



April 29, 2011

Distribution List

Our File: MPCC-2011-004 (Fynes)

In accordance with the provisions of subsection 250.38(3) of the *National Defence Act* (NDA), this letter will serve as notice of my decision to cause the Military Police Complaints Commission to conduct a public interest investigation into the above complaint.

This complaint relates to three investigations conducted by the Canadian Forces National Investigation Service (CFNIS) after the complainants' son, Corporal (Cpl) Stuart Langridge, committed suicide on March 15th, 2008.

The complainants allege that the first CFNIS investigation into their son's death (the Sudden Death investigation) was not conducted in an impartial way, and that it tarnished their son's reputation in an attempt to protect his Canadian Forces Chain of Command. They explain that their son, who had served in Bosnia and Afghanistan, was suffering from Post Traumatic Stress Disorder and depression, and committed suicide shortly after being ordered out of a psychiatric facility, when he had commented that he would rather kill himself than return to his Unit, and when the complainants had been told that he was under a suicide watch at his Unit. They allege that the CFNIS investigator made an incorrect finding about their son's alcohol and drug addiction which was prejudicial to their son's memory. They further allege that the finding in the CFNIS report that the military had made several attempts to help their son in dealing with his problems was incorrect and irrelevant to the investigation, and that it was intended to absolve their son's Chain of Command of any liability. The complainants express concern that CFNIS did not possess the necessary independence to uncover and reveal information prejudicial to the Canadian Forces.

The complainants make other allegations about the conduct of the Sudden Death investigation. In particular, they complain about a failure by CFNIS to disclose the existence of a suicide note from their son and to provide a copy of the note for over a year after their son's death; a failure to return their son's personal property seized as exhibits for over a year after the investigation was concluded; erroneous indications provided to the Alberta Medical Examiner that their son was facing disciplinary issues; and a failure to show respect to their son's body during the initial hours of the investigation. Further, the complainants were dissatisfied with the extent of the information that was redacted out of the copy of the investigation report they were provided, and they raised concerns about the justification for not providing them with more information about the investigation.

The complainants also take issue with two other CFNIS investigations. The first one (the 2009 investigation) was opened in November 2009, when the office of the Canadian Forces Ombudsman raised the possibility that there may have been a neglect of duty on the part of at least one CF member in representing the complainants' son's former common law spouse as his primary next of kin, despite knowledge that the relationship had ended prior to Cpl. Langridge's death. The complainants indicate they have a direct interest in this investigation, since the designation of their son's ex-girlfriend as primary next of kin has prevented them from making funeral arrangements for their son, and has required that they take court action to have records corrected. The second investigation (the 2010 investigation) was opened in April 2010, when the complainants formally requested that CFNIS investigate any criminal negligence committed by members of their son's Regiment in ordering their son to leave the psychiatric facility shortly before his death, in imposing restrictive conditions on him in order to obtain further care, in ignoring his suicide risk which had been assessed as high, and in not conducting or not properly conducting a suicide watch to prevent their son's death.

With respect to the 2009 and 2010 investigations, Mr. and Mrs. Fynes complain that they have not been kept updated on the progress of the investigations, and that a significant time period has elapsed with no apparent result. They raise issues about the CFNIS' ability to conduct these investigations, and about its independence, in light of information they received indicating that updates on the NIS investigations would be incorporated into a CF debriefing on other matters. They further allege that, when they were advised that the investigations had been completed, the CFNIS inappropriately cancelled a briefing its members were supposed to provide on the investigations because the complainants requested that their lawyer be present. A written briefing was to be provided instead, and the complainants have recently been advised that it is currently being sent to them. However, they raise concerns about the delay in providing this briefing.

The conduct that is the subject of the complaint occurred during the period of March 2008 to the present. The complainants have already sought, and been granted, an extension of the time period in which to file their complaint in accordance with section 250.2 of the NDA.

In considering the public interest in conducting an investigation pursuant to subsection 250.38(1) of the NDA, I have noted the seriousness of the allegations made by the complainants, as well as the gravity of the underlying events. One of the primary functions of the Military Police is to ensure that members of the Canadian Forces act in accordance with the law and the military Code of Service Discipline. The allegations in this complaint, if true, raise issues about the MP's ability to investigate and report on any misconduct by CF members with impartiality and independence. The possibility that a bias may exist – leading MPs to favour the CF Chain of Command in the conduct

of their investigations or to feel in any way prevented from exposing information detrimental to the CF – goes to the core of military policing and of the MP's ability to perform its important role. Even a perception that the MP lacks the necessary objectivity or independence to investigate the CF Chain of Command could negatively impact on public confidence in the MP. The possibility that this alleged lack of independence and impartiality could lead to delay in investigations and to an inability to keep complainants and individuals directly affected informed also raises important issues in terms of the MPs' ability to fulfill their duties.

The allegations in this complaint, if true, may raise systemic issues relating to processes, policies or training, and the complainants have specifically requested that any such issues be examined by this Commission.

It is also a significant public interest consideration that this Commission's conduct of an immediate, first instance investigation of this complaint will contribute to engender confidence in the process for the complainants. The events which gave rise to this complaint began over three years ago. Since then, Mr. and Mrs. Fynes have complained about the delay and difficulty in obtaining information about the investigations. More importantly, throughout their interaction with Military Police authorities and with the Canadian Forces more generally, and in part as a result of the conduct they complain about in this case, the complainants have indicated that they have lost faith in the Military Police and do not trust them. In their words, they feel that they have been "frustrated by a continuous campaign of obfuscation and ongoing indifference." In terms of their overall interaction with the Canadian Forces, the Ombudsman reported that the complainants felt that they were being ignored and even silenced by the CF. They have indicated that they felt they had been deceived, misled and intentionally marginalized in their dealings with DND and the CF, and as a result had lost faith in the system. Under the circumstances, referring the matter back to the Canadian Forces Provost Marshal for an internal investigation to be conducted prior to affording the complainants an opportunity to request a review by this Commission would risk compounding the complainants' distrust in military and MP authorities, and possibly delaying the resolution of their complaint. The complainants have expressed their wish to have this Commission conduct a public interest investigation, and I have taken those wishes into consideration as well.

For all of these reasons, I consider it advisable in the public interest, pursuant to subsection 250.38(1) of the NDA to cause this Commission to conduct an investigation into this complaint and, if warranted, to hold a hearing.

The complainants have not specifically identified the subjects of their complaint. They raise issues with the conduct of the investigators involved in all three of the investigations at issue, all conducted by CFNIS Western Region. This Commission will proceed with the identification and notification of the subjects once disclosure of

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the investigative files has been received and reviewed, and after an initial interview with the complainants has been conducted in order to clarify all of their allegations.

Yours truly,

A handwritten signature in blue ink, appearing to read "Glenn Stannard", with a stylized flourish at the end.

Glenn Stannard
Chair

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