circumstances.
- iv. Whether the investigation into sexual offences allegedly committed by the female Officer Cadet was reasonably conceived and carried out.
- v. Whether Military Police supervisors provided adequate oversight concerning the mental health and personal safety issues in both the criminal harassment and sexual offences investigations.

Six Military Police members were named as subjects of the conduct complaint.

Master Corporal William Armstrong and Corporal Jeffery Graham were the members who conducted the interviews and determined whether and how any criminal charges would proceed. Two other subjects, Warrant Officer Carol Bastien and Sergeant Stephen Bultinck, were the supervisors of these two front-line members, responsible for approving their investigation plans and the general direction of their activities in relation to the issues at the RMC that had been brought to their attention. One subject, Lieutenant Cindy Côté, was the Commanding Officer of the Military Police Kingston Detachment, who bore command responsibility for the actions of

the front-line and supervisory members. The sixth subject, Sergeant Pierre Compeau, was the Military Police member assigned as a liaison to the RMC.

In cases where a complaint raises multiple issues, the MPCC ordinarily organizes its treatment of such complaints around the distinct allegations which make up the complaint. In this case, as it is a Commission-initiated complaint, the MPCC has instead divided the complaint into a series of questions reflecting the distinct issues identified in the complaint. In this case, the Commission has determined there to have been deficiencies relating to each of the issues raised by the various questions comprising the complaint. As a result, the Commission has determined all issues raised and examined in this investigation to be substantiated.

MPCC's Public Interest Investigation

The MPCC received a complaint that a senior officer had brought a halt to a Military Police investigation, without giving an explanation. This was investigated as an interference complaint under the file number MPCC 2019-023. The MPCC wrote to the Canadian Forces Provost Marshal (CFPM) to request disclosure of all materials relevant to an investigation of the interference complaint. This disclosure revealed some larger issues than were encompassed by the complaint of interference. The MPCC was made aware of serious questions concerning the conduct of a number of Military Police members and their supervisors.

To carry out its mandate of promoting the highest standards of conduct of the Military Police in the performance of policing duties, the MPCC decided to initiate its own conduct complaint. This complaint, in the name of the MPCC's Registrar, concerned events related to the subject-matter of the interference complaint. The MPCC Chairperson determined that the conduct complaint would proceed as a Public Interest Investigation.

The MPCC conducted a detailed review of all materials received and concluded that a further investigation into the complaint should consist of both interviews and requests for additional documentary disclosure.

The MPCC investigators conducted 61 interviews, including ones with all six subjects. These interviews were coordinated with those undertaken for the related interference complaint. The subjects of the interviews ranged from fellow students of the two Officer Cadets at the RMC to members of the chain of command at the RMC to other members of the Military Police.

The MPCC investigation led to findings concerning the five questions as follows:

Question #1:

Whether the Military Police members who came into contact with a member of the Canadian Armed Forces who was suffering from a mental illness took reasonable steps in the circumstances to address the situation.

The fact that the male Officer Cadet was suffering from a mental illness was made clear to MCpl Armstrong during his interview of the female Officer Cadet to take her complaint that she was being harassed. In a written statement, she referred to making the male Officer Cadet seek help for his “obvious mental illness”. MCpl Armstrong also wrote out the question: “Do you believe [the male Officer Cadet] is a serious threat to himself?” to which the written reply was “Yes”. Despite this, MCpl Armstrong told the MPCC investigators that he did not recall the female Officer Cadet telling him that the male Officer Cadet was a serious threat to himself. The general lack of awareness of the mental health issue on the part of MCpl Armstrong is surprising as in his own notes he remarked that he was told by the female Officer Cadet that the male Officer Cadet needed her possessions in order to feel “mentally stable” and that he was obsessed with her. In reviewing the audio-video recording of the interview which MCpl Armstrong conducted with the female Officer Cadet, the information she provided about the male Officer Cadet was clear and unambiguous. The fact that MCpl Armstrong said that he did not hear what the female Officer Cadet obviously said to him during the interview and did not read what was given to him cannot be explained away.

It was unclear how having the female Officer Cadet apply for a peace bond was going to answer her complaint that the male Officer Cadet was apparently suffering from a mental illness and was at risk of harming himself. This is especially so because MCpl Armstrong, who suggested the

peace bond option, made no inquiries about the male Officer Cadet and so could not know whether a peace bond was appropriate in the circumstances.

Unlike MCpl Armstrong, Cpl Graham did advert to the fact that the male Officer Cadet was suffering from a mental illness. In his interview with the female Officer Cadet, he said that the male Officer Cadet “clearly, clearly has a mental problem”. Cpl Graham also seemed to recognize that the way in which he responded to being presented with the male Officer Cadet’s mental health difficulties may have made the situation worse. There is a recognition on his part that his threat to lay a criminal charge may even have contributed to the male Officer Cadet’s decision to kill himself. Cpl Graham said, “maybe even me telling him that I was investigating him for that, that -- that might have been the straw that broke the camel’s back - it’s very possible”.

The threat of being charged criminally sent the male Officer Cadet into an emotional crisis that required him to seek medical help. Given the male Officer Cadet’s mental health situation, including his saying “sometimes I don’t understand certain things”, the baseless solicitation charge which Cpl Graham was considering was found to be inappropriate. Little consideration seems to have been given to an evidential foundation nor how such a charge would be proven beyond a reasonable doubt, particularly given the serious questions about the male Officer Cadet’s level of understanding of the situation.

The emotional trauma induced in the male Officer Cadet by the threat to charge him with solicitation was also found to be needless. Firstly, Cpl Graham himself was not clear on what the offence in issue was, saying it was “either like solicitation or purchasing sexual services or something along that line”. Secondly, if he was thinking of the section 286.1 of the *Criminal Code* offence of obtaining sexual services for consideration, he was missing one key element – the sexual services part. When asked whether the male Officer Cadet ever termed the relationship with the female Officer Cadet as “sexual”, Cpl Graham replied: “I don’t think he ever said the word sexual”. Thirdly, Cpl Graham was so uncertain about how to proceed that he concluded the interview with the male Officer Cadet by saying he would ‘probably’ be charged.

This vagueness reflects the lack of substance to the charge against the male Officer Cadet, but it was taken to heart by the male Officer Cadet who expressed his anguish to numerous people.

Sgt Compeau was asked about the male Officer Cadet's mental health situation and said that he was not fit to even stand an interview. The sergeant said that he "likely" provided a briefing to his chain of command because he was "always in direct contact", but Lt Cote did not recall receiving such a briefing. It has been established that Sgt Compeau did brief Cpl Graham prior to his interview with the male Officer Cadet.

Despite all of the information about a serious mental health issue that was presented to various members of the Military Police, there was no follow-up by any of them to discern the male Officer Cadet's mental health status. There is no indication that a member of the Military Police spoke with any of the male Officer Cadet's fellow students at the RMC. They could have provided ample evidence of his mental health difficulties, but the Military Police inexplicably did not pursue even a rudimentary investigation.

Finding #1:

The Commission finds that the Military Police members who came into contact with a member of the Canadian Armed Forces who was suffering from a mental illness did not take reasonable steps in the circumstances to address the situation. In the case of MCpl Armstrong, and despite ample evidence, there was a lack of appreciation on his part of the obvious mental health issue and a resulting lack of any effort to address it. In the case of Cpl Graham and Sgt Compeau, there was a recognition of a mental health issue, but again there is no indication that this led to any appropriate intervention on their part. In light of the numerous reports on mental health and suicide at the RMC that were released shortly before the events considered in this report, this lack of interest or effort is both surprising and disappointing. Had any member of the Military Police taken the admonitions of those reports to heart and taken even a brief glance into the troubled life of the male OCdt, the tragedy of future events might have been avoided. (Accepted by the CFPM)

Question #2:

Whether Military Police members who were furnished with an allegation and evidence concerning a situation that appeared to constitute criminal harassment conducted a reasonable investigation into the matter.

The female Officer Cadet provided ample evidence that made out a very strong case of criminal harassment that required the Military Police to conduct an investigation. In terms of meeting the elements of this offence as set out in section 264 of the *Criminal Code*, she provided evidence of a huge volume of contacts made by the male Officer Cadet, of the male Officer Cadet banging on her door and not leaving until threatened with a police call, and of the male Officer Cadet comparing himself to an obsessive serial killer on a television program and the female Officer Cadet to one of his victims. If the male Officer Cadet were not able to contact the female Officer Cadet, he would then contact members of her family.

The female Officer Cadet established that she was being harassed. In fact, after a continuous flow of messages from the male Officer Cadet subsequent to her going to the Military Police, she was too tired and emotionally distraught to attend classes the next day. It was established that the male Officer Cadet was aware that his behaviour toward the female Officer Cadet was harassing in nature. Finally, the female Officer Cadet made it clear that she feared the male Officer Cadet and showed the Military Police that her fear was, in all the circumstances, reasonable.

Given the amount of evidence placed before him, the question becomes one of what more would MCpl Armstrong require before launching at least some kind of criminal harassment investigation. His lack of effort is especially perplexing because he acknowledged that he found the female Officer Cadet to be credible and her complaint to be ‘warranted’. His supervisor, WO Bastien, closed the criminal harassment file, noting that there was ‘insufficient evidence to proceed’. WO Bastien told the MPCC investigators, however, that he closed the file without looking at the evidence that had been furnished by the female Officer Cadet.

Rather than embark upon a criminal investigation, MCpl Armstrong determined that the best course of action was for the female Officer Cadet to seek a peace bond. His involvement in the peace bond process consisted of indirectly providing her with the forms to apply for such a court

order. This is contrary to a trend whereby many police organizations are now more involved in the process to assist victims. There is now an expectation that the police will interview the person seeking a peace bond to prepare an Information, which is a statement explaining exactly why the person fears that a specific individual is likely to commit an offence. Police will then conduct an investigation, including an interview with the defendant.

The harassing conduct of the male Officer Cadet was so persistent, so lengthy in duration, and of such a serious nature that it merited more concerted action on the part of the Military Police than a recommendation that a peace bond be sought. A peace bond was inappropriate in this instance because there was abundant evidence that a criminal offence had been committed. Even if a peace bond were appropriate in these circumstances, it was incumbent upon the Military Police to furnish at least some assistance to the female Officer Cadet in navigating the justice system.

When the female Officer Cadet provided screenshots of text messages between her and the male Officer Cadet, MCpl Armstrong concluded that they demonstrated harassing behaviour, but also showed the female Officer Cadet continuing the conversation instead of telling the male Officer Cadet to stop what he was doing. It seems that MCpl Armstrong thought that any communication by the female Officer Cadet other than to say she wanted contact to end was inappropriate.

If MCpl Armstrong thought the female Officer Cadet was not behaving as a victim should, then he was engaging in stereotyping. The jurisprudence indicates that complainants should be able to rely on a justice system free from myths and stereotypes, and on a judiciary whose impartiality is not compromised by these biased assumptions. There is no inviolable rule on how people who are the victims of trauma will behave. There are a wide variety of common responses by victims to the trauma of being stalked, no one of which can be considered more ‘appropriate’ than another. Stalking is a complex phenomenon, and its victims need their experience and their wide range of responses validated as normal reactions to a very abnormal situation.

Studies have demonstrated that each stalking situation is different, and each victim will react differently. Many different coping strategies have been identified and the one that seems to apply

here is termed a “moving with/towards” tactic. This includes any interaction with the stalker in either a positive (chatting, persuading) or negative (threats, arguing) way. This tactic is often used as an attempt to reason with the stalker. So, in trying to dissuade the male Officer Cadet from contacting her, the female Officer Cadet was not “keeping the conversation going” but instead was adopting a well-understood coping strategy.

Finding #2:

The Commission finds that the Military Police members who were furnished with an allegation and abundant evidence demonstrating that the offence of criminal harassment was made out, did not conduct a reasonable investigation into the matter. In fact, the Commission’s investigation has revealed that there was no substantive investigation, including a failure to even speak with the alleged harasser. The lead investigator, MCpl Armstrong, attempted to shift the blame for this failure onto a supervisor, but this attempt is not credible. There was ample evidence to support the laying of a charge of criminal harassment and suggesting the complainant seek a peace bond was not an adequate substitute for criminal charges.

The Commission also finds that there was a complete lack of supervision in this matter. WO Bastien closed the file without reading most of the evidence supplied by the complainant. When Lt Côté sent a letter to the Director of Cadets at the RMC stating that, following an investigation by the Military Police, it was determined that there was insufficient evidence to support a charge of criminal harassment against the male OCdt, she also had not read the file. She did not realize that the Military Police investigation she refers to never took place. (Accepted by the CFPM)

Question #3:

Whether Military Police members who were told by a complainant that she feared for her safety from a man harassing her took reasonable steps in the circumstances.

It became clear that the female Officer Cadet conveyed her fears for her safety to the Military Police. Her concern for her safety was twice noted by MCpl Armstrong. MCpl Armstrong directly asked the female Officer Cadet if she felt she was in danger. She replied that the male Officer Cadet equated himself with a character in a television program who was an obsessive serial killer and equated her with one of that killer’s victims. In spite of everything that was put before him, when asked by the MPCC investigators whether he thought the female Officer Cadet was in any danger, MCpl Armstrong said he did not.

Cpl Graham did recognize that the male Officer Cadet had some mental health issues, but instead of trying to address them he served to exacerbate them by threatening to charge him criminally. His advice to the female Officer Cadet was to seek a peace bond in order to protect herself. While mental illness is not necessarily a predictor of violent behaviour, the male Officer Cadet's mental health and state of mind was an important consideration in two respects. One was whether he fully understood the legal caution he was given by Cpl Graham as well as the implications of Cpl Graham saying he would probably be charged with a criminal offence. The male Officer Cadet later lamenting 'I am a criminal' indicates he needed some help, including legal help, in understanding his position. The male Officer Cadet's state of mind was also a consideration when it came to the appropriateness of suggesting the female Officer Cadet seek a peace bond. A peace bond can be effective if the person constrained by it understands its restrictions and the consequences of breaching them. In this instance, however, the Military Police made no inquiries as to whether there was that level of understanding on the part of the male Officer Cadet.

So, a complainant expressed a concern for her safety and furnished evidence to show that her safety was at risk from a specific individual. Her fears were found to be entirely reasonable, and no member of the Military Police expressed any belief that they were not. The response to her concerns, however, was to not speak with the individual allegedly putting the complainant at risk and to not undertake any other kind of investigation, such as speaking with that individual's fellow students, nor to undertake a risk assessment. One response, instead, was to suggest the complainant seek a peace bond and to leave her to her own devices in doing so. Having made no inquiries concerning the nature of the alleged threat, the Military Police could have no idea whether a peace bond was an appropriate way to resolve the difficult situation brought to them. A second response was to rely upon the RMC chain of command to deal with the matter. But the Military Police did not follow up with the female Officer Cadet or the RMC to see how matters were proceeding.

Despite the fact that supervisors designated the criminal harassment complaint as a “significant occurrence”, no one actually looked at the report to see what it contained. No supervisor accessed the risk assessment tools that were available, even though high-risk cases require a formal risk assessment. In fact, it seems that no one involved in this matter was aware of the proper risk assessment process. Long after the events in question, WO Bastien acknowledged to the MPCC investigators that some kind of safety plan should have been put in place.

All Military Police members were also lacking in awareness of the dynamics of offences like criminal harassment. The behaviour that leads to an allegation of criminal harassment also leads to the potential for ongoing danger to the victim, whether or not a charge is laid. As the publication *A Handbook for Police and Crown Prosecutors on Criminal Harassment* states: “The safety of the complainant is of paramount concern at all times and takes priority over "evidence-gathering" or "making a case". Each case must be treated seriously until evidence indicates otherwise”.

The *Handbook* also advises police officers to help the complainant contact victim services for support and assistance as soon as practicable after the complaint has been made. Early intervention by victim services enhances the victim's safety by helping victims to identify risks and to develop and implement a personal safety plan. Referrals are supposed to be made as soon as possible to allow the complainant to receive emotional support, appropriate referrals, information about the justice system and assistance in developing a safety plan. The Military Police did not follow the *Handbook*'s advice and left the female Officer Cadet to deal with a potential threat to her safety on her own.

Finding #3:

The Commission finds that Military Police members who were told by a complainant that she feared for her safety from a man harassing her did not take reasonable steps in the circumstances. In fact, they took almost no steps to ensure her safety. MCpl Armstrong did not meet with the person causing the safety concern and proposed a peace bond as a means of dealing with the situation without understanding the nature of the threat. A thorough review of the file ought to have brought home to Cpl Graham the need to do more than suggest the female OCdt go out on her own and seek a peace bond. This is especially so, given the fact that the female OCdt informed him that the male OCdt had recently called

her on two occasions. WO Bastien said after the fact that some kind of safety plan should have been put in place, but at the time he was not aware of any safety concerns because he did not read the complainant's statement. Lt Côté was unaware of an important risk management tool that requires the involvement of the Military Police in situations like the one described by the female OCdt. The Military Police were fortunate no physical harm came to the female OCdt. If the Military Police had taken some action, however, they would not have had to rely on good fortune. (Accepted by the CFPM)

Question #4:

Whether the investigation into sexual offences allegedly committed by the female OCdt was reasonably conceived and carried out.

In overlooking the male Officer Cadet's obvious mental health issues, Cpl Graham took what he was told at face value and used that information as the basis for his contemplated charges against the female Officer Cadet. Essentially, the male Officer Cadet was Cpl Graham's witness. The male Officer Cadet's condition at the time of the interview would likely have negatively impacted on his credibility as a witness. During his interview with the female Officer Cadet, Cpl Graham told her that he did not think that the male Officer Cadet understood that what he was doing was wrong. Yet Cpl Graham went on to explain to the female Officer Cadet that she would be facing a number of charges based on what the male Officer Cadet told him.

A review of the evidence called into question the legal foundation for each of the charges Cpl Graham was contemplating. The charge that was contemplated against the male Officer Cadet was obtaining sexual services for consideration, contrary to section 286.1 of the *Criminal Code*. That section makes it an offence to obtain for consideration the sexual services of a person in any place. During his interview with Cpl Graham, however, the male Officer Cadet made it clear he was seeking a "romantic relationship" with the female Officer Cadet. Cpl Graham translated that on his own to mean a "sexual relationship". Cpl Bidgood, who sat in on the interview, thought the male Officer Cadet was looking for friendship, possibly more of a relationship, in an innocent fashion that ended up being misconstrued. She also called into question the male Officer Cadet's understanding of the situation. This was then combined with the female Officer Cadet adamantly denying that there was ever a sexual component to her relationship with the male Officer Cadet. It then became very difficult to see any basis for the

charge sought against the male Officer Cadet, which in any event could not proceed once it was known he was in a medically compromised state.

Another part of Cpl Graham's misinterpretation of the relationship between the two Officer Cadets was his noting that the female Officer Cadet had taken money from the male Officer Cadet and in exchange was selling him things like "the clothes she slept in, her worn/soiled underwear, kisses, and things sprayed with her perfume or her scent on it such as her bedsheets". The underwear reference is troublesome because nowhere in the audio-video recording of his interview is the male Officer Cadet heard talking about underwear. Cpl Bidgood did not recall hearing about underwear. For his part, Cpl Graham viewed the reference to underwear as making things more "intimate." But, describing the underwear as worn and soiled served to escalate that intimacy. When asked how he came to use those words, Cpl Graham explained that "could very well be just what was in my head at the time". In other words, he was unable to say that the male Officer Cadet ever spoke of "worn/soiled underwear".

Those particular words contained in a report entitled "Sexual Crimes Other", gave the relationship between the two Officer Cadets a more sexual connotation. It certainly had an effect on the views of others about the relationship. A Chief Petty Officer at the RMC, for example, said the mention of the underwear bothered her a lot. In the past, she said, Military Police reports were relied upon in unit disciplinary matters. The unwarranted inclusion of that item in the report not only did the reputation of the Military Police harm, but it also harmed the female Officer Cadet.

The lack of evidence showing that the relationship between the two Officer Cadets was a sexual one called into question Cpl Graham's intention to charge the female Officer Cadet with material benefit from sexual services, contrary to section 286.2 of the *Criminal Code*. That section makes it an offence to receive a financial or other material benefit, knowing that it is obtained by or derived from the commission of the offence of obtaining sexual services for consideration. This offence replaced the offence of living off the avails of prostitution as part of the changes to the law concerning sexual offences enacted in 2014. There was, however, no evidence that any sexual services were ever purchased by the male Officer Cadet, so there was no "material

benefit” to be had. Even if there were a sale of sexual services by the female Officer Cadet, she would be the one providing the service and so she would not be “living off the avails” in the old terminology. The 2014 changes to the law concerning the selling of sexual services adopted an “asymmetrical” model which criminalizes the purchasing of sexual services but not the selling. Cpl Graham was also unable to explain why he was thinking of laying a material benefit charge, saying “I just wasn’t sure if that was the actual offence or not”.

The remaining two charges contemplated by Cpl Graham – fraud and public mischief – are related and can be dismissed for the same reason. The offence of fraud is defined in section 380 of the *Criminal Code* as using deceit, falsehood or other means to defraud any person of any property or money. Apparently, Cpl Graham believed that the female Officer Cadet was taking money from the male OCdt with the understanding that there would be a physical relationship, but she never intended to enter into such a relationship. Then, when she was either unwilling or unable to pay back the male Officer Cadet, the female Officer Cadet decided to file a police report to get out of repaying her debt. This would constitute public mischief, which is defined in section 140 of the *Criminal Code* as causing a peace officer to enter into an investigation by making a false statement that accuses some other person of having committed an offence. In other words, Cpl Graham suspected the female Officer Cadet of making a false report that she was being harassed by the male Officer Cadet simply to avoid having to repay what she owed him.

The fraud and public mischief charges misconstrued the nature of the financial relationship between the two Officer Cadets. In his interview with the female Officer Cadet, it was made clear to Cpl Graham that she borrowed money from the male Officer Cadet that she intended to repay in full. In other words, the transaction was a loan, not a payment for a physical relationship that did not develop. In his notes from the interview with the female Officer Cadet, Cpl Graham states that the two Officer Cadets created multiple payment plans to repay the debt. The female Officer Cadet told Cpl Graham that she always intended to repay the money. She also told Cpl Graham that she sent an e-transfer to the male Officer Cadet shortly before her interview with him that repaid the full amount of her debt or at least something very close to the full

amount. If the female Officer Cadet all along intended to repay her loan, she would have no reason to fabricate a story that she was being harassed in order to escape her financial obligation. She was also not defrauding the male Officer Cadet because they both understood he had simply loaned her money and so he was not deceived.

The question arises as to why Cpl Graham would concoct such ill-considered charges as those he wished to lay against the two Officer Cadets. One reason was his inexperience as a criminal investigator. Given his inexperience, he required guidance from a diligent supervisor and advice from more experienced members. He did not receive that supervision and guidance and there is no indication that any supervisor reviewed his investigation plan for dealing with the female Officer Cadet.

There are also indications that Cpl Graham was motivated by moral convictions as opposed to legal ones. He seems to have disapproved of the female Officer Cadet's actions before his interview with her even started. He told her that one of the reasons for conducting the interview with her was to see for himself whether, "[The female Officer Cadet] was a mean bitch taking advantage of this guy with mental problems". He told the Commission investigators he was "irritated" by the female OCdt's actions. Cpl Graham's animus towards the female Officer Cadet may explain why he contemplated laying charges that he did not understand. Almost two years after his interview with the female Officer Cadet, Cpl Graham was still unable to articulate to the MPCC investigators what the offence of material benefit from sexual services was and how it applied to these facts. Even more serious, though, was Cpl Graham essentially inventing evidence by putting the selling of worn/soiled underwear into a report that was then circulated to the RMC chain of command. As Lt Côté pointed out, things would have gone better had Cpl Graham acted more professionally and stuck with the facts. It should be added that Cpl Graham should also have been more professional in his use of language. Openly speculating to the female Officer Cadet whether she was a "mean bitch" has no place in an interview room by a professional police officer.

Finding #4:

The Commission finds that the investigation into sexual offences allegedly committed by the female OCdt was not reasonably conceived and carried out. It was not reasonable because the thinking behind laying those charges was based on a misapprehension of the nature of the relationship between the two Officer Cadets. Cpl Graham thought that the relationship was intended to be sexual in nature and the offences he thought might apply depended on that characterization. But there was no sexual component to the relationship and, even if there were, the charges Cpl Graham was contemplating would not have applied. Cpl Graham also took a judgmental rather than a legal approach to the case and this may help explain why he was thinking of laying unreasonable charges. As an inexperienced member of the Military Police, Cpl Graham should have consulted with his supervisors and should have been able to rely on them to help guide him through legal matters with which he was so unfamiliar. All of them should have accessed the legal advice readily available to them. Unfortunately, no supervisor reviewed Cpl Graham's plan for questioning the female OCdt and when Sgt Bultinck was shown the female OCdt's written objections to that questioning, he took no action. Had he viewed that questioning, he would have been able to take stronger action in clearing the female OCdt from the threat of criminal charges that had no factual or legal basis. Cpl Graham's incompetent interview of the female OCdt demonstrated his bias and animus toward her which further exacerbated the unmerited adverse treatment that she received. (Accepted by the CFPM)

Question #5:

Whether Military Police supervisors provided adequate oversight concerning the mental health and personal safety issues in both the criminal harassment and sexual offences investigations.

As the Officer Commanding, Lt Côté was responsible for what happened in her command during her watch. She was quick to point out the staffing issues and how she had raised the matter of being short-staffed with her chain of command on a regular basis. But every detachment likely deals with staffing issues. The excuses provided by Lt Côté might have received a more sympathetic response save for the frequency and severity of the problems that arose, as identified in this investigation, at the Kingston detachment. Those problems are detailed in this report.

The scope of the problems at the Kingston detachment cannot be explained solely by referring to staffing issues. There are mechanisms which are designed to catch many of the problems identified, but none of those seemed to be in place. Indeed, it appears as though no one at the Kingston detachment even knew about the responsibilities placed on the chain of command by

CF MP Order 2-500 - Investigation Management. This Order sets out the ‘best practices’ for supervisors in managing an investigation. Two means that supervisors should employ in managing an investigation are defined as follows:

“Quality Control: daily supervision of investigative activities in order to ensure a professional product at the outcome of an investigation. Quality control is an ongoing activity performed by all supervisory levels with investigative decisions recorded and tracked in the Security and Military Police Information System (SAMPIS) as part of the investigation; and

Quality Assurance: review of the investigative process following the conclusion of an investigation in order to ensure all procedures were observed and lessons learned were identified so as to improve future investigations.”

A focus of supervisory activity will be the investigation plan. An investigation plan must be continuously reviewed, updated and amended by the investigator and supervisor until the investigation is completed. If a circumstance arises where an investigation is led by an investigator with limited experience in the specific type of investigation being undertaken, the case manager assigned to the investigation must have a sufficient level of experience in such investigations to overcome the deficiency and provide technical direction to the investigator.

The two criminal investigations that are the subject of this report both had a lead investigator with very limited criminal investigation experience. These were situations that required detailed investigation plans and the monitoring of those plans by a supervisor with experience in the area. In other words, there needed to be active quality control. That kind of quality control did not happen in either criminal investigation. In the criminal harassment investigation, MCpl Armstrong did draft an investigation plan, but there is no indication that any supervisor read it. There is also no indication that any supervisor read the materials supplied by the female Officer Cadet and so they had no notion that she might be in any danger or that the male Officer Cadet might need assistance since the female Officer Cadet said he posed a danger to himself. To his credit, WO Bastien admitted that it was his responsibility to read the full criminal harassment file before he closed it.

There was also a lack of quality control in the ‘sexual crimes other’ file. No supervisor appears to have looked at Cpl Graham’s investigation plan until long after his interview with the female Officer Cadet. Left to his own devices, Cpl Graham concocted spurious criminal charges. The

problem here is that, even if there were supervisory involvement, most of the supervisors admitted in their interviews that they themselves lacked experience with such charges. Sgt Bultinck did have the good sense to have the charges sent to the Judge Advocate General for review, but such a review should have taken place prior to the interview with the female OCdt. Had this happened, she would not have been confronted with charges for which there was no reasonable belief she had committed.

While Lt Côté said it was not her job to conduct a detailed review of files (that was supposed to be done by the Watch Commander or by the Warrant Officer), it is her signature on the letter to the Director of Cadets at the RMC in which it states: “The MP Det investigation into a complaint of Criminal Harassment revealed insufficient evidence to support the charge”. She was warranting that there was an investigation when there wasn’t and that there was insufficient evidence when WO Bastien told the MPCC investigators that there was. She signed the letter as Officer Commanding and must accept the responsibility that those working under her command failed to get it right. They did not get it right whether that be due to short-staffing, their own lack of competence, training and experience, or simply not carrying out their supervisory responsibilities. Lt Côté needed to assure herself that her subordinates were capable and willing to carry out their tasks before she trusted them enough to sign concluding letters without feeling the need to review files herself.

One problem with the lack of supervision in this file is that there may be lingering effects from an investigation, even if it does not lead to a prosecution. In this instance, reference has already been made to the possible effect on the female Officer Cadet’s reputation of having it known she was selling her underwear to pay off a debt. This was an invention of Cpl Graham and, as Lt Côté said, Cpl Graham should have just stuck to the facts and not put in a file his personal interpretations. This kind of provocative ‘fact’ is something that might have attracted supervisory attention, had any supervisor been reading the file.

Once the two investigations ended, there remained another possible avenue of catching any errors and this was quality assurance. This is a review of concluded investigations to ensure a consistent and high level of investigative service and to confirm investigations are carried out

with a high level of professionalism and in accordance with the law, standard police practices, regulations, and orders. Quality assurance is the responsibility of the Military Police chain of command. Each Military Police commander is required to issue instructions regarding quality assurance procedures and identify who specifically conducts quality assurance within their organization.

Quality assurance is not carried out for every investigation. It is a regime that is put in place to scrutinize a random sampling of investigations to try and gauge how they are being carried out generally. Lt Côté did not designate anyone to carry out quality assurance. If she had, it is likely that investigations involving serious offences such as criminal harassment and material benefit from sexual services would have been selected for a quality assurance review. Had this been done, any supervisor watching the recordings of the three interviews would have noticed obvious deficiencies in interviewing techniques and seen the need for training. Quality assurance would also have identified a need for further legal training for both front-line members and their supervisors.

Both MCpl Armstrong and Cpl Graham were fairly junior in their Military Police service. Their primary role was as patrol officers. Both require training and skill development in conducting interviews. Training is an issue in this file. A lack of training or awareness can be understood in the case of a Military Police member who is young and inexperienced. While this state of affairs is not a welcome one, it is one that can be addressed by diligent supervision from more experienced senior members. The facts uncovered during this Public Interest Investigation have raised serious questions as to the presence of that supervision within the Kingston detachment at that time. The lack of supervision has a number of causes including under-staffing and a lack of experience among the supervisors themselves.

Finding #5:

The Commission finds that Military Police supervisors did not provide adequate oversight concerning the mental health and personal safety issues in both the criminal harassment and sexual offences investigations. The front-line members conducting the investigations and dealing with the mental health and personal safety issues lacked experience and competence and would have benefited greatly from close supervisory support. Such

support was not forthcoming. The investigation plans were not reviewed until the investigations were completed, nor was the evidence furnished by the female Officer Cadet examined. WO Bastien closed the criminal harassment file without reading it fully. Sgt Campeau allowed an interview to go ahead with a person he thought was not fit to even stand an interview. Lt Côté said she had to put her trust in the people below her in the CoC, but she acknowledged herself that the Kingston detachment was under-staffed and it was her command responsibility to compensate for that, by doing the review work herself, if necessary. In addition, the mental health and personal safety issues were not addressed, and there was neither quality control nor quality assurance to determine whether proper police procedures had been followed in the criminal investigations. (Accepted by the CFPM)

Recommendations

As a result of its Public Interest Investigation, the MPCC made the following 15 recommendations:

Recommendation #1:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he direct that GO File #2019-6675 be corrected to delete the conclusion that the element of the offence of criminal harassment had not been met. (Accepted by the CFPM)

Recommendation #2:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he direct that the “founded” designation in GO File #2019-13816 be changed to “unfounded” to reflect the conclusion of the investigation that it could not identify any chargeable suspects, nor clearly identify any criminal acts. (Accepted by the CFPM)

Recommendation #3:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he direct that the rules as to when a matter should be recorded as a Street Check as opposed to a General Occurrence report should be clarified. It also recommends that the Canadian Forces Provost Marshal direct that when searching a person’s name in SAMPIS members of the Military Police should always look at both Street Check and General Occurrence reports. (Accepted by the CFPM)

Recommendation #4:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal review Military Police training at all levels in the area of victims’ rights and services, and make necessary improvements. (Accepted by the CFPM)

Recommendation #5:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he apologize on behalf of the Military Police to the female Officer Cadet for failing to properly investigate her complaint of being harassed, for threatening to lay baseless charges against her, for sullyng her reputation at the Royal Military College of Canada, for failing to put in place support measures for her, and for failing to communicate with her and advise her that she was no longer under threat of prosecution. (Accepted by the CFPM)

Recommendation #6:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he apologize on behalf of the Military Police to the family of the male Officer Cadet for not recognizing his fragile mental state and possibly exacerbating his mental health difficulties by threatening him with a baseless charge. (Accepted by the CFPM)

Recommendation #7:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal direct the Military Police to put in place a risk management strategy to help protect persons who may be in positions of jeopardy. Such a strategy should specifically include victims of criminal harassment. The Canadian Forces Provost Marshal should direct that all members of the Military Police be alerted to the importance of using risk management strategies and be trained in their use. (Accepted by the CFPM)

Recommendation #8:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he direct the Military Police chain of command to emphasize to its members the importance of establishing a good working relationship with legal advisors. The importance of this relationship is set out in CF MP Order 2-340 – Military Police Investigation Policy - and all members of the Military Police should be reminded that working with a legal advisor can help make an investigation more efficient and effective. The Canadian Forces Provost Marshal should work with the Judge Advocate General to provide training with the goal of enhancing and facilitating consultation with legal counsel by the Military Police. (Accepted by the CFPM)

Recommendation #9:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal direct that an Order be drafted to provide guidance on the use of recognizances to keep the peace, as described in section 810 of the *Criminal Code*. Such an Order should set out when such a recognizance should be sought and detail the ways in which the Military Police can assist those seeking one. (Accepted by the CFPM)

Recommendation #10:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal ensure that the provisions governing the quality assurance audit function as set out in CF MP Order 2-500 – Investigation Management Policy – are enforced. It is further recommended that the Canadian Forces Provost Marshal ensure that Officers Commanding are educated about the responsibility to assign a member to conduct a comprehensive review of the investigative process following the conclusion of randomly-selected investigations. These reviews are to ensure that all procedures were observed and lessons learned are identified so as to improve future investigations. (Accepted by the CFPM)

Recommendation #11:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal ensure that training concerning the offence of criminal harassment as set out in section 264 of the *Criminal Code* be added to the QL5 course of study at the Military Police Academy. Such training should encompass not only how to recognize and investigate this offence, but also how to deal with its psychological component. Any training should include an understanding of the behaviours of both the accused and the victim as well as the need to provide assistance to victims. (Accepted by the CFPM)

Recommendation #12:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal take steps to see that the Military Police is granted the authority to enforce provisions under provincial mental health statutes. (Accepted by the CFPM)

Recommendation #13:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal ensure that members of the Military Police understand the function and importance of caution flags in the Security and Military Police Information System. Training in this area should emphasize the use of caution flags in alerting members of the Military Police to potentially dangerous situations. (Accepted by the CFPM)

Recommendation #14:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal ensure that Corporal Jeffery Graham be the subject of remedial measures for his biased and unprofessional attitude towards the female Officer Cadet. It also recommends that he receive training on the issues of criminal law, in particular the law relating to sexual offences, as well as on mental health, and dealing with victims. (Partially Accepted by the CFPM)

Recommendation #15:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal take any necessary measures to ensure there is a strong liaison between the Royal Military College of Canada and the Military Police Kingston Detachment. The goal of such a liaison would be to ensure the prompt reporting to the Military Police of offences allegedly committed at the RMC, along with any concerns about staff and student safety and security. (Accepted by the CFPM)

Notice of Action

In his February 14, 2022 Notice of Action, the CFPM accepted all of the Commission's findings and, of the 15 recommendations made to the CFPM, 14 were accepted and one was partially accepted.

In his general comments accepting the MPCC's findings and recommendations, the CFPM stated:

This Public Interest Investigation Interim Report has revealed a number of concerning failures, both of individuals and collectively, which highlight actions needing to be taken in order to ensure these types of events do not happen again. It is with concern that I accept the findings and recommendations of this report and express my commitment to addressing these shortcomings with a firm and concise actions. The Canadian Forces Military Police Group (CF MP Gp) is dedicated to enhancing the Military Police (MP) profession and interactions with the members of the communities we serve.

Two of the MPCC recommendations accepted by the CFPM called upon the CFPM to issue the following apologies:

- 1) To the female officer cadet for deficiencies in the handling of her criminal complaint, including: failing to properly investigate her complaints of criminal harassment; threatening her with baseless charges pertaining to the acceptance of money for sexual services and public mischief (for her criminal harassment complaint); and failure to put in place support measures in response to her allegations of criminal harassment; and
- 2) To the family of the male OCdt, for failing to recognize his fragile mental state, and possibly aggravating it by threatening him with baseless charges.

One of the MPCC's recommendations was only partially accepted by the CFPM in his NOA. The relevant recommendation stipulated that one of the MP subjects (Cpl Graham) should be the subject of "remedial measures". While the CFPM indicated that certain internal measures would be taken in respect of Cpl Graham, the CFPM observed that he did not have the authority to initiate remedial measures as a result of Defence Administrative Orders and Directives (DAOD) 5019-4, at paragraph 4.10.

In any event, the Chairperson is satisfied with the CFPM's NOA response to its recommendations. In terms of the recommendation for remedial measures, the Chairperson considers the CFPM's commitment to corrective measures adequately addresses the issue raised by the MPCC in that recommendation.

II FACTUAL BACKGROUND TO THE COMPLAINT

1. The conduct complaint arises out of the interaction between two students at the Royal Military College of Canada (RMC). On March 13, 2019, a female Officer Cadet (OCdt) from the RMC was brought to the Military Police Kingston Detachment by a member of her Chain of Command (CoC). She alleged that she was being harassed by a male OCdt. She was interviewed by Master Corporal (MCpl) William Armstrong.

2. The female OCdt brought to the interview handwritten notes in which she detailed her fraught relationship with the male OCdt. She described how she borrowed money from him and he then became obsessed with her. He contacted her family and delved into her personal history to such an extent that he sent her photos of herself as a baby. In a statement she wrote in the course of the interview, the female OCdt said the male OCdt would send more than 70 messages at a time saying he hated her and then he would apologize. When she did not respond to a message he came to her room and banged on the locked door demanding entrance. When she did not allow him in, he sent her pictures of himself cutting his arms, saying it was her fault. The male OCdt threatened her by equating himself with an obsessive serial killer in a television program and her with one of his victims. The female OCdt made it clear that she thought the male OCdt suffered from an obvious mental illness and was at risk of harming himself. She also told MCpl Armstrong that she feared the male OCdt posed a danger to her.

3. Following this interview, the Military Police documented the allegations in a General Occurrence report. MCpl Armstrong developed an investigation plan, but no supervisor reviewed that plan nor were any steps taken to investigate the complaint. MCpl Armstrong determined that the female OCdt should seek a surety to keep the peace (known as a ‘peace bond’) pursuant to section 810 of the *Criminal Code* with respect to her fears that the male OCdt might cause harm to her.

4. On March 14, 2019, Lieutenant Colonel (LCol) Craig Moore, the Deputy Director of Cadets at the RMC, was briefed on the situation between the male OCdt and the female OCdt. LCol Moore met with the male OCdt and ordered him to cease all contact with the female OCdt.

On March 15, 2019, the female OCdt appeared before a Justice of the Peace and made application for a peace bond. The female OCdt testified that she feared for her safety.

5. On March 20, 2019, the male OCdt's roommate at the RMC found a homemade "noose" in the room they shared at the College. The RMC CoC was advised and they subsequently contacted the Military Police Kingston Detachment for assistance. Two members of the Military Police attended and the male OCdt volunteered to be taken to the Kingston General Hospital. The Military Police filed a report on the incident under the Street Check category. No connection was made to the General Occurrence report filed on March 13, 2019 concerning the female OCdt's report of being harassed.

6. On March 21, 2019, the male OCdt was served with a summons which compelled him to appear in civilian court in Kingston on April 11, 2019 to answer to the peace bond application made by the female OCdt. On that date, the male OCdt was a patient at the Kingston General Hospital. The RMC arranged transport for him to the Kingston courthouse. The female OCdt did not appear and the peace bond application was dismissed.

7. The harassment claim by the female OCdt was cleared by Warrant Officer (WO) Carol Bastien, a senior supervisor, on April 12, 2019, with a notation that there was "Insufficient Evidence to Proceed". Another note in the file listed an offence allegedly committed by the male OCdt as "founded". The offence is not founded, though, as the Canadian Centre for Justice Statistics Code is listed as "Y" for "Insufficient Evidence to Proceed".

8. On May 15, 2019, Lieutenant (Lt) Cindy Côté, the Commander of the Military Police Kingston Detachment, wrote to the Director of Cadets at the RMC to say that, following an investigation, the Military Police had concluded that there was insufficient evidence to support a charge of criminal harassment against the male OCdt.

9. On May 21, 2019, the male OCdt met with Sergeant (Sgt) Pierre Compeau, a member of the Military Police who served as a liaison between the Kingston detachment and the RMC. After that meeting, Sgt Compeau requested and received a written outline of what had been discussed. It is not known what happened to that document, which should have been treated as

evidence, after it was sent by email to Sgt Compeau. Arrangements were made for the male OCdt to come to the Kingston detachment of the Military Police on May 24, 2019 to meet with an investigator and lodge a complaint. Sgt Compeau met with the Military Police member conducting the interview prior to it taking place.

10. On May 24, 2019, the male OCdt came to the Military Police Kingston Detachment to complain that he had given money to the female OCdt with the expectation that a romantic relationship would develop but this had not happened. Corporal (Cpl) Jeffery Graham conducted this interview. During the interview, Cpl Graham asked the male OCdt if he needed to see a doctor. While the male OCdt said he did not, he did indicate that he was “scraping by” at the RMC. He also told Cpl Graham that he had been diagnosed as autistic and was being considered for a medical release. Cpl Graham did not note in the Military Police investigation file why he asked the male OCdt whether he needed to see a doctor. Cpl Graham concluded that the male OCdt committed the offence of soliciting a sexual service and told him that he would “probably” face criminal charges. Six days later, the male OCdt attempted suicide. After a second suicide attempt, the male OCdt was put on life support and at last report remains in a compromised state.

11. On June 6, 2019, Cpl Graham interviewed the female OCdt to hear her response to the male OCdt’s allegation that she had taken money from him without entering into an expected relationship. Cpl Graham determined that the female OCdt should herself answer to a number of criminal charges, including public mischief, fraud and receiving material benefit from sexual services. At the end of the interview, Cpl Graham told the female OCdt that “he [the male OCdt] clearly, clearly has a mental problem” and that the female OCdt should do everything possible to protect herself from him. The female OCdt was not charged at that time, nor were charges ever brought against her. She was not informed by the Military Police that they would not be proceeding with charges against her. On June 12, 2019, the female OCdt wrote to Cpl Graham that she felt she was being blamed for the situation with the male OCdt.

12. On July 10, 2019, Cpl Graham wrote in the Military Police investigation file that no criminal acts were clearly identified in the relationship between the two Officer Cadets, nor were there any chargeable suspects. Another note in the investigation file, however, indicates that the

offence of “sexual crimes other” allegedly committed by the female OCdt was “founded”. A determination that an offence is “founded” means that after a police investigation it has been determined that the reported offence did occur or was attempted. In a July 22, 2019 note, Sgt Bultinck, the Watch Commander, cleared the file. That note also stated that charges were recommended by the Military Police, but they were declined by the Crown.

III TIMELINE

13. The following Timeline was prepared to assist in tracking the events referred to in this report. Reference is made to various studies and reports on the issue of suicide in the military and particularly at the RMC. These are included to help understand the context within which the Military Police and the RMC dealt with the male OCdt. Dealing with suicidal behaviours and mental health issues amongst cadets at the RMC should not have been a novelty for the Military Police members dealing with the male OCdt. The serious and long-standing nature of these issues is illustrated by the fact that on August 30, 2016, the Chief of the Defence Staff wrote to the Minister of National Defence stating, “I continue to have growing concerns about the Royal Military College of Canada”.² Despite a number of other inquiries being conducted, including Boards of Inquiry (BOI) into the deaths of Officer Cadets, the Vice Chief of the Defence Staff was ordered to initiate a Staff Assistance Visit to the RMC to assess the overall climate there. Part of this climate was given the label of “stressors”. These stressors provide the background to the complaint made by the Registrar.

14. As indicated in the Timeline, by the time the male OCdt enlisted on June 7, 2017, the Canadian Armed Forces (CAF) had completed studies and claimed to have put in place strategies to prevent suicides among students at the RMC. The Timeline is designed to help track the various medical treatments the male OCdt underwent. Medical staff, RMC staff including the male OCdt’s CoC and his classmates all knew that he was undergoing treatment and was at risk of harming himself, but this was unknown to the Military Police.

² Minister of National Defence, *2017 SSAV Report on the Climate, Training Environment, Culture, and ROTP Programme at the Royal Military College of Canada – Kingston*, Annex A – CDS Letter to MND.

December 2015		Board of Inquiry Report into the suicide of Officer Cadet Sage Fanstone
March 10, 2017		Release of the <i>2017 SSAV Report on the Climate, Training Environment, Culture, and ROTP Programme at the Royal Military College of Canada – Kingston</i>
March 28, 2017		Report of the 2016 Mental Health Expert Panel on Suicide Prevention in the Canadian Armed Forces
June 7, 2017		The male OCdt enlisted in the CAF
August 18, 2017		RMC issued Standing Order 5019-2: Suicide Prevention and Intervention
August 30, 2017		2017 Fall Reports of the Auditor General of Canada to the Parliament of Canada - Report 6—Royal Military College of Canada—National Defence stated: "6.104 National Defence convened two Boards of Inquiry to make findings and recommendations on the suspected suicides of four Officer Cadets in 2015 and 2016. At the time of our audit, one Board of Inquiry, completed in December 2015, had recommended that RMC review its standard operating procedure on suicide prevention. We found that the RMC had updated the procedure in April 2017, but it had not yet been fully implemented. This meant that at the time of our audit, some designated first responders were not fully trained to take action to prevent and respond to suicides."
October 2017		Canadian Armed Forces and Veterans Affairs Canada, Joint Suicide Prevention Strategy
March 2018		The female OCdt's handwritten notes – she first borrowed money from the male OCdt
April 2018		The female OCdt's handwritten notes - she borrowed more money from the male OCdt

June/July 2018		The female OCdt's handwritten notes – the male OCdt called her sister and family
July 20, 2018		Release of the second Board of Inquiry Report into RMC suicides (Harrison Kelertas, Brett Cameron and Matthew Sullivan)
September 2018		The female OCdt's handwritten notes - the male OCdt told her she makes him want to kill himself. She made him seek professional help and see a Padre, as she is scared for his wellbeing.
October 2018		The male OCdt visited Padre Capt Carter over a “personal issue”
November 2018 to May 30, 2019		The male OCdt visited a social worker ten times and received primary care 43 times
October 9, 2018	15:10	On a referral from a Padre, the male OCdt was examined at Health Services. It is unknown who he saw, but it looks like he saw a social worker. He said he had no relationship problems. Denied suicidal ideation.
October 26, 2018	16:00	Social Worker Kristin Harriet first saw the male OCdt. He reported concerns over the female OCdt not repaying him money. Harriet suspected he has Tourette Syndrome and a learning disorder. The male OCdt disclosed he has loaned the female OCdt \$700 and has phoned her family. Again, he denied suicidal ideation.
Fall, 2018		The female OCdt's handwritten notes - the male OCdt bought her shampoo and perfume. She sold him some blankets.
November 1, 2018	16:00	The male OCdt saw social worker Kristin Harriet. Says he is doing well.
November 1, 2018	16:40	The male OCdt saw Nurse Practitioner Stroyan Monkhouse, RN(EC) [Registered Nurse (Extended Class)]. He suspected the male OCdt has Tourette Syndrome. Referred him to Dr. Puddester (psychiatrist)
November 19, 2018		The male OCdt's statement - the female OCdt sold him blankets for \$85.00 and a kiss on the cheek for \$35.00
December 14, 2018		The male OCdt's statement - loan total of \$1,010. The female OCdt offered to repay with a kiss.

December 15, 2018		The male OCdt's statement - The female OCdt offered him a shirt that she slept in, sprayed with perfume for \$70.00. He declined.
Christmas Break, 2018		The female OCdt's handwritten notes - the male OCdt asked to date her. She refused. A re-payment plan was negotiated.
January 2019		The female OCdt's handwritten notes -the female OCdt gave a kiss. He told her he does not care about the money, only using that as an excuse to get close to her. He sent multiple texts and then came banging on her door.
January 7, 2019		The male OCdt's statement - the male OCdt received a kiss as payment for the remainder of the loan - \$870
January 9, 2019		The male OCdt's statement - the male OCdt said the female OCdt now seeing another man. Physical contact stopped.
January 18, 2019		The male OCdt's statement - the female OCdt gave him her bed comforter and sold him a tank top for \$60.00
January 31, 2019	12:30	The male OCdt was examined by psychiatrist Dr. Derek Puddeste. The male OCdt disclosed that he gave money to the female OCdt "in hopes she will like him romantically".
February 2019		The male OCdt's statement - the male OCdt gave the female OCdt \$360.00 to go towards a cruise
February/March		The female OCdt's handwritten notes - the male OCdt referred to the show <i>You</i> . He showed her many pictures of her on his phone that he had acquired. He also showed her notes he kept on his phone.
February 9, 2019	12:35	"Missed calls" to the female OCdt from the male OCdt's phone
February 11, 2019	10:00	The male OCdt was examined by Nurse Practitioner NP Emma Hughes. Prescribed 10 mgs Prozac twice per day.
February 14, 2019		The male OCdt was seen at the Medical Inspection Room (MIR) by Social Worker Kristin Harriet. During this session, he made disclosures relevant to the female OCdt's complaint. The male OCdt said he cut himself the previous week. Denied suicidal ideation.
February 19, 2019	7:46	The male OCdt sent text messages to the female OCdt

February 28, 2019		The male OCdt was examined by NP Hughes. His dosage of Prozac was doubled to 40 mg per day.
March 1, 2019		On a referral from NP Hughes, the male OCdt was again examined by Dr. Puddester (Psychiatrist) at Health Services. He made a series of disclosures relevant to the female OCdt's complaint. The male OCdt said he cut himself after attending the female OCdt's room two or three weeks previous and texted her. Said he had given a total of \$1,000 to the female OCdt. Denied suicidal ideation.
March 1, 2019		The male OCdt signed a Medical Release form permitting his Psychiatrist to speak with the female OCdt and with his mother as well
March 6, 2019		The male OCdt again met with Dr. Puddester, his Psychiatrist. Denied suicidal ideation.
March 7, 2019		The male OCdt met with Capt Kim Grimmard (RN) for an evaluation so he could connect with a social worker. Again, the clinical notes collected info relevant to the female OCdt's complaint. Denied suicidal ideation.
March 12, 2019	10:03	Six rapid succession "missed calls" to the female OCdt from the male OCdt's phone
March 13, 2019	10:58	LCol Moore received an email from Capt O'Handley following up on a conversation he had with him earlier. Capt O'Handley confirmed the female OCdt would be going to the Military Police over the lunch hour to file her complaint.
March 13, 2019	13:30	The female OCdt met with MCpl Armstrong to make a harassment complaint against the male OCdt
March 13, 2019	16:04	MCpl Armstrong opened the file in SAMPIS
March 13, 2019	17:09	MCpl Armstrong routed the file to H2MPWO (///KGNPC/) Case already exists in queue(s): HKGNPC (///KGNPC/)
March 13, 2019	overnight	The male OCdt made repeated calls to the female OCdt. The clinical notes collected by NP Hughes at 07:00 hrs and by Dr. Storrer at 16:30 hrs and NP Monkhouse at 17:07 hrs all contained information relevant to the female OCdt's complaint.

March 14, 2019	07:00	The male OCdt was assessed by NP Hughes. Had “occasional flashes of SI [suicidal ideation]”.
March 14, 2019	09:38	Routing: Case already exists in queue(s): HKGNPC (///KGNPC/),H2MPWO (Previously routed)
March 14, 2019	12:31	MCpl Armstrong spoke with Sgt Monaghan (the female OCdt's Non-Commissioned Member (NCM) Advisor) who advised him that the male OCdt's behaviour had escalated overnight. MCpl Armstrong told him he needed the screen shots of messages from the male OCdt which the female OCdt had undertaken to provide.
March 14, 2019	13:00	MCpl Armstrong provided Sgt Monaghan with the peace bond application form. Note: In the file MCpl Armstrong incorrectly noted the date as March 15 th .
March 14, 2019	14:05	MCpl Armstrong entered the male OCdt's name on SAMPIS
March 14, 2019	15:50	RMC staff met with the male OCdt and told him not to contact the female OCdt anymore. The CoC officers involved in the meeting with the male OCdt included LCol Moore and Major Curtis.
March 14, 2019	16:00	The male OCdt attended the RMC Clinic and met with Social Worker Kristin Harriet and Dr. Storrier and NP Monkhouse. He was extremely “distressed” and was harming himself. He had to be restrained. His actions were described as exhibiting “anger, anxiety and rage”. The male OCdt said he was saving his Prozac so he could use it to harm himself. He stated he wanted to die. The clinical notes state that the male OCdt presented with “high risk factors for SI and self-harming behaviour”. He was prescribed Ativan, sent to his dorm room and told to report for sick parade the following morning.
March 14, 2019		The male OCdt left his phone with NP Monkhouse. The male OCdt said he had now given the female OCdt \$1,700 - \$2,700.

March 14, 2019	17:09	The female OCdt supplied MCpl Armstrong with copies of phone records from the male OCdt to support her account of being harassed
March 15, 2019	07:00	As arranged, the male OCdt reported on sick parade at the clinic. He was examined by Dr. M. Storrier. Arrangements were made for the male OCdt, Padre Delisle and NP Monkhouse to meet with Major Curtis of the male OCdt's CoC at 11:30.
March 15, 2019	09:06	The female OCdt attended at the Kingston Courthouse to seek a peace bond. Hearing set for April 11, 2019.
March 15, 2019	11:30	The male OCdt and Padre Delisle met with Major Curtis who said there would be an investigation into the male OCdt's complaint. He asked the male OCdt to prepare a statement and collect texts and emails between himself and the female OCdt.
March 15, 2019	13:00	The male OCdt again met with NP Hughes. The clinical notes contain references to "SI". The male OCdt denied any thoughts of harming anyone else.
March 15, 2019	17:40	MCpl Armstrong added Sgt Monaghan's name to SAMPIS
March 15, 2019	18:59	MCpl Armstrong added his Investigation Plan to SAMPIS
March 16, 2019	00:10	MCpl Armstrong added the phone logs to SAMPIS
March 18, 2019	07:00	On Monday, the male OCdt reported to the clinic at 07:00 hrs. He met with NP Hughes who recorded that in her assessment the male OCdt was a suicide risk. She collected all of his belts and retained them. The male OCdt also told staff about a "set-up" he had arranged in the attic of his barracks. The male OCdt said he was planning to hang himself in the attic. NP Monkhouse still had his cell phone. The male OCdt wrote a letter to the female OCdt. The male OCdt told NP Hughes he did not want to hurt his parents by killing himself.

Mid-March		After being told he could no longer contact the female OCdt, the male OCdt went to see Padre Delisle. The Padre said that the male OCdt had an “hourly obsession” with the female OCdt. He added that, “the only thing that he could see, could think, was [the female OCdt]”.
March 19, 2019	Morning	Per CPO1 Scalabrini - members of the rowing team noticed cuts on the male OCdt’s forearm. She also told them the door to the attic was unlocked.
March 19, 2019	14:30	The male OCdt attended classes and saw the female OCdt. He went into the washroom and started punching the wall. He had suicidal thoughts, went to the clinic and met with NP Hughes. His Prozac was replaced with Clonazepam and he was given more Ativan.
March 19, 2019	17:29	NP Hughes emailed Capt De Lafontaine seeking information on the harassment investigation.
March 20, 2019	08:00	The male OCdt had a “bad night” and went to the clinic to see NP Hughes. She again assessed the male OCdt as being a “suicide risk”. The male OCdt was prescribed Olanzapine.
March 20, 2019	13:55	Email - CPO1 Scalabrini advised Dr. Storrier of what she had learned from the rowing team (the male OCdt was cutting himself). Copy of the message sent to Major Curtis.
March 20, 2019	18:37	NCdt Scott advised OCdt Buckley that he found a “noose” in the room he shared with the male OCdt when he returned from class. OCdt Buckley emailed CPO1 Scalabrini to advise her.
March 20, 2019	19:32	Email - CPO1 Scalabrini advised OCdt Buckley that she saw the male OCdt today after classes and that he “might be having a hard time now”. She wrote: “I would feel better if I knew what the belt attached to the bed is for”. She noted if he was uncomfortable in asking that question that he should contact a Padre.
March 20, 2019	22:20	Capt Nasmith called the Kingston detachment re the “noose”. Call taker ON0372 Jason DOUCETTE. Cpl Sean O’Neill and Cpl Andrew La Plante attended. They escorted the male OCdt to the KGH. Cleared the KGH at 23:15 hrs.

March 20, 2019	22:42	CPO1 Scalabrini sent an email to the Officer of the Day that she would leave now for the KGH.
March 20, 2019	22:58	Email - OCdt Buckley advised CPO1 Scalabrini that he contacted the OOD and the Padre. At 23:20, he advised her the MPs had taken the male OCdt to the KGH.
March 20, 2019	23:22	Noose found in the male OCdt's room. Taken to the KGH by MPs. The male OCdt made his first visit to Kingston General Hospital (KGH). He advised the hospital that the female OCdt had reported him to the police last week. Since then he has been feeling depressed and hopeless.
March 20, 2019	23:33	CPO1 Scalabrini sent email to Major Curtis updating him that she is with the male OCdt at the KGH awaiting triage.
March 21, 2019	09:11	Email - CPO Scalabrini notified the MIR of the noose incident
March 21, 2019	10:40	Capt De Lafontaine replied to NP Hughes' March 19th email and advised her that the male OCdt was being released from the KGH now and should be coming to the MIR soon
March 21, 2019	17:00	Summons for peace bond hearing served by S/Sgt Morgan (Kingston Police Service). Cpl Sandra Bidgood accompanied S/Sgt Morgan to the male OCdt's room.
March 24, 2019	15:07	The male OCdt sent an email to CPO1 Scalabrini asking that she pass an "apology letter" on to the female OCdt. CPO1 Scalabrini read the letter and considered it to be "self-incriminating".
March 24, 2019	16:45	CPO1 Scalabrini advised the male OCdt she cannot pass on the letter. He replied, "I'm sorry".
March 24, 2019		The male OCdt used his Gerber knife to cut both forearms. OCdt Hannaford took the knife from the male OCdt and turned it over to the CoC (CPO1 Scalabrini).

March 25, 2019	10:10	The male OCdt was seen by Dr. Storrier at the clinic. There is no mention in the notes of the male OCdt's visit to the KGH on March 20. Dr. Storrier directed that the male OCdt's meals were to be brought to his room.
March 25, 2019	10:34	CPO1 Scalabrini sent an email to the male OCdt that she would come to his room to get details on his pending court appearance
March 25, 2019	16:01	CPO1 Scalabrini sent an email to the male OCdt. She had discussed the pending court case with the Judge Advocate General's office. They recommended he get a lawyer.
March 25, 2019	11:50	The male OCdt attended the clinic. He advised NP Emma Hughes that he had been served with a summons (peace bond application). Hughes noted that there was more self-harm – cutting on his forearm. The male OCdt denied homicidal thoughts.
March 26, 2019	09:40	The male OCdt visited Dr. M. Storrier at the clinic. Dr. Storrier noted that "patient is suicidal".
March 27, 2019	08:00	The male OCdt went to the clinic and met with NP Hughes. Medical report "SI" and "Still has his 'set up' in the attic of his dorm". Mention of stress regarding pending court hearing (peace bond). 'Set up' no longer in the attic.
March 28, 2019		The male OCdt met with Social Worker Kristin Harriet. She referred him to his PCC (Primary Care Clinician) for a suicide risk assessment. She wrote "There was a high risk for a suicide attempt".
March 28, 2019	11:12	The male OCdt was examined at the clinic by Dr. Shannon Charbonneau who recommended that he be sent to the KGH on a Form 1 of the Ontario <i>Mental Health Act</i> . At the KGH, he was assessed by a military doctor from CFB Kingston (Dr. Colin Mercer). This was the male OCdt's second visit to the KGH. He was discharged at 18:00 hrs. Dr. Mercer reviewed the male OCdt's journal and saw references to SI.
March 29, 2019	08:00	The male OCdt again visited the clinic and was seen by NP Hughes. She noted in the file that there was no further cutting as his knife had been taken away.

April 1, 2019		MCpl Armstrong added a note to the criminal harassment GO File that on March 20, 2019 at 11:30 hrs the female OCdt sent him screenshots of text messages between herself and the male OCdt
April 1, 2019	08:00	The male OCdt attended the clinic. The male OCdt signed a Consent Form to allow the Padres to be read in to his medical file. There was a significant review and recapitulation of what he wrote in his journal. The male OCdt noted a number of ways to kill himself. Also noted, "I hate [the female OCdt]". His dosage of Olanzapine was doubled.
April 2, 2019	08:00	The male OCdt attended the clinic and met with NP Hughes. Hughes noted they were bringing the Padre team into their "circle of care". The circle of care was an interdisciplinary committee consisting of the psychiatrist, the doctor, the nurse, the social worker, and Capt Delisle. They met two or three times as a committee.
April 2, 2019		The male OCdt attended the KGH for a follow-up appointment
April 3, 2019	08:00	The male OCdt attended the clinic and met with NP Hughes to follow-up on his appointment at the KGH. NP Hughes contacted the KGH. The KGH felt he was better off being treated at the Base.
April 4, 2019	08:00	The male OCdt attended the clinic and met with NP Hughes. Plans were made for Padre Delisle to attend court with him on April 11. Stress elevated the male OCdt's "SI".
April 5, 2019	08:00	The male OCdt attended the clinic. NP Hughes expressed concern that the male OCdt did not properly understand the court process. She asked Padre Delisle to help the male OCdt get a legal representative.
April 5, 2019	11:15	The male OCdt attended the clinic and met with Dr. Puddeste. No SI or homicidal ideation (HI) expressed. The doctor said he was not a Forensic Psychiatrist, but he doubted the male OCdt was "competent" to proceed in court.
April 8, 2019	08:00	The male OCdt attended the clinic. NP Hughes reported that the suicidal thoughts were still there but not worsening.

April 8, 2019	10:20	The male OCdt returned to the clinic. He was upset. He learned he was not eligible for legal aid in the peace bond matter.
April 8, 2019	12:15	The male OCdt returned to the clinic. He was upset because he had just seen the female OCdt on campus. He was crying. He was assessed as a suicide risk. While at the clinic, staff learned that his aunt was on campus looking for him. The male OCdt did not want to see her and was upset by this as well.
April 8, 2019	13:01	Capt Delisle sent an email noting that the male OCdt had strong SI. Planned to hang himself in the attic. Email sent to: Major Curtis, Capt McNaught, and CPO1 Scalabrini. He noted that the male OCdt had written an apology letter to the female OCdt.
April 8, 2019	15:20	The male OCdt was brought back to the clinic by Padre Delisle
April 8, 2019	16:20	Capt Delisle emailed Major Curtis requesting a meeting with him
April 9, 2019	15:00	Capt Delisle met with Major Curtis
April 9, 2019	08:00	The male OCdt reportedly took 15 Clonazepam pills in a suicide attempt. He explained that his mother had come to his dorm room the previous evening. She knew about the upcoming court appearance. He said he was disappointed he did not die. After speaking with the male OCdt, Dr. Storrier completed a Form 1 and called PO1 Feetham to take him to the KGH. Dr. Storrier made a note that "hopefully he will be admitted".
April 9-11, 2019		The male OCdt was admitted to the KGH on a Form 1. When the Form 1 lapsed he was placed on a Form 3 and remained at the hospital. He was kept in the ER. He was allowed to attend court with Capt Delisle and PO1 Feetham. The male OCdt was returned to the KGH after court. He was released from the KGH on the evening of April 11.
April 10, 2019	08:59	CPO1 Scalabrini sent a Commander's Critical Information Requirement (CCIR) to Major Curtis re the male OCdt being hospitalized at the KGH (re the 15 Clonazepam pill incident)

April 10, 2019	11:47 11:55	CPO1 Scalabrini sent emails to Capt Delisle and Major Curtis to inform them that PO1 Feetham would pick the male OCdt up at 07:00 hrs tomorrow for his court appearance and return him to the KGH after the hearing
April 10, 2019	16:21	MCpl Armstrong spoke with the female OCdt, who advised him that she would not be proceeding with the peace bond as the male OCdt had not contacted her since she filed her complaint with the Military Police
April 11, 2019	07:20	MCpl Armstrong's file was concluded by WO Bastien with the comment "the elements of criminal harassment not met"
April 11, 2019		The male OCdt attended court in Kingston accompanied by Capt Delisle (Padre). Application dropped as the female OCdt did not attend. The Commandant's wife (Karine Chayer) attended court. Nurse Emma Hughes provided the male OCdt with a letter for the judge, wherein she questioned his fitness for court.
April 12, 2019	07:00	After being released from the KGH, the male OCdt attended the clinic at 07:00 hrs. NP Hughes was not available.
April 12, 2019	11:10	The male OCdt returned to the clinic and explained he was having suicidal thoughts.
April 12, 2019		The male OCdt met with NP Hughes. She wrote in her notes that the male OCdt's CoC gave the (Gerber) knife back to him.
April 15, 2019	07:50	The male OCdt attended the clinic and met with Dr. Storrier
April 15, 2019	19:47	The male OCdt texted OCdt King. Stated he failed an exam. Wrote he was not thinking of hurting himself because of it.
April 16, 2019	08:30	The male OCdt attended the clinic and met with NP Hughes. He had his phone returned to him and called his mother. The male OCdt had fresh cuts on his forearm. NP Hughes took a Gerber knife from him.
April 16, 2019	afternoon	The male OCdt met with Social Worker Kristin Harriet. Disclosed he had cut himself the previous night.

April 17, 2019	08:00	The male OCdt attended the clinic and met with NP Hughes. He said his mother was picking him up to take him home for the Easter weekend.
April 18, 2019		The male OCdt sent Nurse Hughes an email saying he was having suicidal thoughts. The Toronto Police Service was contacted by NP Hughes to conduct a wellness check on the male OCdt. Hughes described the male OCdt as being like a “12-year-old”. According to OCdt Parker, the Toronto Police came to the male OCdt’s parents’ home in Toronto to speak with him.
April 18, 2019	14:49	As a result of the call from NP Hughes, Toronto Police Service officers 11211 Kristina GOMZI and 9845 Wing CHOW attended and spoke with the male OCdt. He was stressed due to exams. Outcome relayed back to NP Hughes.
April 17-22, 2019		The male OCdt spent the weekend with his parents in Scarborough
April 23, 2019		The male OCdt met with Dr. Robinson. He discussed suicide and why he took the Clonazepam. Denied he had a plan to commit suicide. He said he wanted to make a complaint to get his money back from the female OCdt. He saw her, but believed she had a court order against him. Seeing the female OCdt reminded him of “past failures”.
April 24, 2019	08:00	The male OCdt attended the clinic and met with NP Hughes. They discussed his leaving the RMC through a medical discharge.
April 24, 2019	16:24	The male OCdt texted OCdt King. Stated it’s the worst day of his life.
April 25, 2019	08:00	The male OCdt attended the clinic and met with NP Hughes. He was focused on a need to speak with the female OCdt and wanting to get his money back. NP Hughes noted “he was a victim of her [the female OCdt’s] manipulation”.
April 25, 2019	12:00	The male OCdt returned to the clinic. He had spoken to a Capt and a Major in his CoC who told him he would have to take the matter to Small Claims Court. NP Hughes assessed the male OCdt as a suicide risk.

April 25, 2019	16:10	Major Cutis sent an email to NP Hughes. Would like to meet with her. CPO1 Scalabrini copied on the email.
April 26, 2019	08:00	The male OCdt attended the clinic and met with NP Hughes. He had sent her an email at 04:30 hrs. He talked about committing suicide and was again focused on wanting to talk to the female OCdt. NP Hughes recorded several quotes she found in his journal.
April 26, 2019	11:15	The male OCdt met with Dr. D. Puddester. He admitted buying a new knife and using his roommate's knife to cut himself. His wounds were superficial. He said he was obsessed with the female OCdt, but the doctor noted no homicidal ideations. The male OCdt said he wanted a medical release so he could finish his degree at U of T and live at home. He then retrieved his knife and gave it to the doctor. The knife was put in "storage".
April 26, 2019	14:30	Major Curtis met with NP Hughes at the CDU (CPO1 Scalabrini copied on email)
April 28, 2019		Medical Board (Medical Review) completed – and the male OCdt was deemed unfit to use weapons and required more frequent follow-up appointments
April 29, 2019	08:00	The male OCdt met with NP Hughes. She suggested he write in his journal what he would like to say to the female OCdt.
April 29, 2019		The male OCdt's CoC recommended the Success Centre as a resource for potentially transferring to a civilian university. Part 2 of his PHA (Periodic Health Assessment) scheduled for the following day "to get the ball rolling for a PCAT [Permanent Medical Category]".
April 29-May 3, 2019		The male OCdt was on leave from the RMC
April 30, 2019	08:00	NP Hughes completed a PHA (Periodic Health Assessment) Part 2 Medical - for a "PCAT consideration". NP Hughes generated a full assessment of the male OCdt's situation. She noted that she did not believe that he would recover and be a "fit and safe" member of the military.

May 2, 2019		Doctors Puddester and Washburn and SWs Harriet and Twaginmana met to discuss the male OCdt's case. They agreed to increase support for him.
May 3, 2019	15:14	NP Hughes wrote a Clinical Note "For consideration for PCAT"
May 7, 2019		The male OCdt attended the clinic and met with Dr. Storrier. He requested medication. Dr. Storrier told him he must come to the clinic to get it when he required it. The male OCdt asked about the status of his medical release from the military.
May 7, 2019	10:00	The male OCdt attended the clinic. He said he had enjoyed his leave. There was a discussion about an Alternative Dispute Resolution (ADR) avenue that the male OCdt was trying to organize to get his money back. He had spoken with Mr. Gordon Howse about ADR. No SI.
May 8, 2019		Capt McNaught was concerned about the male OCdt's well-being and took him to see Major Lacombe. Capt Ian McNaught was in charge of 3 Squadron where the male OCdt was assigned at the RMC. Major Lacombe was a doctor at the RMC.
May 9, 2019	07:07	The male OCdt attended the clinic and met with RN Judy Walters. He was told to report to the clinic to see Dr. Storrier because of a mental health incident the prior day. A crisis had occurred on May 8 when he saw the female OCdt.
May 9, 2019	11:20	The male OCdt attended the clinic and met with Doctors Puddester and Storrier. He had fresh cuts on his arm.
May 9, 2019	21:12	The male OCdt texted OCdt King. He asked her if she knew what a "Distress Box" was. He asked if he could put her name tag in there. She told him she would give him a "sticky note".

May 10, 2019	13:10	SW Kristin Harriet met with the male OCdt and Gord Howse, Conflict and Complaint Management Services (CCMS), an ADR person. The male OCdt said he had presented a memo regarding an Operation HONOUR complaint to his CoC the previous night. Mr. Howse read the memo and said it contained “very serious incidents”. Mr. Howse said he would discuss the Operation HONOUR concerns with his CoC.
May 10, 2019	13:52	Gordon Howse brought the male OCdt to the Medical Centre concerned about his mental well-being. Gord Howse had seen a memo regarding "Operation HONOUR" which the male OCdt had sent to his CoC. He noted the content was serious and asked the male OCdt if he had evidence to support his claim. With that, the male OCdt experienced a crisis.
May 13, 2019	08:54	The male OCdt attended the clinic and met with Dr. Storrier. He asked to have his meds increased. He asked whether his complaint that the female OCdt had taken advantage of him was covered by the Operation HONOUR program.
May 13, 2019	09:19	The male OCdt attended the clinic for a scheduled meeting (believed to be with SW Kristin Harriet). He disclosed the nature of the complaint he had made about the female OCdt and Operation HONOUR. He filed the complaint on May 8, 2019.
May 15, 2019		Lt Côté sent a letter to the Director of Cadets at the RMC stating that, following an investigation by the Military Police, it was determined that there was insufficient evidence to support a charge of criminal harassment against the male OCdt. A copy of the criminal harassment GO File was attached.
May 15, 2019	21:03	The male OCdt texted OCdt King and asked “Do you think people who commit suicide are selfish?” He wrote that he is thinking of committing suicide. He noted he is currently on a train (returning from a Cornwall appointment).

May 17, 2019	11:30	The male OCdt met with Doctors Puddeste and Storrier for a scheduled visit. He showed that he had not been cutting himself and said he was feeling better. His parents were coming to pick him up and take him home to Toronto for the weekend. Adjustments were made to his meds. Denied SI.
May 17 to 20, 2019		The male OCdt spent the long weekend with his parents. There were no reported incidents.
May 19, 2019	20:13	The male OCdt texted OCdt King and stated he hates his life. Stated he cut himself today.
May 23, 2019	08:50	The male OCdt attended the clinic to “check-in”. Denied SI. Stated his mood is “good”.
May 21, 2019		According to testimony in the Board of Inquiry (BOI) Report, Sgt Compeau of the Military Police met with Capt Carter and the male OCdt and did an assessment to determine whether he should meet with the Military Police to make a complaint against the female OCdt.
May 21, 2019	15:34	Cpl O’Neill queried the male OCdt on SAMPIS
May 21, 2019	16:11	Sgt Compeau emailed Capt Carter asking for written details of the meeting he had with the male OCdt. He wrote: “This information will be sent forward”. He told Capt Carter he needed to “speak to his Detachment Commander first”.
May 21, 2019	16:51	Cpl O’Neill again queried the male OCdt on SAMPIS
May 23, 2019	11:48	The male OCdt sent a “statement” to Capt Carter
May 23, 2019	12:35	Capt Carter sent Sgt Compeau an email with the male OCdt’s “statement”
May 24, 2019	Early am	Sgt Compeau briefed Cpl Graham in the Patrol Area at the Kingston detachment.
May 24, 2019	07:30	Dr. Storrier provided a note excusing the male OCdt from duty for the day

May 24, 2019	08:30	Cpl Graham was aware that the male OCdt was coming to the detachment. Cpl Graham consulted with Major Duggins (a Deputy Judge Advocate General) as he knew the male OCdt was the subject of another file (the female OCdt's complaint). He received advice from Major Duggins. He also spoke with Sgt Compeau.
May 24, 2019	09:01	Cpl Graham entered the Kingston detachment interview room with the male OCdt. The male OCdt was interviewed (video-recorded) by Cpl Graham.
May 24, 2019	09:10	Cpl Graham left the interview room (to consult with WO Bastien)
May 24, 2019	09:24	Cpl Graham re-entered the interview room
May 24, 2019	09:44	Interview concluded. Cpl Graham told the male OCdt he would likely recommend criminal charges against him. Capt Carter drove the male OCdt away from the detachment.
May 24, 2019	09:50	The male OCdt surrendered a knife he had taken to the interview with him. The male OCdt gave it to Capt Carter.
May 24, 2019	10:38	While in the car with Capt Carter, the male OCdt texted OCdt King, writing: "I'm sorry I love you goodbye". OCdt King asked if he is on his way to the "station" (Kingston detachment). She received no reply.
May 24, 2019	11:04	The male OCdt was brought to the Medical Centre in tears by Capt Carter after his interview with Cpl Graham. He was in crisis. The Clinical Notes state: "Seeing himself as a criminal caused a complete loss of self-esteem and triggered thoughts of self-harm and suicide".
May 24, 2019	16:16	The male OCdt texted OCdt King stating "I'm a suspect of solicitation. I'm a criminal".
May 24, 2019	07:18 08:41 10:20 11:04	Cpl Graham queried the male OCdt on SAMPIS

May 27, 2019	07:30	The male OCdt attended the MIR. He discussed his medical release and his Operation HONOUR complaint. He was advised that the PCAT will go “through the normal rather than expediated process” (as per Dr. Storrier).
May 27, 2019	07:59	The male OCdt attended the MIR to meet with NP Hughes. NP Watters noted the male OCdt said he was “having an ok day today”.
May 27, 2019	15:22	The male OCdt attended the clinic and met psychologist Mr. Dustin S. Washburn. The clinical note reported that the male OCdt was very depressed since he was told by Cpl Graham that he had committed a solicitation offence. Mr. Washburn noted: “He reported that there had been a significant increase in his suicidal ideation since Friday [May 24]”.
May 29, 2019	08:00	The male OCdt attended the clinic and met with Social Worker Kristin Harriet. He told her the Military Police interview was very stressful for him. They called the Sexual Misconduct Response Centre to see if his complaint would be considered an Operation HONOUR breach. The Centre was to get back to him later in the week.
May 29, 2019	09:00	The male OCdt met with Dr. Storrier at the clinic. He disclosed that he had planned to hang himself on the "chinning bar" the previous night. The trigger was an Instagram post by the female OCdt with her current boyfriend.
May 30, 2019	10:00	The male OCdt attended the clinic to meet with Dr. Storrier to follow-up on the previous day’s discussions. Asked about autism and possible treatment. Dr. Storrier told him to speak with Dr. Puddester the next day.
May 30, 2019	afternoon	The male OCdt went to see Padre Delisle. He was still obsessed with the female OCdt. Padre Delisle recalled the male OCdt asking if he would ever be able to see the female OCdt again.
May 30, 2019	16:08	Capt O’Handley provided the female OCdt’s current location (CFB Borden) to Sgt Compeau
May 30, 2019	18:50	The male OCdt sent a text to OCdt King, stating: “I’ve decided. I’m going to kill myself tonight”

May 30, 2019	19:07	The male OCdt sent a text to OCdt Ales. Said he is going to kill himself "He made a mistake".
May 30, 2019	19:20	The male OCdt attempted suicide and then contacted OCdt Ales re his suicide attempt. The Duty Officer, Capt Tyler O'Connor, subsequently met with the male OCdt.
May 30, 2019	20:29	The male OCdt arrived at the KGH, was examined and admitted
May 30, 2019		The male OCdt sent a text to OCdt King. He stated, "I'm fine now, Thanks I'm in the hospital".
May 31, 2019	01:00	The male OCdt was admitted to the Mental Health Wing of the KGH
May 31, 2019	07:19	A Duty Watch Report was filed by Capt O'Connor. The male OCdt and the other Officer Cadets are only mentioned by their initials.
May 31, 2019	07:43	Sgt Compeau advised Cpl Graham of the female OCdt's present contact info at CFB Borden
May 31, 2019	09:00	Major Curtis emailed a draft CCIR to Capt Prado, Capt Robison, and Capt Hampton. With copies to: LCol Moore, Col Ayotte, CPO1 Scalabrini and Capt McNaught.
May 31, 2019	18:30	OCdt King sent a text to the male OCdt. Asked if he had just tried to call her. The male OCdt did not reply.
May 31, 2019	18:45	KGH nurse Labrie saw the male OCdt speaking to someone on the phone (the female OCdt). She told him to hang up the phone.
May 31, 2019	19:05	KGH nurse Rachel Long found the male OCdt hanging by a belt in his room
May 31, 2019	time unk	KGH contacted Kingston Police Service. File assigned to Sergeant Cam Gough.
June 1, 2019	time unk	LCol Moore asked the Division Commander and the Sgt Major to bring clothes to the male OCdt at the KGH, as he was going to be held in hospital over the weekend
June 1, 2019	time unk	While packing clothes to bring to the male OCdt, his roommate NCdt Scott discovered the belt that the male OCdt had used in his suicide bid and turned it over to PO1 Feetham

June 2, 2019	time unk	PO1 Feetham and Major Curtis attended the KGH but were not allowed to see the male OCdt
June 2, 2019		CoC aware that the male OCdt was admitted to the KGH and that family visited him there
June 2, 2019		LCol Moore and Sgt Major were to attend the KGH and bring some clothing for the male OCdt
June 3, 2019	time unk	Capt Carter, the RMC Padre, attended the KGH to seek information regarding the male OCdt. Capt Carter learned that the male OCdt was undergoing a medical procedure and was unable to see him.
June 3, 2019	14:30	SW Kristin Harriet attended at the KGH and learned the male OCdt was in a vegetative state. She said she would notify the Officer Commanding RMC.
June 3, 2019		Cpl Graham contacted the female OCdt to say he wished to interview her about potential charges against her
June 3, 2019		The female OCdt sent a \$900 e-transfer to the male OCdt's account
June 4, 2019	time unk	LCol Moore was told the male OCdt was in serious condition. He sent CoC members to the KGH to find out more. They learned from the KGH that he may not survive.
June 4, 2019	10:10 and 12:11	MCpl Bultinck conducted queries in SAMPIS on the male OCdt
June 5, 2019	Time unk	PO1 Feetham and three Officer Cadets entered the male OCdt's room and packed up some clothes
June 6, 2019	07:30	Sgt Pierre Compeau, who was assigned duties as the RMC Sheriff, was approached by Lt Patterson, a Public Affairs Officer. Lt Patterson advised Sgt Compeau that the male OCdt was currently on life support at the KGH.
June 6, 2019	09:00	Cpl Graham interviewed the female OCdt at CFB Borden
June 6, 2019	11:28	Cpl Frazer was tasked to speak with MWO Cheeseman and LCol Moore and get details about the suicide attempt. Cpl

		Frazer had the name as “Wu”. The male OCdt was now on life support.
June 6, 2019	11:30	Sgt Compeau spoke with Sgt Vincent and MCpl Kellar regarding the information he had received from Lt Patterson. It was written that Sgt Vincent queried SAMPIS and could not find a corresponding entry on the attempted suicide of the male OCdt. They determined the matter had not been reported to the Military Police.
June 6, 2019	11:45	Sgt Compeau telephoned and spoke with LCol Moore about the matter. LCol Moore identified the male OCdt as the person who had attempted suicide and he relayed the circumstances as he knew them. LCol Moore did not have the information about the other Officer Cadets who had assisted the male OCdt. LCol Moore also advised that on June 4, 2019, he was informed that the male OCdt was in serious condition. LCol Moore indicated he had tasked the male OCdt’s CoC to investigate.
June 6, 2019	11:53	Cpl Frazer spoke with LCol Moore in his office. Completed the interview at 12:14 hrs.
June 6, 2019	12:49	Cpl Frazer spoke with PO1 Marc Feetham and obtained from him the belt the male OCdt had used in his suicide attempt.
June 6, 2019	13:25	WO Zwicker from CFNIS CR advised Sgt Compeau that the CFNIS would not be taking over the file
June 6, 2019	13:28	MCpl Armstrong interviewed PO1 Feetham
June 6, 2019	14:42	WO Bastien sent an email to LCol Murphy outlining the suicide attempt and the fact that this may result in a separate investigation for "Failure to Report". WO Bastien also advised that the male OCdt was currently the subject of GO File #19-6675 (Criminal Harassment) and was mentioned in GO File #19-13816 (Sexual Crimes Other). In this email, he indicated that the male OCdt attempted suicide again at the KGH on June 1 or 2. The email was copied to LCol Côté, MCpl Bultinck (Watch Commander) et al.

June 6, 2019	14:47	CFNIS advised of the male OCdt's suicide attempt. Sgt Ouellet (aka Robichaud) and MS McLachlan assigned as the NIS investigators (to rule out foul play).
June 6, 2019	14:56	Cpl Frazer noted that he was en route to the KGH but was advised to stand down as CFNIS was taking over the file
June 6, 2019	15:57	WO Bastien sent an email to Lt Côté confirming that LCol Moore and the RMC Duty Officer would be the subjects of an investigation for "Failure to Report". He noted, "LCol Moore refuse (sic) to provide the name of the OCdt involved."
June 6, 2019	16:07	WO Bastien sent an email to WO Zwicker advising that Cpl Frazer had been assigned to the Failure to Report investigation. The email was copied to MCpl Armstrong, Cpl Frazer et al.
June 7, 2019	07:53	WO Bastien sent an email to Sgt Tapp which read in part "No issues, please be aware that the LCol refused to provide the names of OCdt involved to Cpl Frazer, actively obstructing the investigation". This was copied to Cpl Frazer, Cpl Armstrong, et al.
June 7, 2019	09:10	BGen Trudeau sent an email to LCol Murphy which read: "It must be ascertained why the RMC CoC waited for the OCdt to be on life support to notify the local MPs. Todd, please ensure local MP Det OC looks into the matter with the CoC to avoid reoccurrence. Back brief please".
June 7, 2019	09:24	LCol Murphy passed BGen Trudeau's email on to Major Lemire
June 7, 2019	13:13	Lt Côté sent an email to Major Lemire advising that there would be no further investigation into the Failure to Report, as per his instructions
June 7, 2019	14:08	MCpl Bultinck wrote that the file (Fail to Report) was to be concluded as per direction from 2 MP Regt HQ

June 7, 2019	14:15	Major Lemire sent an email to LCol Murphy stating: "After discussion with the Deputy Director of Cadets, (LCol Moore, in Cc), there was an unfortunate breakdown in reporting in this instance. The RMC sub-organization responsible for reporting is in the process of reviewing its CCIR distribution list to prevent this re-occurrence in the future."
June 7, 2019	14:17	Major Lemire sent an email to Capt Bouchard stating: "RMC did not intend to keep us out of the loop and are working to improve their CCIR distribution list".
June 10, 2019	14:40	MCpl Armstrong and Cpl Frazer are copied on the above noted email chain
June 15, 2019		The male OCdt was transferred to an ICU at Scarborough Birchmount Hospital, Toronto
June 15, 2019	23:40	Cpl Frazer wrote "On 6 June 2019, 2 Military Police Regiment Kingston Detachment, Canadian Forces Base (CFB) Kingston, Ontario, launched a National Defence Act investigation relating to Lieutenant Colonel (LCol) MOORE, failing to report the attempted suicide of [the male OCdt] at Royal Military College of Canada, CFB Kingston to the Military Police (MP). This investigation was ceased on direction from 2 Military Regiment Head Quarters, as LCol MOORE believed MP already had information relating to this event".
June 18, 2019	09:57	<p>Social Worker Kristen Harriet wrote a detailed Case Note outlining her entire history with the male OCdt. She wrote she had seven "Intake Bridging" appointments and three "Individual sessions" after he was assigned for "GMH services". She noted she saw him in:</p> <p>October, 2018 November, 2018 February, 2019 March, 2019</p> <p>She met with the male OCdt on March 28, 2019. She last met with the male OCdt on May 29, 2019.</p>

June 18, 2019		MCpl Armstrong filed his interference complaint with the MPCC
July 19, 2019		Release of the 2019 Report on Suicide Mortality in the Canadian Armed Forces (1995 to 2018)
July 23, 2019		BOI ordered for the male OCdt's Serious Injury, headed by Major Nam
August 2, 2019		CFNIS investigation report and concluding letter sent to the RMC
August 6, 2019		BOI convened
August 6, 2019	10:02	Email from Major Nam to Col Moore asking for a list of "individuals that were directly involved with [the male OCdt] at the time of the incident (30 May 2019)"
August 9, 2019	09:51	LCol Moore provided the names of potential witnesses for the BOI to Major Nam
August 20-21, 2019		The Committee of Adjustments collected the male OCdt's belongings from his room and a storage locker. LCdr Laffin found the male OCdt's journal and kept it separate from the items to be returned to his family. LCdr Laffin advised LCol Moore he had the male OCdt's journal.
August 23, 2019		Dr. Storrer sent an email to LCdr Laffin and advised him he should treat the journal "in a similar fashion as a personal diary". The BOI was not advised that the journal had been recovered.
October 7, 2019	10:30	Email confirming that four Military Police files (257 pages) were sent to the BOI
October 16, 2019		LCol Moore received authorization from headquarters to return the items which had been collected by the Designated Team, to the male OCdt's family
October 16, 2019		The male OCdt's personal effects were returned to his family (except for his journal)
November 18, 2019		The BOI Report on the male OCdt's serious injury was released
Fall 2020		LCdr Laffin destroyed the male OCdt's journal

IV THE COMPLAINT

15. The subject-matter of this conduct complaint came to the attention of the Military Police Complaints Commission of Canada (Commission or MPCC) by means of an interference complaint. One of the Military Police members in the Kingston detachment complained that a Military Police investigation into an alleged failure to report an attempted suicide at the RMC was brought to a halt by a senior officer. The interference complaint proceeded as a distinct investigation. The General Occurrence file concerning the alleged interference was examined as were other General Occurrence files related to the Military Police investigations concerning two Officer Cadets, including the one who attempted suicide.

16. As a result of the review of those General Occurrence reports, a conduct complaint was initiated by the Commission on May 12, 2020. The complainant is the Commission itself, as represented by its Registrar. The conduct complaint is related to interactions between two students at the RMC, as outlined in the Factual Background, set out above.

17. In cases where a complaint raises multiple issues, the MPCC ordinarily organizes its treatment of such complaints around the distinct allegations which make up the complaint. In this case, as it is a Commission-initiated complaint, the MPCC has instead divided the complaint into a series of questions reflecting the distinct issues identified in the complaint. In this case, the Commission has determined there to have been deficiencies relating to each of the issues raised by the various questions comprising the complaint.

18. Given the scope and importance of the conduct issues uncovered, it was determined that the conduct complaint should proceed as a Public Interest Investigation.

19. A Public Interest Investigation is a process that allows the Commission to make its findings and recommendations public through its Final Report, as well as to provide public updates about the progress of its investigation as required. The actions of six subject members of the Military Police raise the following questions:

- i. Whether the Military Police members who came into contact with a member of the Canadian Armed Forces who was suffering from a mental illness took reasonable steps in the circumstances to address the situation.
- ii. Whether Military Police members who were furnished with an allegation and evidence concerning a situation that appeared to constitute criminal harassment conducted a reasonable investigation into the matter.
- iii. Whether Military Police members who were told by a complainant that she feared for her safety from a man harassing her took reasonable steps in the circumstances.
- iv. Whether the investigation into sexual offences allegedly committed by the female OCdt was reasonably conceived and carried out.
- v. Whether Military Police supervisors provided adequate oversight concerning the mental health and personal safety issues in both the criminal harassment and sexual offences investigations.

20. Initially, the front-line Military Police members who interviewed witnesses and determined whether and how to proceed with criminal or other charges were named as subjects. These members are MCpl (Ret'd) William Armstrong and Cpl Jeffery Graham. Two other subjects were the supervisors of the two front-line members, responsible for approving their investigation plans and the general direction of their activities in relation to the issues at the RMC that had been brought to their attention. These members are Sgt (Ret'd) Stephen Bultinck and WO Carol Bastien. The fifth subject was the Commanding Officer of the Military Police Kingston Detachment, who bore command responsibility for the actions of the front-line and supervisory members. This member is Lt Cindy Côté.

21. During the early stages of the investigation, the involvement of the Military Police member assigned as a liaison to the RMC came to the attention of the Commission and that member was added as a sixth subject in the MPCC investigation. That member is Sgt Pierre Compeau.

V THE COMMISSION'S INVESTIGATION OF THE CONDUCT COMPLAINT

22. On June 18, 2019, the Commission received a complaint from MCpl William Armstrong that a senior officer had brought a halt to a Military Police investigation, without giving an

explanation. This was investigated as an interference complaint under the file number MPCC 2019-023.

23. On June 21, 2019, the Commission wrote to the Canadian Forces Provost Marshal (CFPM) to request disclosure of all materials relevant to an investigation of the interference complaint. This disclosure was received on August 16, 2019. The disclosure revealed some larger issues than were encompassed by the complaint of interference. The Commission was made aware of serious questions concerning the conduct of a number of Military Police members and their supervisors.

24. To carry out its mandate of promoting the highest standards of conduct of the Military Police in the performance of policing duties, the Commission decided to initiate its own conduct complaint. On May 12, 2020, the Commission Chairperson initiated the Commission's own complaint, in the name of its Registrar, concerning events related to the subject-matter of the interference complaint. On October 20, 2020, the Commission Chairperson determined that the conduct complaint would proceed as a Public Interest Investigation.

25. The Commission conducted a detailed review of all materials received and concluded that a further investigation into the complaint should consist of both interviews and the review of additional documentary disclosure.

26. On November 8, 2020, an Investigative Assessment was provided to the Commission Chairperson which outlined the information contained in the disclosed materials and identified information gaps. On December 4, 2020, the Commission Chairperson gave instructions on the next steps to be taken in this file.

27. The Commission investigators conducted 61 interviews, including with all six subjects. These interviews were coordinated with those undertaken for the related interference complaint. Interviews with the following witnesses took place between August 21, 2020 and July 21, 2021:

- Witness, Cpl Brenden Frazer, was interviewed, by telephone, on August 21, 2020. Cpl Frazer was a key witness in the interference complaint made by MCpl Armstrong.

By the date of his interview, Cpl Frazer had released from the military and was working as a constable with a municipal police service in Ontario.

- Witness, the female OCdt, is a central figure in this story. She told the Military Police she was being harassed by the male OCdt. She was interviewed, by telephone, on November 30, 2020.
- Witness, the father of the male OCdt, served as a spokesperson for the family. He was interviewed on December 15, 2020.
- Witness, the male OCdt's aunt, lived in Kingston and worked at Queen's University. She was interviewed on December 29, 2020.
- Witness, Chief Petty Officer 1st class (CPO1) Nathalie Scalabrini, was the Sergeant Major in the Division at the RMC to which the male OCdt was attached. She knew the male OCdt. She received a letter from the male OCdt which she considered to be self-incriminating but did not pass it along to the Military Police. CPO1 Scalabrini was interviewed on January 2, 2021.
- Witness, Sgt Chad Monaghan, was the non-commissioned member (NCM) in charge of the female OCdt's Squadron. She made her first disclosure of harassment to him and he took her to the Kingston Military Police Detachment to lodge her complaint on March 13, 2019. Sgt Monaghan was interviewed on January 3, 2021.
- Witness, Navy Cadet (NCdt) Gareth Scott, was the male OCdt's roommate in the Fort Champlain barracks at the RMC. NCdt Scott found a "noose" in the room they shared on March 20, 2019. NCdt Scott also found the male OCdt after his failed attempted suicide on May 30, 2019 and was one of three cadets who accompanied him to the Kingston General Hospital. NCdt Scott was interviewed on January 4, 2021.
- Witness, Lt Blake Patterson, was the Public Affairs Officer at the RMC. He approached Sgt Compeau on June 6, 2019 to ask about the Military Police investigation into the attempted suicide of the male OCdt. Lt Patterson was interviewed on January 5, 2021.
- Witness, Second Lieutenant (2Lt) Liam Buckley, was a student at the RMC and was in the Cadet CoC in the male OCdt's Division. He spent many evenings speaking with the male OCdt when he was in crisis. 2Lt Buckley told the CoC that Officer Cadets were not equipped to deal with the male OCdt and couldn't understand why he was left to reside in the barracks. 2Lt Buckley was interviewed on January 8, 2021.
- Witness, Captain (Capt) Pascal Delisle, was a Chaplain at the RMC. He met often with the male OCdt and voiced his support for him to others in the CoC, including the Commandant. Capt Delisle was interviewed on January 12, 2021.

- Witness, LCol Craig Moore, was interviewed on January 13, 2021. At the time of the events under review, he was the Deputy Director of Cadets at the Royal Military College of Canada.
- Witness, Major Darren Lemire, was the Commanding Officer of 2 MP Regt on June 6, 2019. Major Lemire provided insights into the relationship between the RMC and the Military Police. He was interviewed on January 13, 2021.
- Witness, Master Warrant Officer (MWO) Lenard Cheeseman, was interviewed on January 14, 2021. On June 6, 2019, Cpl Frazer was given MWO Cheeseman's name as someone to interview regarding the attempted suicide of the male OCdt. Cpl Frazer never did speak with him.
- Witness, MCpl Shane Wannamaker, was a member of the Kingston detachment of the Military Police. He was interviewed on January 16, 2021.
- Witness, Petty Officer 1st class (PO1) Marc Feetham, was the non-commissioned member (NCM) attached to the male OCdt's Squadron at the RMC. He knew the male OCdt and was aware of his struggles with mental health issues. PO1 Feetham was interviewed on January 17, 2021.
- Witness, Capt Ryan Carter, was a second Chaplain who became involved with supporting the male OCdt. Capt Carter arranged the meeting between Sgt Compeau and the male OCdt on May 21, 2019. He took the male OCdt to the interview at the Kingston detachment on May 24, 2019. After the interview with Cpl Graham, Capt Carter took him from the detachment directly to the Health Services Centre because of the crisis the male OCdt experienced. Capt Carter was interviewed on January 19, 2021.
- Witness, Major Robert Curtis, was the Divisional Commander responsible for the Division to which the male OCdt was assigned. Major Curtis was well briefed on the male OCdt's situation. Officer Cadets in the Division complained to Major Curtis about the male OCdt being allowed to continue to reside in the barracks. Major Curtis was interviewed on January 21, 2021.
- Witness, Cpl Kristin Self, was a member of the Military Police at CFB Borden. She acted as note-taker during the interview which Cpl Graham conducted with the female OCdt on June 6, 2019 at CFB Borden. Cpl Self was interviewed on January 21, 2021.
- Witness, Capt Benjamin Nasmith, served as the Officer-of-the-Day (OOD) on March 20, 2019 and was called to the male OCdt's room to speak with him after his roommate found a "noose" in the room. Capt Nasmith called the Military Police and the male OCdt was transported to the Kingston General Hospital. Capt Nasmith was interviewed on January 22, 2021.

- Witness, LCol Brent Hoddinott, served as the Chief of Staff at the RMC. Sgt Compeau reported to him. LCol Hoddinott was interviewed on January 22, 2021.
- Witness, Cpl Daniel Tetroe, was a trainee at the Kingston detachment on May 24, 2019 when Cpl Graham conducted the interview with the male OCdt. Cpl Tetroe observed the interview. He was interviewed on January 25, 2021.
- Witness, Capt Eric De LaFontaine, was assigned to duties at the RMC. On April 11, 2019, he was sent by the RMC to observe the proceedings in Kingston court where the peace bond hearing was scheduled to occur. Capt De LaFontaine was interviewed on January 25, 2021.
- Witness, Major Dominic Beharrysingh, was the Divisional Commander in the Division at the RMC to which the female OCdt was assigned. He was interviewed on January 26, 2021.
- Witness, OCdt Grant Parker, was also a student at the RMC. He knew the male OCdt. On May 30, 2019, after the failed suicide attempt, OCdt Parker drove the male OCdt and two classmates to the Kingston General Hospital. OCdt Parker was interviewed on January 27, 2021.
- Witness, Lt Daniel Chan, was a 4th year student in the spring of 2019. He had known the male OCdt since his arrival at the RMC. Lt Chan served as the Cadet Flight Leader attached to the male OCdt's Squadron. He spoke with the male OCdt often and knew of his mental health struggles and his relationship with the female OCdt. Lt Chan was interviewed on January 27, 2021.
- Witness, OCdt Sophia King, was a student at the RMC. She volunteered and was trained as a Sentinel in the RMC suicide prevention program. OCdt King lived in the room next to the male OCdt in the Fort Champlain barracks and spoke with him often. OCdt King was interviewed on January 28, 2021.
- Witness, Cpl Kyle Padvaiskas, was interviewed on January 29, 2021. He was assigned to duties in the Kingston detachment when these events took place.
- Witness, Capt Ian McNaught, was in the male OCdt's CoC in the Division at the RMC. He knew the male OCdt and encountered him regularly. He was interviewed on February 1, 2021.
- Witness, OCdt Justin (Buick) McKlusky, was another student at the RMC. OCdt McKlusky found the male OCdt on May 30, 2019 after his attempted suicide and accompanied him to the Kingston General Hospital. OCdt McKlusky was interviewed on February 1, 2021.

- Witness, WO Ryan Zwicker, was a member of the Canadian Forces National Investigation Service (CFNIS) Central Region when the attempted suicide investigation was launched on June 6, 2019. By the time he was interviewed, WO Zwicker had been posted to a mission overseas. WO Zwicker was interviewed on February 1, 2021.
- Witness, Cpl Sandra Bidgood, had been a member of the Kingston detachment. On May 24, 2019, she was assigned as the note-taker during Cpl Graham's interview of the male OCdt. She later transferred to CFB Comox where she was when she was interviewed on February 4, 2021.
- Witness, OCdt Amanda Ales, was a student at the RMC and lived in a room next door to the male OCdt in the Fort Champlain barracks. She knew the male OCdt and spoke with him often in an attempt to support him in his struggles with mental health issues. She received a text from the male OCdt just before his attempted suicide on May 30, 2019. OCdt Ales was interviewed on February 4, 2021.
- Witness, MWO Erika Ouellet, worked at the RMC and maintained the Operation HONOUR database. MWO Ouellet was interviewed on February 5, 2021.
- Witness, Staff Sergeant (S/Sgt) Stephanie Morgan, was a member of the Kingston Police Service. She served a summons on the male OCdt requiring him to appear in Kingston court on April 11, 2019 for the peace bond hearing. S/Sgt Morgan was interviewed on February 6, 2021.
- Witness, Sgt Shari Robichaud (aka Shari Ouellet), was an investigator with the CFNIS CR. She was assigned to conduct the attempted suicide investigation on June 6, 2019. Sgt Robichaud was interviewed on February 10, 2021.
- Witness, Sgt Véronique Tapp, was a Team Leader with the CFNIS CR. She supervised the work of the team assigned to conduct the attempted suicide investigation. Sgt Tapp was interviewed on February 18, 2021.
- Witness, Chief Petty Officer 1st class (CPO1) Darryl Mogridge, was the second-in-command (2 i/c) at the Kingston detachment of the Military Police in 2019. CPO1 Mogridge had Medical Employment Limitations (MELs) and typically worked only half days at the detachment. He was interviewed on February 19, 2021.
- Witness, Second Lieutenant (2Lt) Michael Moore, was a student at the RMC at the time of the events in question. He knew the male OCdt. The male OCdt confided in 2Lt Moore about his relationship with the female OCdt. 2Lt Moore was interviewed on February 20, 2021.
- Witness, 2Lt Austin Hannaford, was a student at the RMC. He lived in the Fort Champlain barracks and became aware of the male OCdt's struggles. 2Lt Hannaford read

what the male OCdt had written in his journal. 2Lt Hannaford was interviewed on February 21, 2021.

- Witness, WO Justin Labbe, served at 2 MP Regt HQ and reviewed files from across 2 MP Regt on a daily basis. He conducted QA (Quality Assurance) and brought any issues of concern related to that to the CoC. He explained that supervisors in the Guardhouses were responsible for reviewing recordings. WO Labbe was interviewed on February 23, 2021.
- Witness, MWO Rod O'Brien, was a member of the CFNIS Central Region when the events related to this complaint occurred. He was interviewed on March 3, 2021.
- Witness, Sgt Richard Garnier, served as the Barracks Warden at the RMC. He was interviewed regarding access to the attic at the Fort Champlain barracks. Sgt Garnier was interviewed on March 11, 2021.
- Witness, Mr. Heindji Ouellet, is a civilian member of the Military Police. He was interviewed because he made a query on SAMPIS on the male OCdt. Mr. Ouellet was interviewed on March 16, 2021.
- Witness, MWO David Degrasse, was interviewed because he made a query on SAMPIS concerning the male OCdt. MWO Degrasse was interviewed on March 17, 2021.
- Witness, Ms. Samantha Weston, is a civilian member of the Military Police. She was interviewed because she made a query on SAMPIS concerning the male OCdt. Ms. Weston was interviewed on March 17, 2021.
- Witness, Sgt Shannon Siscoe, was interviewed because he made a query on SAMPIS concerning the male OCdt. Sgt Siscoe was interviewed on March 18, 2021.
- Witness, WO Steven Ball, was interviewed because he made a query on SAMPIS concerning the male OCdt. He was interviewed on March 30, 2021.
- Witness, Colonel (Col) Corinna Heilman, was appointed as the Director of Cadets at the RMC on June 6, 2019. She arrived at the RMC just as members of the Kingston detachment learned of the attempted suicide by the male OCdt. Col Heilman was interviewed on April 22, 2021.
- Witness, WO Sylvianne Humber, was a member of the modified Committee of Adjustments and helped to collect the male OCdt's personal belongings from his room at the RMC and return them to his family. WO Humber was interviewed on April 23, 2021.
- Witness, Brigadier-General (BGen) Sébastien Bouchard, was at all relevant times the Commandant at the RMC. He knew the male OCdt and had spoken with him. BGen Bouchard was interviewed on April 27, 2021.

- Witness, CPO1 Line Laurendeau, served as the Training Wing Sergeant Major at the RMC between July 2019 and January 2020. CPO1 Laurendeau was interviewed on May 8, 2021.
- Witness, Capt Brandon Hibbert, was assigned to duties at the RMC from August 2019 to August 2020. He was a member of the modified Committee of Adjustments that collected the male OCdt's personal belongings from his room. Capt Hibbert told investigators about the discovery of the male OCdt's journal on August 20, 2020. Capt Hibbert was interviewed on May 10, 2021.
- Witness, Lieutenant Commander (LCdr) Kevin Laffin, was a Division Commander at the RMC. He served as the Chair of the modified Committee of Adjustments that collected and returned the male OCdt's personal belongings to his family. LCdr Laffin found and retained possession of the male OCdt's journal for a year at which point he destroyed it. LCdr Laffin was interviewed on May 14, 2021.
- Witness, Sgt Anthony Vincent, was a member of the Military Police assigned to duties at the Kingston detachment between March 2019 and June 9, 2019. After leaving the Kingston detachment, Sgt Vincent was deployed overseas and only became available for an interview in July 2021. Sgt Vincent was interviewed on July 20, 2021.
- Witness, Cpl Andrew La Plante, was a member of the Military Police assigned to duties at the Kingston detachment in March 2019. Cpl La Plante was deployed overseas when the Registrar PII was called and only became available for an interview in July 2021. Cpl La Plante was interviewed on July 21, 2021.
- Subject Sgt Pierre Compeau was a member of the Military Police with the Kingston detachment. He was assigned to duties as a liaison between the RMC and the Military Police. He conducted an interview with the male OCdt on May 21, 2019 and arranged the interview with him by Cpl Graham on May 24, 2019. Sgt Compeau was interviewed on February 25, 2021.
- Subject WO Carol Bastien was the third-in-command (3 i/c) at the Kingston detachment of the Military Police. He was responsible for policing operations. By the time he was interviewed, he had been transferred to Military Policing duties elsewhere. WO Bastien was interviewed on February 26, 2021.
- Subject Cpl Jeffery Graham was a member of the Kingston detachment of the Military Police. He conducted the interview with the male OCdt on May 24, 2019. Cpl Graham also conducted an interview with the female OCdt on June 6, 2019. Cpl Graham was interviewed on March 9, 2021.
- Subject MCpl Will Armstrong is a central figure in this Public Interest Investigation. He was the member of the Military Police who interviewed the female OCdt in March 2019. By the time he was interviewed, he had released from the military and was working as a

constable for a municipal police service in Ontario. He was interviewed on March 12, 2021.

- Subject Sgt Stephen Bultinck was an experienced member of the Military Police who arrived to work at the Kingston detachment in May 2019. Sgt Bultinck has since released from the military and relocated to the United States. Sgt Bultinck was interviewed on March 23, 2021.
- Subject Lt Cindy Côté was the Officer Commanding the Kingston detachment. She was interviewed on March 29, 2021.

28. Other witnesses preferred to answer written questions and those responses are included in this report as well:

- Witness, Major Ryan Jones
- Witness, Major David Duggins

29. Several other potential witnesses did not respond to multiple requests for an interview, as follows:

- Witness, OCdt Braden Almquist
- Witness, OCdt McCallum
- Witness, a sister of the female OCdt

30. Other potential witnesses declined the invitation to participate in an interview, as follows:

- Witness, Cpl (Ret'd) Sean O'Neill, did not wish to participate
- Witness, LCol Eric Weaver, claimed solicitor-client privilege prevented him from participating
- Witness, Nurse Practitioner (NP) Emma Hughes, claimed privilege concerning medical information prevented her from testifying

31. Two witnesses were not interviewed, as follows:

- Witness, Capt Tyler O'Connor, was the Officer-of-the-Day on May 30, 2019 when the male OCdt attempted suicide at the RMC. He was listed as a witness in the Investigative Assessment. However, the interview which the CFNIS investigator did with

Capt O'Connor was deemed sufficient for the purposes of the Public Interest Investigation and he was not re-interviewed.

- Witness, OCdt Muqun Wang, was identified as someone who had befriended the male OCdt during their first year together at the RMC. OCdt Wang did not complete his first year at the RMC and was not present when the events which were the focus of the PII unfolded. He was not interviewed.

32. Following the interviews and upon completion of the investigation, an Investigation Assessment Report was submitted to the Commission Chairperson on July 29, 2021.

33. On August 30, 2021, having reviewed the Investigation Assessment Report, the Commission Chairperson determined that no further investigation was required in order to dispose of the conduct complaint and proceeded to work on the Interim Report.

VI ANALYSIS, FINDINGS AND RECOMMENDATIONS

6.1 Question #1 - Whether the Military Police members who came into contact with a member of the Canadian Armed Forces who was suffering from a mental illness took reasonable steps in the circumstances to address the situation.

6.1.1 Background

34. The male OCdt was born in Beijing, China in July 1999. His family moved to Canada when he was in Grade 1 and settled in Scarborough, Ontario. He graduated secondary school in 2017 and was accepted to study at the RMC.

35. When asked during an interview, the male OCdt's father said that when he was in grade 8, he was not doing well in chemistry class. At that time, his son told his mother that he needed to see a psychiatrist or a psychologist. He saw a doctor once then. According to the father, when the doctor saw his son, he found there was no major problem. Information collected from the male OCdt's mother by Dr. Puddester on March 7, 2019, indicates that the male OCdt struggled throughout his life in making and keeping friends. He met with a social worker while he was in Grade 8 for "sadness". In Grade 10, he saw another medical doctor who prescribed medication "for his head".

36. RMC classmates and those in his CoC described the male OCdt as being “odd” and “socially awkward”. He had very few friends. Possibly his only friend was OCdt Buick McKlusky who regularly worked out with him at the gym. By all reports, the male OCdt was fairly strong academically, but he was weak in his French language training. When he arrived at the RMC, he was not fit and was overweight. He failed his physical testing and was put on a supplemental training program. In his first year at the RMC, he devoted himself to improving his physical conditioning through diet and exercise. He apparently lost 80 pounds and achieved the expected level of fitness.

37. The Clinical Notes included in the BOI Report³ concerning his serious injury indicate that the male OCdt was under treatment at the RMC Health Services Centre starting in October 2018. The Clinical Note dated October 26, 2018, contains a direct reference to him and his relationship with the female OCdt. During that meeting with medical staff, the male OCdt said that he had, “some challenges with a friend recently and stated that he felt he was mean to her”. The male OCdt told medical staff that he had, “let her borrow \$700 and has not received all of it back yet”.

38. According to the Board of Inquiry Report, the male OCdt was seen by medical staff on 43 occasions leading up to his attempted suicide at the Fort Champlain barracks on the evening of May 30, 2019. Those visits included at least three visits to the Kingston General Hospital (KGH) under the following circumstances:

- On March 20, 2019, a “noose” fashioned from a belt was found in his room and the male OCdt was escorted to the KGH by members of the Military Police. The male OCdt was assessed and discharged.
- On March 28, 2019, the male OCdt was referred to the KGH for suicidal ideation and placed on a Form 1 under the Ontario *Mental Health Act* as a danger to himself. He was assessed by a psychiatrist and discharged.
- On April 9, 2019, staff at the RMC Health Centre again placed the male OCdt on a Form 1 under the *Mental Health Act* as a danger to himself and he was taken to the KGH. He

³ Board of Inquiry Report, Convened By: Commander Canadian Defence Academy, On: 02 August 2019, Topic of Inquiry: Serious Injury of [the male OCdt], 18 November 2019.

remained there until he was released to attend court for a peace bond hearing on April 11, 2019.

6.1.2 The Interview Evidence

6.1.2.1 Evidence of Master Corporal William Armstrong (Subject)

39. In preparation for his interview with the MPCC investigators, MCpl Armstrong was provided with a copy of the criminal harassment GO File. He was asked to review the material in advance of his interview which took place on March 15, 2021, two years after his interview with the female OCdt. During his interview, MCpl Armstrong was asked if the female OCdt had informed him that she believed the male OCdt was a serious threat to himself. He said he was not able to recollect her saying that.

40. MCpl Armstrong was asked about comments he made during his interview with the female OCdt on March 13, 2019. MCpl Armstrong was asked: “At 15:06 of the recording, you told [the female OCdt] that even if charges weren’t laid, it doesn’t -- you said and I quote ‘it doesn’t limit our options, we’ll have a conversation with him’. So, at that point, did you intend on speaking with [the male OCdt]?”⁴ In response, MCpl Armstrong said he either would or someone from the male OCdt’s CoC would. He said patrol members of the Military Police were limited in their ability to speak with Officer Cadets at the RMC, unless they came forward to complain about something. If Military Police members wanted to interview an Officer Cadet, they needed to go to their Military Police CoC, who in turn would contact the RMC CoC, to obtain permission to do so. The MPCC investigator asked if that was an onerous task. MCpl Armstrong said it would be a matter of his CoC contacting Sgt Compeau (the liaison between the RMC and the Military Police) and having him facilitate that request. The MPCC investigator asked if he had done that prior to this matter. He had not.

41. MCpl Armstrong was also asked about another comment he made to the female OCdt during his interview of her on March 13, 2019. MCpl Armstrong told the female OCdt that, “We’ll do everything in our power to stop this from happening and stop this from getting worse”.

⁴ MPCC interview with MCpl William Armstrong on March 15, 2021.

MCpl Armstrong explained that this meant the Military Police would either do something under the law or have the military take action, such as ordering the male OCdt to have no contact with her, reschedule classes, etc.

42. MCpl Armstrong was referred to the portion of the interview of the female OCdt where she told him, “I think he’s genuinely mentally ill, he doesn’t realize he’s doing anything wrong”. He was then asked if the male OCdt was mentally ill, did he believe that having his CoC order him to cease contact with the female OCdt was sufficient. MCpl Armstrong said he did. He added, “and in terms of the powers that Military Police have, and the chain of command have, that’s -- other than a criminal charge, that’s -- that’s really all the authority we have”.⁵

43. While he felt the matter was being taken care of by the RMC CoC, MCpl Armstrong also suggested the female OCdt apply for a surety to keep the peace, known as a peace bond, pursuant to section 810 of the *Criminal Code*. In his interview, MCpl Armstrong said he was told by the female OCdt on April 10, 2019, that she did not want to go to apply for a peace bond, because she didn’t feel like she was in danger any longer.⁶

6.1.2.2 Evidence of Corporal Jeffery Graham (Subject)

44. Cpl Graham has been in the CAF for 17 years, switching trades to the Military Police in 2017. At the time he conducted the interview with the male OCdt, he had approximately 17 months’ experience as a member of the Military Police. Cpl Graham was asked about the interview he conducted with the male OCdt on May 24, 2019. On that day, Cpl Graham said he reviewed the complaint that MCpl Armstrong had dealt with previously concerning the male OCdt allegedly harassing a female OCdt. He indicated that he probably read that report from beginning to end. He also acknowledged that he saw the screen shots of numerous messages from the male OCdt which the female OCdt provided.

⁵ MPCC interview with MCpl William Armstrong on March 15, 2021.

⁶ MPCC interview with MCpl William Armstrong on March 15, 2021.

45. Cpl Graham was asked whether he noticed anything in MCpl Armstrong's report about what the female OCdt had to say about the male OCdt's mental health. Cpl Graham said he knew that the female OCdt had said that the male OCdt was "socially awkward". He then added, "She didn't say -- I don't remember anything about him saying that he was going to kill himself -- now I do remember -- having just said that now -- I do remember somewhere in there he -- she said that he said he was going to kill himself if she went forward, or something along those lines. I don't remember exact words to be frank. But I do -- I do recall now because -- because I just read it again that that was in there somewhere, I don't remember the exact".⁷

46. Cpl Graham was asked whether he had seen the report on the finding of a "noose" in the male OCdt's dorm room on March 20, 2019. Cpl Graham said that he had no knowledge of that incident. When advised that it had been filed as a Street Check, Cpl Graham said: "Well that's -- that's definitely wrong, yah, but anyways. That should have definitely been a GO. That's probably why I didn't see it then, if it was a Street Check, because I wouldn't check a Street Check".⁸

47. Cpl Graham was asked if he had any indication from what he observed that the male OCdt may have been suffering from some form of mental illness. Cpl Graham replied:

"Well, the way I could see, and -- and this was -- so I'm not a doctor first of all so I'm going to say that right off the bat. I -- I don't know. I deal with so many different people, so just me having an opinion on somebody doesn't justify a medical -- a medical decision. I could say he was very quiet. I had to ask him to repeat himself a few times because I was having a hard time hearing him. And he did seem like in comparison to someone who I would consider nor -- socially -- not to sound rude or derogatory, normal I would say. Or he -- he seemed a little bit like not as socially inept as -- as others. I -- I would say that. But for a mental -- for a mental disability, I mean he's in -- he's in a university program, from what I understand, his grades were pretty good. So, I -- like he's -- he's -- he clearly can speak and he's intelligent in -- in some forums, so I really wouldn't know how to assess a mental health of somebody, if that makes sense."⁹

48. Cpl Graham was asked why, in the course of the interview, he asked the male OCdt if he needed to see a doctor. Cpl Graham did not recall asking that question. Cpl Graham was asked whether he recalled the male OCdt telling him he had recently been diagnosed with autism. He

⁷ MPCC interview with Cpl Jeffery Graham on March 9, 2021.

⁸ MPCC interview with Cpl Jeffery Graham on March 9, 2021.

⁹ MPCC interview with Cpl Jeffery Graham on March 9, 2021.

said he did remember that. Cpl Graham was then asked if he recalled the male OCdt telling him that, “sometimes I don’t understand certain things”. Cpl Graham was asked whether at that point he considered that perhaps the male OCdt did not understand the legal caution he had been given and perhaps he should have spoken to him more to determine if he understood what was actually going on in the interview. Cpl Graham said, “I think he understood”. Cpl Graham was asked about the male OCdt’s condition when he was leaving the detachment. He said that he was upset but no more upset than anyone else who was looking at a *National Defence Act* offence or a criminal charge. He added, “...people get upset at that clearly because it’s going to affect -- affect their lives”.¹⁰

49. Later in the same interview, Cpl Graham was asked about certain comments he made during his interview of the female OCdt on June 6, 2019 at CFB Borden. Cpl Graham was presented with a quote from that interview where he said, “He’s going to have to answer for that regardless. He still did the crime. I’m not a doctor. But I could tell when I was talking to him that he is just, I don’t mean to sound rude, but he’s just not all there”. Cpl Graham was asked what he meant when he said ‘he’s just not all there’. Cpl Graham said, “Well that means socially awkward”.¹¹ Cpl Graham’s suggested response on the part of the female OCdt to someone who was “not all there” was to protect herself by seeking a peace bond.

50. Cpl Graham was asked about comments he made to the female OCdt about the male OCdt cutting his arms as a technique to manipulate her. Cpl Graham was also presented with the comment he made, that the male OCdt, “clearly, clearly has a mental problem”. Cpl Graham was asked if after he reached that conclusion and knowing that he was cutting himself and threatening to commit suicide, did that at all change his view of the male OCdt. Cpl Graham replied:

“Like I said, I’m not a -- I’m not a doctor but I can see what’s in front of me, right. So, her -- him coming in and maybe talking quietly and seeming awkward, doesn’t necessarily mean he’s suicidal, right. Her saying that he said that he was going to kill himself and it was keep giving her money, and she kept taking the money, doesn’t mean that he’s going to kill himself. But him

¹⁰ MPCC interview with Cpl Jeffery Graham on March 9, 2021.

¹¹ MPCC interview with Cpl Jeffery Graham on March 9, 2021.

using these things to control what's happening may be a sign of he's not thinking clearly, right. It doesn't mean he is suicidal; it just means that he is not thinking like anyone else who may have a mental --mental health issue. He may like not mentally be sound. It doesn't mean he's going to kill himself right now, it just means what he's doing is not the way to do things. If that makes sense.”¹²

51. As for how his interviews with them may have affected the two Officer Cadets, Cpl Graham said: “I think between the two of them, they both had a role to play in this. And yes, maybe even me telling him that I was investigating him for that, that -- that might have been the straw that broke the camel's back - it's very possible. But I still have a duty to tell him that I'm informing him of what I -- what my intentions are and what I'm investigating. If I had to -- if I had to not do that with every person that I did, I would be breaching everyone's charter rights essentially”.¹³

6.1.2.3 Evidence of Sergeant Pierre Compeau (Subject)

52. Sgt Compeau said he has been a member of the Military Police since 2006 and has been a liaison between the RMC and the Military Police Kingston Detachment since 2018.

Sgt Compeau was asked about the meeting with the male OCdt that had been arranged by Capt Carter and his subsequent email in which he asked Capt Carter to provide, “some of the points and issues that took place. I want to make sure I got the story straight”. Sgt Compeau said he did not recall that email or the statement of the male OCdt's complaint concerning the female OCdt that was sent to him by Capt Carter on May 23, 2019.

53. Sgt Compeau was asked about his encounter with the male OCdt on May 21, 2019. Sgt Compeau confirmed that they spoke on that day. He added that he couldn't remember exactly what the male OCdt said, but he confirmed that he did notice there was something wrong with him at the time. Sgt Compeau said, “I will say I would confirm from what Captain Carter told me about a mental illness. I'm no doctor by any means, but I definitely thought there was something wrong”. Sgt Compeau was asked that given his policing background, if he had

¹² MPCC interview with Cpl Jeffery Graham on March 9, 2021.

¹³ MPCC interview with Cpl Jeffery Graham on March 9, 2021.

encountered the male OCdt on the street would he think there was an issue. Sgt Compeau said, “A hundred and ten percent”. He added, “There would be no questions asked”.¹⁴

54. Sgt Compeau was asked whether he had any meetings with the Officer Commanding or with Cpl Graham in advance of the interview which Cpl Graham conducted with the male OCdt on May 24, 2019. The Sgt said that he “likely” provided a briefing to his chain of command because he was “always in direct contact.” Sgt Compeau also said, “I didn’t have a meeting in regard to that. I do remember discussing with Corporal Graham what Padre Carter told me about [the male OCdt’s] wellbeing or I won’t say mental illness, because there was no diagnosed illness that I was aware of, but his -- how would I put it nicely in a roundabout way - that there’s likely an undiagnosed mental illness that RMC was not made aware of. So, I did mention that to Corporal Graham at the time. Corporal Graham I do recall telling me -- this was all verbally I do remember in the Patrol Area that he was going to speak with [the male OCdt] and determine himself during the interview”.¹⁵

55. Sgt Compeau summarized his view of the situation with the male OCdt in this way. He said: “my honest opinion, if a Crown looked at this, I could not see it going any further. I honestly do not believe he would have stood -- stood fit for trial. But that’s just my own personal opinion. You know, I’m not a doctor by any means, but I just didn’t see him being fit to even stand an interview, but that was my own opinion”.¹⁶

6.1.2.4 Evidence of 2nd Lieutenant Liam Buckley (Witness)

56. The presence of the male OCdt in the barracks at the RMC became an issue with some of his fellow Officer Cadets. As 2Lt Buckley explained, “From what we were seeing is that -- it -- despite the treatment he was getting it was -- it didn’t seem that something that we could control in the afterhours, and at night, just in our -- in our quarters there. It was getting quite out of hand”. He noted it was fair to say it was getting “quite disruptive”. 2Lt Buckley noted that he felt

¹⁴ MPCC interview with Sgt Pierre Compeau on February 25, 2021.

¹⁵ MPCC interview with Sgt Pierre Compeau on February 25, 2021.

¹⁶ MPCC interview with Sgt Pierre Compeau on February 25, 2021.

it was very important to be there for the male OCdt for, “What we felt genuinely was a -- a kind of a life and death situation”. He said the situation in the barracks was becoming “very, very unmanageable for us”. He added, “And that’s when we made the call saying essentially like -- like please -- please help. Essentially, we were not equipped to deal with this”.¹⁷

57. 2Lt Buckley said he was aware that a complaint had been made to the Military Police. He was asked whether if the Military Police had come to him, he would have been able to tell the Military Police about the male OCdt’s mental health state. 2Lt Buckley said, “Absolutely yes I would have been. We saw everything after hours and it -- it wasn’t -- it wasn’t good, so we would have had a really good understanding of -- of his mental health”.¹⁸

6.1.2.5 Evidence of 2nd Lieutenant Michael Moore (Witness)

58. 2Lt Moore recalled a “long conversation” he had with the male OCdt, who had come to his room one evening and told him he was planning to kill himself. It was about 21:00 or 22:00 hrs. 2Lt Moore said that the male OCdt told him that his intentions were to hang himself in the attic of their barracks. 2Lt Moore recalled that he discussed it all with the male OCdt. 2Lt Moore said, “I told him very point blankly that ‘We are going to lock that room and -- and we are going to make sure it’s locked right now, so that you’re unable to do that’”. According to 2Lt Moore, that’s when arrangements were made to have the attic door locked. 2Lt Moore was not certain of the date that happened, but he thought it was about the same time as when the “noose” was discovered in the male OCdt’s room. 2Lt Moore was asked if the Military Police had come to him asking about the male OCdt’s mental health, would he have been able to answer their questions. He said he would have “been all for it”.¹⁹

6.1.2.6 Evidence of Officer Cadet Amanda Ales (Witness)

59. OCdt Ales remembered speaking with the male OCdt after his meeting with the Military Police on May 24, 2019. She said he was really distraught after that meeting. She said that the

¹⁷ MPCC interview with 2Lt Buckley on January 8, 2021.

¹⁸ MPCC interview with 2Lt Buckley on January 8, 2021.

¹⁹ MPCC interview with 2Lt Michael Moore on February 20, 2021.

Military Police had told him that they might charge him with “solicitation”. She recalled that the male OCdt told her he was very upset by that. She referred to that as, “the last straw”.²⁰

6.1.2.7 Evidence of Officer Cadet Sophia King (Witness)

60. Later in the day on May 24, 2019, OCdt King received a text from the male OCdt. In that text, he said, “I’m a suspect of solicitation. I’m a criminal”.

6.1.2.8 Evidence of Captain Ian McNaught (Witness)

61. Capt McNaught was in the male OCdt’s CoC at the RMC and acknowledged that he thought that the male OCdt was at risk of harming himself. He explained that he was aware that the male OCdt was “pretty well in daily contact” with the Padres and the medics. He went on to explain that both he and PO1 Feetham found it frustrating that when the male OCdt was in crisis they would take him to the “subject matter experts” and then a couple hours later he would be back with them. Capt McNaught added it was, “quite clear to us that he was not in a good mental state and that he was having suicidal ideation - but he -- he kept coming back to us”.

Capt McNaught said he was aware that the medical staff had taken away the male OCdt’s knives.²¹

6.1.2.9 Evidence of Captain Ryan Carter (Witness)

62. Capt Carter, one of the Padres at the RMC who dealt with the male OCdt, said he sought advice from LCol Moore and was told the male OCdt should go to the Military Police. Capt Carter said he spoke to the Military Police member who had investigated the harassment claim (MCpl Armstrong). He was told that because MCpl Armstrong had dealt with the previous case, a different member would take on the male OCdt’s complaint.

63. Capt Carter contacted Sgt Compeau, who came to his office and had a conversation with the male OCdt. Sgt Compeau said he believed ‘something is there’, and he needed to speak to his Detachment Commander who he referred to as ‘The Ma’am’. Later, Sgt Compeau sent an email

²⁰ MPCC interview with OCdt Amanda Ales on February 8, 2021.

²¹ MPCC interview with Capt Ian McNaught on February 1, 2021.

asking for a synopsis of what had taken place. Capt Carter contacted the male OCdt, who provided a statement which Capt Carter then forwarded to Sgt Compeau.

64. Capt Carter said he came to the Kingston detachment in his van to pick up the male OCdt following his interview with Cpl Graham on May 24, 2019. When he arrived, the male OCdt joined him in the van. Capt Carter said he asked him how it had gone. Capt Carter said the male OCdt responded, “Ah not good. They’re gonna -- they’re gonna charge me”. Capt Carter was surprised and asked what they were going to charge him with. The male OCdt said, “for solicitation”.²²

65. Capt Carter explained that at that point, the male OCdt began to, “emotionally unfold in the car”. Capt Carter recognized the situation and drove directly to the College’s Medical Unit. Capt Carter was asked what he meant by “emotionally unfolding”. Capt Carter said the male OCdt was not saying much, but he kept on saying, “I just wanna talk to her, I just wanna talk to her”. Capt Carter demonstrated how the male OCdt was rubbing his forehead as he kept repeating, “I just wanna talk to her”. Capt Carter said the male OCdt’s face was down, (he demonstrated how he was touching his head with his hand). “He was just completely distraught”.²³

66. When they arrived at the College, the male OCdt was crying. Capt Carter said that when he arrived in his parking lot stall, which was adjacent to the Medical Unit, the male OCdt gave him a box cutter. Capt Carter recalled that the male OCdt had it in a pocket in his uniform. The male OCdt gave it to Capt Carter, saying ‘I was worried’ or something like that. Capt Carter brought the male OCdt into the medical unit and turned him over to a nurse. When they arrived there, the male OCdt began banging his head against the wall. Capt Carter said he left the male OCdt there in the care of the medical staff.

²² MPCC interview with Capt Ryan Carter on January 19, 2021.

²³ MPCC interview with Capt Ryan Carter on January 19, 2021.

6.1.2.10 Evidence of Corporal Andrew La Plante (Witness)

67. During his interview, Cpl La Plante explained that he was very new to his job with the Military Police when he responded to a report of a “noose” being found in the male OCdt’s dorm room on March 20, 2019. He went to the scene with his partner, Cpl Sean O’Neill. He said that when they arrived at the male OCdt’s door, he was waiting for them and was ready to go to the Kingston General Hospital. Cpl La Plante recalled that the male OCdt had packed his backpack with what he would need at the KGH. Cpl La Plante said that he found it unusual that the male OCdt was so willing to go to the KGH - no persuasion was needed. Cpl La Plante said he never saw a rope noose but said there was mention of a belt being used potentially as a noose.

68. Cpl La Plante said he looked through the male OCdt’s backpack and found some prescription medication in the form of pills which he removed. He gave them to a member of the male OCdt’s CoC [CPO1 Scalabrini]. Cpl La Plante was asked what would have happened if the male OCdt had not wanted to go to the hospital voluntarily. He replied that since members of the Military Police do not have any authority under Ontario’s *Mental Health Act*, they would try to persuade him. In a case where persuasion did not work, he would have to call the Kingston Police Service for assistance.

69. Cpl La Plante said that as the junior member, he was designated to file a report on the matter. He was asked why the incident was recorded as a Street Check as opposed to a General Occurrence (GO) report. Cpl La Plante explained that they get a lot of mental health calls in Kingston. His understanding is that if a person gets admitted to the hospital, then the file becomes a GO. Cpl La Plante added: “For that to be a Street Check, I think it’s because the person was super willing to go; we didn’t find any evidence of attempted suicide in his room at the time; we didn’t find any evidence of blades on him or (unintelligible) on him or anything like that. All we had to go off of was that peoples’ testimony at the scene, like the Padre and the Officer of the Day”.²⁴ He noted that because the male OCdt was not admitted to the KGH, the file stayed as a Street Check.

²⁴ MPCC interview with Cpl Andrew La Plante, July 21, 2021.

70. Cpl La Plante was asked if anyone told him that the male OCdt had been the subject of a criminal harassment complaint the previous week. He did not recall that. He also did not recall anyone checking the male OCdt's name on the Security and Military Police Information System (SAMPIS). Cpl La Plante said that he worked with MCpl Armstrong a few times. He added that "His personality is very standoffish. So, you can sit there for three hours in silence and not talk to the guy". Cpl La Plante was asked if he had ever spoken to MCpl Armstrong about the incident with the male OCdt. Cpl La Plante said, "No. Will Armstrong would not talk to me about that".²⁵

6.1.2.11 Evidence of Chief Petty Officer 1st class Nathalie Scalabrini (Witness)

71. CPO1 Nathalie Scalabrini was the Sergeant Major of the male OCdt's Division at the RMC. On March 20, 2019, she was notified that the male OCdt was being brought to the Kingston General Hospital and she met Cpl O'Neill and Cpl La Plante there. The Military Police members handed her the pills which they had found in the male OCdt's backpack.

72. In her interview, CPO1 Scalabrini was asked if this incident raised any "flags" with the CoC following on from the March 14 discussion when the male OCdt was ordered not to have any contact with the female OCdt. CPO1 Scalabrini replied that "it sure brought home the fact that [the male OCdt is] in serious need of help".²⁶

6.1.2.12 Evidence of Sergeant Anthony Vincent, Watch Commander (Witness)

73. Sgt Vincent, told the Commission investigators that he had a great deal of experience, joining the CAF in 1995 and becoming a member of the Military Police in 2005. Sgt Vincent recalled that he was first posted to the Kingston detachment in 2015 as a MCpl and a qualified criminal investigator. Prior to his interview, the MPCC investigators informed him of the relevant GO File numbers and requested he review the files in preparation for the interview. Sgt Vincent confirmed that until requested by the MPCC investigators, he had never reviewed

²⁵ MPCC interview with Cpl Andrew La Plante, July 21, 2021.

²⁶ MPCC interview with CPO1 Nathalie Scalabrini on January 2, 2021.

any of the files. During his interview, Sgt Vincent confirmed he was the Watch Commander on March 13 and 14, 2019. He explained that his role as Watch Commander was different than in a civilian police organization. As a Watch Commander, he dealt mostly with crime reading and things that came down from the CoC. He explained that the shift commanders were allowed to run their shifts. He added that there was a degree of faith placed in the competence of the shift commander.

74. Sgt Vincent was asked, after having now read the female OCdt's handwritten statement, what his advice to MCpl Armstrong would have been regarding the female OCdt's claim that the male OCdt was suffering from a mental illness. Sgt Vincent said, "I would have actually interviewed him at that time. Yah, to gather some kind of insight as to his frame of mind, especially considering she's declaring him in her statement as having mental health, and that she worked -- she's worked with people that have mental health issues in the past, so she claims that she knows how to recognize it, well that's kind of a -- a trigger point that you might want to see for yourself whether or not this individual actually has mental health issues."²⁷ Sgt Vincent said that he was amazed that the male OCdt was never interviewed after the complaint filed by the female OCdt. He noted that if the male OCdt had been interviewed that, "may have prevented the second file from even taking place".²⁸

75. As for the discovery of the "noose" in the male OCdt's dorm room, Sgt Vincent said that at the time all mental health files were dealt with as a Street Check unless there was an absolute need to record it as a GO File. He explained that the RMC CoC automatically got a letter informing them of the outcome of all GOs involving the College, whereas Street Checks were not automatically disclosed - the RMC would have to request disclosure of a Street Check file. He advised that there was a Military Police Order that stated that mental health files would be recorded as Street Checks "so that it was always kept at the lowest level for observation purposes". This was done to protect the privacy of the person with the mental health issue.

²⁷ MPCC interview with Sgt Anthony Vincent on July 20, 2021.

²⁸ MPCC interview with Sgt Anthony Vincent on July 20, 2021.

6.1.2.13 Evidence of Sergeant Stephen Bultinck (Subject)

76. Sgt Bultinck, a shift commander, was asked whether the Military Police response to the discovery of the “noose” in the male OCdt’s room should have been recorded as a Street Check or a GO File. Sgt Bultinck replied that it should have been a GO File. He said, “Anytime we escort a service member, it’s a GO, and it’s not a template, because it says right on the top of the template ‘For injured person, do not use for attempted suicides’”.²⁹ Sgt Bultinck agreed that a supervisor should be reviewing the Street Checks and making sure that any that should be a GO get turned into a GO File.

77. Sgt Bultinck said to organize an interview with an Officer Cadet at the RMC was simple. One either contacted Sgt Comeau or a certain staff member at the RMC. In concert with them, they would find the best time to arrange an interview. He said it was easier to contact an Officer Cadet through the CoC rather than trying to locate the person on their own. He noted that the RMC CoC did not want the Military Police to reach out to Officer Cadets directly. Any concerns of the RMC CoC about the arrest of an Officer Cadet could easily be overcome by ensuring that they were advised of their Charter rights.

6.1.2.14 Evidence of Major Darren Lemire (Witness)

78. Major Lemire said that the Military Police response to the discovery of the “noose” in the male OCdt’s dorm room ought to have been recorded in a GO File. He confirmed that Military Police vehicles in Kingston have mobile terminals with access to SAMPIS. When Military Police members were entering information concerning a Street Check, they would have access to GO File information that was already in SAMPIS concerning the male OCdt.

6.1.2.15 Evidence of Warrant Officer Carol Bastien (Subject)

79. It was pointed out to WO Bastien that on March 20, 2019 (the day after he returned to duty following his leave), Cpl La Plante and Cpl O’Neill took the male OCdt to the KGH and filed a Street Check on the matter. He was asked if he would review Street Checks. WO Bastien

²⁹ MPCC interview with Sgt Stephen Bultinck on March 23, 2021.

said when he had time, he would review them once in a while. He noted that in this instance, it should have been recorded as a GO File. He never saw this particular Street Check.

80. WO Bastien was asked if there was a mechanism that would have alerted MCpl Armstrong to that incident, as his file was still open at that time. WO Bastien said in SAMPIS a file can be cross-referenced to another file, but an investigator would have to look for that in their file; it would not automatically alert the investigator that a cross-reference had been made. He also said a good shift commander would browse SAMPIS when they start their shift to be able to brief their patrol officers on what has transpired while they were off duty.

6.1.2.16 Evidence of Chief Petty Officer 1st class Darryl Mogridge (Witness)

81. It was pointed out to CPO1 Mogridge that prior to interviewing the male OCdt, Cpl Graham reviewed MCpl Armstrong's file, but did not look at the Street Check concerning the finding of the "noose" in the male OCdt's dorm room. CPO1 Mogridge said: "That is a failure on his part". He went to say: "I expect better out of him. And when he says that - that's his laziness that he never looked at it. Because every piece of information held in SAMPIS should be read so you got the full background on a person".³⁰

6.1.3 Other Evidence

82. In the course of her interview with MCpl Armstrong on March 13, 2019, the female OCdt provided a written statement outlining her interactions with the male OCdt. This statement was signed by both the female OCdt and MCpl Armstrong. At one point, she wrote: "I also made him seek help for his obvious mental illness. I made him see a Padre, a therapist, a doctor. They gave meds but nothing changed". At another point in her statement she wrote that the male OCdt sent her photographs of him cutting his arms, texting her that he was doing it for her.

83. Subsequent to her interview with MCpl Armstrong, the female OCdt provided him with screenshots of the many dozens of phone calls and other communications she had received from

³⁰ MPCC interview with CPO1 Darryl Mogridge on February 19, 2021.

the male OCdt. One of the text messages read: “why do i need my proper meds/cuuuuus then I go crazy/i don’t know”. Another read simply: “cus i stalk!!!/ahhh”.

84. At one point in his interview of the female OCdt, MCpl Armstrong explained to her that he was going to write out a set of questions for her and take down her responses. He told her then they would discuss things. MCpl Armstrong wrote out the following question and asked the female OCdt to write out her response:

Question:	“Do you believe [the male OCdt] is a serious threat to himself?”
Answer:	“Yes”

85. In his notes about the interview with the female OCdt, MCpl Armstrong wrote “He requests her possessions in order to feel mentally stable”. He also wrote “He has told her he is obsessed [with] her”.

86. Cpl La Plante filed a Street Check report on the finding of the “noose” in the male OCdt’s dorm room. In this report, he wrote that the male OCdt’s CoC was aware of his behaviour over the past two weeks and that he had been having suicidal thoughts, that he had cuts on his arms from previous incidents and a makeshift noose made from a belt was attached to his bed. The male OCdt was scheduled to attend at Mental Health Services the next day. Cpl LaPlante also noted that CPO1 Scalabrini was notified to meet them at the Kingston General Hospital where she took custody of the male OCdt and possession of his prescription medication.

87. After his interview with Cpl Graham on May 24, 2019, Capt Carter escorted the male OCdt to the Health Services Centre. The Clinical Note from that visit states: "Seeing himself as a criminal caused a complete loss of self-esteem and triggered thoughts of self-harm and suicide".

6.1.4 Analysis

88. During his interview with the Commission investigators, MCpl Armstrong tried to minimize his responsibility for not investigating the assertion of the female OCdt on March 13, 2019 that the male OCdt was suffering from a mental illness and was a risk to himself and to the female OCdt. Even though he conducted the interview and had the GO File to refresh his memory, MCpl Armstrong claimed not to recall the female OCdt telling him that the male

OCdt was a serious threat to himself. This is particularly hard to believe because his initials are included beside the female OCdt's answer "Yes" to the question: "Do you believe [the male OCdt] is a serious threat to himself?". This question and answer formed part of the statement the female OCdt wrote as part of her interview. That statement furnished other information about the male OCdt's mental health issues as did the screenshots of phone calls and text messages that the female OCdt subsequently supplied.

89. The lack of recall on the part of MCpl Armstrong is suspect as in his own notes he remarks that he was told by the female OCdt that the male OCdt needed her possessions in order to feel "mentally stable" and that he was obsessed with her. In reviewing the audio-video recording of MCpl Armstrong's interview with the female OCdt on March 13, 2019, the information she provided about the male OCdt is clear and unambiguous. In preparation for her interview with MPCC investigators, Lt Côté reviewed the video recording of this interview. During her interview, Lt Côté was asked whether she heard the female OCdt say that the male OCdt had an obvious mental health problem and was self-harming. She said she did. The fact that MCpl Armstrong said that he did not hear what the female OCdt obviously said to him during the interview and did not read what was given to him cannot be explained away.

90. MCpl Armstrong was also put on notice that there was an issue with the male OCdt after the criminal harassment file was closed. Around May 21, 2019, Capt Carter, one of the Padres at the RMC who was dealing with the male OCdt, called the Kingston detachment of the Military Police to say the male OCdt would be coming in to speak with them. The member he spoke with turned out to be MCpl Armstrong who said since he had dealt with the criminal harassment complaint he would not be able to take on the male OCdt's complaint. So, MCpl Armstrong recognized the situation as one he had been involved in before. There is no indication, though, that MCpl Armstrong ever communicated his connection to a new complaint, including not informing Cpl Graham who took on the interview with the male OCdt. This is another example of a lack of communication within the ranks of the Military Police. In this instance, it deprived Cpl Graham of valuable information and context that would have helped him in his interview with the male OCdt. For example, he could have been forewarned about his mental health issues.

The lack of communication is disappointing but also surprising in a relatively small detachment of around 30 members.

91. Despite all of the information about a serious mental health issue that was presented to him, there was no follow-up by MCpl Armstrong or any other member of the Military Police to discern the male OCdt's mental health status. There is no indication that a member of the Military Police spoke with any of the male OCdt's fellow students at the RMC. They could have provided ample evidence of his mental health difficulties, but the Military Police were not concerned about it and did not pursue it. Both Cpl Graham and Sgt Compeau made a point of saying they were not doctors, but that does not relieve them of their responsibility as professional police officers to take some action when someone comes to them with obvious signs that they have mental health issues. Both of these subjects did pick up on those signs, and a lack of medical training does not mean they should not be doing anything to respond.

92. It is unclear how having the female OCdt apply for a peace bond was going to answer her complaint that the male OCdt was apparently suffering from a mental illness and was at risk of harming himself. This is especially so because MCpl Armstrong, who suggested the peace bond option, made no inquiries about the male OCdt and so could not know whether a peace bond was appropriate. In fact, a peace bond application might have been the "last straw" like the threat to charge the male OCdt, but MCpl Armstrong would have no knowledge of this.

93. The level of difficulty MCpl Armstrong said he would face in arranging an interview with the male OCdt sounded unreasonable given the serious allegations made by the female OCdt and the fact that her CoC brought her to the Military Police in order that she could lodge a complaint. So, this same question was put to others in subsequent interviews. For her part, Lt Côté explained it would not have been difficult to interview the male OCdt regarding the criminal harassment complaint. During his interview, Cpl Andrew La Plante was also asked if he wanted to interview a subject at the RMC regarding a harassment complaint how he would go about that. Cpl La Plante explained that it would just be a matter of contacting Sgt Compeau and asking him to get a hold of the RMC liaison. He would then speak to the RMC liaison and find a suitable opportunity to speak to the subject. He described it as a "double-edged sword" - they

needed to go through that protocol as opposed to just showing up, but at the same time the RMC was quick to respond to their request and facilitate their contact with subjects. Cpl La Plante stated that although there are “a few extra steps”, he described the process as “pretty simple”.³¹

94. During an interview in relation to the criminal harassment complaint, MCpl Armstrong would have been able to make an assessment for himself on the state of the male OCdt’s mental health. MCpl Armstrong clarified that after he conducted the interview with the female OCdt, he consulted with Sgt Vincent, and at that time it was determined that the matter did not meet the threshold for a criminal harassment charge. Contrary to best police practice, he did not see a need to speak to the male OCdt regarding the mental illness component of the complaint, nor to assess the evidence and context of the complaint of criminal harassment.

95. As he pointed out during his interview, Cpl Graham is not a doctor. But by his words to the female OCdt when he interviewed her on June 6, 2019, he certainly recognized that the male OCdt “clearly, clearly has a mental problem”. Cpl Graham’s explanation about what he meant when he said that is not credible in the circumstances. At the time he said that, Cpl Graham was talking about the risk that the male OCdt posed to the female OCdt. But when he was being interviewed by MPCC investigators, Cpl Graham changed the focus to the male OCdt’s risk of killing himself. This change may be explained by the fact that the male OCdt had attempted suicide twice by the time Cpl Graham was interviewed.

96. Cpl Graham also seemed to recognize that the way in which he responded to being presented with the male OCdt’s mental health difficulties may have made the situation worse. There is a recognition on his part that his response may even have contributed to the male OCdt’s decision to kill himself. Cpl Graham said, “maybe even me telling him that I was investigating him for that, that -- that might have been the straw that broke the camel’s back - it’s very possible”. The threat to lay a solicitation charge sent the male OCdt into an emotional tailspin. Given the male OCdt’s mental health situation, including his saying “sometimes I don’t understand certain things”, the baseless “solicitation” charge which Cpl Graham was considering

³¹ MPCC interview with Cpl Andrew La Plante on July 21, 2021.

was entirely inappropriate. Little consideration seems to have been given to how such a charge would be proven beyond a reasonable doubt given the serious questions about the male OCdt's level of understanding of the situation and the need to prove the *mens rea* of the offence. This demonstrates Cpl Graham's fundamental lack of understanding of the elements of the offence and the evidence needed to prove it.

97. The emotional trauma induced in the male OCdt by the threat to charge him with "solicitation" was also needless. Firstly, Cpl Graham himself was not clear on what the offence in issue was, saying it was "either like solicitation or purchasing sexual services or something along that line". Secondly, if he was thinking of the section 286.1 of the *Criminal Code* offence of obtaining sexual services for consideration, he was missing one key element – the sexual services part. When asked whether the male OCdt ever termed the relationship with the female OCdt as "sexual", Cpl Graham replied: "I don't think he ever said the word sexual". Thirdly, Cpl Graham was so uncertain about how to proceed that he concluded the interview with the male OCdt by saying he would 'probably' be charged. This vagueness reflects the lack of substance to the charge against the male OCdt, but it was taken to heart by the male OCdt who expressed his anguish to numerous people. Given the damage caused by his threat to lay a charge and his own lack of clarity on how to proceed, Cpl Graham would have been well advised to keep his musings about a possible charge to himself and to consult others with expertise, such as a legal advisor or a supervisor.

98. Sgt Compeau was asked about the male OCdt's mental health situation at the time. Sgt Compeau said, "You know, I'm not a doctor by any means, but I just didn't see him being fit to even stand an interview, but that was my own opinion". As a Sergeant with the Military Police, Sgt Compeau had the opportunity to convey that message to his CoC and should have done so. Although it appears that he did speak with Lt Côté about the male OCdt coming in for a meeting, it seems he did not raise his concerns with the CoC. If he did not see the male OCdt as being "fit to even stand an interview", he should have communicated that message to his CoC before the interview with Cpl Graham was arranged for May 24, 2019.

99. A lack of communication both from the RMC to the Military Police and within the ranks of the Military Police prevented an appropriate response to the male OCdt's mental health issues. On March 20, 2019, the two Military Police members who responded to the report of a "noose" being found in the dorm room of the male OCdt took with them a bottle of pills they found in his backpack and turned those over to CPO1 Scalabrini at the hospital. Given the fact that the female OCdt had only made her complaint seven days prior to the discovery of the "noose", that information would have been very important had MCpl Armstrong received it. However, although CPO1 Scalabrini was fully aware that the male OCdt was under investigation by the Military Police in relation to the complaint lodged by the female OCdt, she apparently did not mention that to the two Military Police officers she met at the hospital. There is no mention in the report of Cpl O'Neill and Cpl La Plante that they made the connection to the criminal harassment complaint which named the male OCdt as a subject. Apparently, neither Cpl O'Neill nor Cpl LaPlante queried the male OCdt on SAMPIS. Had they done so, they would have learned that he was a subject of the criminal harassment complaint under investigation by MCpl Armstrong.

100. Cpl Graham did not take notice of the fact that the male OCdt was named in a Street Check when he queried SAMPIS before conducting an interview with him on May 24, 2019. Cpl Graham said that he had no knowledge of that incident. When advised that the incident had been reported as a Street Check, Cpl Graham responded, that he wouldn't have queried a Street Check.³² As CPO1 Mogridge pointed out, this was a failure on his part, a result of his 'laziness'. CPO1 Mogridge was correct in saying that before the interview, Cpl Graham should have been accessing all the information available to him, not ignoring some of it because he deemed it to be in the wrong category.

101. The interviews produced conflicting views on whether the discovery of the "noose" in the male OCdt's dorm room should have been recorded as a Street Check or a GO File. Major Lemire, Lt Côté, Sgt Bultinck, and WO Bastien said it should have been recorded as a

³² MPCC interview with Cpl Jeffery Graham on March 9, 2021.

GO File, while CPO1 Mogridge, Sgt Vincent and Cpl La Plante all held the opposing view. There were also contrasting views in the Military Police Orders that applied in 2019. CF MP Order 2-122 – Street Checks – stated that Street Checks should be used to document incident responses where no criminal or *Code of Service Discipline* charges will be pursued, and where no property or evidence has been seized. No charges were brought in the “noose” incident. By contrast, CF MP Order 2-111 – Medical First Response – stated that every medical first response intervention should be reported in a General Occurrence File. CF MP Order 2-323 – Mental Health Intervention – said when physical restraints were used (as was the case with the male OCdt) the reasons for that should be set out in a GO File, but confidentiality should be protected by the use of a Street Check where there is a request for Military Police transport.

102. Whatever the correct procedure may be, the fact that the matter of the “noose” being found was reported on a Street Check caused it to be overlooked when members of the Military Police conducted SAMPIS searches on the male OCdt in the days and months that followed. It was the responsibility of the shift supervisor on the evening of the finding of the “noose” to ensure that it was recorded in a format that would be noticed. The report should then have been reviewed by the Watch Commander. But since there are no Case Notes produced in relation to Street Check entries in SAMPIS, it is not possible to determine whether a supervisor subsequently looked at this Street Check.

103. Had MCpl Armstrong been alerted to the finding of the “noose” only one week after the female OCdt made her complaint, that may have prompted further investigation. Had MCpl Armstrong or any supervisor at the Kingston detachment reviewed what was recorded on that Street Check and cross-referenced it to the open criminal harassment file, more work would have been done in relation to the female OCdt’s complaint that the male OCdt was suffering from a mental illness and was a risk to himself and others.

Finding #1:

The Commission finds that the Military Police members who came into contact with a member of the Canadian Armed Forces who was suffering from a mental illness did not take reasonable steps in the circumstances to address the situation. In the case of MCpl Armstrong, and despite ample evidence, there was a lack of appreciation on his part

of the obvious mental health issue and a resulting lack of any effort to address it. In the case of Cpl Graham and Sgt Compeau, there was a recognition of a mental health issue, but again there is no indication that this led to any appropriate intervention on their part. In light of the numerous reports on mental health and suicide at the RMC that were released shortly before the events considered in this report, this lack of interest or effort is both surprising and disappointing. Had any member of the Military Police taken the admonitions of those reports to heart and taken even a brief glance into the troubled life of the male OCdt, the tragedy of future events might have been avoided. (Accepted by the CFPM)

- *In accepting this finding, the CFPM noted the following: “With the rise of MP response to persons in mental health crisis, it is apparent there is a requirement for additional training in this area. The CF MP Gp will research additional training avenues for police services focused on MP and Peace Officer interaction with persons suffering from mental health illness, distress, or crisis.*

Additionally, discussions will be had with the Canadian Forces Military Police Academy leadership to incorporate and stress the importance of developing and refreshing skills in the areas of positive MP interactions with persons.”

6.2 Question #2 - Whether Military Police members who were furnished with an allegation and evidence concerning a situation that appeared to constitute criminal harassment conducted a reasonable investigation into the matter.

6.2.1 The Interview Evidence

6.2.1.1 Evidence of the female Officer Cadet (Witness)

104. Subsequent to her interview and written statement with MCpl Armstrong, the female OCdt emailed him screen shots of text messages and phone call logs showing the male OCdt’s attempts to contact her. She did not believe she ever had contact with MCpl Armstrong after that date. She never did receive an update from the Military Police concerning her complaint of being harassed.

6.2.1.2 Evidence of Master Corporal William Armstrong (Subject)

105. When asked about his interview with the female OCdt on March 13, 2019, MCpl Armstrong acknowledged that he found the female OCdt to be a credible witness. He said: “My thoughts were that her complaint was warranted. Obviously, she was receiving unwanted

attention from [the male OCdt]. It was above and beyond what a normal amount would be. In terms of criminal harassment, it's a -- a fairly high threshold to meet in terms of a criminal charge. And after reviewing the evidence provided, her statement, and discussing it with the chain of command, I was told that it did not meet the threshold for criminal harassment. And I discussed alternative ways that we could try and mitigate this issue without -- since charges were not applicable".³³

106. MCpl Armstrong also said that this was the first occasion he had been called upon to investigate a complaint of criminal harassment. In addition, he stated that he had never previously been involved with a peace bond process.

107. MCpl Armstrong was asked about comments he made during his interview with the female OCdt. In particular, he was asked about a comment that information would, 'help us out in the future'. MCpl Armstrong was asked what he meant by that. He replied: "I believe in terms of -- so, at that point, as I've stated, it was my first time investigating criminal harassment. In my opinion it met the grounds to charge for criminal harassment. So, when it came to articulating why she felt in danger, I believed that that would be helpful in terms of meeting the elements of the offence and justifying why he would have been a threat -- or could have potentially been a threat".³⁴

108. MCpl Armstrong was referred to the point in his interview with the female OCdt where she asked him, "What's next?" In the recording, MCpl Armstrong replied: "We'll probably bring him in for a serious interrogation". MCpl Armstrong was asked why that had not happened. In response he had this to say:

"Well, after -- after that interview, and discussing it with the chain of command and -- and presenting them with what I had, and if I had the grounds to lay the charge, I was told that I didn't. And after that, as I've noted in the file, we were -- I'd met with -- I accidentally met with a sergeant from RMC while doing a foot patrol, who was [the female OCdt's] immediate supervisor or liaison or whatever the term is. He sort of knew pretty much everything that -- that she told me, and he told me that it was sort -- it was being handled through the RMC chain of

³³ MPCC interview with MCpl William Armstrong on March 15, 2021.

³⁴ MPCC interview with MCpl William Armstrong on March 15, 2021.

command, that they were basically hauling him in to -- to basically go up one side of him and down the other and tell him to leave her alone in no uncertain terms. And then after that -- after learning that and discussing it with I believe it was Sergeant Anthony Vincent, was the acting watch commander at the time, it was kind of told like, okay, that's sort of good enough for us. And I'd spoken again with [the female OCdt] about an eight ten peace bond, and we had plans for -- for her to go and get one, and if she wasn't able -- able to -- to go and like to get down to the courthouse herself, we were going to make the arrangements to help her to get down to the courthouse to do it. When I approached her again, about going to get the peace bond, she told me that she decided that she didn't want to. She said that her chain of command had spoken with [the male OCdt], and that she no longer felt like there was any sort of threat towards her, and that she wanted to leave it at that. And I told her that I believed she was making a mistake, but it was her decision. Obviously, I couldn't force her to do that, and that was -- that was the end of it."³⁵

109. In a portion of the written statement that the female OCdt provided in the course of the March 13, 2019 interview, MCpl Armstrong wrote out questions and took down her answers. One of those questions asked whether she felt she was in danger. An excerpt from that statement follows:

Question: "Do you feel that you are in danger?"

Answer: "Yes. He refers to himself as the killer / stalker character from "You", says he wishes I would disappear, tried to get into my room / banging aggressively, when I told him to leave."

110. To understand why the female OCdt took this reference to *You* as a threat, it is necessary to understand the plot of that program. *You* is an American psychological thriller television series about a New York bookstore manager and serial killer named Joe who falls in love with a customer named Guinevere Beck and quickly becomes obsessed with her. "Joe" goes on to kill "Beck's" friends and boyfriend in order to isolate her and eventually kills her as well. The female OCdt said, "He [the male OCdt] would say I'm going to be like that guy, and I'm gonna - that's what I feel like right now, and refer to him as the killer stalker guy and me as the girl in that show. And he would send me pictures of his wrists and stuff that were cut, and he like -- this is what you're doing by you now dating other people or whatever. And I thought that if I just gave him back his money that it would go away. But -- it -- he wasn't really interested in that at

³⁵ MPCC interview with MCpl William Armstrong on March 15, 2021.

all. He -- he -- would ask for it, and as soon as I would get close to giving it back to him, it's like he didn't want it anymore. Maybe it's to keep the control, I'm not really sure why".³⁶

111. MCpl Armstrong was asked what he meant when he told the female OCdt that, "I promise we're going to do something to make the situation better for you". He was asked how he fulfilled that promise. MCpl Armstrong responded by saying, "We fulfilled that promise by investigating it on our end to see if it met the threshold for criminal elements. And then when it - - when it didn't, using alternative means in order to stop his communication with her, so that she could proceed on with her normal day to day".³⁷

112. MCpl Armstrong was referred to the relevant GO File where he noted on March 14th at 12:30 hrs that "the grounds for harassment were not currently met". He was asked if that assessment changed when he received some screenshots of calls made by the male OCdt from the female OCdt later that day. He said that the screenshots did not change the situation. Following that answer, MCpl Armstrong was asked when he performed the detailed analysis of the information which the female OCdt provided. MCpl Armstrong replied:

"I believe I had seen the screenshots in the interview room. I believe she showed me on her phone - the screenshots, I just didn't have the hardcopy. Based on the -- based on the facts that I learned in the interview and going over it with Sergeant Vincent -- personally I felt that we -- we could have charged him with criminal harassment. He told me that it wasn't a possibility and that it wouldn't go forward. As my -- he was the acting Watch Commander at the time, or was the Watch Commander, I took his word and expertise for it, and elected not to go through, or not to proceed with charges. And then, at that -- at that time, I took his word for it, and obviously as the situation progressed and we got the screenshots and spoke with Sergeant Monaghan, it was determined that -- yah it did not meet the grounds for criminal harassment. You know what, I'm -- I'm making a mistake. I spoke with Sergeant Vincent after I had spoken with Sergeant Monaghan."³⁸

113. MCpl Armstrong was asked why he concluded the file as "founded" if the elements of the offence had not been met. MCpl Armstrong confirmed in his view it was "founded", meaning after a police investigation it was determined that the offence did occur or was attempted.

³⁶ MPCC interview with the female Officer Cadet on November 30, 2020.

³⁷ MPCC interview with MCpl William Armstrong on March 15, 2021.

³⁸ MPCC interview with MCpl William Armstrong on March 15, 2021.

114. MCpl Armstrong was asked if he made any mention of this direction on how to proceed in the file or his notebook. He said he did not. The Commission investigators also noted that Sgt Vincent never accessed the report. MCpl Armstrong explained, “No. We -- we spoke about it. I had the report open at my computer and we -- we spoke about it at my desk. But no, I didn’t annotate in my notebook or in the file that I had spoken with him. That’s correct”.³⁹

115. MCpl Armstrong said that it was Sgt Vincent who recommended that the female OCdt proceed by way of a peace bond. He added that, at the time, he agreed that was the best way to proceed. MCpl Armstrong was asked if there was a role for the police in the peace bond process. He said that at the time he wasn’t entirely familiar with the process. He felt that the female OCdt having a police file number would be helpful in obtaining a peace bond.

116. MCpl Armstrong was asked about his involvement in the peace bond process. He said he went to the courthouse and retrieved the necessary paperwork. He believed he then handed over the paperwork to Sgt Monaghan because the female OCdt was in class at the time. When it was put to him that the female OCdt was so upset she stayed in her room all week, MCpl Armstrong replied: “I don’t know. I -- I gave it to him. That’s all I got”.

117. MCpl Armstrong was asked whether he consulted legal counsel. MCpl Armstrong said that in his entire career he had never had a conversation with someone from the Judge Advocate General.⁴⁰

118. In advance of his interview, MCpl Armstrong was provided with a copy of an Investigative Activity from the relevant GO File. This entry states that on March 20, 2019, the female OCdt provided him with screenshots of text messages between herself and the male OCdt. Although the male OCdt was blocked from her social media, he found a way to send her non-stop text messages until she responded. The male OCdt admits that he stalks the female OCdt and that he is aware his behaviour is inappropriate. Of note here is that MCpl Armstrong recorded that, “[The female OCdt] has asked [the male OCdt] to stop contacting her on numerous

³⁹ MPCC interview with MCpl William Armstrong on March 15, 2021.

⁴⁰ MPCC interview with MCpl William Armstrong on March 15, 2021.

occasions, and that his behaviour makes her feel uncomfortable”. According to the Case Notes, MCpl Armstrong made that entry on April 1, 2019. MCpl Armstrong was then referred to an entry he made on April 11, 2019 when closing the file. That entry indicates that the female OCdt supplied the Military Police with screenshots of call logs from the male OCdt which show over 100 phone calls in one day. But, the later entry also states that the female OCdt continued the conversation, instead of telling the male OCdt to stop. MCpl Armstrong was asked how that compared with what he had written in the Case Summary containing his earlier observations. MCpl Armstrong replied, “Because periodically she would tell him to stop contacting her and then she would carry on having a conversation with him after the fact”.

119. MCpl Armstrong was asked if, in making his assessment on whether to proceed with a charge of criminal harassment, he had taken into account that the male OCdt had accessed the female OCdt’s Instagram account, even though he was blocked. In one of the screenshots provided by the female OCdt, she wrote: “i want to know how you’re still seeing my Instagram if you’re blocked ... i want u to stop creeping me immediately”. MCpl Armstrong acknowledged he had seen that screenshot.

120. MCpl Armstrong was asked whether he had ever interviewed or attempted to speak to the male OCdt. He said he had not. He was asked if he had ever asked his CoC about setting up an interview with him. MCpl Armstrong replied, “No I did not”. MCpl Armstrong was asked what steps he took to investigate the matter. He laughed and replied that everything he had done was, “annotated in the report”.

6.2.1.3 Evidence of Sgt Anthony Vincent (Witness)

121. Sgt Vincent said that he was not aware that MCpl Armstrong was conducting an interview with the female OCdt until after the interview had been completed. Sgt Vincent acknowledged that the interview should have been monitored by a note-taker. He was asked whether MCpl Armstrong ever briefed him after his interview with the female OCdt. Sgt Vincent said he did not. Sgt Vincent did recall that he overheard MCpl Armstrong in the “bull pen” discussing what the female OCdt had reported. Sgt Vincent said, “I knew that they were investigating something... and by the time I had heard or learned about what it was over, they

were already discussing it in the bull pen, and that was after he had already conducted his interview with her”.⁴¹

122. Sgt Vincent explained that when he overheard the discussion, he interjected a recommendation that they also speak to the male OCdt. He said that from what he heard, there was discussion as to whether the situation was criminal harassment. Sgt Vincent acknowledged that he didn’t know all the facts, but he suggested that they speak with the suspect as well. Sgt Vincent said he told them, “You don’t just speak with the victim, you speak with -- the subject as well”.⁴² Sgt Vincent was asked if MCpl Armstrong spoke to him after the interview with the female OCdt and whether MCpl Armstrong came to him for advice. Sgt Vincent said he did not.

123. Later in his interview, Sgt Vincent explained what he would have done with the criminal harassment complaint. He said, “I wouldn’t have sent them out to get an eight ten peace bond. That’s not how you solve a harassment complaint - is leave the subject to go out -- or the victim to go out and fend for themselves on the -- on the civilian side, especially when we have the capability to dealing with that ourselves as a military community, with the chain of command and stuff like that”. Sgt Vincent added that he would have interviewed the male OCdt, “to gather some kind of insight as to his frame of mind”.⁴³

124. While Sgt Vincent would not have recommended a peace bond, he might have suggested speaking with the RMC CoC. Sgt Vincent went on to explain that now after reading the file, he felt this was a case that was “hitting the borderline” (for criminal harassment) and that they needed to speak with the male OCdt - question him and maybe even question the female OCdt a bit more, as he felt there was a need for more elaboration from her.

⁴¹ MPCC interview with Sgt Anthony Vincent on July 20, 2021.

⁴² MPCC interview with Sgt Anthony Vincent on July 20, 2021.

⁴³ MPCC interview with Sgt Anthony Vincent on July 20, 2021.

125. Sgt Vincent indicated that he was surprised that the male OCdt had never been interviewed. Sgt Vincent was asked if he told MCpl Armstrong that the complaint by the female OCdt did not rise to the level of criminal harassment. He said he did not.

126. Sgt Vincent confirmed that he had never seen the phone logs or screenshots of the text messages that the female OCdt provided to MCpl Armstrong. Sgt Vincent was asked if at any point, throughout this whole matter, he had ever given any inkling or direction to MCpl Armstrong that this complaint would not have reached the level of criminal harassment. He replied that he had not.

6.2.1.4 Evidence of Sergeant Stephen Bultinck (Subject)

127. In his interview, Sgt Bultinck noted that he had now read the criminal harassment file. He expressed his surprise that no one followed up with the male OCdt. He thought someone should have at least gone to him and said ‘leave this girl alone’.

128. Sgt Bultinck said this matter could have been handled differently by the RMC CoC and the Military Police. He noted, for example, that the two Officer Cadets could have been referred to the Integrated Conflict and Complaint Management service.⁴⁴ When asked about the use of peace bonds, he said they are used occasionally if there is no criminal element and nothing they can do as the police. But, he added, there may not have even been a need for a peace bond if someone had simply talked to the male OCdt. If he knew what was going on as opposed to being left “stewing”, Sgt Bultinck thought he may not have tried to harm himself.

6.2.1.5 Evidence of Warrant Officer Carol Bastien (Subject)

129. WO Bastien pointed out that he was on leave from March 9 to 18, 2019, and so was absent when the criminal harassment complaint first came to the attention of the Military Police on March 13. He was asked what it meant that CPO1 Mogridge had flagged the criminal harassment file as a “significant occurrence”. WO Bastien replied that they notify the Base

⁴⁴ <https://www.canada.ca/en/departement-national-defence/services/benefits-military/conflict-misconduct/conflict-harassment.html>

Commander of files that are noteworthy just for situational awareness. A standard distribution list is used.

130. Recognizing that WO Bastien had been on leave, he was asked if he knew whether any other supervisor had reviewed this file. WO Bastien did not think it had been further reviewed before it came to him. He said the first time he saw the file was when he reviewed it to close it. He explained that ‘headquarters’ did not like to see GO Files that were outstanding after 30 days. So, he would look at the outstanding files to try to conclude files within the 30 days where he was able. For this file, he saw that MCpl Armstrong had offered the peace bond as a way to resolve the file.

131. In April 2019, WO Bastien read only part of the GO File. He said he did not read the female OCdt’s written statement or any of the exhibits. At the time, all he read was the text boxes written by MCpl Armstrong. WO Bastien was asked if, having now read the exhibits that the female OCdt provided and her statement that was in the file, would he still have closed the file. WO Bastien replied:

“Sir, when I -- when I got authorization from you to go and look at the file, as I didn’t want to do it before I got authorization, and I’ve read their written statement. I was dumfounded - almost fell off my chair. I was very disappointed, first by the MP who took the complaint, Master Corporal Armstrong. Those are the feelings that I felt a month ago. Also, when I -- I’ve read the statement, and I hit myself in the head and I said ‘Oh my God. Why I didn’t take the time to open the written statement and everything that she has provided’. Because yah it did meet the -- I confess it did meet the element of the offence. I -- I will not -- yah so. As the Warrant Pol OP⁴⁵, I have to take responsibility -- and you know, I do take the responsibility for -- for not reading her statement. This being said Sir, it was however written in the Case Summary, or one of this communication, or one of the sergeants at RMC, that -- and also with her, because he did contact her, and she said ‘no he hasn’t bothered me since the MP and I -- I don’t feel I need a peace bond -- anyway I don’t need the stress of a peace bond. So.’”⁴⁶

132. WO Bastien noted that he never talked to MCpl Armstrong before he reviewed the file to conclude it.

⁴⁵ Police Operations

⁴⁶ MPCC interview with WO Carol Bastien on February 26, 2021.

133. WO Bastien was asked if now, having read the file completely, he would agree with the concluding remarks that were in the file. He replied:

“No Sir. If -- if I would have taken the responsibility and time to read the written statement, and I don't know what -- to me there -- there was enough in there for criminal harassment. Now on the day that I closed that GO, I can not say to you exactly what I would have done if I would have read the statement. I probably would have consult with a JAG. I probably would have had a meeting with Armstrong and the JAG to say ‘Okay what can we do here now. I know it's a month later, I feel that it does meet the element of the offence, but what can be done now that the victim doesn't want to pursue the peace bond, as she's apparently okay - the accused haven't contacted her?’ I would have tried to come up with a plan.”⁴⁷

134. WO Bastien said he did not want to make excuses, but the reality was that there was a significant lack of supervision between the patrol officer and himself. He also noted that it was he who took all the responsibility to close the GOs and he wished that the responsibility to close a file would have rested with the Officer Commanding of the detachment. He said that would have provided another layer of review for the file. In his view, the more supervisors there are looking at a file the less chance there is of a situation such as this happening.

6.2.1.6 Evidence of Lieutenant Cindy Côté (Subject)

135. In the course of her interview, it was pointed out to Lt Côté that MCpl Armstrong had completed a very good analysis of what was required to prove a charge of criminal harassment, and listed many activities that needed to be undertaken, including interviewing the male OCdt. Lt Côté said she agreed with this assessment, but went on to note that the investigation plan was not reviewed. She noted that was a failure of the CoC. It was also pointed out to her that nothing MCpl Armstrong put in the investigation plan was actually done. Lt Côté replied that she reviewed the investigation plan and noticed the same thing. She said she was at a loss as to why the supervision of the file never occurred.

136. When the harassment file arrived at her level, Lt Côté was only looking at the text boxes, and she never would have reviewed the female OCdt's statement. She confirmed that would have been the Warrant Officer's job, not her job. She said at Kingston when the file arrived at her desk

⁴⁷ MPCC interview with WO Carol Bastien on February 26, 2021.

“it should have been good to go - and no errors, but obviously we know that it’s not the case. But when it was supposed to be at my level, the file should have been spot on and good to go, so I can just sign the letter and send it to the person that needed to be distributed to”.⁴⁸

137. It was noted that MCpl Armstrong’s file had the box ‘founded’ ticked off. Lt Côté was asked what ‘founded’ meant to her. She replied: “Founded means that basically what the person reported, and after their investigation, they basically like they said founded, like they found that the information that the investigation what the offence they thought about, for example: criminal harassment, that was actually founded”.⁴⁹

138. Lt Côté was asked why in the criminal harassment file it stated that it did not meet the elements of the offence, yet it was noted as ‘founded’. She said it was hard to look at after the fact, and that should have been caught and it wasn’t. She went on to say: “Yah that’s -- that’s a fail - from like every single level of the chain of command for that. But yes, when it’s founded, it’s founded, but in that case, it should have said insufficient evidence to proceed or something in that matter because it was the case, but it was said founded. So, I don’t know, I cannot speak for what happened at the first level, or the second level, or the third level of looking at the file”.⁵⁰

6.2.1.7 Evidence of Sergeant Chad Monaghan (Witness)

139. Sgt Chad Monaghan was the Non-Commissioned Member for the female OCdt’s Squadron at the RMC. He suggested she bring her complaint about the male OCdt to the Military Police. After she had done so, however, he expressed his frustration with the Military Police response in the following terms:

“So when we left the police station, I spoke to the police officer again, and the police officer basically told me at that point, there wasn’t a whole lot he could do. There was like -- he said you know there’s -- she’s just saying this, and we don’t really have any information, so we’re going to need to see those messages and emails and stuff. So, I told her to go home and get all that together and get that to the police officer. So she did. At that time, they didn’t do anything immediately ... So, I called the police myself and I said ‘listen man, I’m not okay with -- with what you guys are doing. I’m not -- I’m not okay with the end state of this conversation. I’m like

⁴⁸ MPCC interview with Lt Cindy Côté on March 29, 2021.

⁴⁹ She gave part of the explanation in French.

⁵⁰ MPCC interview with Lt Cindy Côté on March 29, 2021.

the young female that doesn't feel comfortable about going to class. She's this -- the gentleman at that point I believe had actually showed up to her door in the middle of the night, had been knocking on her door. Like -- like I'm -- I -- 'I don't feel comfortable with what you've done, so I need you to do something different. Like I need you to do better basically'. And so he came down to my office - the two police officers, and we talked again, and he basically said that she could -- I don't know if it was a restraining order or a peace bond, but it was something along those lines, that she would have to go to the courthouse to actually apply for it, and the timeline for this to actually happen and get implemented would have been so long that school -- the semester would have basically been done already, and it would have been like -- that was my understanding, that by the time they would all be squared away, there was nothing that really I could do, because she'd be gone for the summer anyways."⁵¹

6.2.2 Other Evidence

140. MCpl Armstrong made the following note in the relevant GO File concerning the evidence of harassment brought to him by the female OCdt:

"At 1330hrs, 13 Mar 19, [the female OCdt] attended MP Det Kingston to report ongoing harassment from [the male OCdt]. During a voluntary interview, [the female OCdt] provided a written statement which stated that the harassment began in August 2017 when she borrowed approximately \$1300 from [the male OCdt] and has continued since. [The female OCdt] stated [the male OCdt] will send up to 70 text messages and phone calls a night, and will not stop until she answered him, he also contacts her family members and somehow accesses her social media even though he is blocked. She stated that [the male OCdt] will attend her room in Fort LaSalle and bang on her door until she answers making her fear for her safety. They share the same school schedule so [the female OCdt] is unable to avoid [the male OCdt]."

141. In the course of her interview with MCpl Armstrong on March 13, 2019, the female OCdt wrote out a statement relating her interactions with the male OCdt. A copy of that statement is attached to this report as Appendix A. In that statement the female OCdt wrote that the male OCdt would send 60/70/80 messages consecutively saying "you make me want to kill myself" and threatening to tell everyone that she stole his money. The male OCdt went through all of her social media and through all of her past, including that of her family and high school friends, sending her pictures of herself as a baby. As a result, she wrote "I felt exposed, invaded, and vulnerable". If she did not reply to his constant messages he would come to her room and demand physical contact. She wrote: "I also made him seek help for his obvious mental illness. I made him see a Padre, a therapist, a doctor. They gave meds but nothing changed". At another point in her statement she wrote that the male OCdt sent her photographs of him cutting his arms,

⁵¹ MPCC interview with Sgt Chad Monaghan on January 3, 2021.

texting her that he was doing it for her. She also wrote that she felt manipulated and helpless, not knowing what to do as the male OCdt became scarier. She felt she had to be his friend because she was scared he would hurt her if she wasn't. He threatened her by equating himself with a fictional serial killer and her with one of his victims. He also said he wanted her to 'disappear'. At the end of her statement the female OCdt said that the male OCdt was a serious threat to harm himself.

142. The female OCdt provided additional written evidence to support her allegation she was being harassed. Her handwritten notes were provided to MCpl Armstrong. A copy of those notes is attached to this report as Appendix B. The notes recorded her dealings with the male OCdt, starting with their meeting as new students at the RMC when she writes that the male OCdt's obsession with her began and then her borrowing money from him. She wrote that he would call her constantly and when she did not answer he would call her family at their home. He would send 70/80 messages at a time telling her he loved her and then hated her. He said he needed to touch her possessions to keep himself mentally well. When she did not answer a text, he came to pound on her door saying he could hear her breathing in the room. He admitted that his doctor said he should leave school because he was a danger to her. Her notes show her desperation to do whatever she thought would serve to placate his obsession with her.

143. In the GO File, MCpl Armstrong set out the following in relation to investigating an allegation of criminal harassment:

Elements of Offence(s) Matrix

1. Identity of accused
2. Date and time of incident
3. Jurisdiction (incl. region and province)
4. The accused has engaged in the conduct set out in s. 264(2)(a), (b), (c) or (d) of the Criminal Code
5. The complainant was harassed by the conduct
6. The accused, who engaged in such conduct, knew that the complainant was harassed or was reckless or wilfully blind as to whether the complainant was harassed
7. The conduct caused the complainant to fear for their safety or the safety of anyone known to them; and
8. The complainant's fear was, in all the circumstances, reasonable.

Interviews
[the female OCdt] - Completed 13 Mar 19
[the male OCdt] - Not Completed

Plan
Interview all parties involved or a witness to the behaviour
Obtain electronic evidence from [the female OCdt's] phone
MPCIC - Background check performed (yes/no/comments) [No]

Time Estimate
[30 Days]

6.2.3 Analysis

144. The elements of the offence of criminal harassment as set out in section 264 of the *Criminal Code* are as follows:

“264 (1) No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.

(2) The conduct mentioned in subsection (1) consists of

- (a) repeatedly following from place to place the other person or anyone known to them;
- (b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
- (c) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or
- (d) engaging in threatening conduct directed at the other person or any member of their family.”

145. The case law that has applied section 264 has set out the following criteria for establishing that the offence of criminal harassment has been committed:

- “1) It must be established that the accused has engaged in the conduct set out in s. 264 (2) (a), (b), (c), or (d) of the *Criminal Code*.
- 2) It must be established that the complainant was harassed.
- 3) It must be established that the accused who engaged in such conduct knew that the complainant was harassed or was reckless or wilfully blind as to whether the complainant was harassed.
- 4) It must be established that the conduct caused the complainant to fear for her safety or the safety of anyone known to her; and
- 5) It must be established that the complainant's fear was, in all of the circumstances, reasonable.”⁵²

⁵² *R. v. Sillipp* (1997), 120 C.C.C. (3d) 384 (Alta. C.A.).

Harassment is proven if as a consequence of the prohibited act, the complainant was in a state of being harassed or felt harassed in the sense of feeling tormented, troubled, worried continually or chronically plagued, bedeviled or badgered.⁵³

146. On March 15, 2019, MCpl Armstrong prepared an investigation plan and entered the details of that plan into the GO File at 19:27 hrs. At that time, although he has said that Sgt Vincent had already told him that it was determined that the matter did not meet the threshold for a criminal harassment charge, MCpl Armstrong still listed an interview with the male OCdt as part of his investigation plan. In that plan, MCpl Armstrong also provided a comprehensive listing of the elements of the offence of criminal harassment. It is noteworthy that having the victim apply for a peace bond is not listed in the investigative plan. A section 810 peace bond is not a typical tool that members of the Military Police use, given the lack of familiarity with it amongst the members interviewed. In fact, the QL3 training provided to new members of the Military Police does not cover the use of “peace bonds”. Neither is a peace bond covered in QL5 training.⁵⁴

147. After MCpl Armstrong completed his investigation plan, it was not routed to any supervisor for approval. In fact, the Case Notes indicate that no supervisor touched the GO File until April 11, 2019, when WO Bastien wrote his Concluding Remarks.

148. According to an entry made by MCpl Armstrong that he attributed to work done on March 20, 2019, he filed his assessment of the evidence which the female OCdt provided. At that point, MCpl Armstrong still seemed to be intent on continuing the investigation. He noted that the female OCdt “has asked [the male OCdt] to stop contacting her on numerous occasions” and she indicated that his behaviour made her feel uncomfortable. These are important observations, given the elements of the offence of criminal harassment.

149. During his interview, MCpl Armstrong said that after he conducted the interview with the female OCdt, he consulted with Sgt Vincent, and at that time it was determined that the matter

⁵³ *R. v. Kosikar* (1999), 138 C.C.C. (3d) 217 (Ont. C.A.), para. 24.

⁵⁴ Responses received from the Canadian Forces Military Police Academy.

did not meet the threshold for a criminal harassment charge. MCpl Armstrong clarified that he spoke to Sgt Vincent about this complaint on two occasions. The first time was on March 13, 2019 after the interview with the female OCdt and the second was on March 14, 2019. But, according to what was recorded in the GO File, MCpl Armstrong was proceeding as if he had not received that advice from Sgt Vincent.

150. On April 11, 2019, MCpl Armstrong entered a comment in the GO File that the female OCdt had continued the conversation and not told the male OCdt to stop. This was contrary to his previous assessment when he noted that the female OCdt asked the male OCdt to stop his behaviour “numerous” times. This change in the assessment by MCpl Armstrong was necessary as a means of justifying his closing of the case.

151. It would have been helpful in assessing MCpl Armstrong’s actions if his notebook entries were included in the file, but they were not. The fact that they were overlooked is in itself another comment on the manner in which this file was handled. According to CF MP Order 2-301 – Police Notes - MCpl Armstrong was required to scan and insert his notebook entries into the GO File. The following sections of the MP Order apply:

“16. Each MP shall attach images of all police notes to the relevant General Occurrence report (GO) or Street Check using the procedure set out in 2-301.2.

17. Police notes shall be imaged as soon as practicable and in any event, no more than 72 hours following the compilation of the police notes.”

152. MCpl Armstrong said it did not make sense that no notes were in the file as notebook entries were required to be scanned in and thus it should not have cleared a supervisor’s review. He stated he would have scanned his notes into the GO File and has no knowledge of what happened at the supervisor’s end. MCpl Armstrong would have it that he scanned his notes into the GO File and yet they have subsequently inexplicably disappeared. He also deflected responsibility for the lack of notes onto a supervisor who should have caught this problem. This shirking of responsibility is similar to his deflection of the decision not to pursue a criminal harassment charge, as discussed later in this report.

153. Similar sloppy work on this file is demonstrated by the incorrect recording of the date of birth of the female OCdt. In the criminal harassment GO File, her date of birth is recorded as “March 13, 1999”, but this is incorrect. It seems likely that MCpl Armstrong was influenced by the fact that the interview was conducted on March 13. The correct date of birth was found on the handwritten statement from the female OCdt’s interview, MCpl Armstrong recorded the correct date of birth in his notebook, and a photocopy of the female OCdt’s photo identification card with her correct date of birth is in the GO File. Still, the wrong date is in the GO File. In addition, MCpl Armstrong listed both Officer Cadets as “Young Persons” when they were not. Even after being asked to correct this, MCpl Armstrong still classifies the male OCdt as “YP”. These are careless errors that reflect a lack of care and attention on MCpl Armstrong’s part. A correct date of birth is essential when conducting a search for a criminal record in the Canadian Police Information Centre system. The same presumably holds true for other data networks. Careless errors like this can make searches for the female OCdt’s records harder than they need to be and they reflect poorly on the quality of MCpl Armstrong’s police work.

154. MCpl Armstrong was referred to the point in his interview with the female OCdt where she asked him, “What’s next?” In the recording, MCpl Armstrong replied, “We’ll probably bring him in for a serious interrogation”. MCpl Armstrong was asked why that had not happened. He explained that he had let the RMC CoC look after that. However, there is no indication that MCpl Armstrong ever followed up to determine whether the CoC at the RMC took any action regarding the male OCdt. In any event, this was a police investigation and any ‘interrogation’ should only have been done by a member of the Military Police.

155. MCpl Armstrong did what he could to minimize his responsibility for not investigating the criminal harassment complaint made by the female OCdt on March 13, 2019. One way he does this is by saying he relied on the advice of Sgt Vincent. This is not supported by Sgt Vincent, who denied giving this advice. And it is not consistent with his actions on the file during the period he claims to have received this advice. If he did in fact discuss the possibility of charges with Sgt Vincent on March 13 and again on March 14, that was done prior to his receiving the screenshots of text messages and phone records from the female OCdt. The

GO File indicates that the female OCdt provided MCpl Armstrong with screenshots of a call log between her and the male OCdt at 17:09 hrs on March 14, 2019. Sgt Vincent was a 'Day Staff' worker and as such would normally be off-duty at that time of day.

156. The screenshots of the text messages and phone logs were very compelling evidence to support a charge of criminal harassment. They would not have been seen by Sgt Vincent when MCpl Armstrong purportedly received advice on the case from him on March 13th or 14th. If that were the case, now being in possession of this compelling evidence, MCpl Armstrong ought to have brought those exhibits to Sgt Vincent's attention to allow him to re-evaluate his advice. Unfortunately, MCpl Armstrong kept no notes about receiving the information from the female OCdt, nor did he have notes about receiving advice from Sgt Vincent.

157. MCpl Armstrong explained in relation to the screenshots that, "I believe I had to prompt her to send them to me". He added: "because whether or not we were proceeding with charges, the file wouldn't be accepted without that piece of evidence added to it". So, contrary to what he said about Sgt Vincent telling him there was not enough evidence, it would appear as though the option of charges still existed. As MCpl Armstrong himself said in his interview, "I took his word and expertise for it, and elected not to go through, or not to proceed with charges". So, according to his own explanation, MCpl Armstrong "elected" not to proceed with charges. As set out above, he also seemed to disregard Sgt Vincent in that he continued with plans to investigate even though he had been told charges would not be forthcoming. MCpl Armstrong's explanation is internally inconsistent and lacks credibility.

158. On April 10, 2019, MCpl Armstrong reported he spoke with the female OCdt. According to the GO File, she told MCpl Armstrong that she would not be proceeding with the peace bond as the male OCdt had not contacted her since she filed her complaint with the Military Police. That follow-up with the female OCdt was apparently the only investigative activity between April 1, 2019 and April 10, 2019. However, during her interview, the female OCdt said she did not recall ever hearing from MCpl Armstrong after she provided him with the screenshots of the phone records and text messages. There are no notebook entries available to confirm or refute

that conversation. However, it is possible that it did occur and the female OCdt forgot about speaking with MCpl Armstrong.

159. A lack of communication by the Military Police makes itself evident in the testimony of the female OCdt before the Justice of the Peace on March 15, 2019, when she was applying for a peace bond. The message that had been relayed to her was that the peace bond application was a ‘secondary thing’. The Justice of the Peace who heard the female OCdt’s evidence noted that, based on that evidence, the male OCdt would likely be charged and released on the condition of having no contact with the female OCdt. The Justice of the Peace then asked the female OCdt why she was pursuing an eight ten. The female OCdt replied, “Because I guess it’s just in case. They just recommended I do this as well”. As the hearing closed, the Justice of the Peace asked the female OCdt if she wanted the first available court date. The female OCdt responded, “to be honest it really doesn’t matter because the court date because this is just kind of like a secondary thing anyways”.⁵⁵ So, clearly by what the female OCdt said, she believed at that time that the Military Police investigation was still proceeding. She had not received any message that the Military Police had determined that charges would not be laid.

160. Further support for concluding that it was MCpl Armstrong who made the decision not to pursue a criminal harassment charge comes from the fact that Sgt Vincent said MCpl Armstrong never briefed him on the complaint he received from the female Officer Cadet and did not come to him for advice. This refutation of MCpl Armstrong’s attempt to evade responsibility, combined with his continuing to work on the file after purportedly being told it would not proceed, is evidence that directly contradicts the statements made by MCpl Armstrong. There is no reason to disbelieve what Sgt Vincent had to say about this matter. There is no notation in the GO File that Sgt Vincent ever touched the file. There is no reference in the GO File that MCpl Armstrong consulted Sgt Vincent and there is no record of any conversation with Sgt Vincent in MCpl Armstrong’s notebook. On a balance of probabilities, I find that MCpl Armstrong did not consult with Sgt Vincent on this matter. When the testimony of another

⁵⁵ Unofficial transcript of the female OCdt’s peace bond application, Kingston Courthouse, March 15, 2019.

witness conflicts with that of MCpl Armstrong, the other witness' testimony is considered credible and is preferred.

161. Despite the fact that supervisors designated this harassment complaint as a “significant occurrence”, no one actually reviewed the report which included the specific allegations of the female OCdt. When one of the supervisors, WO Bastien, finally read all of the evidence he was clear that he would not have closed the file in the way he did.

162. The female OCdt provided ample evidence that made out a very strong case of criminal harassment that required the Military Police to conduct an investigation. In terms of the criteria that must be fulfilled to make out the offence, the following would seem to satisfy them:

- i. The sheer volume of messages on various media sent by the male OCdt would satisfy paragraph 264(2)(b) of the *Criminal Code* which defines harassing conduct as consisting of “repeatedly communicating with ... the other person or anyone known to them”. MCpl Armstrong notes he was told the female OCdt would receive 50-60 messages a night and after she reported the harassment to the Military Police the male OCdt called her cell phone non-stop throughout the night; The male OCdt banging on the female OCdt's door and not leaving until threatened with a police call and showing up at other times would fit within paragraph 264(2)(c) of the *Criminal Code* which defines harassing conduct as consisting of “besetting or watching the dwelling-house or place where the other person ... resides”; The male OCdt comparing himself to an obsessive serial killer and the female OCdt to one of his victims on a television program would fit within paragraph 264(2)(d) which defines harassing conduct as consisting of “engaging in threatening conduct directed at the other person or any member of their family”. The male OCdt threatened to tell everyone that the female OCdt had stolen his money. The male OCdt even began contacting the female OCdt's sister, solely as a means to get closer to her. Even though he was blocked from the female OCdt's social media, he found a way to keep sending her a steady stream of messages, including hundreds of pictures of herself from throughout her life;
- ii. In her written statement and notes, the female OCdt uses words such as feeling “exposed, invaded, vulnerable” and “I wanted to be free of him” and “I did not know what to do to fix this” and “I felt manipulated and helpless” to establish that she was being harassed. MCpl Armstrong noted that after the male OCdt sent the female OCdt a continuous flow of messages after she went to the Military Police she was too tired and emotionally distraught to attend classes the next day;
- iii. The male OCdt said that if the female OCdt kissed him “all the craziness debt and obsessing would go away”. The female OCdt wrote that every time she got upset the

male OCdt would admit he was a stalker, but said she was to blame. The male OCdt would tell the female OCdt to block him, but then found other ways to send her messages. MCpl Armstrong noted in the GO File that he learned from the screenshots the female OCdt sent him that the male OCdt admits he stalks the female OCdt and he is aware that his behaviour is inappropriate. These facts point to an awareness on the part of the male OCdt that his behaviour with the female OCdt was harassing in nature;

- iv. The female OCdt made it clear that she feared the male OCdt. She wrote: “I had to be his friend because I was scared he would hurt me if I wasn’t”. She also wrote: “I was desperate and trapped and scared”;
- v. The female OCdt’s fear of the male OCdt was, in all the circumstances reasonable. He compared himself to an obsessive serial killer on a television program and compared the female OCdt to one of that killer’s victims. He also told the female OCdt that he wished she would ‘disappear’. When she did not reply to one of his messages, he began banging on her door, said he could hear her breathing and later sent pictures of himself cutting his arms, saying he was doing it for her.

163. Given the amount of evidence placed before him, the question becomes one of what more would MCpl Armstrong require before launching at least some kind of criminal harassment investigation. His lack of effort is especially perplexing because he acknowledged that he found the female OCdt to be credible and her complaint to be ‘warranted’. It may have turned out to be the case that the male OCdt would be found not to be capable of forming the requisite *mens rea* to be convicted of the offence of criminal harassment. But at this early stage an investigator should be gathering facts and assessing the evidence to see if there is a reasonable belief that the offence has been committed. The issue of sufficient *mens rea* or fitness to stand trial comes later.

164. Rather than embark upon a criminal investigation, MCpl Armstrong determined that the best course of action was for the female OCdt to seek a peace bond. His involvement in the peace bond process consisted of getting the forms to apply for a peace bond and providing them to Sgt Monaghan. According to the female OCdt, Capt O’Handley assisted her with the preparation of the application and drove her to the courthouse. During her court appearance, the female OCdt swore under oath that she was afraid for her safety.

165. As part of a greater focus on victims, some changes have recently been made in the process of applying for a peace bond. At present, many police organizations are now more involved in the process. The Department of Justice website provides detailed information about

the process in a document called *Victim's Rights in Canada – Peace Bond Fact Sheet*. Below is an excerpt from the website. What is noteworthy is the expectation that the police will interview the person to prepare an Information, which is a statement explaining exactly why the person fears that a specific individual is likely to commit an offence. Police will then conduct an investigation, including an interview with the defendant.

How to get a peace bond with the assistance of police

Step 1: Contact the local police. A person who would like to get a peace bond against someone else should explain their concern or fear to the police.

Step 2: The police will interview the person to prepare an Information, which is a statement explaining exactly why the person fears that a specific individual is likely to commit an offence.

Step 3: The police will conduct an investigation, which may include interviewing other witnesses, doing a criminal record check, and interviewing the defendant. If the police agree that there are reasonable grounds for the person's fear, they will draft a peace bond with a list of conditions, and will then contact the defendant and ask if they are willing to consent to the peace bond. In most cases, defendants consent to sign the peace bond to avoid going to court.

Step 4: If the defendant consents to the peace bond, the police will swear the Information prepared in Step 2 before the Court, and present the proposed peace bond [to be] signed by the defendant. In communities with no courthouse, the peace bond can be presented to the Circuit Court. The Court will sign the peace bond and, at that point, the peace bond will be effective against the defendant. A copy of the peace bond is forwarded to the national RCMP Headquarters, and a record of the peace bond is added to the national Canadian Police Information Computer database, which can be used by police anywhere in Canada doing subsequent investigations. The person who asked the police for help getting a peace bond may ask the police for a copy of the signed peace bond as well.

If the defendant does not consent to the peace bond, the police will swear the Information before the Court, and a hearing date will be set. The Court will then issue a summons for the defendant to appear on that date.

Alternatively, on application of the police, the Court will issue an arrest warrant against the defendant if the police satisfy the Court that the defendant may pose a danger to himself, to others, or is not likely to appear at the hearing. If the arrest warrant is ordered, the police will then arrest the defendant, and bring him or her before the Court for a **show cause hearing**. If the Court concludes that the defendant poses a danger to himself, to others, or is unlikely to appear at the hearing of the peace bond, the Court can order the defendant detained until the hearing, or can order the defendant to be released pending the hearing but subject to conditions.

Otherwise, the defendant is released without condition, and promises to appear as required at the Court for the scheduled hearing of the peace bond application.

Step 5: At the hearing, the Court will:

- Hear evidence from the police (or prosecutor) and the defendant to determine whether there are reasonable grounds for the fear that the defendant will commit an offence. The person who fears the defendant or others with first-hand knowledge may be asked to testify in court.
- If the person has concerns about testifying, the police can explore alternatives with them.

- Most peace bond hearings take a couple of hours, although in some complex cases they can take a few days.
- At the end of the hearing, the Court will either dismiss the application or order the defendant to enter into the peace bond.
- If the Court agrees to impose the peace bond, the person who wanted the peace bond should obtain a copy of it from the court registry, which can make it easier to complain to police if the person suspects that the defendant has breached a condition of the peace bond.

166. The peace bond application in this complaint proceeded very differently from what is set out above. Instead of dealing with the female OCdt directly, MCpl Armstrong went through Sgt Monaghan. After meeting in Sgt Monaghan's office on March 14, 2019, MCpl Armstrong came back and delivered the paperwork for the peace bond application to Sgt Monaghan rather than the female OCdt. In fact, he never spoke to her about it directly until after she decided not to pursue it and she was not assisted in her application by the Military Police. As a result, she came to believe that the peace bond application was a 'secondary thing' to a criminal harassment prosecution. Fortunately, Sgt Monaghan took matters into his own hands and as a result the CoC at the RMC spoke to the male OCdt and advised or ordered him to cease all contact with the female OCdt. Even then, as the female OCdt has said, the male OCdt continued to stare at her in class, making her feel uncomfortable.

167. As he said during his interview, MCpl Armstrong wasn't "entirely familiar" with the process for obtaining a peace bond. Before he recommended that the female OCdt seek a peace bond, it was his duty to familiarize himself with this legal instrument and what role it could play in keeping her safe. He did say that he felt that the female OCdt having a police file number was going to be helpful for her in obtaining a peace bond. That limited exposure to the peace bond process seems to be reinforced by the limited mention that "peace bonds" receive in the CF MP Orders. CF MP Order 2-360.2 – Arrest, Release and Pretrial Procedures for Criminal Code (CC) or Other Non-National Defence Act Offences - was in effect on March 13, 2019. That CF MP Order makes reference to the application of peace bonds as described in section 10 which is reproduced below:

"10. Peace bond: If there is an ongoing risk that the person will commit an offence, but has committed none so far, proceed with a peace bond application under section 810 or section 810.1 CC."

Admittedly, that section as it stands, would provide little guidance to MCpl Armstrong with regard to the process of obtaining a peace bond.

168. More guidance can be found in CF MP Order 2-346 – Family Violence. Section 9 of this Order reads as follows:

“Where so required, MP/MPO must provide supporting information and/or assistance sufficient to enable the complainant’s private application for a peace bond against an individual when insufficient evidence or grounds exist for MP/MPO to proceed with the laying of a criminal charge. In such cases where an individual fears personal injury or property damage may ensue in the future, that individual shall be advised that he or she is entitled to make an application before a civilian justice of the peace for an order under section 810 of the *Criminal Code* (CC) requiring a named individual to abstain from contact with the complainant, in addition to other conditions, as may be required and considered appropriate on a case-by-case basis.”

This Order reiterates the information from the Department of Justice referred to earlier, that a police force should be active in assisting someone in the female OCdt’s position to obtain a peace bond. It also makes the point that a peace bond should only be pursued where insufficient evidence or grounds exist for the Military Police to proceed with the laying of a criminal charge.

169. The harassing conduct of the male OCdt was so persistent, so lengthy in duration, and of such a serious nature that it merited more concerted action on the part of the Military Police than a recommendation that a peace bond be sought. A peace bond was inappropriate in this instance because there was abundant evidence that a criminal offence had been committed. Even if a peace bond were appropriate in these circumstances, it was incumbent upon the Military Police to furnish at least some assistance to the female OCdt in navigating the justice system. The female OCdt came to the Military Police calling for assistance in a serious matter and not even accompanying her to the courthouse when she first appeared before the Justice of the Peace to commence the process was not an adequate response to that call.

170. When the female OCdt provided screenshots of text messages between her and the male OCdt, MCpl Armstrong concluded that they demonstrated harassing behaviour, but also showed the female OCdt continuing the conversation instead of telling the male OCdt to stop. MCpl Armstrong erroneously thought that any communication by the female OCdt other than to say she wanted contact to end was inappropriate. For her part, the female OCdt put in her written statement that one time when she did not answer the male OCdt’s texts he came to bang on the

locked door of her room trying to get in. When she did not answer her phone on another occasion, the male OCdt called her family at home. She summed up her behaviour this way: “Realizing I was helpless, I did whatever he wanted the following months to keep him happy.” The female OCdt was also unable to simply avoid the man harassing her because they shared the same schedule at a relatively small school.

171. If MCpl Armstrong thought the female OCdt was not behaving as a victim should, then he was engaging in stereotyping. Complainants should be able to rely on a justice system free from myths and stereotypes, and on a judiciary whose impartiality is not compromised by these biased assumptions.⁵⁶ There is no inviolable rule on how people who are the victims of trauma will behave.⁵⁷ Some common responses by victims to the trauma of being stalked include the following:

- self-reproach
- feelings of shame and lowered self-esteem
- a tendency to downplay the impact of the stalking
- interpretation of the stalking as a "private matter"
- a sense of betrayal and stigma
- anxiety, fear and long-term distress due to the unpredictability of the stalker's conduct
- feelings of anger, helplessness and loss of control over their lives
- a lack of confidence in police, resulting in a failure to report
- changing their lifestyle or location, rather than expecting that the police will put an end to the harassing conduct
- loss of trust in other people in the victim's life, as well as the world at large
- a sense of isolation stemming from difficulty in convincing others that they are in danger

⁵⁶ *R. v. Ewanchuk*, [1999] 1 S.C.R. 330, para. 95.

⁵⁷ *R. v. D.D.*, [2000] 2 S.C.R. 275, para 65.

- attempts to reason with the stalker (which are likely to backfire and encourage the harassing conduct)
- inaction or delay in involving the criminal justice system, due to a lack of awareness that the conduct is criminal
- denial or embarrassment⁵⁸

This lengthy list shows a wide variety of possible responses to stalking, no one of which can be considered more ‘appropriate’ than another. Stalking is a complex phenomenon and its victims need their experience and their wide range of responses validated as normal reactions to a very abnormal situation.⁵⁹

172. Studies have demonstrated that each stalking situation is different, and each victim will react differently. Many different coping strategies have been identified and the one that seems to apply here is termed a “moving with/towards” tactic. This includes interacting with the stalker in either a positive (chatting, persuading) or negative (threats, arguing) way.⁶⁰ This tactic is often used as an attempt to reason with the stalker.⁶¹ So, in trying to dissuade the male OCdt from contacting her, the female OCdt was not “keeping the conversation going” but instead was adopting a well-understood coping strategy.

173. When victims were asked about the kinds of actions they or others took to discourage stalkers and about the effectiveness of those actions, findings revealed that police warning the stalker was the most effective tactic, followed by the victim talking to the stalker and intervention by a family member.⁶² In fact, the effectiveness of police warnings to the stalker has

⁵⁸ Department of Justice, *A Handbook for Police and Crown Prosecutors on Criminal Harassment* (2017).

⁵⁹ Jill Arnott, Deborah M. George and Stacey Burkhart. *Bridging the gap: criminal harassment victimization and the criminal justice response (phase II)*. (Family Service Regina, Status of Women Canada, 2008), 101.

⁶⁰ *Ibid.*, 795.

⁶¹ Daniela A. Maran, Antonella Varetto, Ilenia Corona and Maurizio Tirassa. *Characteristics of the stalking campaign: Consequences and coping strategies for men and women that report their victimization to police*. (Department of Psychology, Università di Torino, 2020), 3.

⁶² Jennifer E. Storey and Stephen D. Hart. *How do Police Respond to Stalking? An Examination of the Risk Management Strategies and Tactics Used in a Specialized Anti-Stalking Law Enforcement Unit*. (J Police Crim Psych, 26: 128-142, 2011), 129.

contributed to the low conviction rates in criminal harassment.⁶³ Therefore, the most common legal tactic, aside from calling the police, was a formal police warning, often being the final tactic employed to put an end to the stalking situation.⁶⁴

174. The scenario presented to the Military Police gave it an opportunity to help someone who had been placed in a very difficult situation. She took the appropriate action in coming to the police and they could have assisted her first and foremost by trying to understand how she was trying to cope with an onslaught of unwanted attention. MCpl Armstrong would not have put so much stock in the female OCdt's contacts with her stalker if he had a better understanding of how victims respond to a very personal type of attack. The Military Police also could have adopted the most effective strategy to bring an end to stalking by warning the male OCdt to cease his contact with the female OCdt. It is the case that the male OCdt seems to have been warned off contact with the female OCdt by the RMC CoC, but that warning should have first come from the Military Police or at least been reinforced by the Military Police.

Finding #2:

The Commission finds that the Military Police members who were furnished with an allegation and abundant evidence demonstrating that the offence of criminal harassment was made out, did not conduct a reasonable investigation into the matter. In fact, the Commission's investigation has revealed that there was no substantive investigation, including a failure to even speak with the alleged harasser. The lead investigator, MCpl Armstrong, attempted to shift the blame for this failure onto a supervisor, but this attempt is not credible. There was ample evidence to support the laying of a charge of criminal harassment and suggesting the complainant seek a peace bond was not an adequate substitute for criminal charges.

The Commission also finds that there was a complete lack of supervision in this matter. WO Bastien closed the file without reading most of the evidence supplied by the complainant. When Lt Côté sent a letter to the Director of Cadets at the RMC stating that, following an investigation by the Military Police, it was determined that there was insufficient evidence to support a charge of criminal harassment against the male OCdt, she also had not read the file. She did not realize that the Military Police investigation she refers to never took place. (Accepted by the CFPM)

⁶³ *Ibid.*, 134.

⁶⁴ *Ibid.*

- ***In accepting this finding, the CFPM noted the following: “The draft CF MP Order on Criminal Harassment is written and is awaiting final review, approval and promulgation.***

These members will be subject to internal administrative authorities within the MP Chain of Command who will be focused on remedying the situation and exploring if there was a breach of the Military Police Code of Conduct with associated consequences.”

6.3 Question #3 - Whether Military Police members who were told by a complainant that she feared for her safety from a man harassing her took reasonable steps in the circumstances.

6.3.1 The Interview Evidence

6.3.1.1 Evidence of the female OCdt (Witness)

175. The female OCdt was asked what her understanding was of what was involved in obtaining a peace bond. She replied that Sgt Monaghan “explained it a bit”, but she really didn’t understand the process. She was then told by her CoC that seeking a peace bond was ‘too extreme of a measure’ that would have negative effects on the male OCdt. Not wanting to upset anyone, she decided not to pursue a peace bond.

176. The female OCdt was then asked if she thought the Military Police could have done more than just advising her to get a peace bond, especially between the time she made the report to the police and the date of the court hearing for the peace bond application. She replied:

“Yah, well when I did report it, I definitely didn’t think that it was just gonna be like a -- basically a slap on the wrist to him, and oh like stay with (unintelligible) like a talk. Honestly -- like at the time, I almost wished I’d never reported it, because I was almost more scared afterwards than when I was beforehand, because one thing about him is when he started to get riled up, he was really scary, and I didn’t know if he was going to hurt himself or me -- and I didn’t really -- I didn’t really think that any appropriate measures were taken to be honest. I didn’t -- I didn’t feel safe at all. I didn’t feel any safer after I -- after I did it, and even if I had gone through with the peace bond, there was that long time in between where I couldn’t even go to class which wasn’t fair. And there essentially nothing done, and I just -- you know, you hear people tell you ‘oh report harassment, like people can help you’, but I didn’t feel helped at all ... I didn’t feel -- I didn’t feel protected whatsoever, especially after they had told [the male OCdt] that I had reported him. So he knew that I was going through all of the police stuff, and he was just sitting there you know spinning himself crazy too, and it was just a real scary time. So yah, I didn’t -- I didn’t think that such little measures were going

to be taken. I didn't know what was going to be done, but I didn't think that the time in between reporting it and the peace bond, I didn't think that was safe at all, for either of us."⁶⁵

177. When asked for any advice she would have on how the situation could have been handled better, the female OCdt said there should have been a lot more follow-up. She was giving information and getting nothing back. Checking in with her to see if what they were doing was working would have helped, but she confirmed that the Military Police never updated her on her complaint.

6.3.1.2 Evidence of Master Corporal William Armstrong (Subject)

178. During his interview with her on March 13, 2019, MCpl Armstrong told the female OCdt that, "We'll do everything in our power to stop this from happening and stop this from getting worse". MCpl Armstrong was asked what he meant by that comment. MCpl Armstrong replied that he meant they would either do something under the law or have the military take action, such as ordering the male OCdt to have no contact with her, rescheduling classes, etc.

179. At one point in the interview, MCpl Armstrong explained to the female OCdt that he was going to write out a set of questions for her and write down her responses to each question. He told her then they would discuss things. MCpl Armstrong wrote out the following question and asked the female OCdt for her response:

Question:	"Do you feel that you are in danger?"
Answer:	"Yes. He refers to himself as the killer / stalker character from "You", says he wishes I would disappear, tried to get into my room / banging aggressively, when I told him to leave."

During the Commission's interview with MCpl Armstrong, he was specifically asked if, when he interviewed her, he thought the female Officer Cadet was in any danger. He said he did not.

180. MCpl Armstrong was asked if he ever attempted to speak with the male OCdt about the allegations made by the female OCdt. He said he did not. After speaking with Sgt Monaghan at the RMC, he felt the matter was being taken care of. A plan was developed with [the female

⁶⁵ MPCC interview with the female OCdt on November 30, 2020.

OCdt] as to how it could be resolved through a peace bond. While he brought the paperwork for the peace bond application to Sgt Monaghan's office, MCpl Armstrong did not speak to the female OCdt directly. It was pointed out to MCpl Armstrong that when the female OCdt made an application for a peace bond, she was of the understanding that the peace bond was just a 'secondary thing' to the Military Police investigation. MCpl Armstrong said that one was not dependent on the other. As MCpl Armstrong explained, "The matter was closed because I -- I was under the impression that it didn't meet the elements of the offence. I'm not sure what the peace bond has to do with the continuation of the investigation, or one being dependent on the other".⁶⁶

181. At one point in MCpl Armstrong's interview with the female OCdt she said "I think he's genuinely mentally ill, he doesn't realize he's doing anything wrong". MCpl Armstrong was asked if he found the female OCdt to be credible and he replied that he did. He was then asked that since he was told by a credible source that the male OCdt was mentally ill, did he believe that having his CoC order him to cease contact with the female OCdt was sufficient. MCpl Armstrong replied that he did. He went on to say that, other than a criminal charge, that is really the only authority the Military Police have.

182. MCpl Armstrong was asked if he advised the female OCdt that he was closing the file. He said he could not recall. It was pointed out to MCpl Armstrong that he checked a box in the SAMPIS report which indicated he had not advised the complainant. He was asked if there was any reason for not advising her. MCpl Armstrong said, "Not that I can recall". MCpl Armstrong was asked if he ever checked back with Sgt Monaghan to see how things were going. He replied, "I don't believe I did, no".

6.3.1.3 Evidence of Corporal Jeffery Graham (Subject)

183. During the interview with Cpl Graham, it was noted that on three occasions he encouraged the female OCdt to apply for a peace bond when he met with her on June 6, 2019. Cpl Graham was asked if he felt she was in any danger from the male OCdt. Cpl Graham noted

⁶⁶ MPCC interview with MCpl William Armstrong on March 15, 2021.

that according to MCpl Armstrong, the female OCdt's complaint did not meet the elements of criminal harassment. He never did respond directly to the question about the female OCdt being in danger. However, Cpl Graham said he saw the peace bond as a viable option for her. Cpl Graham said he thought a peace bond was a better tool to stop harassment than an intervention by the Military Police, "because it's an official court document".⁶⁷

184. Cpl Graham was asked about the male OCdt's mental health situation as his condition might have been a factor in the risk which the female OCdt was facing. At one point in the interview he conducted with her, Cpl Graham said to the female OCdt, "I'm not a doctor. But I could tell when I was talking to him that he is just, I don't mean to sound rude, but he's just not all there". Cpl Graham was asked in his interview with the Commission investigators what he meant when he said, "he's just not all there". Cpl Graham responded, "Well that means socially awkward".⁶⁸

185. Cpl Graham also said to the female OCdt, "He clearly, clearly has a mental problem". Cpl Graham was asked about that comment. He explained, "I'm not a -- I'm not a doctor but I can see what's in front of me, right". Cpl Graham added, "He may like not mentally be sound. It doesn't mean he's going to kill himself right now, it just means what he's doing is not the way to do things. If that makes sense".⁶⁹

186. Cpl Graham was informed that MCpl Armstrong never interviewed the male OCdt. Cpl Graham was surprised to hear this.

6.3.1.4 Evidence of Sergeant Anthony Vincent (Witness)

187. Sgt Vincent was asked whether someone should have been assigned to follow-up with the female OCdt Cadet when MCpl Armstrong was absent on leave in March 2019 as she had reported that she "feared for her safety". Sgt Vincent said, "Most likely yes".

⁶⁷ MPCC interview with Cpl Jeffery Graham on March 9, 2021.

⁶⁸ MPCC interview with Cpl Jeffery Graham on March 9, 2021.

⁶⁹ MPCC interview with Cpl Jeffery Graham on March 9, 2021.

6.3.1.5 Evidence of Sergeant Stephen Bultinck (Subject)

188. Sgt Bultinck noted that in reviewing a file, if he felt work ought to be done on it while the lead investigator was on days off or leave, he would assign it to another investigator to carry on the investigation while the lead investigator was off, to ensure the momentum of the investigation was continued. He also said that if an investigator is going to be absent for any length of time, they need to note that in the file.

6.3.1.6 Evidence of Warrant Officer Carol Bastien (Subject)

189. WO Bastien was asked, having now read the complete criminal harassment file, if he would have made the same concluding remarks. He replied that he would not. He went on to say that he probably would have had a meeting with MCpl Armstrong and the JAG to say ‘Okay what can we do here now. I know it’s a month later, I feel that it does meet the element of the offence, but what can be done now that the victim doesn’t want to pursue the peace bond, as she’s apparently okay - the accused haven’t contacted her?’ “I would have tried to come up with a plan”.⁷⁰

190. WO Bastien was asked about his conversation with Cpl Graham during the latter’s interview with the male OCdt on May 24, 2019. He recalled being told by Cpl Graham that the male OCdt had the mental capacity of a child. So, he asked Cpl Graham if he felt the male OCdt was a threat to himself or others. If the answer was no, then nothing could be done. He was then asked if when he had that conversation with Cpl Graham, he was aware that the female OCdt stated in her complaint that the male OCdt had mental health issues and was a danger to himself. He said he was not aware because he had “never read her statement”.

6.3.1.7 Evidence of Sergeant Pierre Compeau (Subject)

191. Prior to the May 24, 2019 interview at the Kingston detachment, Sgt Compeau recalled discussing with Cpl Graham what Capt Carter told him about the male OCdt’s mental health. He mentioned that there may be an undiagnosed mental illness. Sgt Compeau remembers

⁷⁰ MPCC interview with WO Carol Bastien on February 26, 2021.

Cpl Graham saying he would speak with the male OCdt and determine his status for himself during the interview.

6.3.1.8 Evidence of Captain Pascal Delisle (Witness)

192. Capt Delisle was one of the RMC Padres that frequently counselled the male OCdt. He noted that an interdisciplinary committee was established to discuss how to help the male OCdt, consisting of a psychiatrist,⁷¹ a doctor,⁷² a nurse,⁷³ a social worker,⁷⁴ and himself. At one of their meetings, Capt Delisle reports:

“the psychiatrist said something that opened the eyes of everybody. He said ‘Hey by the way [the male OCdt] should be the victim of Operation HONOUR - not [the female OCdt]. Because you know it -- it wasn’t grey zone and we realized that’s -- excuse me, that’s fucking true you know he -- he’s the victim you know, he -- he’s so -- my opinion, consciously -- consciously -- un consciously she -- she used -- she manipulated [the male OCdt]. So -- so in -- then at that meeting, we made the decision that we will encourage we will encourage -- invite at least -- [the male OCdt] to go to see the MPs okay.”⁷⁵

193. Capt Delisle viewed the male OCdt as being “like a child” and as the victim of the female OCdt. He stated that he had never met the female OCdt, but he was “angry at her”. He said that part of this anger was because he thought the female OCdt did not go to her CoC but instead went directly to the civilian court system and so she “blindsided everyone”. He thought that going to the civilian court system for a peace bond was the beginning of the end of the world for the male OCdt. Capt Delisle said that as the court date was approaching, the male OCdt was getting more and more anxious and so the Captain said he would go to court with him.

194. Capt Delisle was not alone in wanting to show his support for the male OCdt. Karine Bouchard, the wife of the RMC Commandant, also went to court to be, in Capt Delisle’s words, a “plant” to the female OCdt. When the female OCdt appeared in court she would see the wife of the Commandant on the side of the male OCdt to send her a message. That message was “we don’t think what you are doing is good”. When the female OCdt did not appear at the peace bond

⁷¹ Dr. Derick G. Puddestor

⁷² Dr. Melville Storrier

⁷³ Nurse Practitioner Emma Hughes

⁷⁴ Kristin Harriet-Mask

⁷⁵ MPCC interview with Capt Pascal Delisle on January 12, 2021.

hearing, Capt Delisle says he and Capt De Lafontaine got angry because the female OCdt was being trained to be an officer and she had not kept her CoC informed. He summed up their feelings by saying: “We were pissed off”.

6.3.2 Other Evidence

195. The two documents written by the female OCdt and found in Appendix A and B contain numerous examples of allegations that the male OCdt posed a danger to the female OCdt. One example from the handwritten notes is as follows: “He continues harassing, stalking, he admits that his doctor recommended he leave the school because he is a danger to me”. In her written statement, she describes being “vulnerable” and “helpless” and the fact that the male OCdt was “getting scarier”.

196. MCpl Armstrong wrote in his synopsis of the case which he prepared on March 15, 2019, that, “she [the female OCdt] stated she fears for her safety”. The Case Summary dated April 11, 2019, made the same point:

“At 1330hrs, 13 Mar 19, [the female OCdt] attended MP Det Kingston to report ongoing harassment from [the male OCdt]. During a voluntary interview, [the female OCdt] provided a written statement which stated that the harassment began in August 2017 when she borrowed approximately \$1300 from [the male OCdt] and has continued since. [The female OCdt] stated [the male OCdt] will send up to 70 text messages and phone calls a night, and will not stop until she answered him, he also contacts her family members and somehow accesses her social media even though he is blocked. She stated that [the male OCdt] will attend her room in Fort LaSalle and bang on her door until she answers making her fear for her safety. They share the same school schedule so [the female OCdt] is unable to avoid [the male OCdt].”

The criminal harassment GO File contains a page entitled “Justification for Continuation or Cessation of Investigation SAMPIS Template”. MCpl Armstrong ticked the box “founded” on this form. This term is defined as meaning “after a police investigation has been determined that the reported offence did occur or was attempted.”

197. MCpl Armstrong was the lead investigator in the criminal harassment investigation. According to his work schedule, MCpl Armstrong was absent on ‘Annual Leave’ from March 18, 2019 to March 31, 2019. He then worked four day shifts between April 1 and April 11, 2019. MCpl Armstrong reported receiving screenshots of text messages exchanged

between the two Officer Cadets on March 20, 2019. On that date, however, MCpl Armstrong was, in fact, on Annual Leave. MCpl Armstrong actually made the entry concerning the receipt of screenshots of text messages on March 20, 2019 on April 1, 2019 at 07:14 hrs.

198. In the course of her interview with Cpl Graham on June 6, 2019, the female OCdt informed him that the male OCdt had called her two weeks before. She asked who it was, he identified himself and she hung up. The male OCdt then texted her, saying “You’re a horrible person. I’ve been charged with soliciting and diagnosed with autism”. She replied that she would pay him back and did not want to talk any more. The male OCdt then called her from the Kingston General Hospital on May 31, 2019. He told her he was in the hospital and had tried to kill himself. The female OCdt said she told him he had put her through Hell. He said he knew and that he would not be calling her again.

6.3.3 Analysis

199. It is clear that the female OCdt told others that she feared for her safety. It is also clear that this fear was conveyed to the Military Police. Her handwritten notes and the statement she wrote out during her March 13, 2019 interview were both scanned into the criminal harassment GO File. They are replete with her concerns about the behaviour of the male OCdt and the potential danger he posed to her. Her concern for her safety is twice noted by MCpl Armstrong in that same GO File. MCpl Armstrong directly asked the female OCdt if she felt she was in danger. This question was put in writing and both MCpl Armstrong and the female OCdt then applied their initials to that question and answer. A copy of that handwritten question and answer was included in the GO File and is reproduced here:

Question:	“Do you feel that you are in danger?”
Answer:	“Yes. He refers to himself as the killer / stalker character from “You”, says he wishes I would disappear, tried to get into my room / banging aggressively, when I told him to leave.”

In spite of everything that was put before him, when asked whether he thought the female OCdt was in any danger, MCpl Armstrong said he did not.

200. MCpl Armstrong wants it believed that he did not proceed with an investigation and charges because of advice he says that Sgt Vincent gave him before he obtained the screenshots and phone records from the female OCdt. But that advice from Sgt Vincent should not have altered MCpl Armstrong's opinion about whether the female OCdt was in any danger. MCpl Armstrong wrote in his report that the female OCdt feared for her safety. There is nothing to contradict what he wrote. Nowhere did he say (until his interview with Commission investigators) that he didn't think she was at risk. Indeed, if there were no risk, then he would not have sent her off on her own to obtain a peace bond since that process in this context would only apply to a victim who could testify about their fears for their personal safety.

201. Although Cpl Graham expressed on three occasions when speaking with the female OCdt on June 6, 2019 that she should pursue a peace bond, his explanations for his comments in the interview with the Commission investigators were not credible. Cpl Graham defaulted to the position that MCpl Armstrong had determined that there was insufficient evidence to support charges. But even though he said he had "probably read that report from beginning to end", he was surprised to learn that MCpl Armstrong had never spoken with the male OCdt. When WO Bastien and Lt Côté read the entire report, they both concluded that the circumstances did meet the elements of the offence of criminal harassment. The fact that Cpl Graham did not reach the same conclusion leads the Commission to conclude that it is unlikely he read the entire report.

202. Cpl Graham was also clearly put on notice that the male OCdt was still contacting the female OCdt, despite having been told by the RMC CoC not to do so. During his interview with the female OCdt on June 6, 2019, he was informed by her that she had been contacted by the male OCdt on two recent occasions. This should have made clear to Cpl Graham that orders for the male OCdt to cease contact were not effective and also called into the question the effectiveness of any peace bond.

203. Cpl Graham attempted to minimize any recognition that he may have had about the possibility that the male OCdt was suffering from a mental illness when he interviewed him on May 24, 2019. Cpl Graham was asked what he meant when he said that the male OCdt was "not

all there”. Cpl Graham explained that what he meant was that he was “socially awkward”. Cpl Graham might have gotten by with that explanation, except for the series of other comments he made such as the male OCdt, “clearly, clearly has a mental problem” and the fact that he asked him if he needed to see a doctor. Cpl Graham said he did not recall asking the male OCdt that question. It is clear from the video evidence that Cpl Graham noticed that the male OCdt was suffering from a mental illness. Cpl Graham was unsuccessful in trying to create the illusion that he did not notice that the male OCdt was suffering the effects of a mental illness when he conducted the interview with him on May 24, 2019.

204. The male OCdt’s mental health and state of mind is an important consideration in two respects. One is whether he fully understood the legal caution he was given by Cpl Graham as well as the implications of Cpl Graham saying he would probably be charged with a criminal offence. The male OCdt later saying “I am a criminal” indicates he needed some help, including legal help, in understanding his position. Cpl Graham himself recognized there was an issue around the male OCdt’s mental state as in his interview plan for the female OCdt, he wrote the following question: “Do you think a future leader of the CAF should take money from someone that doesn’t have the mental capacity to realize they may in fact be committing a crime?” The male OCdt’s state of mind is also a consideration when it comes to the appropriateness of suggesting the female OCdt seek a peace bond. A peace bond can be effective if the person constrained by it understands its restrictions and the consequences of breaching them. In this instance, however, the Military Police made no inquiries as to whether there was that level of understanding on the part of the male OCdt.

205. Although there is no record of any Military Police supervisor at the Kingston detachment actually performing any work in relation to the GO File, there is evidence that supervisors were aware of the allegations because the report was flagged as a “significant occurrence” and included in the weekly report submitted to the Base Commander. During his interview, WO Bastien explained that they notify the Base Commander of files that are noteworthy just for situational awareness. A standard distribution list is used.

206. The Commission is left with a situation where a complainant expressed a concern for her safety and furnished evidence to show that her safety was at risk from a specific individual. Her fears were entirely reasonable and no member of the Military Police expressed any belief to the contrary. The response to her concerns, however, was to not speak with the individual allegedly putting the complainant at risk and to not undertake any other kind of investigation, such as speaking with that individual's fellow students. One response, instead, was to suggest the complainant seek a peace bond and to leave her to her own devices in doing so. Having made no inquiries concerning the nature of the alleged threat, the Military Police could have no idea whether a peace bond was an appropriate way to resolve the difficult situation brought to them. A second response was to rely upon the RMC CoC to deal with the matter. But, the Military Police did not follow up with the female OCdt or the RMC to see how matters were proceeding.

207. The lack of concern on the part of the Military Police for the female OCdt's safety is made clear by the circumstances surrounding MCpl Armstrong's absence from March 18, 2019 to March 31, 2019. He was on Annual Leave during that period which was shortly after he had interviewed the female OCdt and drawn up an investigation plan. In the case of an absence from the job, the 2 MP Company Standard Operating Procedures regarding SAMPIS Quality Assurance require members of the Military Police to insert a text box into their reports explaining that they were away on leave during the period the investigation was active. An excerpt from the Standard Operating Procedures follows:

“d. Absence Policy & Re-Assignment.

- (1) If a MP goes on leave, that MP shall place a text box in each open GO they are primarily responsible for indicating that they are going on leave and their date of expected return.
- (2) If a MP investigator will be absent from his/her place of duty for longer than five calendar days that MP shall, prior to departure on the last day of their shift rotation, enter an Invest Plan into SAMPIS using the Invest Plan template. This template will serve as a reminder to the actions that need to be taken on return, advise the CoC about what steps are planned and pending, and allow re-assignment of the file to a new MP if required due to an unexpected delay of the investigator's return with minimal loss in SA or tempo.
- (3) If a MP investigator will be absent from his/her place of duty for longer than 10 calendar days, that MP will inform the Shift IC/Pol Ops who will

subsequently re-assign files to a new MP to avoid lengthy delays in file completion.”

208. In this instance, MCpl Armstrong was away for more than ten calendar days and so the criminal harassment file should have been re-assigned to avoid delays in file completion. But there is no indication that this happened and there is no indication of any activity on the file during the period of MCpl Armstrong’s absence. There is a curious entry in the GO File that records an investigative activity having occurred on March 20, 2019, when MCpl Armstrong says he received screenshots of text messages exchanged by the two Officer Cadets. That entry is curious because it was actually made on April 1, 2019, when MCpl Armstrong returned from his leave. To a casual observer, it would appear as if MCpl Armstrong were on the job on March 20. He was not. The importance of this is that, during the period he was away, there was no member of the Military Police concerned with or checking on the welfare of the female OCdt. No one was notified of the mental health issue with the male OCdt. Such notice might have been helpful to the Military Police members who responded to the finding of the “noose” in the male OCdt’s dorm room two days after MCpl Armstrong began his Annual Leave. The first time MCpl Armstrong routed the GO File to a supervisor at the Kingston detachment for review was on April 11, 2019 at 07:51 hrs, when he routed the file to HKGNWC (the Watch Commander).

209. The male OCdt was a large man. As has been described by those who knew him on the RMC running team and the rowing team, he was strong and physically fit. He had a history of inflicting pain on himself through cutting his arms and punching walls. Although the Clinical Notes do not record an indication of homicidal ideation, medical staff found notations in his journal that on February 14, 2019 he wrote that he was “angry” with the female OCdt. On March 19, 2019, one day prior to the finding of the “noose” in the male OCdt’s dorm room, a Clinical Note reported that the male OCdt had seen the female OCdt on the campus. He then went into a washroom and punched the walls before he reported to the Health Sciences Centre for assistance. He told a nurse that punching the walls felt good because it caused him pain. On April 1, 2019, the male OCdt wrote, “I hate [the female OCdt]” and “I will kill myself”. Over and over again he said that he wanted to talk to the female OCdt.

210. These incidents all took place before the Military Police closed their investigation into the criminal harassment complaint. Most witnesses interviewed indicated they would have been open to answering questions about what was going on with the male OCdt. So, an investigation would likely have yielded some information to support that the female OCdt's fears for her safety were well-founded. Indeed, the Military Police Kingston Detachment is very fortunate this situation did not turn out even worse than it did for the female OCdt. Failures on the part of MCpl Armstrong provided the opportunity for the situation between the two Officer Cadets to carry on unchecked. However, it is the supervisory failures in this area which are the most alarming.

211. Despite the fact that supervisors designated the criminal harassment GO File as a "significant occurrence", no one actually looked at the report to see what it contained. Tools like the risk assessment form which is described in CF MP Order 2-346, were available at the time, but were not accessed. An excerpt from that Order follows:

"CF MP GP ORDER 2-346

FAMILY VIOLENCE

APPLICATION

1. This CF MP Gp order is a directive that applies to civilian employees of the CF MP Gp and an order that applies to officers and non-commissioned members of the CF MP Gp.

DEFINITIONS

2. The following definitions shall apply to this order:

a. **domestic dispute:** an incident of discord in a relationship in which the parties have engaged in a verbal argument where no threats are uttered or assaults occur;

b. **dual charge incidents:** incidents where reasonable and probable grounds exist to charge both parties to a family dispute who have engaged in assaultive behaviour that is not considered self-defence by either party;

c. **family violence:** when an individual uses a abusive behavior to control and/or harm a member of his or her family, or someone with whom he or she has an intimate relationship. Family violence is considered power-based and includes varying forms of physical and emotional abuse, such as neglect carried out by one or more family members or intimate partners towards another, or others. It may include a single act of violence or a number of acts or omissions that form a recognized pattern of abuse.

d. **high-risk cases:** incidents involving an increased risk that violence may occur which results in either serious bodily harm or death;

e. **intimate partner violence, also called domestic violence (considered a violent offence):** a harmful abuse of power within a relationship of family, trust or dependency against either a woman or man in a heterosexual or homosexual relationship and includes many forms of abusive behaviour, e.g. emotional abuse, psychological abuse, neglect, financial exploitation, threats to or actual destruction of property and/or injury to pets, physical assault, sexual assault and homicide. The intimate partner relationship may include current or previously married individuals or those in common-law or dating relationships;

f. **primary aggressor:** the person who is the most dominant aggressor as between the subject and victim and assessed as having the superior physical strength, ability and means of assault and/or intimidation or harassment within the relationship; and

g. **victim:** an individual who suffers physical, emotional or financial harm, including property-related loss, as a result of abusive behavior directed towards him or her. A victim of family violence may also include an individual who has been exposed to a family violence situation and born witness to abusive behaviour intended to control and/or harms a member of his or her family. A victim may also include the immediate family member of the victim of a serious offence, or a witness who experiences some form of trauma or emotional distress in response to observed events.

5. High-risk cases should be supported by a formal risk assessment. The content and type of risk assessment varies provincially; therefore, MP units must liaise with either assigned, Deputy Judge Advocate (DJA) legal counsel within the Office of the Judge Advocate General or local provincial Crown attorney offices, as applicable, to obtain the preferred high-risk assessment methodology and forms. High-risk cases require a heightened, coordinated and collaborative case management response posture that includes monitoring of the offender/accused and an effective and appropriate safety plan for the victim(s).

6. Related offences observed in family violence situations may include:

- a. assault(s) (i.e., with a weapon, causing bodily harm, aggravated);
- b. sexual assault(s);
- c. uttering threats;
- d. criminal harassment;
- e. mischief to property;
- f. cruelty to animals;
- g. sexual harassment;
- h. intimidation;
- i. unlawful interference with personal liberty; and/or
- j. violation/breaches of protective conditions of criminal and/or civil orders.

9. Where so required, MP/MPO must provide supporting information and/or assistance sufficient to enable the complainant's private application for a peace bond against an individual when insufficient evidence or grounds exist for MP/MPO to proceed with the laying of a criminal charge. In such cases where an individual fears personal injury or property damage may ensue in the future, that individual shall be advised that he or she is entitled to make an application before a civilian justice of the peace for an order under section 810 of the *Criminal Code* (CC) requiring a named individual to abstain from contact with the complainant, in addition to other conditions, as may be required and considered appropriate on a case-by-case basis."

212. Supervisors should know of the existence of Orders such as CF MP Order 2-346 and be able to apply these tools where applicable. Here, a young woman reported she was afraid for her safety because of a man who was suffering from a mental illness. While the investigator failed in his duty, the failure by supervision to be a back stop in this situation reflects poorly on the CoC at the Kingston detachment. Although the MP Order set out above is drafted with situations of family violence in mind, it contains provisions which could have been applied in the situation involving the female OCdt. In fact, the MP Order specifically makes mention of the offence of criminal harassment.

213. As described in section 5 of the MP Order, high-risk cases require a formal risk assessment. In order to accomplish that, members of the Military Police must liaise with either the Judge Advocate General or a local Crown Attorney. Section 5 also specifies that high-risk cases require an effective and appropriate safety plan for the victim(s). Lt Côté was apparently unaware of this MP Order during her interview. In his eight-year career, MCpl Armstrong never consulted the Judge Advocate General on anything, so it is highly unlikely he was ever involved with the process described in section 5.

214. Of particular interest as well is section 9 of the same MP Order. Again, the MP Order is drawn with regard to family violence situations, however section 9 speaks specifically to the Military Police role in situations where there is insufficient evidence to proceed with the laying of a criminal charge. Section 9 directs members of the Military Police that they “must provide supporting information and / or assistance to enable the complainant’s private application for a peace bond”. In the case of the female OCdt and her peace bond application, the Military Police failed to provide her with the required support and assistance.

215. The female OCdt was misled as to the role a peace bond would play. She thought it was something supplemental to the Military Police investigation of her criminal harassment complaint. In the conversation with Capt O’Handley after her first court appearance, they thought the Military Police were still doing an investigation and so she would not need to decide about proceeding with a peace bond application right away. But, the Military Police were not investigating. The lack of communication from the Military Police to the female OCdt was

continued in that she was not informed that the criminal harassment investigation had ended, nor was she informed that the charges she was told might be laid against her were not going to proceed.

216. The Military Police members were entirely lacking in awareness of the dynamics of offences like criminal harassment. The behaviour that leads to an allegation of criminal harassment also leads to the potential for ongoing danger to the victim, whether or not a charge is laid. As the publication *A Handbook for Police and Crown Prosecutors on Criminal Harassment* states: "The safety of the complainant is of paramount concern at all times and takes priority over "evidence-gathering" or "making a case". Each case must be treated seriously until evidence indicates otherwise."

217. The *Handbook* also advises police officers to help the complainant contact victim services for support and assistance as soon as practicable after the complaint has been made. Early intervention by victim services enhances the victim's safety by helping victims to identify risks and to develop and implement a personal safety plan. Referrals are supposed to be made as soon as possible to allow the complainant to receive emotional support, appropriate referrals, information about the justice system and assistance in developing a safety plan. This was not what happened with the female OCdt. She was left to fend for herself and was even pressured to not pursue the one recourse open to her, namely seeking a peace bond. She was also not given any guidance as to what she should be doing to protect herself while waiting for her peace bond application to be heard. It was no thanks to the Military Police that the female OCdt came to no physical harm.

Finding #3:

The Commission finds that Military Police members who were told by a complainant that she feared for her safety from a man harassing her did not take reasonable steps in the circumstances. In fact, they took almost no steps to ensure her safety. MCpl Armstrong did not meet with the person causing the safety concern and proposed a peace bond as a means of dealing with the situation without understanding the nature of the threat. A thorough review of the file ought to have brought home to Cpl Graham the need to do more than suggest the female OCdt go out on her own and seek a peace bond. This is especially so, given the fact that the female OCdt informed him that the male OCdt had recently called

her on two occasions. WO Bastien said after the fact that some kind of safety plan should have been put in place, but at the time he was not aware of any safety concerns because he did not read the complainant's statement. Lt Côté was unaware of an important risk management tool that requires the involvement of the Military Police in situations like the one described by the female OCdt. The Military Police were fortunate no physical harm came to the female OCdt. If the Military Police had taken some action, however, they would not have had to rely on good fortune. (Accepted by the CFPM)

6.4 Question #4 - Whether the investigation into sexual offences allegedly committed by the female OCdt was reasonably conceived and carried out.

6.4.1 The Interview Evidence

6.4.1.1 Evidence of the female OCdt (Witness)

218. The female OCdt said she received a call from Cpl Graham saying she was facing three charges and if she did not come for an interview he would proceed and charge her. He offered the interview as a chance to clear her name, telling her he would give her details when she came for an interview.

219. At the interview on June 6, 2019, the female OCdt said the main allegation was that she ought to have known the male OCdt was giving her things in hopes of having a sexual relationship with her. She also ought to have known that he was not well. The female OCdt then said she was confronted with a number of false statements from the male OCdt, such as her selling him her underwear. She said Cpl Graham told her, "When you came in here, I didn't like you very much, and I'm glad I got the whole story now", or something along those lines.⁷⁶ At the end, she was given Cpl Graham's business card and told she could contact him if she needed anything, but she did not hear from him again, other than his response to her follow-up email, saying that sending it was inappropriate.

220. During the interview, the female OCdt said she was confused and scared. Afterwards, though, she reflected upon what took place and thought that 'ought to have known' was a vague

⁷⁶ Cpl Graham said he wanted to see for himself if she was 'a mean bitch taking advantage of this guy with mental problems.'

standard to apply against her. She described the charges as being pulled out of thin air. She said she had furnished proof that there was no expectation of a relationship other than friendship on the part of the male OCdt.

221. The female OCdt was referred to an email she sent to Cpl Graham on June 12, 2019. An excerpt from that email follows:

“I’ve had a fair amount of time now to think about our conversation last Thursday. While I understand that you are doing your job running a thorough investigation as you should, I am not comfortable with the way things went. Women are afraid every day to report things like harassment and stalking because they fear they will be blamed for the situation and make it worse, which appears to be exactly what happened with my case. I can’t help but feel like I reported the entire situation, leaving out no details and being completely truthful, only to ultimately hear that I “ought to have known” he had ulterior motives to his actions and that I am to blame for what he was doing.

I wanted to state again some of the things I was unable to articulate accurately last Thursday. First off, when [the male OCdt] had my things (blankets, shirt, whatever he asked for), he would leave me alone. I quickly made the discovery that if he was becoming agitated and out of control in person, while in class, or even over text, the quickest and most efficient way to get him off my back for a few days at least was to give him my things so that he didn’t feel the need to show up to my room, to call me a bunch of times, or to send more threats. I did find this uncomfortable, but it was the easiest way to control the situation at the time and so I didn’t feel bad about selling him my things if it helped me and made him calm down. He told me that having my things helped ease his depression and loneliness. Nobody would assume he meant that in a sexual manner.”

The female OCdt concluded her email by asking Cpl Graham to put her in contact with a military lawyer, as she was uncomfortable simply waiting for a charge to be laid against her.

222. The female OCdt stated that she drafted that email herself with no aid from anyone. She wrote the email because she was confused about what was happening and had no one to consult with (her CoC had changed and she was now living with her parents). Cpl Graham replied that the file would go to her CoC for a decision and contacting him in this way was inappropriate. The female OCdt was asked if anyone from her CoC followed up with her. She replied that was the last she heard of the matter of charges being laid against her until she was contacted by the Commission investigators.

6.4.1.2 Evidence of Corporal Jeffery Graham (Subject)

223. Cpl Graham was asked about the interview he conducted with the male OCdt on May 24, 2019. More specifically, he was asked why he made a call to the Judge Advocate General just before the interview with the male OCdt. Cpl Graham explained how he perceived that under the circumstances, the female OCdt should not have been selling articles to the male OCdt and he said he felt that “could be a 129” [Conduct to the Prejudice of Good Order and Discipline, contrary to section 129 of the *National Defence Act*].

224. Cpl Graham was asked if the male OCdt had ever termed the relationship with the female OCdt as a sexual relationship, or just a relationship. Cpl Graham acknowledged that the male OCdt never called it a sexual relationship. Cpl Graham explained, “I don’t think he ever said the word ‘sexual’. I think in my mind, the way he was going with it, and what he was -- I think he talked about kisses, if I remember right and stuff like that. I think he -- I think that it was just that it was heading in that direction”.⁷⁷

225. Cpl Graham was asked about the list of items that the male OCdt said he bought from the female OCdt. In particular, he was asked if the male OCdt told him that she sold him her, “worn and soiled underwear”. Cpl Graham said, “I think he said used undergarments - I think”. Cpl Graham followed up by saying, “Okay. I do remember it -- somehow that made it in there somehow, so I don’t know if it was from what she had said, or if he had said that. I can’t -- I can’t -- I don’t know”. Later in the interview, Cpl Graham was again asked about the “worn and soiled underwear”. When Cpl Graham asked that question of the female OCdt it seemed to draw a rather strong reaction from her. She said in response, “That’s a complete lie”. At that point, Cpl Graham had this to say:

“I don’t know if it was an undergarment or clothes close to the body or whatever -- whatever the exact statement was. So, maybe -- maybe it was just underwear, maybe I just inferred that. That’s -- it’s very possible that I just thought that that’s what they -- they meant. So, it could be that she didn’t do that. It could be that it wasn’t underwear. But it could very well -- but -- but admitting that all the other stuff happened doesn’t change the fact that it was underwear or a pair of socks or a pillowcase or anything - it doesn’t change anything. In my mind -- in my mind she’s selling things that she’s used or sweated on, or whatever, to him knowing that he liked her and that she

⁷⁷ MPCC interview with Cpl Jeffery Graham on March 9, 2021.

was wrong for doing that in my opinion ... I don't know if -- I don't know if I just came to that conclusion because the word clothes, close to the body or something was said, and I just thought that that's what they meant. That -- that could very well be just what was in my head at the time.”⁷⁸

226. Cpl Graham was asked what charges he was contemplating at that time. He replied that, in addition to a conduct to the prejudice of good order and discipline charge, he was considering charging the male OCdt because he was paying the female OCdt money to have some sort of relationship. Cpl Graham indicated that he thought he spoke with the Judge Advocate General about charges. Cpl Graham added that in his view, the selling of items under these circumstances was not something that a prospective officer should be doing. Cpl Graham acknowledged that this was the first time he had conducted an investigation like this.

227. Cpl Graham made some observations about how his interviews with the two Officer Cadets had affected them. Cpl Graham said, “So, I think she understood that the decisions that she was making to take the money from him wasn't -- wasn't the right thing. And whether that led to everything else after, I can't say because you know, I'm not a -- I'm not a psychiatrist. But I -- I think between the two of them, they both had a role to play in this.”⁷⁹

228. For his trip to CFB Borden to interview the female OCdt, Cpl Graham said he believed he would have gone through Sgt Vincent to obtain approval to go there and conduct the interview. He did not know whether any supervisor approved his interview plan. At the beginning of that interview, he told her he was investigating her for fraud, public mischief, and material benefit from sexual services. He was asked if he had any experience in such investigations. Cpl Graham said he had no experience for the sexual services offence. He said he did not know if he had experience with public mischief before this but has had experience with it since then. He did have experience investigating frauds, but thought that experience might have come after the interview with the female OCdt. He said he definitely would have spoken with someone from the Judge Advocate General before he conducted the interview.

⁷⁸ MPCC interview with Cpl Jeffery Graham on March 9, 2021.

⁷⁹ MPCC interview with Cpl Jeffery Graham on March 9, 2021.

229. Cpl Graham expressed his thoughts about the sexual services offence in the following terms:

“The sexual services one was a very -- it’s a very convoluted -- it’s - it’s very grey. The -- the wording of it, it’s very -- to me it’s -- it’s interpreted -- I don’t know how’s the word do I explain this. To me I wasn’t a hundred percent if it was that. But I knew we were wading in the water of that, if that makes sense. I knew we were looking at like she was -- she -- she had said something about that he wanted kisses or something along those lines. So now we’re -- now we’re kind of crossing the threshold of it’s just clothes and that kind of stuff. So, I know that we were in that zone - in that ball -- ball diamond, I just wasn’t sure if that was the actual offence or not, if that makes sense.”⁸⁰

Cpl Graham was asked if he recalled doing any reading about these offences. Cpl Graham said he would have gone through the *Criminal Code*. He said he typically also refers to case law but could not remember if he did in this case.

230. Cpl Graham gave an explanation as to why he felt the female OCdt had received a material benefit from sexual services: “Essentially, in my mind that would be: she has now kept that [the money] because she didn’t do whatever the agreement was, even though that’s the offence too. So, she’s keeping stuff illegally. So, I didn’t -- maybe in my mind I was like I’m not sure if that’s fraud or if it’s that one. So maybe I have both down (in the Interview Plan) just -- just to be sure that she’s covered with her jeopardy”.

231. Cpl Graham said he had an issue with the fact that the female OCdt accepted money from the male OCdt knowing he was interested in her, but with no intention of reciprocating that interest. He believed that the female OCdt was taking advantage of the male OCdt as he was “socially awkward”. He said this was a type of fraud as she took money knowing it was “for sexual things that he -- that’s what he was intending”, but she did not intend to enter into a sexual relationship.

232. It was pointed out to Cpl Graham that at one point in the interview he conducted with the female OCdt he said the offence of material benefit from sexual services “might be off the table”. When asked what changed his mind concerning that offence, Cpl Graham replied:

⁸⁰ MPCC interview with Cpl Jeffery Graham on March 9, 2021.

“So, I remember talking to her and she was -- she was -- she kept saying I am -- I don’t know if she kept using the word adamant, or she kept saying I am telling you I was never going to have a sexual relationship with this guy -that was never the intent. It was always he was helping me - - she kept going down that road. So, I think one of the elements of the offence is I have to -- or not I personally -- but it has to be proven that she was doing it for a sexual -- for a sexual reason. Now, he may have been doing it for a sexual reason, but without her telling me, or me having some sort of proof that she was doing it for -- in a sexual nature -- that’s probably one of the main elements of that offence, so that’s probably what I was thinking then. That’s not likely going to be -- if that -- does that make sense?”⁸¹

233. It was pointed out to Cpl Graham that he told the female OCdt that he wanted to see for himself if she was ‘a mean bitch taking advantage of this guy with mental problems.’ Just after that point in the interview he said: “When I came in here, I was angry with you because I thought you had taken advantage of [the male OCdt]”. Cpl Graham acknowledged making these statements and provided the following explanation:

“I don’t think that she was an innocent victim in this whole -- in this whole scenario. I think while this was happening, she was also pouring gas onto the fire, and that irritated me, because -- and I -- I don’t want to go in with bias before. I -- I don’t like doing that, but in her own account he -- he was -- he was awkward, and it felt very underhanded what she was doing. It felt very underhanded. And at first, when I went there, it almost seemed like she was using his sexual desire against him and he didn’t know -- he didn’t understand, because of his social awkwardness what was -- what that meant. And she did understand it, and she was using it to her advantage. That’s kind of how it appeared before I got talking to her. After she adamantly said, multiple times, that it wasn’t for sex - yes she was trying to get money, and she was giving him whatever -- whatever he was buying, right ... So, knew that he was awkward and like I said, knew that he was -- he was jealous around her when she was around other guys and that kind of thing, so. That bothered me quite a bit.”⁸²

6.4.1.3 Evidence of Chief Petty Officer 1st class Line Laurendeau (Witness)

234. CPO1 Laurendeau was asked if when she read the “Sexual Crimes Other” file, she accepted that what was written in it was factual. She said she did. She was asked if she remembered seeing in the report that worn and soiled underwear had been sold or given from the female OCdt to the male OCdt. CPO1 Laurendeau replied: “Oh yes. Yah. That I remember and it bothers me a lot.” She went on to explain:

“Because as a member just from the CAF in itself, to see something like this happening under an institution, it’s -- it’s part of the problem we don’t want. It’s - it’s - in the environment would

⁸¹ MPCC interview with Cpl Jeffery Graham on March 9, 2021.

⁸² MPCC interview with Cpl Jeffery Graham on March 9, 2021.

be a - I -- I don't -- I don't understand how this could happen. I -- perhaps you will say I am naïve, but I didn't think into the environment I would witness or read about something like this. That's the first thing. Second, as a person, I -- I was quite shocked, and I was not happy to read this at all, because I was 'Okay, you're better than this. Why are you doing this first of all?'. And the third thing is this is a factor in everything that has taken place, and that cannot be overlooked because every aspect of this file was complex in my opinion, and I think that one thing triggered another, and in my opinion this -- this was a -- a big factor of everything else that had taken place. But that was my opinion. But still today, just hearing it from you to you know refresh my memory it -- I still have the same feelings than when I first read this in the document, which I was not happy.”⁸³

6.4.1.4 Evidence of Corporal Sandra Bidgood (Witness)

235. Cpl Bidgood advised that she had 12 years of service with the Military Police, both in the Reserve and the Regular Force. On May 24, 2019, she was assigned as the note-taker for the interview which Cpl Graham did with the male OCdt. During her interview, Cpl Bidgood was asked whether she had some sense of the complaint that the male OCdt was there to make. She said she did and went on to offer the following explanation:

“If I recall correctly -- first off and foremost, I don't believe [the male Officer Cadet] had an understanding as a person his age should have about the situation. He seemed to be a very naïve person, and he was coming in to make a complaint regarding the female involved, and I don't remember her name specifically, where he was looking for friendship, possibly more of a relationship, in my mind in an innocent fashion that ended up being very misconstrued. And I took that in the line of questioning that Cpl Graham took in dealing with him where there was kind of the innuendo of 'are you soliciting somebody for -- like are you paying this girl for affections by giving her money, but now you're expecting it to be paid back?' But from everything I remember in relation to just hearing different things in this file, and that's where I didn't feel good about the interview, because I couldn't hear what [the male OCdt] was saying but the line of questioning he was having, I don't think he understood him answering some of those questions. That the MP was leading him -- not leading him, I shouldn't say it that way. Kind of setting a scenario, but I don't believe that that scenario was the actual case. Like I think this is a young guy who was in RMC who was dealing with the normal complications that RMC students are dealing with. He had money; this girl needed money. She had kind of taken him under her wing where maybe he wasn't accepted by the majority. He may have started to have some feelings towards her, but she was kind of taking advantage of a nice person giving her money. Finally, he wanted the money back or she was supposed to be paying him back, and in an innocent, not like a soliciting of sex, but 'Well if you kiss me, I won't make you pay that back.' I can see how that could appear, but in my gut and heart, and from what I saw of his demeanour, and again back to his level of understanding - it was an innocent situation, that ended up going to almost the most severe types of charges you could put against somebody.”⁸⁴

⁸³ MPCC interview with CPO1 Line Laurendeau on May 8, 2021.

⁸⁴ MPCC interview with Cpl Sandra Bidgood on February 4, 2021.

236. Cpl Bidgood continued and said, “I believe the legal stuff that was sort of being geared against him [the male OCdt] contributed to maybe him feeling hopeless to attempt the suicide and I’ve seen so many failures, and I’m not blaming one person but, in the CF, -- that day in that interview we shouldn’t have been pushing him to the point that he was pushed. Instead we should have been getting this person assistance, whether counselling, mental health, a break - something to help get him back on track, because for your average normal person who goes to RMC, it’s a hard go”.⁸⁵ She also said Cpl Graham didn’t necessarily have the experience to look at the situation and say ‘Okay, you know, you’ve done a few things, but it’s not a criminal matter. We need to help this guy’. As the interview closed, Cpl Bidgood said that she did not think a charge was at all warranted in this matter.

6.4.1.5 Evidence of Sergeant Anthony Vincent (Witness)

237. Sgt Vincent was asked about the material benefit from sexual services charge which Cpl Graham contemplated laying against the female Officer Cadet. He said he had no prior experience with such a charge. He added, “I thought they were -- I don’t know, I thought they were reaching for straws as something like they were completely misinterpreting. I guess (laughs) like a word to use - completely misinterpreting how that particular charge applies, compared to the case that they actually had”.⁸⁶

6.4.1.6 Evidence of Sergeant Stephen Bultinck (Subject)

238. Sgt Bultinck agreed that Cpl Graham’s investigation plan and the interview plan should have been reviewed before his travel to CFB Borden was approved. Sgt Bultinck signed off on the “Sexual Crimes Other” file on July 15, 2019 and he did not know if anyone else had looked at it. Sgt Bultinck does recall being briefed by Cpl Graham on his interview with the female OCdt and having the file sent to the Judge Advocate General for review because he was not sure there was anything criminal in it. Sgt Bultinck did not watch the video of Cpl Graham’s interview with the female OCdt.

⁸⁵ MPCC interview with Cpl Sandra Bidgood on February 4, 2021.

⁸⁶ MPCC interview with Sgt Anthony Vincent on July 20, 2021.

239. Sgt Bultinck was asked about the charges Cpl Graham was proposing to bring and had this to say:

“The only -- like -- and this is the thing with the military, is they will take the smallest thing and turn it into the biggest thing. So, as far as her chain of command at RMC, because they’re the ones that would be responsible for laying on discipline, this would be a huge thing to them. But for anybody in policing with experience, this would be relatively nothing. Like he’s loaning her money, because she needs money, and he starts harassing her, and then he likes her. So, he wants some of her clothes, she still needs money, so she’s like ‘Fine, I’ll give you my blanket and all these other things’. So, did things exchange hands? Yes. Did it -- probably I can’t say yes because I wasn’t there, but. Did she give him a kiss as well for relieve of debt or extra money? She admitted to doing that. Admitted it was wrong to do that, but I mean it -- I would say it’s relatively minor as far as exchange of money for any sort of sexual service. The bigger thing here is the harassment.”⁸⁷

240. Sgt Bultinck raised a point concerning a possible use of the “Sexual Crimes Other” file:

“I do have a point about RMC to bring up about this file. As far as the Sex Crimes - Other file, they did want that file as soon as possible, because they were upset that obviously [the male OCdt] was in the hospital and -- and the other officer cadet there was on summer leave, and they were waiting for this file to be concluded. They wanted this file done before she started school again so that they could take a dmin action against her and potentially not let her continue on at RMC.”⁸⁸

6.4.1.7 Evidence of Lieutenant Cindy Côté (Subject)

241. Lt Côté noted that after her interview with Cpl Graham, the female OCdt sent an email to Cpl Graham noting she was not happy with the interview. She was asked what she thought of that email. She replied: “if he would have been more -- I hate to say that -- more like professional and stick with the facts of what was in the file, I think it would have went in a different way.” Lt Côté then agreed that what was articulated in that email would fall under the category of “victim blaming” under Operation HONOUR.

242. It was noted that on June 26, 2019, Lt Côté signed off on a letter forwarding the “Sexual Crimes Other” file to the Judge Advocate General. The file indicated that the Crown had not recommended charges.

⁸⁷ MPCC interview with Sgt Stephen Bultinck on March 23, 2021.

⁸⁸ MPCC interview with Sgt Stephen Bultinck on March 23, 2021.

6.4.2 Other Evidence

243. In the GO File entitled “Sexual Crimes Other”, Cpl Graham provided a Case Summary. Part of this summary reads: “On 24 May 2019, [the male OCdt] attended 2 MP Regt Kingston Det to report [the female OCdt] had taken advantage of him. During a cautioned interview Cpl Graham learned [the male OCdt’s] intent was to give [the female OCdt] money and gifts in an effort to have a sexual relationship with [the female OCdt].” By the time this Case Summary was written on July 10, 2019, there was a recognition that the male OCdt attempted suicide twice and was now in a compromised physical state which precluded proceeding with criminal charges.

244. In his summary of the interview with the male OCdt on May 24, 2019, Cpl Graham wrote: “[The male OCdt] said that [the female OCdt] had also taken the money and in exchange she was selling him things like the clothes she slept in, her worn/soiled underwear, kisses, and things sprayed with her perfume or her scent on it such as her bedsheets”.

245. Some of the CF MP Orders dictate that GO Files be distributed to the CoC regardless of whether charges are laid as a result of an investigation. CF MP Order 2-126 – General Occurrence Reports (GO) - states that commanders have an operational need-to-know as to who in their command is under investigation, the subject matter of the investigation, and whether any such Military Police investigation will have an impact on the unit’s operational effectiveness. The Military Police help meet this need-to-know by distributing concluded GO reports to commanders and other stakeholders. CF MP Order 2-140 – Military Police Investigation Report Distribution – then states that Military Police investigation reports shall be distributed by CF MP Gp units to commanding officers and commanders of the member concerned in order to support disciplinary or administrative decisions.

246. In his interview plan for the female OCdt, Cpl Graham wrote the following question: “Do you think a future leader of the CAF should take money from someone that doesn’t have the mental capacity to realize they may in fact be committing a crime?”

247. In relation to the charge of public mischief, Cpl Graham wrote: “It is possible [the female OCdt] filed a police report to “get away” with not being mandated to repay [the male OCdt] the money he gave her”.

248. In his Concluding Remarks, Cpl Graham wrote the following: “The investigation into the incidents and relationship between [the male OCdt] and [the female OCdt] did not identify any chargeable suspects, nor were any criminal acts clearly identified.”

6.4.3 Analysis

249. During the interview on May 24, 2019, Cpl Graham recognized that the male OCdt had a problem. Cpl Graham asked him if he needed to see a doctor, but the extent of Cpl Graham’s concern only became clear in his later interview with the female OCdt. During that interview, he told her that “He [the male OCdt] clearly, clearly has a mental problem” and that she should do everything possible to protect herself from him. So, Cpl Graham recognized the male OCdt’s mental health situation and chose to overlook it. When he had the male OCdt before him and recognized there was an issue, instead of intervening or at least making enquiries to satisfy himself that he was receiving treatment and support, Cpl Graham instead chose to tell him that he would probably be charged with a criminal offence.

250. In overlooking the male OCdt’s obvious mental health issues, Cpl Graham took what he was told at face value and used that information as the basis for his ill-conceived allegations against the female OCdt. Essentially, the male OCdt was Cpl Graham’s witness. Yet the male OCdt’s condition at the time of the interview would have seriously negatively impacted his credibility as a witness. During his interview with the female OCdt, Cpl Graham told her that he did not think that the male OCdt understood that what he was doing was wrong. Yet Cpl Graham went on to explain to the female OCdt that the money she accepted from the male OCdt represented a material benefit from sexual services. Cpl Graham told the female OCdt that the male OCdt was the one committing an offence and she then also committed an indictable criminal offence by receiving money from the offence. The female OCdt told Cpl Graham she didn’t understand the charges against her. Cpl Graham went on to explain the material benefit from sexual services as being a proceeds of crime offence because she accepted money when the

male OCdt had committed the offence. But he added that after speaking with her, that offence may be “off the table now.”

251. A review of the evidence calls into question the legal foundation for each of the charges Cpl Graham was contemplating. The charge that might have been contemplated against the male OCdt was obtaining sexual services for consideration, contrary to section 286.1 of the *Criminal Code*. That section makes it an offence to obtain for consideration the sexual services of a person in any place. During his interview with Cpl Graham, however, the male OCdt made it clear he was seeking a “romantic relationship” with the female OCdt. Cpl Graham translated that on his own to mean a “sexual relationship”. Cpl Bidgood, who sat in on the interview, thought the male OCdt was looking for friendship, possibly more of a relationship, in an innocent fashion that ended up being misconstrued. She also called into question the male OCdt’s understanding of the situation. This is then combined with the female OCdt adamantly denying that there was ever a sexual component to her relationship with the male OCdt. It becomes very difficult to see any basis whatsoever for the charge sought against the male OCdt which in any event could not proceed once it was known he was in a medically compromised state.

252. Another part of Cpl Graham’s misinterpretation of the relationship between the two Officer Cadets is his note in the GO File that the female OCdt had taken money from the male OCdt and in exchange was selling him things like “the clothes she slept in, her worn/soiled underwear, kisses, and things sprayed with her perfume or her scent on it such as her bedsheets”. The underwear reference is particularly troublesome because nowhere in the audio-video recording of his interview can the male OCdt be heard talking about underwear. Cpl Bidgood did not recall hearing about underwear. For his part, Cpl Graham recognized that the reference to underwear made things more “intimate”. But, describing the underwear as worn and soiled served to escalate that intimacy. When asked how he came to use those words, Cpl Graham explained that “could very well be just what was in my head at the time”. In other words, he was unable to say that the male OCdt ever spoke of “worn/soiled underwear.”

253. Those particular words contained in a report entitled “Sexual Crimes Other”, gave the relationship between the two Officer Cadets a more sexual connotation. This reference lies solely

in the mind of Cpl Graham and is a complete fabrication. However, it had an effect on the views of others about the relationship. CPO1 Line Laurendeau, for example, said the mention of the underwear bothered her a lot. In the past, she said, Military Police reports were relied upon in unit disciplinary matters. The unwarranted inclusion of that item in the report not only did the reputation of the Military Police harm, it also harmed the female OCdt.

254. The lack of evidence showing that the relationship between the two Officer Cadets was a sexual one calls into question Cpl Graham's intention to charge the female OCdt with material benefit from sexual services, contrary to section 286.2 of the *Criminal Code*. That section makes it an offence to receive a financial or other material benefit, knowing that it is obtained by or derived from the commission of the offence of obtaining sexual services for consideration. This offence replaced the offence of living off the avails of prostitution as part of the changes to the law concerning sexual services enacted in 2014. There is, however, no evidence that any sexual services were ever purchased by the male OCdt, so there is no "material benefit" to be had. Even if it could be said that there were a sale of sexual services by the female OCdt, she would be the one providing the service and so she would not be "living off the avails" in the old terminology. The 2014 changes to the law concerning the selling of sexual services adopted an "asymmetrical" model which criminalizes the purchasing of sexual services but not the selling. Cpl Graham was also unable to explain why he was thinking of laying a material benefit charge, saying "I just wasn't sure if that was the actual offence or not."

255. The remaining two charges contemplated by Cpl Graham – fraud and public mischief – are related and can be dismissed for the same reason. The offence of fraud is defined in section 380 of the *Criminal Code* as using deceit, falsehood or other means to defraud any person of any property or money. Apparently, Cpl Graham believed that the female OCdt was taking money from the male OCdt with the understanding that there would be a physical relationship, but she never intended to enter into such a relationship. Then, when she was either unwilling or unable to pay back the OCdt, the female OCdt decided to file a police report to get out of repaying her debt. This would constitute public mischief, which is defined in section 140 of the *Criminal Code* as causing a peace officer to enter into an investigation by making a false

statement that accuses some other person of having committed an offence. In other words, Cpl Graham suspected the female OCdt of making a false report that she was being harassed by the male OCdt simply to avoid having to repay what she owed him.

256. The fraud and public mischief charges contemplated by Cpl Graham grossly misconstrued the nature of the financial relationship between the two Officer Cadets. In his interview with the female OCdt it was made clear to Cpl Graham that the female OCdt borrowed money from the male OCdt that she intended to repay in full. In other words, the transaction was a loan, not a payment for a physical relationship that did not develop. In his notes from the interview with the female OCdt, Cpl Graham states that the two Officer Cadets created multiple payment plans to repay the debt. The female OCdt told Cpl Graham that she always intended to repay the money. She also told Cpl Graham that she sent an e-transfer to the male OCdt on June 3, 2019 that repaid the full amount of her debt or at least something very close to the full amount. If the female OCdt all along intended to repay her loan, she would have no reason to fabricate a story that she was being harassed in order to escape her financial obligation. She was also not defrauding the male OCdt because they both understood he had simply loaned her money and so he was not deceived.

257. The question arises as to why Cpl Graham would concoct such ill-conceived charges as those he wished to lay against the two Officer Cadets. As Sgt Bultinck said during his interview, “To call this a prostitution file would be the biggest exaggeration known to man”. One possible explanation is that Cpl Graham lacked experience, having less than two years on the job as a member of the Military Police. Cpl Graham had not yet had the benefit of the QL5 training when he conducted the interviews of the two Officer Cadets. Given his inexperience, he required guidance from a diligent supervisor and advice from more experienced members. The evidence suggests that he did not receive that supervision and guidance as, for example, there is no indication anyone reviewed his interview plan before he travelled to CFB Borden to speak with the female OCdt.

258. There are also indications that Cpl Graham was motivated by moral convictions as opposed to the legal considerations that should motivate a criminal investigator. He seems to

have disapproved of the female OCdt's actions before the interview even started. Thus, one of the questions he proposed asking her was "Do you think a future leader of the CAF should take money from someone that doesn't have the mental capacity to realize they may in fact be committing a crime?" Cpl Graham further revealed his bias against the female OCdt during the interview when he told her that one of the reasons for conducting the interview with her was to see for himself whether, "[The female OCdt] was a mean bitch taking advantage of this guy with mental problems." Further into the interview, Cpl Graham said, "When I first came in here, I was angry with you because I thought you had taken advantage of [the male OCdt]". He told the Commission investigators he was "irritated" by the female OCdt's actions. This is not the attitude one would hope for from an impartial and competent investigator with the power to negatively affect people's lives by recommending they be charged with serious criminal offences.

259. Cpl Graham's animus towards the female OCdt may explain why he contemplated laying charges that he did not understand. Despite his claim that he spoke with someone from the Judge Advocate General before he conducted the interview with the female OCdt (which is undocumented) almost two years after his interview with the female OCdt, Cpl Graham was still unable to articulate to the Commission investigators what the offence of material benefit from sexual services was and how it applied to these facts. Even more serious, though, is Cpl Graham essentially inventing evidence by putting the selling of worn/soiled underwear into a GO report that was then circulated to the RMC CoC. As Lt Côté correctly pointed out, things would have gone better had Cpl Graham acted more like a professional and stuck with the facts. It should be added that Cpl Graham should also have been more professional in his use of language. Openly speculating about whether the female OCdt was a "mean bitch" was demeaning, provocative, and inappropriate and has no place being said in an interview room by a professional police officer.

260. In the email she sent to Cpl Graham six days after their interview, the female OCdt complains of "victim-blaming", something that had become a focus under the CAF Operation HONOUR program initiated by the Chief of Defence Staff in August 2015. The concept of

“victim-blaming” was defined in Chapter 2 of the Operation HONOUR manual as being a situation where an investigator wonders how the victim of a crime could have behaved differently or made different choices to avoid what happened. In her email, the female OCdt pointed out that Cpl Graham questioned what she could have done differently in order to prevent a crime from happening and implied she was responsible for the crime rather than the male OCdt. Not only did Cpl Graham not acknowledge that he was victim-blaming, he wrote back to the female OCdt to say her communication was inappropriate, thereby exacerbating his victim-blaming. The email should have been a prompt for Cpl Graham to reflect upon what he was doing to the female OCdt, but he simply and inappropriately rejected her concerns out of hand.

261. Cpl Graham copied his response to the female OCdt’s email to Sgt Bultinck who was the Watch Commander at that time. The message conveyed by the female OCdt should have gotten Sgt Bultinck’s attention and should have prompted him to check the audio-video recording of the interview himself. Had Sgt Bultinck watched the video recording, he would have heard Cpl Graham’s animus towards the female OCdt, such as referring to her as a ‘mean bitch’, for himself. He would also have heard Cpl Graham’s failed attempt to explain the material benefit from sexual services charge. The supervisor would have also heard the female OCdt talk about the fact that the male OCdt was still calling and recognized that the harassment by the male OCdt was still occurring. Had he done so, there are a number of issues which Sgt Bultinck may have himself flagged. But as we now know, Sgt Bultinck never watched the video.

262. Cpl Graham was missing important information when he conducted his interviews with the two Officer Cadets. He did not, for example, see the Street Check concerning the “noose” found in the male OCdt’s dorm room through what CPO1 Mogridge called his “laziness”. As CPO1 Mogridge said, he should have been arming himself with all the information available to him (which would have included reading the female OCdt’s written statement and notes) before embarking on interviews. Cpl Graham was also unaware that MCpl Armstrong never spoke with the male OCdt. This lack of preparation combined with his fabrication of evidence in relation to the selling of underwear led him to misconstrue the nature of the relationship between the two Officer Cadets.

263. The charges which Cpl Graham so erroneously contemplated may have negative consequences for the female OCdt. Sgt Bultinck said that the RMC was thinking about taking administrative action against her and not letting her continue her studies. That has not come to pass, but it is an indication of how seriously this matter was taken. There may not have been a criminal prosecution of the female OCdt, but it is not known what long-term effect the threat to charge her may have on her military career.

264. Cpl Graham's baseless charges and invention of evidence may also serve to reinforce a negative view of the female OCdt among some at the RMC. One example already discussed is Capt Delisle's impression that the female OCdt had gone outside her CoC by going to the civilian courts and "blindsided" everyone. Capt Delisle, however, was mistaken. The female OCdt did first report the harassment to Sgt Monaghan and the matter then went up the CoC to LCol Moore. A Military Police report with invented evidence but which is taken as factual can further damage the female OCdt's reputation.

265. The Commission hopes that this thorough examination of the circumstances of the ill-conceived charges against the female OCdt shows that she was a victim of serious misconduct and received none of the support services to which she was entitled. She rated as one of the finest Officer Cadets at the RMC, yet she did not receive the benefit of the doubt concerning her dealings with the male OCdt. The Commission trusts that this report will help ensure that she is not subject to any adverse repercussions in her military career.

Finding #4:

The Commission finds that the investigation into sexual offences allegedly committed by the female OCdt was not reasonably conceived and carried out. It was not reasonable because the thinking behind laying those charges was based on a misapprehension of the nature of the relationship between the two Officer Cadets. Cpl Graham thought that the relationship was intended to be sexual in nature and the offences he thought might apply depended on that characterization. But there was no sexual component to the relationship and, even if there were, the charges Cpl Graham was contemplating would not have applied. Cpl Graham also took a judgmental rather than a legal approach to the case and this may help explain why he was thinking of laying unreasonable charges. As an inexperienced member of the Military Police, Cpl Graham should have consulted with his supervisors and should have been able to rely on them to help guide him through legal matters with which he was so unfamiliar. All of them should have accessed the legal advice

readily available to them. Unfortunately, no supervisor reviewed Cpl Graham's plan for questioning the female OCdt and when Sgt Bultinck was shown the female OCdt's written objections to that questioning, he took no action. Had he viewed that questioning, he would have been able to take stronger action in clearing the female OCdt from the threat of criminal charges that had no factual or legal basis. Cpl Graham's incompetent interview of the female OCdt demonstrated his bias and animus toward her which further exacerbated the unmerited adverse treatment that she received. (Accepted by the CFPM)

6.5 Question #5 - Whether Military Police supervisors provided adequate oversight concerning the mental health and personal safety issues in both the criminal harassment and sexual offences investigations.

6.5.1 The Interview Evidence

6.5.1.1 Evidence of Major Darren Lemire (Witness)

266. As Major Lemire explained during his interview, out of a complement of 30 members in the Kingston detachment, two or three members were away on deployment at the time of the events in issue and the detachment was under strength at the sergeant's rank. He noted there were four Sections (shifts) at the Kingston detachment. Each Section was supervised by a sergeant, however at that time, three were off duty on medical leave. Although Major Lemire noted that there may have been some members at the Kingston detachment who had taken the Military Police Investigation Course (MPIC), he said the detachment had two or three investigator positions which were unfilled during the period from January 2019 to July 2019. Although Major Lemire was aware of the staffing situation in the Kingston detachment, the situation involving the male OCdt did not come to his attention until June 6, 2019, when his attempted suicide was brought to his attention.

6.5.1.2 Evidence of Chief Petty Officer 1st class Darryl Mogridge (Witness)

267. CPO1 Mogridge was a very experienced member of the Military Police when he was assigned to duties in the Kingston detachment. During his interview, CPO 1 Mogridge was asked to detail how the complaint process was intended to work at the Kingston detachment. He explained that when a complaint comes in, a Computer Aided Dispatch (CAD) entry is completed. Then, once an investigator responds, the CAD entry is converted into a General Occurrence (GO) file. The Shift i/c would then assign that GO File to an investigator. The

investigator conducts the investigation. During that investigation, the Shift i/c or 2 i/c should be monitoring that investigation. Once the investigation is finished, the 2 i/c should review and vet the file. They should do that in concert with the investigator. The file next goes to the Shift i/c. The Shift i/c reviews the file and then sends it to the Crime Reader. Between the Crime Reader (depending on who was in the position) and the Warrant Officer, the file would be reviewed and concluded. If the file needed to be distributed, a cover letter would be prepared for signature by the Officer Commanding (OC). Once the letter was signed off, the file would then go back to the Crime Reader, who would scan the letter into the file and distribute the file to the intended recipient(s).

268. CPO1 Mogridge was asked if there was anyone at the Kingston detachment who was assigned to “spot check” the recorded interviews. He said that as the Sergeant Major, he was responsible for doing sporadic checks of random files. He said he was not sure if the Warrant Officer also carried that responsibility.

269. When asked about pressure to have files concluded within 30 days, CPO1 Mogridge said they do try to get files concluded within that time, however if an investigator cannot do that, they just need to get approval through the CoC for an extension. He said that is simply done as an Administrative Activity request within the GO. CPO1 Mogridge further noted that such approval is usually granted automatically.

270. CPO1 Mogridge was asked about situations where a lead investigator is away on leave or on a course. It was pointed out that in the criminal harassment file, MCpl Armstrong was away on leave for an extended period and was only available to work on the file on a few days after the receipt of the complaint. There was, however, no leave noted in the file. CPO1 Mogridge said there was a requirement to note such an absence in the file.

271. CPO1 Mogridge was asked about Cpl Graham’s interview with the female OCdt at CFB Borden. He said that he didn’t even know Cpl Graham had gone to Borden. He noted that before anyone travelled, someone would have had to look at the investigation plan and determine if the

travel was warranted. The travel would have to be approved before it took place. He referred to the need to comply with section 32 of the *Financial Administration Act*.

272. According to the email record, it was CPO1 Mogridge who flagged the incident involving the female OCdt as a “significant occurrence”. During his interview, he was asked about the file and the process. CPO1 Mogridge explained that after every 12-hour shift, the members would produce an email listing all the calls they attended during that shift. They would send that out to the entire detachment. Then, at the end of the week, CPO1 Mogridge, Lt Côté, or WO Bastien would take the serious incidents from those emails and send a weekly update to the Base Commander.

6.5.1.3 Evidence of Lieutenant Cindy Côté (Subject)

273. The Kingston detachment was Lt Côté’s first command position. She was a graduate of a Police Foundations program and joined the Military Police in 2008. In 2015, she took the opportunity to go back to university and graduated in 2018. She then attended the Military Police Academy and completed the four-month Officer Course. During her interview, Lt Côté was quick to acknowledge issues resulting from staff shortages. She said that the lack of adequate staffing was an issue that she regularly raised with her CoC. She noted that at one point, the Kingston detachment was staffed at less than 40% of its strength. Lt Côté went on to explain that every week she had a File Status Review (FSR) with her CoC, and a standing item on the agenda was the detachment strength. Lt Côté particularly noted that both CPO1 Mogridge and WO Bastien were frequently absent from the detachment. As a result, Lt Côté explained that sometimes she herself had to also carry out the duties of these two supervisors.

274. Lt Côté explained that files were supposed to be reviewed by the Shift i/c, then the Watch Commander, and then the Police Operations Warrant (WO Bastien). At each step of the review, the expectation was that if something was missing in the file, it would be sent back to the investigator. Once a file was complete, it would come to her so she could sign a covering letter before the file was distributed. She explained that she would review the Case Summary, the Conclusion, and the cover letter to make sure that was all in order. She noted that she did not

have the time to review the whole file and that such a detailed review should have been done before it reached her level.

275. Lt Côté said that operations were hampered by not having an experienced member in their General Investigation Section (GIS). Lt Côté also said that they were only able to do the bare essentials (respond to calls). They had staff going off on stress leave. At times they “had to cut corners” just to respond to calls for service.

276. Lt Côté was asked if there was a process in place at the detachment to verify that members were performing their duties up to expectations. Specifically, she was asked about the audio-video recordings of interviews and whose job it was to spot check interviews to see if they were up to standards and expectations. Lt Côté noted that in the past, everyone underwent a year of supervision (via the Coaching Program), but that program had been eliminated. Lt Côté said at the Kingston detachment, it was the Shift i/c that was supposed to oversee that. She noted that for every interview there should have been at least a member qualified under the QL5 training. She further noted that there was always a note taker for each interview, to oversee the interview. Lt Côté explained that the Shift i/c or the Watch Commander would usually be involved. She added that the Watch Commander was responsible for vetting and making sure that everything was in order. She said the Watch Commander position during her time at the Kingston detachment was filled by either Sgt Vincent or MCpl Kellar.

277. Lt Côté said, “Once the investigation will have been done, or the interview, like you mentioned, they would have to go to the Shift i/c to make sure everything was conducted properly. After that, it would go to the Watch Commander. The Watch Commander would review everything, making sure that there is no element missing or if it was done properly and at that point it would go to the Warrant Bastien who was the Police Operations”. At that point, she said the file “should have” been completed properly, and the only thing remaining was the distribution of the file.

278. Lt Côté added that at her level, she was only consulted on a file by the Watch Commander or the Warrant if there were issues that needed to be resolved. She noted that for

most files, she would only see them when they were concluded. She reiterated her earlier comment that she only reviewed certain portions of a file before she signed the covering letter. She noted that usually her 2 i/c (CPO1 Mogridge) would review the file (for operational correctness), and then the file would come to her.

279. Lt Côté said she reviewed the video recording of the interview of the female OCdt on March 13, 2019. Asked what her impression was of the MCpl Armstrong interview, she replied that it was hard for her to comment on it after the fact. She noted that the Military Police members “were under a lot of pressure. They didn’t have a lot of people - they did what they were able to do with what they had”. Lt Côté noted that after reviewing both the Cpl Graham and MCpl Armstrong interviews, the supervision should have been greater. She noted that both investigators did not have much experience. She conceded that there should have been greater supervision and they should have had more experience, but at the time that was what they had. She went on to say:

“I cannot blame the people. I’m blaming like -- I’m blaming the lack of experience in the Branch itself because at the end of the day, those guys were put in the seat where they needed to do what they needed to do with the experience they had. So, I guess I can blame me as a chain of command and not blame them, because at the end of the day, the I/C -- their Shift i/c should have been giving them more direction, and after that, the Watch Commander there should have looked at it. Even if it was after the fact, they should have been more teach all the details which needed to be done and the same thing as the Warrant Officers. So, all those levels kind of like failed the member doing their investigation, yah.”⁸⁹

280. It was noted that the female OCdt was advised to seek a peace bond, however it was pointed out that would take about a month to get into place. Lt Côté was asked what the female OCdt was supposed to do in the meantime. Lt Côté said that was one of her concerns. She said she did not like to comment on something where she was not involved in the decision-making process. But she did say that if the Shift i/c would have had concerns, he should have brought it to the Watch Commander, and that Watch Commander could have brought it to the Warrant Officer, and if the Warrant Officer had concerns with the file, he would have come to see her. She noted in this case, none of that happened.

⁸⁹ MPCC interview with Lt Cindy Côté on March 29, 2021.

281. It was pointed out to Lt Côté that MCpl Armstrong completed a very good analysis of what was required to prove a charge of criminal harassment, and listed many activities that needed to be undertaken, including interviewing the male OCdt. Lt Côté agreed. She went on to note that the investigation plan was not reviewed. She noted that was a failure of the CoC. It was pointed out that nothing that MCpl Armstrong put in the investigation plan was ever done. Lt Côté replied, “Yah, I reviewed it, and I noticed the same thing”.⁹⁰

282. Lt Côté said the Watch Commander should have reviewed the investigation plan. She believed Sgt Vincent was the Watch Commander at that time. She said he was very experienced, having served in the military for some 20 years. She said she was at a loss as to why the supervision of the file never occurred. She noted that WO Bastien cleared the file, “so he should have gone through everything, making sure that everything was there, but it’s not the case in that file”.⁹¹

283. Lt Côté acknowledged that when the criminal harassment file arrived at her level, she was only looking at the text boxes, and she never would have reviewed the female OCdt’s statement or the evidence she provided. Lt Côté confirmed that would have been the Warrant Officer’s job, not her job. She explained that as the Officer Commanding in Kingston, when the file arrived at her desk “it should have been good to go - and no errors, but obviously we know that it’s not the case. But when it was supposed to be at my level, the file should have been spot on and good to go, so I can just sign the letter and send it to the person that needed to be distributed to.”⁹²

284. Lt Côté was then asked to explain how if the elements of the offence were not met in the criminal harassment file, the incident was classified as being “founded” or having taken place or been attempted. Lt Côté said it was hard to look back after the fact, and that should have been caught at the time and it wasn’t. Lt Côté acknowledged that was a failure at “every single level of the chain of command for that. But yes, when it’s “founded”, it’s “founded”, but in that case,

⁹⁰ MPCC interview with Lt Cindy Côté on March 29, 2021.

⁹¹ MPCC interview with Lt Cindy Côté on March 29, 2021.

⁹² MPCC interview with Lt Cindy Côté on March 29, 2021.

it should have said insufficient evidence to proceed or something in that matter because it was the case, but it said “founded”. So, I don’t know, I cannot speak for what happened at the first level, or the second level, or the third level of looking at the file”.⁹³

285. Lt Côté was asked if the Military Police use a risk management tool to assess the threat risk, like in the female OCdt’s case. Lt Côté said they do have a form. It’s called something like “Risk Assessment” and it is in the MP Group Orders. She noted it was not completed in this case. After her interview, Lt Côté submitted a reference to CF MP Order 2-320.5 - Risk Assessment Matrix. The MP Order was examined, but it is intended for use in assessing general risk factors where a warrant is going to be executed involving an individual who is mentally unstable or suicidal.

286. Lt Côté was asked about the finding of the “noose” in the male OCdt’s dorm room on March 20, 2019 which had been reported as a Street Check. Lt Côté said it should have been recorded as a GO. Lt Côté went on to express her surprise that it was not caught in the daily national SAMPIS review (that it should have been a GO). It was noted that because it was recorded as a Street Check, others checking the male OCdt’s name on SAMPIS never reviewed it. Lt Côté said that Street Checks are used for very minor issues, however she felt that it still should have been reviewed by someone searching the male OCdt’s name.

287. Lt Côté was asked to turn her attention to Cpl Graham’s interview with the male OCdt. She was asked to comment on what she saw in the video recording. Lt Côté said she believed that interview should have been done by someone with more experience. She noted that she was pleased that Cpl Graham sought legal advice. She also noted that Cpl Graham should have been more professional in the way he was speaking. Lt Côté noted that she had never seen that file, as she had left the Kingston detachment by the time the file was concluded.

288. Lt Côté explained that the sexual crimes other file was the same situation as the harassment file; they both involved an inexperienced investigator. Lt Côté said that in this case,

⁹³ MPCC interview with Lt Cindy Côté on March 29, 2021.

the investigation plan had been reviewed by Sgt Bultinck, who had many years of experience with the NIS. When told that Sgt Bultinck did not review the file until July 15, 2019, well after the date Cpl Graham conducted the interview with the female OCdt, Lt Côté responded that the file should have had supervisory oversight from the beginning, “but I don’t think it was in that case.” Lt Côté added, “we trust our members, because we need to trust the people that we have, with the experience that they have. We try to develop them with the amount of work that we have, but the file speaks for itself that there’s elements missing, and that the level of supervision from the Shift i/c up was not actually there completely”.⁹⁴

6.5.1.4 Evidence of Warrant Officer Carol Bastien (Subject)

289. WO Bastien explained that once he was promoted to the rank of Warrant Officer, he was posted to the Kingston detachment. In Kingston, he served as the Police Operation Warrant and the Crime Reader. WO Bastien said that there was very limited supervisor capacity at the Kingston detachment for the policing role at the time of the events in question. WO Bastien said he believed they had put in place a Watch Commander around March 2019. He said he had three sergeants working. Sgt Compeau was assigned to the RMC. Sgt Vincent at that time was frequently used to fill patrol duties as they were short of patrol officers. The third sergeant (Sgt Russell) was frequently not there for medical reasons.

290. WO Bastien said he was on leave in March 2019 when MCpl Armstrong conducted his interview with the female OCdt. He noted that he was away until March 18th. He agreed that no supervisor reviewed the criminal harassment file before it came to him in April 2019. The first time WO Bastien saw the file was when he reviewed it to close it. WO Bastien noted that at the time, he was very busy processing annual personnel evaluations for all his personnel, as well as the RMC graduation file.

291. WO Bastien was asked about an expectation that files would be closed within 30 days. He explained how headquarters each week would look at how many GO files were still outstanding after 30 days. He said they did not like to see GOs outstanding after 30 days. So,

⁹⁴ MPCC interview with Lt Cindy Côté on March 29, 2021.

before each monthly meeting, he would look at the outstanding files to try to conclude files within the 30 days where he was able. In the case of the criminal harassment file, WO Bastien said he looked at it and saw that MCpl Armstrong had offered the peace bond. He said he believed that was the first time he saw the file.

292. WO Bastien was asked whether he had read the entire criminal harassment GO File. At first, WO Bastien said that he did “read the full GO”. However, he acknowledged that meant reading the text boxes produced by MCpl Armstrong. WO Bastien did not read the written statements or examine the attachments. Having now read the exhibits that the female OCdt provided and her statement that was included in the file, WO Bastien was asked if he would still have closed the file. WO Bastien said that when he did read the file in preparation for his interview, “I was dumfounded - almost fell off my chair”. He added that he was very disappointed in the member who took the complaint, MCpl Armstrong. WO Bastien concluded that after reading the report, the circumstances did meet the elements of the offence. He said as the Warrant Pol OPs, he had to take responsibility. He added, “I do take the responsibility for -- for not reading her statement”. WO Bastien was asked whether, after having read the file completely, would he agree with the concluding remarks that were in the file. He replied, “No Sir...there was enough in there for criminal harassment”.⁹⁵

293. WO Bastien was asked about the finding of the “noose” in the male OCdt’s dorm room on March 20, 2019. He was asked if he would review Street Checks. WO Bastien said when he had time, he would review them once in a while. He noted that in this instance, the matter should have been reported as a GO File. But in this case, he said he had never seen this particular Street Check.

294. WO Bastien was asked about the interview that Cpl Graham had with the male OCdt on May 24, 2019. He said he first became aware of the matter when Cpl Graham came to his office on May 24th. He recalled that Cpl Graham was seeking his advice about whether he should read the male OCdt a caution. WO Bastien told Cpl Graham if he was unsure, it was always wise to

⁹⁵ MPCC interview with WO Carol Bastien on February 26, 2021.

read the caution. WO Bastien added that Cpl Graham also said something to him about the interviewee's mental capacity. WO Bastien said he told Cpl Graham, "Look it is not up to us, he joined the Armed Forces, so obviously someone thinks he's okay because he said something that he felt like he act -- he has a mentality capacity of a child. And I said 'he is in the Armed Forces at RMC, and I said 'do you feel he's a threat to himself or other -- and then I said -- then there's nothing we can do. You know we cannot just force him to the hospital because you think he is -- he has the mental capacity of a child'".⁹⁶ WO Bastien said the topic of the male OCdt's mental health issues came up and they discussed it. He said, "we had to make sure that he wasn't a threat". He said he was quite certain they had that conversation.

295. WO Bastien was asked if when he had that conversation with Cpl Graham, he was aware that the female OCdt had informed MCpl Armstrong in her complaint that the male OCdt had mental health issues and was a danger to himself. He said he was not aware because he had "never read her statement". WO Bastien further said he now noted that it had been written in one of the Daily Situation Reports that the male OCdt was sent to the KGH, however, he had not previously read that.

296. It was noted that Cpl Graham told the male OCdt that he would probably be charged with solicitation. WO Bastien was asked if there was a subject matter expert on solicitation at the Kingston detachment that could have provided guidance. He said there was not. WO Bastien noted that he himself had never undertaken a complex investigation and reiterated that he only really had three years of policing experience and that was just dealing with minor complaints when he was posted at Esquimalt.

6.5.1.5 Evidence of Sergeant Stephen Bultinck (Subject)

297. In May 2019, Sgt Bultinck began learning the role of Watch Commander. Sgt Vincent was responsible for doing the "handover". Sgt Bultinck said his first full week in the Watch Commander's position was June 3rd to June 7th, 2019.

⁹⁶ MPCC interview with WO Carol Bastien on February 26, 2021.

298. Sgt Bultinck reviewed the criminal harassment GO File prior to the interview with the MPCC investigators. He said that he was surprised that, “nobody even followed up with [the male OCdt]”.⁹⁷ But he added, “this is an ongoing problem”. He then gave an example of a domestic dispute where a service member was hitting himself. When members from the Military Police arrived on the scene, they found the CAF member had left the residence prior to their arrival, and they never followed up to find him and check up on him. They then just concluded the file as if there had been no assault.

299. It was noted that Sgt Bultinck was not on duty on May 24, 2019. But he acknowledged that on May 27th he looked at Cpl Graham’s file (according to the case notes). Sgt Bultinck was asked what he looked at. He replied that he was just going through the files that had been opened while he was off. He thought he may have also received a verbal briefing from Cpl Graham.

300. It was noted that Cpl Graham went to Sgt Vincent to obtain authorization to travel to CFB Borden to interview the female OCdt. Sgt Bultinck explained that Cpl Graham would have gone to Sgt Vincent and not him because he was on leave. Sgt Bultinck acknowledged that in considering the travel authorization, Sgt Vincent would have had to review the investigation plan and the interview plan. But according to SAMPIS, no one reviewed the investigation plan until Sgt Bultinck did on July 15, 2019. Sgt Bultinck said he did not know whether anyone had looked at the plan before that date.

301. Sgt Bultinck said he did recall reading the file and keeping up with it. He added that when Cpl Graham came back from CFB Borden, Cpl Graham briefed him on the interview with the female OCdt. At that point, Sgt Bultinck said he was not sure whether there was anything criminal involved, so he suggested the file be sent to the Judge Advocate General for review. Sgt Bultinck said that was done to be thorough, as opposed to sending the file over to the RMC and not having a legal review of it. Sgt Bultinck said he did not watch the video of Cpl Graham’s interview with the female OCdt.

⁹⁷ MPCC interview with Sgt Stephen Bultinck on March 23, 2021.

302. Sgt Bultinck said, “To call this a prostitution file would be the biggest exaggeration known to man”. He added, “But for anybody in policing with experience, this would be relatively nothing ... The bigger thing here is the harassment”.⁹⁸ Sgt Bultinck acknowledged that the entire matter could have been handled differently by the RMC CoC and the Military Police and sent for dispute resolution.

303. Sgt Bultinck was asked whether peace bonds were used within the detachment. He said it was common (once every few months) to make the suggestion of obtaining a peace bond if there was no criminal element and nothing they could do as the police. But he added that in the situation with the female OCdt, “MCpl Armstrong didn’t even have to suggest a peace bond, if somebody would have just talked to [the male OCdt], as opposed to nobody ever talking to him. Maybe if -- maybe if somebody did talk to him, maybe he wouldn’t have tried to kill himself later on about a week later, because he would have known what was going on, instead of just left -- left there stewing with his own devices”.⁹⁹

304. In terms of the criminal harassment file, Sgt Bultinck was asked if an investigator is going to be absent for any length of time, how that was to be acknowledged in the GO File. Sgt Bultinck agreed that was supposed to be noted.

6.5.1.6 Evidence of Sergeant Anthony Vincent (Witness)

305. It was noted that for MCpl Armstrong’s interview with the female OCdt there was no note taker/observer. Sgt Vincent said he was not aware of that but said there usually ought to have been a note taker.

306. Sgt Vincent said he had never investigated a criminal harassment case. He noted that he did deal with a lot of the harassment files from the RMC but none that had reached the threshold of criminal harassment. Sgt Vincent went on to explain that he had only reviewed the complete files when he was asked to by the Commission investigators. He went on to say:

⁹⁸ MPCC interview with Sgt Stephen Bultinck on March 23, 2021.

⁹⁹ MPCC interview with Sgt Stephen Bultinck on March 23, 2021.

“But after reviewing the -- the first file [Criminal Harassment], I -- I mean it's borderline. Like it's right on the line of -- yah it meets a very fine line of criminal harassment, which is why I was amazed that they never actually interviewed [the male Oct] for that particular complaint, because that may have prevented maybe the second file from even taking place, or at least brought the two together into one file right. I can't speak to Master Corporal Armstrong's level of -- of expertise or skillset for investigations. He'd just got back from tour, so I'd never worked with him until right about at that point, so.”¹⁰⁰

307. Sgt Vincent was asked what type of access they had to the Judge Advocate General. Sgt Vincent said they had ready access to that office - they could “just pick up the phone and call them” if they needed advice. He went on to explain that they always encourage their members to seek advice from the Judge Advocate General if they are confused or unsure of which route to take on a file.

308. When asked about his approving Cpl Graham's transport to CFB Borden to interview the female OCdt, Sgt Vincent said: “He had already -- he had already spoken with I believe Warrant Bastien about it, or it might have been Chief Mogridge about it, and they had approved it for him to go down. So, they told me to go ahead and -- and book the car for him”.

6.5.1.7 Evidence of Sergeant Véronique Tapp (Witness)

309. Sgt Véronique Tapp was herself an experienced member of the Military Police. She joined the CAF as a member of the Military Police in 2004 after completing a Police Foundations program. In 2015, she joined the CFNIS and by 2016, she was promoted to sergeant and was a Team Lead at the Central Region CFNIS. She provided her views on the importance of supervision in developing junior members of the Military Police. Sgt Tapp said that, particularly in the Guardhouses, they do not have experienced supervisors in place, because she said, “they were promoted out of a hat”. She went on to explain that members were getting promoted who had transferred into the Military Police from other trades within the CAF and had retained their seniority. She explained that they were promoted because their number was up, not because they had any policing experience.

¹⁰⁰ MPCC interview with Sgt Anthony Vincent on July 20, 2021.

310. Sgt Tapp noted the difference between the Military Police and the civilian police is that in civilian policing you're promoted because you applied and demonstrated that you had the qualifications for the position and the background to support that you deserve the position. She said the positions go to the "most deserving". But, she said, "that's not how the Military Police works". Sgt Tapp said that, because of the retention problem, promotions are given because your number's up and they "need that many promotions to master corporal and that many to promotion to sergeants". Sgt Tapp said that's how the Military Police are ending up with sergeants with four years in the trade. She also said that problems arise due to that fact that junior members are not supervised, and they don't have the proper level of experience above them to guide them. They don't have coach officers, and they have officers that have little police experience.

6.5.2 Analysis

311. As the Officer Commanding, Lt Côté was responsible for what happened in her command during her watch. She was quick to point out the staffing issues and how she had raised the matter of being short-staffed with her CoC on a regular basis. But every detachment likely deals with staffing issues. The excuses provided by Lt Côté may have received a more sympathetic response save for the frequency and severity of the problems that arose at the Kingston detachment. Those problems included:

- MCpl Armstrong's performance in response to the complaint made by the female OCdt was deficient in his failure to follow up on abundant evidence of criminal harassment, his failure to put in place any measures to see to her safety, and his failure to make any inquiries about a report of serious mental health issues leading to potential self-harm that was brought to his attention;
- One week later, the incorrect reporting of a mental health incident involving the male OCdt by Cpl O'Neill and Cpl LaPlante was a lost opportunity for comprehensive reporting about the male OCdt that went undiscovered;
- On May 21, 2019, Sgt Compeau had a meeting with the male OCdt and, at least according to Sgt Compeau, he went to tell Lt Côté about that meeting. On May 23, 2019, Sgt Compeau received a written statement from the male OCdt that appears to have gone missing;

- On May 24, 2019, Cpl Graham conducted a very problematic interview with the male OCdt. In the course of that interview, he appeared to notice that the male OCdt was having difficulties, but he exacerbated those mental health difficulties by threatening to lay a specious charge of what was termed “solicitation”;
- Cpl Graham then received authorization to travel to CFB Borden based on investigation and interview plans that were not reviewed by any supervisor;
- The interview with the female OCdt focused on three potential criminal charges against her that were completely lacking in any legal basis and led to the female OCdt writing after the interview that she had been subject to “victim-blaming”.

These problems were discovered by looking at a situation between two Officer Cadets in which there should have been an early intervention to prevent the ongoing criminal harassment of the female OCdt and to ensure her safety and to address the male OCdt’s serious mental health issues.

312. The scope of the problems at the Kingston detachment cannot be explained solely by referring to staffing issues. Firstly, the more staff that are missing the greater is the need for supervision. Secondly, there are mechanisms which are designed to catch many of the problems identified, but none of those seemed to be in place. Indeed, it appears as though no one at the Kingston detachment even knew about the responsibilities placed on the CoC by CF MP Order 2-500, Investigation Management. This Order sets out the “best practices” for supervisors in managing an investigation.

313. CF MP Order 2-500 states that investigation management is the process of employing resources effectively and efficiently for the purpose of establishing if a criminal or service offence has been committed. The management of identified resources involves planning, organizing, leading, and controlling the actions of investigative resources for the purpose of achieving the stated goals of the investigation plan. Two means that supervisors should employ in managing an investigation are defined as follows:

“Quality Control: daily supervision of investigative activities in order to ensure a professional product at the outcome of an investigation. Quality control is an ongoing activity performed by all supervisory levels with investigative decisions recorded and tracked in the Security and Military Police Information System (SAMPIS) as part of the investigation; and

Quality Assurance: review of the investigative process following the conclusion of an investigation in order to ensure all procedures were observed and lessons learned were identified so as to improve future investigations.”

314. A focus of supervisory activity will be the investigation plan. As Order 2-500 makes clear, a thorough investigation plan is essential in ensuring the successful completion of an investigation. As CF MP Order 2-340.2 – Investigation Plans – sets out, an investigation plan must be continuously reviewed, updated and amended by the investigator and supervisor until the investigation is completed. Supervisors must ensure that actions taken in regard to the investigation plan are annotated in the GO, and they must ensure that reasons for actions not taken are articulated in the GO. Investigations involving complex facts or allegations require active, informed and involved supervision; supervisors at all levels have a duty to supervise the work of their subordinates, maintain full situational awareness of investigations their subordinates are conducting and offer advice and expertise as required. If a circumstance arises where an investigation is led by an investigator with limited experience in the specific type of investigation being undertaken, the case manager assigned to the investigation must have a sufficient level of experience in such investigations to overcome the deficiency and provide technical direction to the investigator.

315. The two criminal investigations that are the subject of this report both had a lead investigator with very limited criminal investigation experience and competence. This was a situation that required an adherence to Order 2-500 in that there needed to be a detailed investigation plan and the implementation of that plan needed to be monitored by a supervisor with experience in the area. In other words, there needed to be active quality control, or ongoing monitoring to ensure that the investigations were conducted with a high level of professionalism and in accordance with the law, standard police practices, regulations, and orders. If a concern was observed, it should have been addressed appropriately at the lowest level, as early on in the investigation as possible.

316. That kind of quality control did not happen in either criminal investigation. In the criminal harassment investigation, MCpl Armstrong did draft an investigation plan, but there is no indication that any supervisor read it. There is also no indication that any supervisor read the

materials supplied by the female OCdt and so they had no notion that she might be in any danger or that the male OCdt might need assistance since the female OCdt said he posed a danger to himself. To his credit, WO Bastien admitted that it was his responsibility to read the full criminal harassment file before he closed it. But he was not the only one who did not fulfill his responsibility. Lt Côté said it was not her job to conduct a detailed review of files; that was supposed to be done by the Watch Commander or by the Warrant Officer. Lt Côté said that when the criminal harassment file arrived at her level, she was only looking at the text boxes, and she never would have reviewed the female OCdt's statement or the evidence she provided. Lt Côté explained that would have been the Warrant Officer's job, not her job.

317. But it is Lt Côté's signature on the May 15, 2019 letter to the Director of Cadets at the RMC in which it states: "The MP Det investigation into a complaint of Criminal Harassment revealed insufficient evidence to support the charge". She was warranting that there was an investigation when there wasn't and that there was insufficient evidence when WO Bastien recognizes now that there was. She signed the letter as Officer Commanding and must accept the responsibility that those working under her command failed to get it right.

318. When key players such as the Watch Commander or Warrant Officer aren't in place to do the job required, the Officer Commanding herself needs to find a way to ensure that supervision is being carried out, even if that means getting involved in the process herself. Lt Côté placed a level of trust in the CoC below her that they would do what they were expected to do. But it was unclear on what basis she formed that trust. There were either persons missing in the CoC below her or people like WO Bastien were not fulfilling their supervisory responsibilities. This investigation demonstrated that her subordinates conducted sloppy and incompetent investigations. This was not a situation where her subordinates consistently and carefully vetted files so that all she needed to do was affix her signature to a conclusion letter. She needed to assure herself that her subordinates were capable and willing to carry out their tasks before she trusted them enough to not feel the need to read files for herself. She placed too much trust in the process of supervision and did not pay enough attention to its substance.

319. There was also a lack of quality control in the “sexual crimes other” file. There is a lack of clarity around who, if anybody, approved Cpl Graham’s investigation and interview plans before he was granted permission to travel to CFB Borden. Sgt Vincent thought that this travel had been approved by WO Bastien or CPO1 Mogridge, but CPO1 Mogridge says he was surprised to learn that Cpl Graham had gone to Borden and, according to SAMPIS, no one reviewed the investigation plan until Sgt Bultinck did on July 15, 2019. Left to his own devices, Cpl Graham concocted some fanciful criminal charges. The problem here is that, even if there were supervisory involvement, most of the supervisors admitted in their interviews that they themselves lacked experience with such charges. Sgt Bultinck did have the good sense to have the charges sent to the Judge Advocate General for review, but such a review should have taken place prior to the interview with the female OCdt; she should never have been confronted with charges for which there was no reasonable grounds to believe she had committed.

320. Another problem with the lack of supervision in a file is that there may be lingering effects from an investigation, even if it does not lead to a prosecution. In this instance, reference has already been made to the possible effect on the female OCdt’s reputation of having it known she was selling her underwear to pay off a debt. This was an invention of Cpl Graham and, as Lt Côté correctly said, Cpl Graham should have just stuck to the facts and not put in a file his personal interpretations. This kind of provocative ‘fact’ is something that might have attracted supervisory attention, had any supervisor been reading the file. Lt Côté was also asked why the “sexual crimes other” file had been concluded as “Founded” when an accusation such as those made in Cpl Graham’s report could have serious ramifications for the female OCdt in the future. Lt Côté said that should have also been caught within the CoC prior to the conclusion of the file. Leaving this notation in the file again points to a lack of attention and diligence on the part of both the front-line members and their supervisors.

321. Once the two investigations ended, there remained another possible avenue of catching any errors and this was quality assurance. This is a review of concluded investigations to ensure a consistent and high level of investigative service and to confirm investigations are carried out with a high level of professionalism and in accordance with the law, standard police practices,

regulations, and orders. A quality assurance review consists of a comprehensive review of all investigative activity, audio/video recordings (a minimum of complainant, victim and three witness interviews, if applicable), notes and evidence. Quality assurance is the responsibility of the Military Police CoC. Each Military Police commander is required to issue instructions regarding quality assurance procedures and identify who specifically conducts quality assurance within their organization.

322. Quality assurance is not carried out for every investigation. It is a regime that is put in place to scrutinize a random sampling of investigations to try and gauge how they are being carried out generally. Lt Côté did not designate anyone to carry out quality assurance. If she had, it is likely that investigations involving serious offences such as criminal harassment and material benefit from sexual services would have been selected for a quality assurance review. Had this been done, any supervisor watching the recordings of the three interviews would have noticed obvious deficiencies in interviewing techniques and seen the need for training. For example, there was no note taker or observer in the interview the inexperienced MCpl Armstrong conducted with the female OCdt. Quality assurance would also have identified a need for immediate remedial legal training for both front-line members and their supervisors. To take just one example, there seems to have been a great deal of confusion around the *Criminal Code* sections dealing with sexual services and how they applied to the relationship between the two Officer Cadets.

323. Engaging in quality assurance might also have improved Military Police communications after the investigations were concluded. The first the female OCdt learned that she would not be prosecuted for the three offences mentioned in the “sexual crimes other” file was when she was contacted by Commission investigators. She lived for over a year with charges hanging over head, not knowing they had been rejected by legal counsel. Quality assurance should pick up on these kinds of lacunae to ensure they are not repeated.

324. Another area showing a lack of supervision concerns note-taking. Many previous Commission reports have discussed the importance of proper note-taking as a means of showing reasonable and probable grounds to proceed with charges, to take but one example. Proper notes

are also extremely important when trying to assess the reasonableness of a member's actions after an investigation has been concluded. As CF MP Order 2-301.1 – Note-Taking Procedures – states:

“Making detailed and comprehensive police notes is fundamental to any investigation. They are a permanent and continual record of the events pertaining to the policing matter. Police notes contribute to the development of any investigation or report process, and they are extremely useful in refreshing the memory of anyone required to provide testimony during a judicial process. They further serve as a record of conduct should any questions arise pertaining to the professionalism of MP and their conduct.”

This report concerns an investigation about the conduct of a member of the Military Police and his notes would be a very helpful source of information for assessing that conduct.

325. MCpl Armstrong's notes are not to be found in the criminal harassment GO File. The absence of MCpl Armstrong's notes means that it is difficult to assess his assertion that Sgt Vincent told him there were no grounds to proceed with a criminal harassment prosecution. In any event, in his interview with the Commission investigators he said he did not put in his notes that he spoke with Sgt Vincent. MCpl Armstrong also said that having no notes in the GO File did not make sense, as notebook entries were required to be scanned in and thus it should not have cleared a supervisor's review. Therefore, when closing the file, WO Bastien either did not notice the lack of notes or did not consider them important enough to be included in the GO File. In either case, an important aspect of quality assurance was not present.

326. The lack of notes also runs counter to the findings of the Supreme Court of Canada in the case of *Wood v. Schaeffer*, [2013] 3 SCR 1053. In that case, the Court held that police officers have a duty to prepare accurate, detailed, and comprehensive notes as soon as practicable after an investigation.

327. The criminal harassment complaint by the female OCdt had been identified within the Kingston detachment as a “significant occurrence”. The meaning of this designation is unclear as it does not seem to have spurred any supervisor to take an interest in the matter. Of all the supervisors involved, WO Bastien bears the most responsibility. He directly supervised the Watch Commander who apparently did not do his job and review the report which had been

identified as a “significant occurrence”. That facilitated MCpl Armstrong’s failures. When he did receive the criminal harassment report filed by MCpl Armstrong, he took Armstrong’s work at face value. The investigation was left as “founded” despite the conclusion that the elements of the offence were not met.

328. WO Bastien was the supervisor Cpl Graham approached during his interview with the male OCdt on May 24, 2019. The advice that he gave to Cpl Graham when Graham raised the issue of the interviewee’s mental health was curious at best under the circumstances.

WO Bastien told Cpl Graham that unless Graham thought that the male OCdt represented a threat to himself or someone else there was nothing the Military Police could do. Of course, the Military Police had the female OCdt’s complaint. They also had responded to the finding of the “noose” in the male OCdt’s dorm room. They had information from Sgt Compeau who had himself raised concerns about the male OCdt’s mental health and fitness to be a witness. Had the Military Police reviewed what they had at the time, WO Bastien’s advice may have been different.

329. As for Sgt Pierre Compeau, it is clear that he met with Capt Carter and the male OCdt. As evidenced by the queries that were made from the Kingston detachment shortly after he left the meeting with the male OCdt, he told someone at the detachment what he had learned. Then he went back to Capt Carter and asked for a synopsis of what had been discussed because he wanted to make sure he, “got the story straight”.¹⁰¹ On May 23, 2019, he received a statement authored by the male OCdt which is clearly evidence and should have been included in the GO File. It was not, and Sgt Compeau is unable to account for what he did with that statement. Sgt Compeau told the MPCC investigators that, in his view, the male OCdt was not fit to be interviewed, yet he facilitated an interview with him on May 24, 2019.

330. Both MCpl Armstrong and Cpl Graham were fairly junior in their Military Police service. Their primary role was as patrol officers. Both require training and skill development in conducting interviews. Training is an issue in this file. A lack of training or awareness can be

¹⁰¹ Email from Sgt Compeau to Capt Carter on May 21, 2019.

understood in the case of a Military Police member who is young and inexperienced. While this state of affairs is not a welcome one, it is one that can be addressed by diligent supervision from more experienced senior members. The facts uncovered during this Public Interest Investigation have raised serious questions as to the presence of that supervision within the Kingston detachment at that time.

331. There were real issues concerning staffing levels and inexperience that led to deficiencies in supervision. Sgt Bultinck arrived at the Kingston detachment in May 2019, and he described the situation as he found it as a “bit of a mess”. As WO Bastien stressed during his interview, most of his experience as a member of the Military Police was in Force Protection and Physical Security Services. He added he had, “three years of policing”. Then, he found himself as third in command and sometimes second in command of the Kingston detachment. One of the responsibilities WO Bastien held while he was posted to the Kingston detachment was Crime Reader. He acknowledged that he had never received training for that role. He said that he raised concerns that reports would come directly to him from patrol. But the detachment was short on resources. WO Bastien added that at times they had difficulty ensuring there was a member who had their QL5 qualifications on shift. That level of training was a requirement on every shift. He went on to note that was the reason that at times they had to use Sgt Vincent and the daytime staff to fill patrol positions.

332. MCpl Armstrong was himself a Shift Supervisor at the Kingston detachment. He said he was a “direct entry” into the Military Police. Before joining the Military Police, MCpl Armstrong studied Police Foundations at Humber College from 2007 to 2009. He said he completed his QL5 training in 2014. But MCpl Armstrong went on to explain that in his eight years as a member of the Military Police, he barely did any actual policing. The first three years of his career he worked in a field platoon. Then he spent two years posted at an embassy. MCpl Armstrong said that his first actual “policing experience” was when he arrived at the Kingston detachment in July 2017. So, in March 2019, he had approximately 19 months of actual policing experience. He was assigned as the Shift Supervisor despite the fact that, as he readily admitted, he had only limited policing experience.

333. This survey of the experience level of the supervisors at the Kingston detachment makes Sgt Tapp's comments worth noting. She pointed out that some promotions to a supervisory level in the Military Police come before the promoted person has gained the experience required. This leads to a situation where front-line members like MCpl Armstrong and Cpl Graham had no one above them in the CoC to provide them guidance on offences with which they were not familiar. The supervisors interviewed often said they, too, did not know about the offences in issue. There was also no one with the experience of dealing with a criminal harassment complaint, for example, who could point out that there was more at stake than making out a legal case. An experienced supervisor could emphasize the personal safety aspect of such a case and the importance of conducting a risk management exercise. The supervisors that are the subject of this Public Interest Investigation themselves require training before they can properly train those who report to them.

Finding #5:

The Commission finds that Military Police supervisors did not provide adequate oversight concerning the mental health and personal safety issues in both the criminal harassment and sexual offences investigations. The front-line members conducting the investigations and dealing with the mental health and personal safety issues lacked experience and competence and would have benefited greatly from close supervisory support. Such support was not forthcoming. The investigation plans were not reviewed until the investigations were completed, nor was the evidence furnished by the female Officer Cadet examined. WO Bastien closed the criminal harassment file without reading it fully. Sgt Compeau allowed an interview to go ahead with a person he thought was not fit to even stand an interview. Lt Côté said she had to put her trust in the people below her in the CoC, but she acknowledged herself that the Kingston detachment was under-staffed and it was her command responsibility to compensate for that, by doing the review work herself, if necessary. In addition, the mental health and personal safety issues were not addressed, and there was neither quality control nor quality assurance to determine whether proper police procedures had been followed in the criminal investigations. (Accepted by the CFPM)

VII RECOMMENDATIONS

7.1 Correcting the Criminal Harassment General Occurrence File

334. As a result of the Commission's investigation, a key error has been discovered in the criminal harassment GO File (GO File #2019-6675). That error is found in the Concluding Remarks of WO Carol Bastien where it states: "Given the outcome of this investigation, no further MP investigation is contemplated at this time. The element of the offence of criminal harassment had not been met". It has now been established that when WO Bastien wrote this, he had not read the materials submitted by the female OCdt. He relied solely on the text boxes written by MCpl Armstrong. Having now benefited from reading the complete file, WO Bastien was asked if he would have closed the file in the same manner he did on April 11, 2019. He replied: "No Sir...there was enough in there for criminal harassment".¹⁰² GO File #2019-6675, therefore, stands as a permanent record of an outdated opinion based on partial information.

335. WO Bastien's conclusion formed the basis of Lt Côté's letter to the Director of Cadets at the RMC in which she wrote: "The MP Det investigation into a complaint of Criminal Harassment revealed insufficient evidence to support the charge". That letter is part of GO File #2019-6675. One problem with WO Bastien's conclusion is that it is contradictory to the notation in the same GO File that the file was "founded", meaning that after a police investigation, it has been determined that the reported offence did occur. The larger problem, however, is that it serves to discount the evidence of harassment brought forward by the female OCdt. It feeds into the narrative concocted by Cpl Graham that she only came to the Military Police with her allegations of being harassed in order to avoid repaying her debt to her purported harasser. As has now been recognized, that was not at all the case and correcting the mistaken conclusion in GO File #2019-6675 will help to dispel any such notion. Having it known that the record is being corrected may also serve to encourage others in the female OCdt's position to come forward with evidence that they are being harassed.

¹⁰² MPCC interview with WO Carol Bastien on February 26, 2021.

Recommendation #1:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he direct that GO File #2019-6675 be corrected to delete the conclusion that the element of the offence of criminal harassment had not been met. (Accepted by the CFPM)

7.2 Correcting the Sexual Crimes Other General Occurrence File

336. GO File #2019-13816 is the “sexual crimes other” file encompassing the offences of fraud, public mischief, and material benefit from sexual services. In his Concluding Remarks dated July 10, 2019, Cpl Graham wrote the following: “The investigation into the incidents and relationship between [the male OCdt] and [the female OCdt] did not identify any chargeable suspects, nor were any criminal acts clearly identified”. Despite this, on the “Justification for Continuation or Cessation of Investigation Samps Template” form, the offence of “Sexual Crimes Other” is listed as “founded”. This term is defined as meaning that after a police investigation, it has been determined that the reported offence did occur or was attempted. By contrast, an incident is listed as “unfounded” if it has been determined through a police investigation that the offence reported did not occur, nor was it attempted. This latter category better fits with Cpl Graham’s Concluding Remarks. Changing the designation to “unfounded” would also erase a potential stain upon the record of the female OCdt, should the subject matter of this report be the subject of scrutiny.

Recommendation #2:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he direct that the “founded” designation in GO File #2019-13816 be changed to “unfounded” to reflect the conclusion of the investigation that it could not identify any chargeable suspects, nor clearly identify any criminal acts. (Accepted by the CFPM)

7.3 Clarifying the Use of Street Checks and General Occurrence Reports

337. There was a difference of opinion amongst senior and experienced members of the Military Police as to when matters should be reported as a Street Check rather than a General Occurrence report. Instances were identified where members who were checking SAMPIS overlooked important information reported in the system in a Street Check because of the format

of that report. The key example in the matters dealt with in this report is the reporting of the “noose” found in the male OCdt’s dorm room being reported by members of the Military Police as a Street Check. Cpl Graham only looked at General Occurrence reports when looking at SAMPIS so that incident on March 20, 2019 did not come to his attention. Had it done so, it may have altered the way he dealt with the male OCdt and subsequently the female OCdt.

338. The difference of opinion as to when a Street Check should be used as opposed to a General Occurrence report is understandable given the CF MP Orders that apply. CF MP Order 2-122 – Street Checks – states that the Military Police shall use the Street Check subsystem to document the extent of their policing activities and incident responses where no criminal or *Code of Service Discipline* charges have or will be pursued, and where no property or evidence has been seized. That would appear to fit the circumstances of the discovery of the “noose” because no charges were going to be laid, although some of the male OCdt’s prescription drugs were seized. CF MP Order 2-126 – General Occurrence Reports (GO) – then states that GO are used to inform the appropriate CAF and DND authorities of incidents for the purpose of further administrative action. The finding of the “noose” would appear to fit into this use of a GO report as charges were not going to be laid but it was a matter that should be brought to the attention of the CoC for some kind of follow-up. There is also CF MP Order 2-111 – Medical First Response – which states that the Military Police will report every medical first response intervention in a General Occurrence report.

339. There does not appear, therefore, to be a clear understanding of when a Street Check is the appropriate reporting method as opposed to a General Occurrence report, at least for those instances where charges are not contemplated. Even when there are not going to be either criminal or *Code of Service Discipline* charges, the incident in issue may need to be communicated to the CoC for further action and this would seem to be where a GO report is more appropriate. This raises the related issue of who is expected to read a Street Check versus a GO report. There does not appear to be a clear understanding of when members of the Military Police should be looking at Street Checks while conducting background searches on SAMPIS. In this instance, CPO1 Mogridge said that Cpl Graham not looking at the Street Check about the

finding of the “noose” was a result of his “laziness”. But WO Bastien admitted that he, too, never saw that Street Check. In general, as Sgt Vincent said, the distribution of a Street Check is more limited than a GO report and so it is understandable that it is seen less often. Further, in the Kingston detachment Standard Operating Procedure “CAD/SAMPIS/GENERAL OCCURRENCES”, it states that the CoC reviews the Computer-Aided Dispatches and the General Occurrences from the previous day. There is no mention of reviewing Street Checks.

340. The Commission has been informed that if Cpl Graham, or any other member of the Military Police, queried SAMPIS using the name of the male OCdt all reports, both Street Checks and General Occurrences, would have appeared in the search results. When asked by the Commission investigators about the “noose” incident, Cpl Graham said he had no knowledge of that. The reason he did not know about it was “because I wouldn’t check a Street Check”. So, the information Cpl Graham should have seen was in SAMPIS but because of the way it was classified he did not access it. It is the case that General Occurrence reports seem to rate more attention from members of the Military Police than do Street Checks.

Recommendation #3:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he direct that the rules as to when a matter should be recorded as a Street Check as opposed to a General Occurrence report should be clarified. It also recommends that the Canadian Forces Provost Marshal direct that when searching a person’s name in SAMPIS members of the Military Police should always look at both Street Check and General Occurrence reports. (Accepted by the CFPM)

- ***In accepting this recommendation, the CFPM noted the following: “CF MP Orders on General Occurrence and Street Checks to be amended for clarity and to ensure mandatory processes when searching a name in SAMPIS are clearly stated and understood.”***

7.4 Victim Services

341. The events described in this report emphasize the need for the Military Police to be able to respond appropriately to victims of crime. The way in which victims should be treated was

codified in 2015 with the coming into force of the *Victims Bill of Rights* (VBR).¹⁰³ This federal legislation enshrined a right for victims to receive information about the justice system, and about the services and programs available to them. Victims may also obtain specific information on the progress of their case, including information on the investigation, prosecution and sentencing of the person who harmed them. Another right afforded to victims is that of having their security and privacy considered at all stages of the criminal justice process, and receiving reasonable and necessary protection from intimidation and retaliation.

342. But the VBR does not apply to the military justice system. To fill this gap, legislation was adopted in 2019 which, among many other things, has sought to extend to the military justice system – and particularly the Military Police – the principles of the VBR. This included a *Declaration of Victims Rights* (DVR) similar to the VBR, which is to be added to the NDA's Code of Service Discipline.¹⁰⁴ Though adopted by Parliament in 2019, the part of the Act pertaining to the DVR has yet to be brought into force.

343. The importance and need to provide services and supports to victims was a significant theme in the recent *Report of the Third Independent Review to the Minister of National Defence* (the Fish Report).¹⁰⁵

344. The Fish Report urges that the DVR be declared in force as soon as possible.¹⁰⁶ However, the Report goes further and advises the Military Police to commence various steps to implement the DVR principles even before the DVR comes into force, particularly as regards training.¹⁰⁷

345. Since at least 2016, the CF MP Group has had a Victims' Rights Program in place. The CF MP Orders impose a number of key responsibilities on all MP units, including: the requirement for each MP unit to have a full-time, dedicated Victim Services Coordinator (VSC);

¹⁰³ SC 2015, c. 13, s. 2.

¹⁰⁴ SC 2019, c. 15, clauses s. 1 – 46, including the DVR itself at clause 7 (new NDA ss. 71.01 – 71.25).

¹⁰⁵ Report submitted to the Minister on April 30, 2021, tabled in Parliament on June 1, 2021.

¹⁰⁶ Fish Report, Recommendation 68.

¹⁰⁷ Fish Report, paragraph 511 and Recommendation 66.

the maintenance of an up-to-date listing of local organizations and support groups that provide aid to victims; and having protocols in place with local agencies or services to ensure that victims can receive the appropriate support (listing to be reviewed on at least an annual basis).¹⁰⁸

346. The CF MP Orders have also set out some basic principles to which all MPs must adhere. These principles provide minimum standards for MP treatment of all victims of crime. These principles include a requirement to treat all victims consistently – regardless of race, rank, gender, or other prohibited grounds of discrimination – including by way of:

- Fairness, respect and sensitivity;
- Timely and practical information on local support services;
- Regular and continuous contact from the relevant MP unit (regarding victim assistance requirements, and to update the victim on the status of ongoing legal proceedings);
- A victim’s need for reasonable and necessary measures for their protection.¹⁰⁹

347. CF MP Orders also describe certain “basic needs” of victims, such as:

- The need to feel safe;
- The need to express their emotions; and
- The need to know about next steps in the criminal (or military) justice process.¹¹⁰

348. The Order also sets out various duties and responsibilities for various key members of the MP unit, i.e., the dispatcher; the first MP at the scene of a crime; the investigator; and the unit’s Victim Services Coordinator.¹¹¹ The Order goes further by identifying victims who have special needs: victims of sexual assault; child victims; elderly victims; and victims of family violence.¹¹²

349. These national-level policies and programs are complemented by local MP unit SOPs (including for MPU Kingston) which address this issue.

¹⁰⁸ CF MP Order 2-915, *Military Police Victim Services Program* (issued: January 29, 2016, at s. 6).

¹⁰⁹ CF MP Order 2-915, at s. 8,

¹¹⁰ CF MP Order 2-915.1, *Application of the Military Police Victims Services Program*, at s. 3 (issued: January 29, 2016).

¹¹¹ CF MP Order 2-915.1, s. 4.

¹¹² CF MP Order 2-915.1, ss. 9-21.

350. Yet, despite having a victim services program in place, this was apparently not sufficient in this case. The Military Police in this instance did not follow the principles of either the VBR or the DVR. The victim was not kept informed of any prosecution of the person she alleged was harassing her, nor was she told how a peace bond was supposed to function. Her safety was also not considered to be in issue by the Military Police. When the lead investigator went on leave, no one took over carriage of her complaint and so no one was there to respond to her expressed concerns for her safety.

351. Thus, based on the CF MP Group victims service program described above, it would appear that the problem facing the Military Police at this stage is not really a gap in legislation or policies pertaining to the treatment of victims of crime. Something else would seem to be amiss. The remaining systemic causes are inadequate training or poor, or uneven, Military Police supervision.

352. Though we understand that training in these areas is provided at the CF Military Police Academy, it clearly did not have the desired effect in this case. Deficiencies in MP supervision may of course also be a function of training. In any event, it would seem to be a worthwhile exercise to review MP training on victims' rights at all levels.

Recommendation #4:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal review Military Police training at all levels in the area of victims' rights and services, and make necessary improvements. (Accepted by the CFPM)

- ***In accepting this recommendation, the CFPM noted the following: "This year, the CF MP Gp has ordered the mandatory training for all MP/MPO to include the following courses: "Victim' Rights in Canada" and "Using a Trauma Informed Approach".***

Additional training and research opportunities, through the International Association of Chiefs of Police, is under review via the Enhancing Law Enforcement Response to Victims (ELERV) program.

The CF MP Gp will continue to identify and mandate applicable training in the area of victims' rights and services, as these are identified."

7.5 Apology to the Female Officer Cadet

353. The female OCdt went to the Military Police in March 2019 in good faith with a complaint that she was being harassed by a fellow Officer Cadet. When asked to provide further evidence of the harassment she did so the next day and then again almost a week later. Despite providing voluminous compelling evidence, the Military Police quickly erroneously concluded that the elements of the offence of criminal harassment were not met and advised her to seek a peace bond. No investigation into the harassment allegation was conducted, but this was not communicated to the female OCdt. This was contrary to CF MP Order 2-340 – Military Police Investigation Policy – which states: “In cases where MP decide not to investigate, the complainant shall be promptly informed of the decision when doing so will not compromise any other legal or investigative proceeding”. The female OCdt was therefore misled when she went to apply for a peace bond believing it was a ‘secondary thing’ because she thought that the Military Police were looking into her allegations.

354. In June 2019, the female OCdt was accused of having committed serious offences, none of which had a factual or legal basis. The Military Police report on those offences was circulated at the RMC. When asked if she accepted what she read in the file as being factual CPO1 Laurendeau said that she did. This included the report of the female OCdt selling her “worn/soiled underwear” which upset CPO1 Laurendeau a great deal and contributed to the perception at the RMC that the female OCdt had taken advantage of the male OCdt. Brigadier General Bouchard, the Commandant of the RMC, was asked if he remembered reading about the sale of underwear and replied: “At the time, when I read it, I thought that this was part of the deal. That there was some sort of a -- that she did sell him underwear. When I read it, I took that as a fact”.¹¹³

355. The statement about the selling of underwear has no factual basis and appears to have been fabricated by Cpl Graham, yet that, along with the three baseless charges, has served to damage the reputation of the female OCdt at the RMC. Then, the Military Police failed to contact

¹¹³ MPCC interview with BGen Sébastien Bouchard on April 27, 2021.

the female OCdt to inform her that the three charges were not proceeding. For more than a year she believed she might be the subject of prosecution.

Recommendation #5:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he apologize on behalf of the Military Police to the female Officer Cadet for failing to properly investigate her complaint of being harassed, for threatening to lay baseless charges against her, for sullyng her reputation at the Royal Military College of Canada, for failing to put in place support measures for her, and for failing to communicate with her and advise her that she was no longer under threat of prosecution. (Accepted by the CFPM)

7.6 Apology to the Male Officer Cadet's Family

356. This report has detailed a number of missed opportunities on the part of the Military Police to help the male OCdt deal with his mental health challenges. Had MCpl Armstrong investigated what the female OCdt reported to him in March 2019, he would have quickly discovered the nature and extent of those challenges through speaking with other Officer Cadets. The fact that those challenges had now risen to the level of potential criminal charges could have pushed along an intervention in the situation. Under the circumstances, telling the male OCdt that he was likely to face serious criminal charges, especially a charge with no legal foundation, led to an emotional breakdown. The allegation that he had committed the offence of “solicitation” was without merit and had a devastating impact on an already fragile Officer Cadet and may have been, “the straw that broke the camel’s back” for the male OCdt, as Cpl Graham recognized.

357. An alternative path for the Military Police to take was suggested by Cpl Bidgood who observed Cpl Graham’s interview with the male OCdt. It was her opinion that pushing ahead with the threat of a criminal charge was the wrong approach. The better approach would have been to get the male OCdt some help to get back on track because, as Cpl Bidgood recognized, for the average person the RMC is a “hard go”. She was also of the opinion that Cpl Graham lacked the experience to be able to look at the situation and say that it would not be resolved by introducing criminal proceedings into the mix. She recognized that the male OCdt needed some help and not to be threatened with prosecution.

Recommendation #6:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he apologize on behalf of the Military Police to the family of the male Officer Cadet for not recognizing his fragile mental state and possibly exacerbating his mental health difficulties by threatening him with a baseless charge. (Accepted by the CFPM)

7.7 Adopting a Risk Management Strategy

358. During her interview with MPCC investigators, Lt Côté seemed unaware of the risk assessment tools available to members of the Military Police under CF MP Order 2-346 – Family Violence. Although the CF MP Order is drafted with situations of family violence in mind, it contains provisions which could have been applied in the situation involving the female OCdt. In fact, the CF MP Order specifically makes mention of offences of criminal harassment.

359. Risk assessment tools are an important part of a strategy to manage and mitigate risks faced by victims, especially victims of criminal harassment. But such tools were not employed by the Military Police even when they were told by the female OCdt that the male OCdt's actions made her fear for her safety. The Military Police recommended that the female OCdt seek a peace bond, thereby recognizing that there was a personal security concern. But the Military Police took no other action to assess what level of risk the male OCdt posed, including not speaking with him. Dealing with the male OCdt was left in the hands of the RMC CoC who could not be expected to have any particular insight into the mitigation of the risk of harm to the female OCdt. Dealing with matters of personal security should be within the purview of the Military Police. That service would be aided in protecting those who come to it with allegations like the female OCdt's if they had to hand a risk assessment tool. Such a tool would remind members of the Military Police of the various factors they should take into account when considering putting in place safety protocols. In this specific case, a risk management assessment would have alerted the Military Police to the need to put in place safety measures for the female OCdt while she waited almost a month to complete her application for a peace bond.

360. Had the Military Police acted upon the evidence they were presented with and laid a charge of criminal harassment then the court could have been the mechanism to put in place

measures to protect the female OCdt. Under paragraph 515(4)(d) of the *Criminal Code*, a court releasing someone on bail can make it a condition of release that the arrested person “abstain from communicating, directly or indirectly, with any victim, witness or other person identified in the order, except in accordance with any specified conditions that the justice considers necessary”. Another possible condition of release is found in paragraph 515(4)(g) which can be used to order the arrested person to “comply with any other specified condition that the justice considers necessary to ensure the safety and security of any victim of or witness to the offence”.

Recommendation #7:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal direct the Military Police to put in place a risk management strategy to help protect persons who may be in positions of jeopardy. Such a strategy should specifically include victims of criminal harassment. The Canadian Forces Provost Marshal should direct that all members of the Military Police be alerted to the importance of using risk management strategies and be trained in their use. (Accepted by the CFPM)

- ***In accepting this recommendation, the CFPM noted the following: “The CF MP Gp to research and develop risk management tools, strategies and training for MP.”***

7.8 Establishing a Good Relationship with the Office of the Judge Advocate General

361. Although Cpl Graham apparently had no hesitation in accessing advice from the Judge Advocate General, MCpl Armstrong said that in his approximately eight-year career he had never consulted legal counsel. Given MCpl Armstrong’s service and position as Shift i/c, the fact that he had never sought advice from the Judge Advocate General is remarkable. This may be due to MCpl Armstrong not receiving training about the importance of legal advice or it might be that his supervisors did not emphasize that point or even appreciate such advice themselves. Given what was described by Lt Côté and WO Bastien as a void of experience at the detachment level, it would seem that the Judge Advocate General would be a valuable resource that could have helped fill in the gaps.

362. Had MCpl Armstrong sought advice from the Judge Advocate General as to whether the circumstances reported by the female OCdt met the elements of the offence of criminal harassment, the entire situation could have turned out very differently. At the very least, legal

counsel could have brought home to MCpl Armstrong the seriousness of the matter and the need to pursue his investigation rather than leave the female OCdt to her own devices.

363. The Military Police have already addressed the issue of consulting legal counsel in CF MP Order 2-340 – Military Police Investigation Policy. This policy states that the Military Police must work closely with legal advisors during all phases of an investigation in order to provide an integrated approach that will minimize the requirement for future follow-up investigation. To that end, the Military Police are instructed to routinely, and early on, liaise with the legal advisor on investigations and related legal matters and seek his or her guidance as needed. Working with legal counsel makes for a more efficient and effective investigation and all members of the Military Police would benefit from liaising with them. This is particularly so where an MP is dealing with a novel or complex investigation or dealing with issues with which they are unfamiliar.

Recommendation #8:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he direct the Military Police chain of command to emphasize to its members the importance of establishing a good working relationship with legal advisors. The importance of this relationship is set out in CF MP Order 2-340 – Military Police Investigation Policy - and all members of the Military Police should be reminded that working with a legal advisor can help make an investigation more efficient and effective. The Canadian Forces Provost Marshal should work with the Judge Advocate General to provide training with the goal of enhancing and facilitating consultation with legal counsel by the Military Police. (Accepted by the CFPM)

7.9 Providing Guidance about Peace Bonds

364. MCpl Armstrong indicated that he had never before been involved with a peace bond application. Cpl Padvaiskas said that after his 12 years of service in the Reserve and Regular Forces, he was not aware of the provisions of section 810 of the *Criminal Code* peace bonds.¹¹⁴ It is, therefore, not surprising that the Military Police were not able to properly explain how a peace bond would work, leaving the female OCdt to think that it was something merely to

¹¹⁴ MPCC interview with Cpl Kyle Padvaiskas on January 29, 2021.

supplement the prosecution of the male OCdt. She did not understand that the peace bond was intended to be the only legal instrument in place to protect her.

365. There are only a few references to peace bonds in the CF MP Orders. One is found in Order 2-360.2 – Arrest, Release and Pretrial Procedures for Criminal Code (CC) or Other Non-National Defence Act Offences. Section 10 of that Order reads as follows: “If there is an ongoing risk that the person will commit an offence, but has committed none so far, proceed with a peace bond application under section 810 or section 810.1 CC”. Another reference is in CF MP Order 2-346 – Family Violence. Section 9 of this Order reads as follows:

“Where so required, MP/MPO must provide supporting information and/or assistance sufficient to enable the complainant’s private application for a peace bond against an individual when insufficient evidence or grounds exist for MP/MPO to proceed with the laying of a criminal charge. In such cases where an individual fears personal injury or property damage may ensue in the future, that individual shall be advised that he or she is entitled to make an application before a civilian justice of the peace for an order under section 810 of the *Criminal Code* (CC) requiring a named individual to abstain from contact with the complainant, in addition to other conditions, as may be required and considered appropriate on a case-by-case basis.”

366. The Military Police Academy does not have peace bonds on the course of study for either the QL3 or the QL5 programs. There is, therefore, little guidance for members of the Military Police on when peace bonds are appropriate in the circumstances, how they work, and how they should deal with those who are applying for them. As set out in the Analysis section of Question #2, recent practice has civilian police services becoming more involved in assisting those seeking a peace bond. If peace bonds are going to be used as an option by Military Police members in the future, some training or guidelines need to be provided. In particular, they need to understand that a section 810 peace bond is not a substitute for charges where there is a reasonable belief that an offence has been committed.

Recommendation #9:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal direct that an Order be drafted to provide guidance on the use of recognizances to keep the peace, as described in section 810 of the *Criminal Code*. Such an Order should set out when such a recognizance should be sought and detail the ways in which the Military Police can assist those seeking one. (Accepted by the CFPM)

7.10 Carrying Out Quality Assurance Measures

367. Lt Côté was asked about the quality assurance measures in place at the Kingston detachment during her tenure. Quality assurance is a form of audit where random files are checked, including video recordings. Lt Côté said she thought that was a headquarters responsibility, carried out by someone in Toronto. As the Commission investigation uncovered, however, that is not done by the 2 MP Regt Crime Reader position at headquarters.¹¹⁵ CF MP Order 2-500 requires each Military Police commander to issue instructions regarding quality assurance procedures and identify who specifically conducts quality assurance within their organization. Quality assurance includes reviewing video interviews. In a request for disclosure, the Commission asked for information regarding the quality assurance measures in place in 2019 at the Kingston detachment. The response received indicated that there was confusion about the difference between quality control, which takes place during an investigation, and quality assurance which takes place afterwards. There was no evidence of quality assurance measures being in place at the Kingston detachment.

Recommendation #10:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal ensure that the provisions governing the quality assurance audit function as set out in CF MP Order 2-500 – Investigation Management Policy – are enforced. It is further recommended that the Canadian Forces Provost Marshal ensure that Officers Commanding are educated about the responsibility to assign a member to conduct a comprehensive review of the investigative process following the conclusion of randomly-selected investigations. These reviews are to ensure that all procedures were observed and lessons learned are identified so as to improve future investigations. (Accepted by the CFPM)

- ***In accepting this recommendation, the CFPM noted the following: “The Canadian Forces Provost Marshal (CFPM) will direct mandatory review of CF MP Order – Investigation Management be completed by all MP/MPO who perform investigative functions.***

¹¹⁵ MPCC interview with WO Justin Labbe on February 21, 2021. WO Labbe used to be the Crime Reader for 2 MP Regt and was stationed in Toronto. When asked who was responsible for reviewing AV recordings for quality assurance, he said that would be the shift supervisor and the watch commander within the guardhouse.

Commanding Officers will be directed to ensure unit Standard Operating Procedures and unit members' Terms of Reference clearly outline investigation responsibilities for each position and are to ensure these responsibilities are understood and adhered to by MP/MPO."

7.11 Criminal Harassment Training

368. MCpl Armstrong said that he had never before investigated a complaint of criminal harassment. Sgt Vincent said the same. During his interview, CPO1 Mogridge was asked how many complaints of criminal harassment would be made at the Kingston detachment each year. He said he was not sure. He added that a lot of people come in to complain about harassment, but it turns out not to be criminal harassment. At the Military Police Academy "criminal harassment" is not on the course of study for either the QL3 or the QL5 programs.

369. The offence of criminal harassment became part of the *Criminal Code* in 1993. One of the goals behind its introduction was to help protect women in Canada from physical attacks and harassment. The goal of the Canadian Armed Forces is to raise the proportion of women in the ranks to 25 per cent. To make the CAF a more welcoming environment for women and help reach that goal, efforts have been made to combat sexual misconduct through Operation HONOUR. Similar efforts should be made to address criminal harassment which is often a gender-based offence.

370. Victims of stalking at times receive dismissive responses by the police because there is a lack of understanding regarding psychological harassment and emotional abuse. Stalking victims report that that they were not taken seriously, that their complaints were downplayed and dismissed and that they were often treated with disbelief and lack of sympathy. In many cases, participants argued that these responses resulted from a lack of understanding by the police on the serious nature of stalking and its effects as well as stereotypical perceptions and victim-blaming beliefs.¹¹⁶ It was certainly the belief of the female OCdt that she was being subjected to victim-blaming.

¹¹⁶ Jenny Korkodeilou. *Stalking Victims, Victims of Sexual Violence and Criminal Justice System Responses: Is there a difference or just "business as usual"*. (Brit. J. Criminol, 56, 256-273: 2016), 257-258.

371. Research studies have shown that police officers who received specialized training about stalking and were experienced in investigating interpersonal crimes were less susceptible to stereotypical perceptions and more likely to believe that police intervention was necessary, and that the perpetrators' behaviour would cause distress to the victim than non-specialist police officers.¹¹⁷ This points to the importance of training among criminal justice system practitioners and especially police officers, as they are usually the first point of contact for victims. This training would address stereotypical views concerning an offence where the majority of victims are female. It would also address the fact that there are many different kinds of actions that may come within the definition of criminal harassment and so training in how to recognize when this offence is being committed is crucial.

Recommendation #11:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal ensure that training concerning the offence of criminal harassment as set out in section 264 of the *Criminal Code* be added to the QL5 course of study at the Military Police Academy. Such training should encompass not only how to recognize and investigate this offence, but also how to deal with its psychological component. Any training should include an understanding of the behaviours of both the accused and the victim as well as the need to provide assistance to victims. (Accepted by the CFPM)

- ***In accepting this recommendation, the CFPM noted the following: “Increased training on MP response to Criminal Harassment will be developed. Delivery will not be limited to QL5 but will also be incorporated within MP basic training levels (QL3 and Military Police Officer Course) as well as advanced training courses (Military Police Investigator Course).”***

7.12 Authority to Act under Mental Health Statutes

372. A number of members of the Military Police said during their interviews that they had no power to act in relation to the provisions of the Ontario *Mental Health Act*. During her interview, Cpl Bidgood explained that when members of the Military Police in the Kingston detachment encounter a person who could be apprehended by a police officer under that statute, the Military Police are required to call the Kingston Police Service because they have authority under the

¹¹⁷ *Ibid.*, 268.

Mental Health Act, while the Military Police do not. Major Lemire confirmed that in Ontario, members of the Military Police do not have authority under the *Mental Health Act*. He said that members are required to contact another police service to do what is required.

373. This is not the first time that the Commission has encountered this situation and made an observation relating to limitations imposed by provincial statutes. The concern that members of the Military Police generally only have peace officer and police officer status at the federal level was previously considered by the Commission in MPCC 2017-028 (Anonymous). In that complaint, an anonymous member of the Military Police raised concerns over a direction that the response of the Military Police to someone experiencing a mental health crisis should be limited to contacting the appropriate civilian police service even if the person in crisis was on Department of National Defence property.

374. The reasoning behind the direction given to Military Police members in the Anonymous complaint is that mental health, like health care in general, is in the constitutional jurisdiction of the provinces, who have all enacted similar mental health statutes. Those statutes allow police to apprehend persons against their will who pose a threat to themselves or others due to a mental health crisis. The police are then authorized to take the person to a designated health facility for assessment and/or treatment. But the provincial legislation only applies to police officers sworn in and for the province in which they are working. As CF MP Order 2-323 – Mental Health Intervention – states: “Provincial mental health acts typically provide legal authorization to civilian police to detain individuals non-consensually when they are determined to be a danger to themselves or others. The same legal authorization does not exist for [the Military Police]”.

375. CF MP Order 2-323 goes on to provide guidance to Military Police members similar to that found in the Anonymous complaint. It says that Military Police members not explicitly authorized by provincial or territorial legislation to detain or transport a person without their consent, will contact the local civilian police for intervention even if the subject is a CAF member or a person otherwise subject to the *Code of Service Discipline*.

376. It should be noted here that there is one specified time when the Military Police can apprehend a person with mental health issues. Military Police members can apprehend and detain a person pursuant to a medical certificate directing a psychiatric assessment. This certificate is referred to as a “Form 1” in Ontario. Subsection 15(5) of Ontario’s *Mental Health Act* authorizes “any person” to take into custody and transport a person in crisis who is named in the form. As CF MP Order 2-323 states, in these cases a member of the Military Police is considered “any person” and is legally authorized to detain and transport the person to a mental health facility. Absent a medical certificate, however, the Military Police have no authority to apprehend a person with mental health issues.

377. The lack of Military Police power to apprehend someone under the Ontario *Mental Health Act* was evident in Cpl La Plante’s dealings with the male OCdt following the discovery of the “noose” on March 20, 2019. It was fortunate the male OCdt agreed to go to the hospital because if he had refused the Military Police would have had no legal authority to compel him to go. In the case of a refusal, the Military Police would be obliged to call the Kingston Police Service and have them take the male OCdt to the hospital. This is not a welcome state of affairs for a number of reasons. One is that it is a waste of resources. There is no compelling reason why one busy police service should be required to surrender officers’ time to another police service which could be trained to deal with the situation. Another reason to change the system is that the civilian police service may not always have officers available to assist in a timely fashion. This may become an issue in a mental health crisis situation. There is no compelling reason for not allowing the Military Police member who is already on scene to escort the person in crisis to a medical facility for assistance.

Recommendation #12:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal take steps to see that the Military Police is granted the authority to enforce provisions under provincial mental health statutes. (Accepted by the CFPM)

- ***In accepting this recommendation, the CFPM noted the following: “The CFPM accepts that MP Detachments ought to take steps to integrate with local mental health resources and responses and use the existing framework found in the CF MP Order***

pertaining to Mental Health Intervention, in order to manage a mental health crisis. Moving forward, the CFPM will also seek to improve upon MP authority by taking steps to propose legal solutions that would allow MP to apply a cross-country framework to enforce provincial mental health statutes.”

7.13 Training Concerning Caution Flags in the Security and Military Police Information System

378. Unfortunately, across policing, members on patrol encounter individuals who are at risk of harming themselves. Interactions with police can prove to be a trigger. A flag in SAMPIS that a person whose name has been queried as a person who may be at risk of committing suicide would help warn Military Police members to be prepared to make use of the training they already receive about responding to situations such as this. In the case of the interview with the male OCdt on May 24, 2019, he came to the interview armed with a knife. Fortunately, he did not use that knife to harm himself or a member of the Military Police, but he could have. Having a flag on SAMPIS could have alerted Cpl Graham that the male OCdt was known to use knives to cut himself.

379. With regard to cautions, the Commission found relevant references under the “Particulars” tab of a Person Entity record in SAMPIS. MP Order 2-634.1 – SAMPIS Entity Records: Persons - states that this section contains information such as marital status, citizenship, and employment, as well as police safety information such as CPIC caution flags, drug/alcohol dependency, or gang affiliation information. The Commission has also learned that an Entity within SAMPIS can be ‘flagged’ in the “Caution” block under the “Particulars” tab on the Entity’s main page. These caution flags include entries for ‘mentally unstable’ and ‘suicidal tendencies.’

380. The criminal harassment GO File contains a ‘Person Particulars’ entry for the male OCdt. There is no caution flag in that entry. Given all of the evidence presented to the Military Police about the male OCdt’s mental instability, the lack of a caution flag is hard to explain.

381. While the Commission could not find an MP Order on how members of the Military Police are to interpret and act upon a caution flag, it is reasonable that as part of due diligence a

member would search SAMPIS and/or CPIC and note the flag and combine it with an evolving assessment of the situation as it unfolds. While cautions are relevant information for a member to take into account, these are not meant to dictate how an individual or suspect should be treated by law enforcement agencies as a default, nor to be used as the sole ground for arrest.

Recommendation #13:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal ensure that members of the Military Police understand the function and importance of caution flags in the Security and Military Police Information System. Training in this area should emphasize the use of caution flags in alerting members of the Military Police to potentially dangerous situations. (Accepted by the CFPM)

- ***In accepting this recommendation, the CFPM noted the following: “Review of current applicable CF MP Orders to be conducted and amendments made if required.***

Chains of Command are to ensure MP fully understand the requirements and policies regarding use of caution flags and that these policies are adhered to by their members.”

7.14 Remedial Measures for Corporal Graham

382. This report has detailed a litany of errors by numerous members of the Military Police, but the most egregious of those were committed by MCpl Armstrong and Cpl Graham. Their missteps were not mere matters of form but were matters of deep substance. Their errors discounted evidence of a serious criminal offence, ignored the personal safety risk to a complainant, failed to recognize or deal with clear evidence of a severe mental illness, perhaps even exacerbating that illness, subjected the complainant to the threat of spurious charges for more than a year, and throughout failed to properly communicate with the complainant, within the ranks of the Military Police, and with the Royal Military College.

383. MCpl Armstrong has left the military and so is beyond any kind of disciplinary jurisdiction. Accordingly, we can make no recommendations with respect to him. Cpl Graham remains in the military and merits remedial measures for his actions. Defence Administrative Order and Directive 5019-4 – Remedial Measures - states that a remedial measure may be

initiated if there is clear and convincing evidence that establishes on a balance of probabilities that a CAF member has demonstrated:

- conduct deficiency based on an applicable standard of conduct; or
- performance deficiency whereby, over a reasonable period of time, the CAF member has not met the applicable standard of performance.

384. Remedial measures are part of the range of administrative actions which may be initiated in respect of a CAF member and are intended to:

- make the CAF member aware of any conduct or performance deficiency;
- assist the CAF member in overcoming the deficiency; and
- provide the CAF member with time to correct their conduct or improve their performance.

385. In Cpl Graham's case, remedial measures should be implemented as a result of his unprofessional and biased behaviour towards the female OCdt as well as his dismissive response to the female OCdt's complaint about victim-blaming. Cpl Graham's basic legal errors indicate a need for extensive training on the criminal law. He would also benefit from further training on dealing with mental health issues and with victims in general.

Recommendation #14:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal ensure that Corporal Jeffery Graham be the subject of remedial measures for his biased and unprofessional attitude towards the female Officer Cadet. It also recommends that he receive training on the issues of criminal law, in particular the law relating to sexual offences, as well as on mental health, and dealing with victims. (Partially Accepted by the CFPM)

- ***In Partially Accepting this recommendation, the CFPM noted the following: "The Initiating Authority for Remedial Measures, in accordance with Defence Administrative Orders and Directives, does not include the CFPM, therefore a Remedial Measure is not an option for the CFPM."***

This member, however, will receive corrective measures and will be subject to internal administrative authorities within the MP Chain of Command who will be focused on

remedying the situation and exploring if there was a breach of the Military Police Professional Code of Conduct with associated consequences.”

7.15 Notice of Action

386. In his Notice of Action dated February 14, 2022, the CFPM accepted all of the Commission’s findings and, of the 15 recommendations made to the CFPM, 14 were accepted and one was partially accepted.

387. In his general comments accepting the MPCC’s findings and recommendations, the CFPM stated:

“This Public Interest Investigation Interim Report has revealed a number of concerning failures, both of individuals and collectively, which highlight actions needing to be taken in order to ensure these types of events do not happen again. It is with concern that I accept the findings and recommendations of this report and express my commitment to addressing these shortcomings with a firm and concise actions. The Canadian Forces Military Police Group (CF MP Gp) is dedicated to enhancing the Military Police (MP) profession and interactions with the members of the communities we serve.”

388. The CFPM characterized MPCC recommendation #14 as partially accepted by the CFPM in his NOA. This was a recommendation that one of the MP subjects (Cpl Graham) should receive “remedial measures”. The CFPM indicated that he did not have the authority to initiate remedial measures as a result of Defence Administrative Orders and Directives (DAOD) 5019-4, at paragraph 4.10. This order stipulates that “remedial measures” may only be initiated by specified persons.

389. Only the following can be Initiating Authorities for remedial measures in relation to conduct and performance deficiencies under DAOD 5019-4:

- the Commanding Officer (CO) of the CAF member or an officer designated in writing by the CO;
- the officer commanding the command or formation of the CAF member;
- the Director Military Careers Administration;
- the Director of Military Careers;

- the Director Senior Appointments;
- any officer of the rank of colonel or above at NDHQ;
- the Director General of Military Careers, or any other CAF director general at NDHQ;
- the Chief of Military Personnel; or
- the Chief of the Defence Staff.

390. The MPCC sought clarification from the Officer-in-Charge of MP Professional Standards. In an email, Maj Yue-Devoe explained that the CFPM is not the subject MP member's CO, their formation commander, or an officer commanding a command. PS noted that the CFPM can advise initiating authorities on administrative matters but there is no clear authority for the CFPM to order a remedial measure and he needs to remain arm's length from CF administrative decisions in order to ensure any potential final credential decisions are unbiased.

391. In any event, the Chairperson is pleased with the CFPM's response to the MPCC's Interim Report, and in particular, the Chairperson considers the CFPM's commitment to taking appropriate corrective measures meets the spirit of the MPCC's recommendation #14.

7.16 Liaison Between the Royal Military College of Canada and the Military Police Kingston Detachment

392. Many witnesses from both the Military Police and the RMC talked about issues in the relationship between the RMC and the Military Police, as follows:

7.16.1 Lieutenant Colonel Craig Moore

393. LCol Moore, the former Deputy Director of Cadets at the RMC, said the Military Police would benefit from having a better understanding of the group at the RMC. He said he thought that closer involvement between the College and the Military Police would be beneficial.

LCol Moore described two campus arrests that took place in front of peers, where he felt the situation was not handled properly by the Military Police who attended at the College. He felt the

CoC should be involved in facilitating such arrests more discreetly. He also felt they could receive more timely feedback on Military Police investigations and regular updates.

7.16.2 Colonel Corinna Heilman

394. Col Heilman, the Director of Cadets at the RMC, described the relationship between the RMC and the Military Police when she arrived at the College in June 2019 as “dysfunctional”. She noted there was an improvement in the relationship with the Military Police when CPO1 Laurendeau joined the RMC. In August 2019, they had a meeting with the leadership of the Kingston Military Police Detachment to clarify the lines of communication between the two entities. Col Heilman noted that at that time there was a change in leadership at the detachment and MWO Ray Prytuliak joined the Kingston detachment. She was acquainted with MWO Prytuliak, from her time at Petawawa where he had previously served. As a result, they were able to agree on a communication protocol based on what they found was effective in Petawawa. Col Heilman said that after that, there was an improvement in communications. She noted they had follow-up meetings between CPO1 Laurendeau and the detachment, and they also worked on internal communications to improve communications between the two entities. She noted as a result, there was a “marked improvement”.

395. Col Heilman noted, though, that she was not satisfied with the relationship with the CFNIS. She went on at some length to describe how she is not able to get adequate information from the CFNIS on some of their files. In situations where she needs to consider what, if any, administrative action she ought to be initiating she needs information from the CFNIS investigators. Col Heilman stressed that she must get access to information she needs in a timely fashion so that she is able to maintain a safe work environment at the College. Col Heilman said, “I feel like I’m flying blind”. Although the CFNIS will make her aware of what an Officer Cadet is charged with, she is not informed about the circumstances.

396. Col Heilman was asked what the local Military Police detachment could do to improve the negative perception that some hold of it. In response, Col Heilman described how the Military Police would “roll onto the Campus with the sirens blaring, and arrest a cadet in a hallway in handcuffs, when there is no immediate risk”. She said that served to paint the Military

Police in a negative light. She acknowledged that those things had reportedly happened prior to her arrival and had not happened since. She credited MWO Prytuliak with sorting that out.

Col Heilman also described an incident where Military Police members had almost arrested the roommate instead of the person they were looking for. Col Heilman said, “So am I surprised that there’s a negative connotation with the MPs? No. The cadets firmly believe that they are targeted by the MPs. They believe that the MPs look to stop officer cadets when they’re driving, when they’re walking, when they’re doing anything - more than they do other CAF members”.¹¹⁸

7.16.3 Second Lieutenant Michael Moore

397. Col Heilman’s comments about how the Military Police were viewed by some Officer Cadets was echoed in the interview with 2Lt Moore. When asked about the relationship between the Officer Cadets and the Military Police, 2Lt Moore said that for the most part Military Police members were looked on as people to avoid as they gave out traffic tickets, questioned them when they came onto the base, et cetera. He said: “It wasn’t that they were an asset or someone that they could go to. It was more of something you tried to avoid. You didn’t want to be involved with the Military Police. You -- you -- yah so obviously the relationship there is not great”. But he noted that it was not for lack of trying by the Military Police. He said he had worked with a number of members of the Military Police on different events at the RMC and “they’re really great people, and they care about the cadets and they care about their role in policing of the Base and RMC, but I guess there’s always those few that -- that I guess leave that bad impression on others, and therefore kind of as a whole it’s seen as the entity you avoid, not the entity you go to when you’re -- when you’re in an issue”.¹¹⁹

7.16.4 Sergeant Pierre Compeau

398. Sgt Compeau, the liaison between the Military Police and the RMC, discussed the relationship between the two organizations, saying the rapport between the CFNIS and the RMC when he started in his post was “horrible”. One reason for this were instances where the CFNIS

¹¹⁸ MPCC interview with Col Corinna Heilman on April 22, 2021.

¹¹⁹ MPCC interview with 2Lt Michael Moore on February 20, 2021.

would find an Officer Cadet in their class and arrest them in front of all their fellow students. Sgt Compeau noted that he had been asked to try to alleviate that situation. He said he thought “things had improved drastically” within the past two years.

7.16.5 Chief Petty Officer 1st class Line Laurendeau

399. CPO1 Laurendeau talked about a lack of communication between the Military Police and the RMC. She said that Sgt Compeau worked closely with LCol Moore, but she did not have a functional relationship with him. He would report things to LCol Moore but not to her. She believed that was a significant issue, along with the fact that Sgt Compeau was often not present because of his medical restrictions. She also noted that GO reports took some time to come to her. She suggested the reports be sent electronically so that issues could be addressed in a more timely fashion.

7.16.6 Chief Petty Officer 1st class Darryl Mogridge

400. CPO1 Mogridge was asked about the relationship between the RMC and the Military Police. He recalled being on a course where LCol Moore was present. During the program, CPO1 Mogridge said he received a text from another participant who wrote about LCol Moore and said, “Remember him, he’s the one that doesn’t like MPs”. CPO1 Mogridge added that the RMC was, “...the most difficult unit to deal with”.¹²⁰

7.16.7 Major Ryan Jones

401. Major Ryan Jones currently serves as the Provost Marshal for the 1st Cdn Div. It was his preference to respond to questions in writing. In his written response, Major Jones offered his observations on the relationship between the RMC and the Military Police, Kingston detachment. The following is an excerpt from his response:

“While I am unclear as to the particulars of this event in question, I can say that I was the A/Det Comd of Kgn Detachment for most of 2018. During that time I had significant and recurring issues with RMC interfering, withholding information, lack of concern and/or knowledge with regards to victims’ rights, repeated attempted violations of student rights, and other highly

¹²⁰ MPCC interview with CPO1 Darryl Mogridge on February 19, 2021.

unethical activities. As a result, it was well known that I took anything coming from RMC with a high degree of interest, and Kgn MP Det maintained a RMC liaison MP (MCpl or Sgt) in order to facilitate better communication. As such, I would say that there was certainly an expectation of significant oversight over any police activities in relation to RMC, but whether that occurred as it was meant to is something that I cannot accurately comment on.”

7.16.8 Sergeant Shari Robichaud

402. Sgt Robichaud of the CFNIS provided comments on her experience working cases at the RMC. She said that she was aware that the problem in obtaining information from the RMC was not just a CFNIS problem. She said that the Military Police members in Kingston were also, “...having a hard time with that unit”. She added, “the Kingston detachment struggles to get information as well”. Sgt Robichaud concluded that she did not take it personally, she thought, “they just don’t like MPs in general”.¹²¹

7.16.9 Sergeant Anthony Vincent

403. Sgt Vincent told the Commission investigators that there is a lot of “blockage that occurs on the policing side – even from the adviser’s position”. He said the CoC at the RMC often doesn’t report things and chooses to deal with matters themselves. He recounted an incident he was personally involved with where an Officer Cadet had threatened the Commandant, and the RMC staff wanted to bring the suspect to one of their offices where he could be discreetly dealt with by the Military Police. Sgt Vincent said he felt that was not appropriate. He also noted that the CoC at the RMC tend to “get in your face - wanting to know everything that is going on”.¹²²

404. The nature of the relationship between the Military Police and the RMC had a practical effect in that information that would have been very useful to the Military Police in their investigations was not sent by the CoC at the RMC. In one case, on March 25, 2019, CPO1 Scalabrini received an email from the male OCdt. The male OCdt wanted her to pass it on to the female OCdt. CPO1 Scalabrini’s opinion was that in that letter he “incriminated himself, admitting to all of it”. She noted that after reading this letter, she was able to understand from the male OCdt’s point of view how important this relationship was to him. After reviewing the letter,

¹²¹ MPCC interview with Sgt Shari Robichaud February 10, 2021.

¹²² MPCC interview with Sgt Anthony Vincent on July 20, 2021.

CPO1 Scalabrini discussed the matter with Major Curtis. The letter itself was never passed on to the female OCdt because the male OCdt had been ordered to have no contact with her.

CPO1 Scalabrini also acknowledged that the letter was not passed on the Military Police even though the CoC at the RMC was aware that an investigation was underway.

405. CPO1 Scalabrini was asked whether there were any regulations that would have prohibited her or her CoC from handing that letter over to the Military Police. CPO1 Scalabrini acknowledged that she did not think there was anything which prevented her from sending it to the Military Police. She rationalized her decision not to by explaining that the male OCdt had started to receive some counselling at that point, and she regarded the letter as a form of closure for him to say, “I want to apologize to you, and I recognize that I have done wrong and I am sorry”. But at the time of her interview she said she recognized that the Military Police should have received this letter. It should be noted that CPO1 Scalabrini discussed the matter with Major Curtis and he did not direct that the letter be sent to the Military Police.

406. The second instance of important evidence being withheld from the Military Police by the RMC concerns a journal written by the male OCdt. He was encouraged by some of the medical practitioners he saw to write down his thoughts for therapeutic purposes. He did this in a journal. Based on the references by medical staff to the journal, it was thought it might provide important information about how the male OCdt felt about specific incidents, particularly his reaction to the interview with Cpl Graham on May 24, 2019. The journal may have also included a record of his thoughts before he attempted suicide on May 30, 2019.

407. It was learned that the male OCdt’s belongings had been collected and returned to his family in October 2019. But the family indicated they did not receive the journal. LCdr Laffin was one of the people tasked with collecting the male OCdt’s belongings and sending them to his family. He said he found the male OCdt’s journal in a drawer in his dorm room. LCdr Laffin was asked whether the journal contained a suicide note. He replied, “So, no, I read the first entry, and not being an investigator, being someone tasked to clean out his room, I honestly respected the man’s privacy and I stopped reading. Once I realized it was medical information, I asked the doctor what to do with it”. Dr. Storrier replied that the journal was the male OCdt’s personal

property and could be disposed of. LCdr Laffin went on to say: “we don’t give medical information to parents”. He added: “perhaps I should not have shredded it, but I did”.¹²³ He said he had personally shredded the journal after checking with LCol Moore.

408. On June 6, 2019, LCol Moore became aware that the Military Police were conducting an investigation into the attempted suicide of the male OCdt. In August 2019, the male OCdt remained in a compromised state and was likely to remain in that condition. So, when he learned at that time that the journal, the personal diary of the male OCdt, had been recovered from amongst his personal belongings, LCol Moore apparently did not think to call the Military Police to determine whether they wanted to check the journal to see if the male OCdt had written a suicide note.

409. Unfortunately, the journal has been destroyed and with it potentially valuable evidence for the Military Police. LCdr Laffin saw the journal as being “medical information”, while Dr. Storrier told him the journal was the “personal property” of the male OCdt and should have been treated as a “personal diary”. In any event, LCdr Laffin checked with LCol Moore and the decision was made to destroy the journal rather than return it to the family. However one classifies the contents of the journal, it is hard to understand why it was not returned to the male OCdt’s family.

Recommendation #15:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal take any necessary measures to ensure there is a strong liaison between the Royal Military College of Canada and the Military Police Kingston Detachment. The goal of such a liaison would be to ensure the prompt reporting to the Military Police of offences allegedly committed at the RMC, along with any concerns about staff and student safety and security. (Accepted by the CFPM)

¹²³ MPCC interview with LCdr Kevin Laffin on May 14, 2021.

VIII SUMMARY OF FINDINGS AND RECOMMENDATIONS

Finding #1:

The Commission finds that the Military Police members who came into contact with a member of the Canadian Armed Forces who was suffering from a mental illness did not take reasonable steps in the circumstances to address the situation. In the case of MCpl Armstrong, and despite ample evidence, there was a lack of appreciation on his part of the obvious mental health issue and a resulting lack of any effort to address it. In the case of Cpl Graham and Sgt Compeau, there was a recognition of a mental health issue, but again there is no indication that this led to any appropriate intervention on their part. In light of the numerous reports on mental health and suicide at the RMC that were released shortly before the events considered in this report, this lack of interest or effort is both surprising and disappointing. Had any member of the Military Police taken the admonitions of those reports to heart and taken even a brief glance into the troubled life of the male OCdt, the tragedy of future events might have been avoided. (ACCEPTED)

Finding #2:

The Commission finds that the Military Police members who were furnished with an allegation and abundant evidence demonstrating that the offence of criminal harassment was made out, did not conduct a reasonable investigation into the matter. In fact, the Commission's investigation has revealed that there was no substantive investigation, including a failure to even speak with the alleged harasser. The lead investigator, MCpl Armstrong, attempted to shift the blame for this failure onto a supervisor, but this attempt is not credible. There was ample evidence to support the laying of a charge of criminal harassment and suggesting the complainant seek a peace bond was not an adequate substitute for criminal charges.

The Commission also finds that there was a complete lack of supervision in this matter. WO Bastien closed the file without reading most of the evidence supplied by the complainant. When Lt Côté sent a letter to the Director of Cadets at the RMC stating that, following an investigation by the Military Police, it was determined that there was insufficient evidence to support a charge of criminal harassment against the male OCdt, she also had not read the file. She did not realize that the Military Police investigation she refers to never took place. (ACCEPTED)

Finding #3:

The Commission finds that Military Police members who were told by a complainant that she feared for her safety from a man harassing her did not take reasonable steps in the circumstances. In fact, they took almost no steps to ensure her safety. MCpl Armstrong did not meet with the person causing the safety concern and proposed a peace bond as a means of dealing with the situation without understanding the nature of the threat. A thorough review of the file ought to have brought home to Cpl Graham the need to do more than suggest the female OCdt go out on her own and seek a peace bond. This is especially so, given the fact that the female OCdt informed him that the male OCdt had recently called her on two occasions. WO Bastien said after the fact that some kind of safety plan should have been put in place, but at the time he was not aware of any safety concerns because he did not read the complainant's statement. Lt Côté was unaware of an important risk management tool that requires the involvement of the Military Police in situations like the one described by the female OCdt. The Military Police were fortunate no physical harm came to the female OCdt. If the Military Police had taken some action, however, they would not have had to rely on good fortune. (ACCEPTED)

Finding #4:

The Commission finds that the investigation into sexual offences allegedly committed by the female OCdt was not reasonably conceived and carried out. It was not reasonable because the thinking behind laying those charges was based on a misapprehension of the nature of the relationship between the two Officer Cadets. Cpl Graham thought that the relationship was intended to be sexual in nature and the offences he thought might apply depended on that characterization. But there was no sexual component to the relationship and, even if there were, the charges Cpl Graham was contemplating would not have applied. Cpl Graham also took a judgmental rather than a legal approach to the case and this may help explain why he was thinking of laying unreasonable charges. As an inexperienced member of the Military Police, Cpl Graham should have consulted with his supervisors and should have been able to rely on them to help guide him through legal matters with which he was so unfamiliar. All of them should have accessed the legal advice readily available to them. Unfortunately, no supervisor reviewed Cpl Graham's plan for questioning the female OCdt and when Sgt Bultinck was shown the female OCdt's written objections to that questioning, he took no action. Had he viewed that questioning, he would have been able to take stronger action in clearing the female OCdt from the threat of criminal charges that had no factual or legal basis. Cpl Graham's incompetent interview of the female OCdt demonstrated his bias and animus toward her which further exacerbated the unmerited adverse treatment that she received. (ACCEPTED)

Finding #5:

The Commission finds that Military Police supervisors did not provide adequate oversight concerning the mental health and personal safety issues in both the criminal harassment and sexual offences investigations. The front-line members conducting the investigations and dealing with the mental health and personal safety issues lacked experience and competence and would have benefited greatly from close supervisory support. Such support was not forthcoming. The investigation plans were not reviewed until the investigations were completed, nor was the evidence furnished by the female Officer Cadet examined. WO Bastien closed the criminal harassment file without reading it fully. Sgt Compeau allowed an interview to go ahead with a person he thought was not fit to even stand an interview. Lt Côté said she had to put her trust in the people below her in the CoC, but she acknowledged herself that the Kingston detachment was under-staffed and it was her command responsibility to compensate for that, by doing the review work herself, if necessary. In addition, the mental health and personal safety issues were not addressed, and there was neither quality control nor quality assurance to determine whether proper police procedures had been followed in the criminal investigations. (ACCEPTED)

Recommendation #1:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he direct that GO File #2019-6675 be corrected to delete the conclusion that the element of the offence of criminal harassment had not been met. (ACCEPTED)

Recommendation #2:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he direct that the “founded” designation in GO File #2019-13816 be changed to “unfounded” to reflect the conclusion of the investigation that it could not identify any chargeable suspects, nor clearly identify any criminal acts. (ACCEPTED)

Recommendation #3:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he direct that the rules as to when a matter should be recorded as a Street Check as opposed to a General Occurrence report should be clarified. It also recommends that the Canadian Forces Provost Marshal direct that when searching a person’s name in SAMPIS members of the Military Police should always look at both Street Check and General Occurrence reports. (ACCEPTED)

Recommendation #4:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal review Military Police training at all levels in the area of victims' rights and services, and make necessary improvements. (ACCEPTED)

Recommendation #5:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he apologize on behalf of the Military Police to the female Officer Cadet for failing to properly investigate her complaint of being harassed, for threatening to lay baseless charges against her, for sullyng her reputation at the Royal Military College of Canada, for failing to put in place support measures for her, and for failing to communicate with her and advise her that she was no longer under threat of prosecution. (ACCEPTED)

Recommendation #6:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he apologize on behalf of the Military Police to the family of the male Officer Cadet for not recognizing his fragile mental state and possibly exacerbating his mental health difficulties by threatening him with a baseless charge. (ACCEPTED)

Recommendation #7:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal direct the Military Police to put in place a risk management strategy to help protect persons who may be in positions of jeopardy. Such a strategy should specifically include victims of criminal harassment. The Canadian Forces Provost Marshal should direct that all members of the Military Police be alerted to the importance of using risk management strategies and be trained in their use. (ACCEPTED)

Recommendation #8:

The Military Police Complaints Commission recommends to the Canadian Forces Provost Marshal that he direct the Military Police chain of command to emphasize to its members the importance of establishing a good working relationship with legal advisors. The importance of this relationship is set out in CF MP Order 2-340 – Military Police Investigation Policy - and all members of the Military Police should be reminded that working with a legal advisor can help make an investigation more efficient and effective. The Canadian Forces Provost Marshal should work with the Judge Advocate General to provide training with the goal of enhancing and facilitating consultation with legal counsel by the Military Police. (ACCEPTED)

Recommendation #9:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal direct that an Order be drafted to provide guidance on the use of recognizances to keep the peace, as described in section 810 of the *Criminal Code*. Such an Order should set out when such a recognizance should be sought and detail the ways in which the Military Police can assist those seeking one. (ACCEPTED)

Recommendation #10:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal ensure that the provisions governing the quality assurance audit function as set out in CF MP Order 2-500 – Investigation Management Policy – are enforced. It is further recommended that the Canadian Forces Provost Marshal ensure that Officers Commanding are educated about the responsibility to assign a member to conduct a comprehensive review of the investigative process following the conclusion of randomly-selected investigations. These reviews are to ensure that all procedures were observed and lessons learned are identified so as to improve future investigations. (ACCEPTED)

Recommendation #11:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal ensure that training concerning the offence of criminal harassment as set out in section 264 of the *Criminal Code* be added to the QL5 course of study at the Military Police Academy. Such training should encompass not only how to recognize and investigate this offence, but also how to deal with its psychological component. Any training should include an understanding of the behaviours of both the accused and the victim as well as the need to provide assistance to victims. (ACCEPTED)

Recommendation #12:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal take steps to see that the Military Police is granted the authority to enforce provisions under provincial mental health statutes. (ACCEPTED)

Recommendation #13:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal ensure that members of the Military Police understand the function and importance of caution flags in the Security and Military Police Information System. Training in this area should emphasize the use of caution flags in alerting members of the Military Police to potentially dangerous situations. (ACCEPTED)

Recommendation #14:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal ensure that Corporal Jeffery Graham be the subject of remedial measures for his biased and unprofessional attitude towards the female Officer Cadet. It also recommends that he receive training on the issues of criminal law, in particular the law relating to sexual offences, as well as on mental health, and dealing with victims. (PARTIALLY ACCEPTED)

Recommendation #15:

The Military Police Complaints Commission recommends that the Canadian Forces Provost Marshal take any necessary measures to ensure there is a strong liaison between the Royal Military College of Canada and the Military Police Kingston Detachment. The goal of such a liaison would be to ensure the prompt reporting to the Military Police of offences allegedly committed at the RMC, along with any concerns about staff and student safety and security. (ACCEPTED)

Ottawa, March 22, 2022

Original signed by:

Bonita Thornton
Interim Chairperson

APPENDICES

**GLOSSARY OF
TERMS/ACRONYMS
USED THROUGHOUT
THIS REPORT**

Glossary of Terms / Acronyms used throughout this Report

1 st Cdn Div	First Canadian Division
2 i/c	second-in-command
2Lt	Second Lieutenant
3 i/c	third-in-command
ADR	Alternative Dispute Resolution
aka	also known as
AV	audio-video
BGen	Brigadier-General
BOI	Board of Inquiry
CAD	Computer-aided dispatch
CAF	Canadian Armed Forces
Capt	Captain
cc	Copie conforme
CC	<i>Criminal Code</i>
CCIR	Commander's Critical Information Requirement
CCMS	Conflict and Complaint Management Services
CDU	Care delivery unit
CF MP	Canadian Forces Military Police
CFB	Canadian Forces Base
CFNIS	Canadian Forces National Investigation Service
CFPM	Canadian Forces Provost Marshal
CoC	Chain of Command
Col	Colonel
Comd	Commander
Cpl	Corporal
CPO1	Chief Petty Officer, 1st Class
CR	Central Region
DND	Department of National Defence
DAOD	Defence Administrative Orders and Directives
Dr	Doctor
DVR	<i>Declaration of Victims Rights</i>
ER	Emergency Room
et al.	and others
FSR	File Status Review
GIS	General Investigation Section
GO	General Occurrence
HI	Homicidal ideation
HKGNCW	Watch Commander
IC/Pol Ops	In Charge of the Police Operations
ICU	Intensive care unit
JAG	Judge Advocate General
KGH	Kingston General Hospital
Kgn	Kingston
LCdr	Lieutenant Commander
LCol	Lieutenant Colonel

Glossary of Terms / Acronyms used throughout this Report

Lt	Lieutenant
MCpl	Master Corporal
MELs	Medical Employment Limitations
MIR	Medical Inspection Room
MP	Military Police
MP Det	Military Police Detachment
MP Gp	Military Police Group
MPCC	Military Police Complaints Commission
MPCIC	Military Police Criminal Information Check
MPIC	Military Police Investigation Course
MPO	Military Police Officer
Mr.	Mister
MS	Master Sailor
Ms.	Female honorific
MWO	Master Warrant Officer
NCdt	Naval Cadet
NCM	Non-Commissioned Member
NIS	National Investigation Service
NP	Nurse Practitioner
OC	Officer Commanding or Officer in charge
OCdt	Officer Cadet
PCAT	Permanent Medical Category
PCC	Primary Care Clinician
PHA	Periodic Health Assessment
PII	Public Interest Investigation
PO1	Petty Officer, 1st Class
QA	Quality Assurance
QL3	Qualification Level 3
QL5	Qualification Level 5
QR&O	Queen's Regulations & Orders
RCMP	Royal Canadian Mounted Police
Regt HQ	Regiment Headquarters
Ret'd	retired
RMC	Royal Military College of Canada
RN(EC)	Registered Nurse (Extended Class)
ROTP	Regular Officer Training Plan
S/Sgt	Staff Sergeant
SA	Situational Awareness
SAMPIS	Security and Military Police Information System
Sgt	Sergeant
SI	Suicidal ideation
sic	<i>sic erat scriptum</i> ("thus" or "just as")
SSAV	Special Staff Assistance Visit
SW	Social Worker
VBR	<i>Victims Bill of Rights</i>

Glossary of Terms / Acronyms used throughout this Report

VSC	Victim Services Coordinator
WO	Warrant Officer
YP	Young Person

APPENDIX A

STATEMENT OF THE

FEMALE OFFICER CADET

Appendix A – Statement of the Female Officer Cadet

Canadian Forces Military Police Written Statement Police militaire des Forces canadiennes Déclaration écrite

General occurrence report # (GO):	19-6675
N° de rapport d'événement général :	
Report caption:	Criminal Harassment
Rubrique :	

Subject Identification - Identification du sujet						
<input type="checkbox"/> Suspect	<input type="checkbox"/> Young person Personne juvénile	<input type="checkbox"/> Victim Victime	<input checked="" type="checkbox"/> Complainant Plaignant	<input type="checkbox"/> Witness Témoin	<input type="checkbox"/> Other Autre	<input type="checkbox"/> Informant Informateur
Surname - Nom de famille	Given name(s) - Prénom(s)		Sex - Sexe	DOB - DDN (yyaa-mm-dd)		
			Select F			
Subject DND Information - Information MDN du sujet						
SN / PRI - NM / CIDP	Rank - Grade	MOS ID - IDSGP	Unit - Unité	Base/Ship/Formation - Base/Navire/Formation		
	Select OCdt	WA	RMC	WA		

Military Police - Police militaire		
Rank - Grade	Surname - Nom de famille	Badge - N° d'insigne
Select MCpl	ARMSTRONG	#6064
MP Unit: - Unité PM : Select one or write over / Sélectionnez une option ou lapez-la MP DET KGN		

Others persons present (Name and reason for presence) - Autres personnes présentes (Noms et motifs de leur présence)
WA

Voluntary statement provided? - Déclaration fournie volontairement?
<input checked="" type="checkbox"/> Yes - Oui <input type="checkbox"/> No - Non
Verbal only? - Verbale seulement?
<input type="checkbox"/> Yes - Oui <input checked="" type="checkbox"/> No - Non
Written? - Écrite?
<input checked="" type="checkbox"/> Yes - Oui <input type="checkbox"/> No - Non

Written statement continues on page 2 (if provided)
Suite de la déclaration écrite à la page 2 (le cas échéant)

**CFPM / GPFC
GENERAL OCCURRENCE HARDCOPY
(CRIMINAL HARASSMENT)**

**Written Statement
Déclaration écrite**

GO #: 19-6675			
N° d'EG :			
Interviewee (SN, Rank, Given Name(s) and Surname) - Déclarant (NM, grade, prénom(s) et nom de famille)			
SN / PRI – NM / CIDP [REDACTED]	Rank - Grade OCdt	Given name(s) - Prénoms(s) [REDACTED]	Surname - Nom de famille [REDACTED]

Statement (Continued) - Déclaration (Suite)		
<p>I met [REDACTED] Summer of 2017 & helped him through basic training because he was struggling. He seemed happy to have a friend. He Once at RMC, I would take him to the gym with me because I wanted to help him pass the PPT. He began bringing me gifts (food, ice cream, Christmas gifts) but I thought he WA [REDACTED] was just being friendly. One night, he brought me food while WA [REDACTED] I was with one of my guy friends. [REDACTED] was visibly upset that I was with another guy and would not take our hints to WA [REDACTED] leave, but we just brushed it off because he was just an odd guy. One time in March / April 2018, I asked him if I could borrow some money fe until payday and for an emergency. He excitedly agreed and gave me more than I asked for, so I could not pay it back on payday as I planned to. He said not to worry and that I could take my time (uni students borrow / lend all the time). This WA [REDACTED] loaning thing kept up for a while. Sometimes, he would just WA [REDACTED] send random money as a "gift" or slide it under my door. He WA [REDACTED] was happy to do it. Later, however, he demanded all of the WA [REDACTED] money back in one day. I obviously could not, but I said I could get another job & start paying him back slowly. He would send 60 /70 /80 messages consecutively, ranging from things WA [REDACTED] like "you make me want to kill myself" and "I'm going to tell WA [REDACTED]</p>		
Signature [REDACTED]	Date (yyaa-mm-dj) 2019-03-13	Time - Heure (hh:mm) 14 58h
Witness - Témoin		
[Original signed by:] MCpl W. G. Armstrong		

Written Statement Déclaration écrite

GO #: 19-6675			
N° d'EG :			
Interviewee (SN, Rank, Given Name(s) and Surname) - Déclarant (NM, grade, prénom(s) et nom de famille)			
SN / PRI – NM / CIDP [REDACTED]	Rank - Grade OCdt	Given name(s) - Prénoms(s) [REDACTED]	Surname - Nom de famille [REDACTED]

Statement (Continued) – Déclaration (Suite)		
<p><u>everyone that you stole my money.” After episodes like this, he WA [REDACTED] would message me back apologizing and saying it was fine. This went on for a while, and it was also when he began to open up about stalking me, saying he looks at my Instagram all day. If I changed my profile photo, he would text me about it WA [REDACTED] within seconds. He creeped my Instagram, Facebook, Twitter, the social media of my younger siblings, my high school friends, my high school friends’ family, everyone who could possibly be tied to me. He went back years and I never understood the importance of online safety until then. He would message me things WA [REDACTED] that he should not know, like “It’s [REDACTED] grandma’s birthday today” “You and [REDACTED] got lost going to the canal (in Gr 11)” “Why did you lend your spikes to [REDACTED] in Gr 12?” He did this so often, I felt I had zero privacy, I felt exposed, invaded, and vulnerable. In person, he would beg to hang out, show up to my room, ask to touch me, to touch my things, to sit on my bed. If I didn’t keep him happy over text, he would show up to my room. He justified this by saying “You have to do this because I treat you better than your other friends, I just want to be close to you.” I felt like he owned me, just because I WA [REDACTED]</u></p>		
Signature [REDACTED]	Date (yyaa-mm-dj) 2019-03-13	Time - Heure (hh:mm) 1458h
Witness - Témoin [Original signed by:] MCpl W. G. Armstrong		

Written Statement Déclaration écrite

GO #: 19-6675			
N° d'EG :			
Interviewee (SN, Rank, Given Name(s) and Surname) - Déclarant (NM, grade, prénom(s) et nom de famille)			
SN / PRI – NM / CIDP [REDACTED]	Rank - Grade OCdt	Given name(s) - Prénoms(s) [REDACTED]	Surname - Nom de famille [REDACTED]

Statement (Continued) – Déclaration (Suite)		
<p><u>owed him some money, so I shut up and let the harassment go on. I also made him seek help for his obvious mental illness. I made him see a Padre, a therapist, a doctor. They gave him meds but nothing changed. I turned down the diamond ring he gave me for Christmas. He tried to give me access to his bank account [REDACTED] the password to everything he had), and I also refused. When he slipped money under my door, I just kept it. One day, I recommended we start a payment plan so that I could give him money off each paycheck. I wanted to be free of him. He agreed, and this worked for about a month or two. Then, he freaked out and said he wanted the money now. He WA [REDACTED] requested that I “date” him to repay my debts. I refused & he got upset but agreed. Two weeks later, he said again that he no longer wanted the payment plan. He said I could kiss him to repay my debts. He said all of the craziness, debt and obsessing would all go away. I was desperate and WA [REDACTED] trapped and scared, so I agreed in hopes that it would make it all go away. It made him temporarily happy, but days later, he got upset and said it was unfair and I still owed him. I let him have my blankets, a name tag of mine that he begged for, etc. In hopes of keeping him</u></p>		
Signature [REDACTED]	Date (yyaa-mm-dj) 2019-03-13	Time - Heure (hh:mm) 1458h
Witness - Témoin		
[Original signed by:] MCpl W. G. Armstrong		

Written Statement
Déclaration écrite

GO #: 19-6675			
N° d'EG :			
Interviewee (SN, Rank, Given Name(s) and Surname) - Déclarant (NM, grade, prénom(s) et nom de famille)			
SN / PRI – NM / CIDP [REDACTED]	Rank - Grade OCdt	Given name(s) - Prénoms(s) [REDACTED]	Surname - Nom de famille [REDACTED]

Statement (Continued) – Déclaration (Suite)		
<p><u>content. I felt manipulated and helpless. I did not know what to do to fix this and he was getting scarier. He said he would tell everyone what happened (which sounds terrible without WA [REDACTED] context) and kept calling and texting nonstop. I realized nothing would fix it. He later told me that he never cared about the money & that this situation was inevitable. He said he used the money to justify his actions, but that he had been this way since we met. I had to be his friend because I was scared he would hurt me if I wasn't. One night in Jan 2019, I WA [REDACTED] did not answer his messages, so he showed up at my door banging and trying to get in. I was shaking / crying WA [REDACTED] inside, texting him saying I was not there, but he told me he could hear me breathing. This went on for 10 mins WA [REDACTED] until I threatened to call the police. He then got back to his room & sent me 70+ texts, including photos of him WA [REDACTED] cutting his arms, saying he was "doing it for me." He said I broke his heart, even though I had always told him I had no feelings for him. Realizing I was helpless, I did WA [REDACTED] whatever he wanted the following months to keep him WA [REDACTED] happy. I let him text, call, talk to me. Then, he showed me his phone, with hundreds of photos of me: baby pictures,</u></p>		
Signature [REDACTED]	Date (yyaa-mm-dd) 2019-03-13	Time - Heure (hh.mm) 1458h
Witness - Témoin [Original signed by:] MCpl W. G. Armstrong		

Written Statement Déclaration écrite

GO #: 19-6675			
N° d'EG :			
Interviewee (SN, Rank, Given Name(s) and Surname) - Déclarant (NM, grade, prénom(s) et nom de famille)			
SN / PRI – NM / CIDP [REDACTED]	Rank - Grade OCdt	Given name(s) - Prénoms(s) [REDACTED]	Surname - Nom de famille [REDACTED]

Statement (Continued) – Déclaration (Suite)		
<p><u>high school pictures, pictures he saved, he took, everything. When I cried and begged him to delete them, he did, but later told me he had more folders of photos. He showed me notes he wrote WA [REDACTED] saying "I want to smell [REDACTED] in her sleeping shirt, etc" WA [REDACTED] and bought my perfume and shampoo. He sent me a photo of my home street, saying "nice view" and continuously stared at me in class or in the mess, or wherever I WA [REDACTED] went. He commented on my hair, outfit, who I was with & sent me messages about my location or what I was WA [REDACTED] doing. He said, many times "I am Joe, you are Beck" (Joe is Beck's stalker in a TV show and kills her & all her friends). Everytime I got upset, he admitted to being a stalker, but said it was my fault. He acted like he WA [REDACTED] owned me. To prevent me from calling the police on WA [REDACTED] him, he would pretend he called them on himself. He WA [REDACTED] would send 70+ messages about how much he hates WA [REDACTED] me followed by "Sorry, I'm calm now." He would tell WA [REDACTED] me to block him, then message me in other ways when I did. Last night, he texted 70+ times, phones 20+ WA [REDACTED] times, and messaged me on Snapchat WA [REDACTED] WA [REDACTED]</u></p>		
Signature [REDACTED]	Date (yyaa-mm-dj) 2019-03-13	Time - Heure (hh.mm) 1458h
Witness - Témoin		
[Original signed by:] MCpl W. G. Armstrong		

Written Statement Déclaration écrite

GO #: 19-6675			
N° d'EG :			
Interviewee (SN, Rank, Given Name(s) and Sumame) - Déclarant (NM, grade, prénom(s) et nom de famille)			
SN / PRI – NM / CIDP [REDACTED]	Rank - Grade OCdt	Given name(s) - Prénoms(s) [REDACTED]	Surname - Nom de famille [REDACTED]

Statement Begins – Début de la déclaration		
Date (yyaa-mm-dd) WA	Time - Heure (hh:mm) WA	WA
<p>Q1: Do you feel that you are in danger? WA</p> <p>A1: Yes: he refers to himself as the killer / stalker character WA</p> <p>WA from "You," says he wishes I would disappear, tried to</p> <p>WA get into my room / banging aggressively when I told him</p> <p>WA to leave WA</p> <p>Q2: Has he WA ever touched you physically without your consent? WA</p> <p>A2: No, just asked again & again, touched my hands WA</p> <p>Q3: How much money have you borrowed from [REDACTED] and how much have you paid back, approx? WA</p> <p>A3: Approx \$1300, paid back \$300 approx WA</p> <p>Q4: Do you believe [REDACTED] is a serious threat to himself?</p> <p>A4: Yes WA</p> <p>WA</p> <p>WA</p>		
Signature [REDACTED]	Date (yyaa-mm-dd) 2019-03-13	Time - Heure (hh:mm) 1458h
Witness - Témoin		
[Original signed by:] MCpl W. G. Armstrong		

APPENDIX B
HANDWRITTEN NOTES
OF THE
FEMALE OFFICER CADET

Appendix B - Handwritten Notes of the Female Officer Cadet

- July / August 2017: I met [REDACTED] @ BMOQ 1, he was struggling hard, so I always helped him with physical fitness & inspections (etc)

➤ Later on, he admitted that this was when his "obsession" began

- October - December 2017: I brought him to the gym with me to help him pass PPT, sat with him in some classes because he asked, normal (ish) friends, he said I was his only friend

➤ He had started contacting my sister, befriending her, he later told me this was to get closer to me

- January - February 2018: Started saying he "loved" me, I wrongly assumed he was simply not used to someone being a friend to him

- March 2018: I asked to borrow some money until payday and he excitedly agreed, giving me more than I asked for, I accepted and was unable to pay him back when I said I could have but he was unbothered by this

- April 2018: Borrowed more money, he said he had too much money & nothing to spend it on so I (wrongly) enabled the situation

- Next half year, he would send / give money that I did not even ask for and say it was fine & I could pay him back whenever

- June / July: [REDACTED] would call my phone constantly, begging to talk to me & for me to stay on the line while he fell asleep. When I did not answer, he freaked out and called my sister & family at home. He said this was because he was worried and wanted me to call him back.

- August 2018: Obsession got worse and I was at the beginning stages of realizing he was obsessed

- September 2018: [REDACTED] said I make him want to kill himself, he called / texted constantly and had mood swings (send 70/80 messages about how he was in love with me followed by an equal number of messages saying he hated me and so many awful words said), I made him go get a Padre / therapy because I was scared for his wellbeing, he got professional help

- Fall 2018

➤ He stares at me all class, every class and wants to touch my things (wedge, binder), I cannot focus in class because he texts and stares all day everyday

➤ He watches everything I do, stalks me online, comments on me (i.e. I will change my profile photo and he will text me "Profile pic" just to remind me he is there, or I will do my hair differently so he will say "hair")

➤ buys my shampoo / perfume so he can smell it

➤ some days, he will suddenly demand all the money back that he ever gave me, I say I cannot immediately / need time so he says he will tell everyone I'm a thief, stole, call my family, etc

➤ He says it keeps him mentally well to touch my things, I feel trapped because I owe him money, so I allow him to "buy" some of my spare blankets, etc

➤ I continued giving him my things to keep him "happy"

- He admits to being obsessed, shows up at my room unannounced, the online stalking gets more serious so I remove him from social media, he gets very mad and starts requesting to be let back on incessantly (10+ times a day)

- Christmas Break: He demands the money again and requests that I "date him" in order to pay back the loans, I refused this & we started a "payment plan" with me giving him money off each paycheck, this was going perfectly

- January 2019: He says he does not want the payment plan, he wants me to kiss him instead, I initially said no because it would be bad in the long-run, he insisted because he wanted to be "paid back" immediately and this would end the obsessing/stalking/harassing, hoping it would all be over after this, I agreed out of desperation

- He later claimed this was an "unfair" arrangement and said I manipulated him and started constantly texting me about it, saying he was going to tell everyone and that I still "stole" his money
- He said he never / still does not care about the money and he only used it as an excuse to get close to me, he said this was the way he was when we met, but that he just hid it the whole time
- When I did not answer a text, he texted me over 60 times and ran to my room, banging on it and trying to open the locked door. I pretended I was not inside, but he said that he could hear "my breathing" and he would not leave until I told him I would call the police. He went back to his room and sent me photos of him cutting his wrists claiming it was my fault. This behaviour continued for weeks & he said if I reported him, he would "warn everyone" about me by saying I "stole his money."

Feb - March 2019: [REDACTED] said he was exactly like "Joe" from the Netflix series "You" (Joe kills the girl he stalks and all her friends)

- He admits to being obsessed, to stalking, threats, harassing, blackmail
- He shows me hundreds and hundreds of photos he saved of me: baby pictures, photos from high school, photos I had no idea existed, every profile picture he could still see after I removed him from social media
 - I yelled & made him delete them in front of me, but he later told me he did not delete them all
- He sends screenshots of my house from Google Maps saying "nice view" etc
- He tells me facts that he knows about people from my childhood, he shows that he knows EVERYTHING about my life that he should NOT know
- He tries to give me his banking access (passwords to everything he has access to [REDACTED]), I obviously refuse
- He asks to rub his head along my arm, he incessantly asks for physical contact, gets extremely angry when I refuse because he says it isn't fair that my other friends / boyfriend get to be close to me
- He shows me secret notes in his phone that he wrote to himself (i.e. "I want to snuggle up to [REDACTED] in bed, smell her sleeping shirt ...")
- He says he likes it when I am mad at him and keeps photos of me on his phone "to scare me"
- He repeats again that he only uses the money to justify his actions & never cared whether I paid him back, he claims this situation was inevitable
- He continues harassing, stalking, he admits that his doctor recommended he leave the school because he is a danger to me
- He says again "I am Joe, you are Beck!"