



Effective oversight of police: What powers do civilian authorities require?

APSAC Conference 2009 **Police Corruption and Misconduct**

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Commission for Public Complaints against the RCMP

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www.cpc-cpp.gc.ca

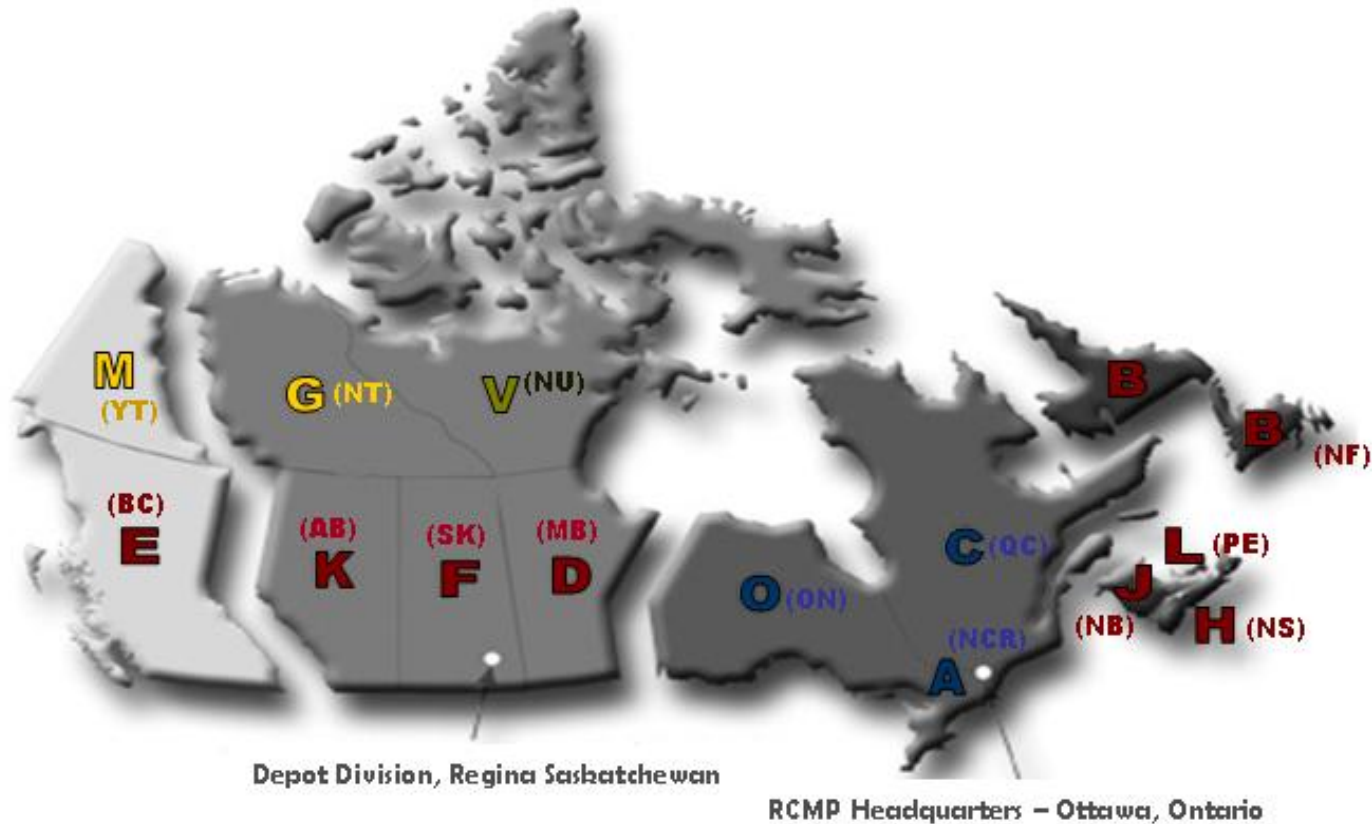


Background - CPC Role & Mandate

- Parliament enacted Part VII of the RCMP Act in 1988 to create the Commission for Public Complaints against the RCMP (CPC)
- CPC is a quasi-judicial body that provides impartial and independent adjudication of RCMP conduct
 - CPC mandate limited to RCMP conduct and does not extend to include criminal investigations
- The RCMP is a federal police institution of 29,000 employees that perform federal, provincial and municipal policing on contract to the provinces



RCMP Jurisdictional Challenge



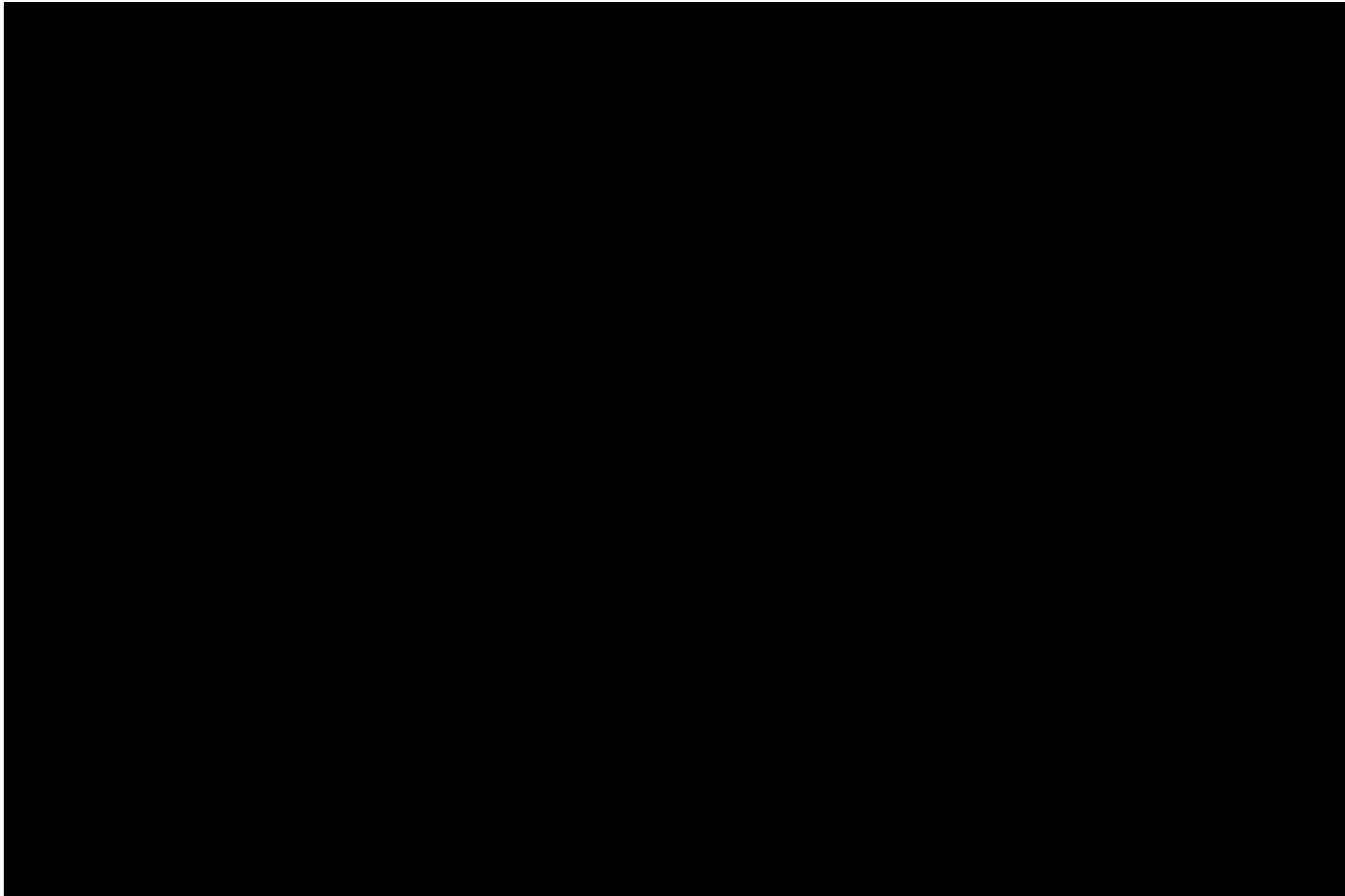


Current Canadian landscape

At issue: a matter of public trust

- Public expectation concerning police transparency and accountability evolving
- Distrust of public institutions is not new - what *is* new is the degree to which police activities are now the focus
 - Despite iconic status, RCMP not exempt from growing criticism
- High-profile incidents resulting in heightened Canadian public scrutiny of police actions

Example 1: National news story outlining allegations that the former RCMP head interfered with electoral process



Example 2: Civilian video footage of RCMP members encountering Polish immigrant Robert Dziekanski at YVR



Example 3: Government lawyer resigns after admission that relevant documents were withheld from Braidwood Inquiry called into death of Polish immigrant Robert Dziekanski



Example 4: Inquiry called into the conduct of police involved in the investigation of a deadly crash involving an off-duty Winnipeg police officer.





Current Canadian landscape

- Cynicism of police now chronic rather than episodic
- **Reality:** Police need public support to fulfill their responsibilities
- These issues must be addressed to successfully restore and maintain public confidence

Sunlight is the best disinfectant



Current Canadian landscape - points of risk

- **Weak institutional accountability**
 - RCMP members not required to cooperate with CPC
 - Access to relevant information by CPC may be denied by RCMP
 - Substitution of RCMP factual findings for those of CPC in some cases
- **Reactive oversight model triggered by laying of complaint**
 - No capacity for self-initiated review (without linking to a complaint)
 - No ability to look at systemic issues



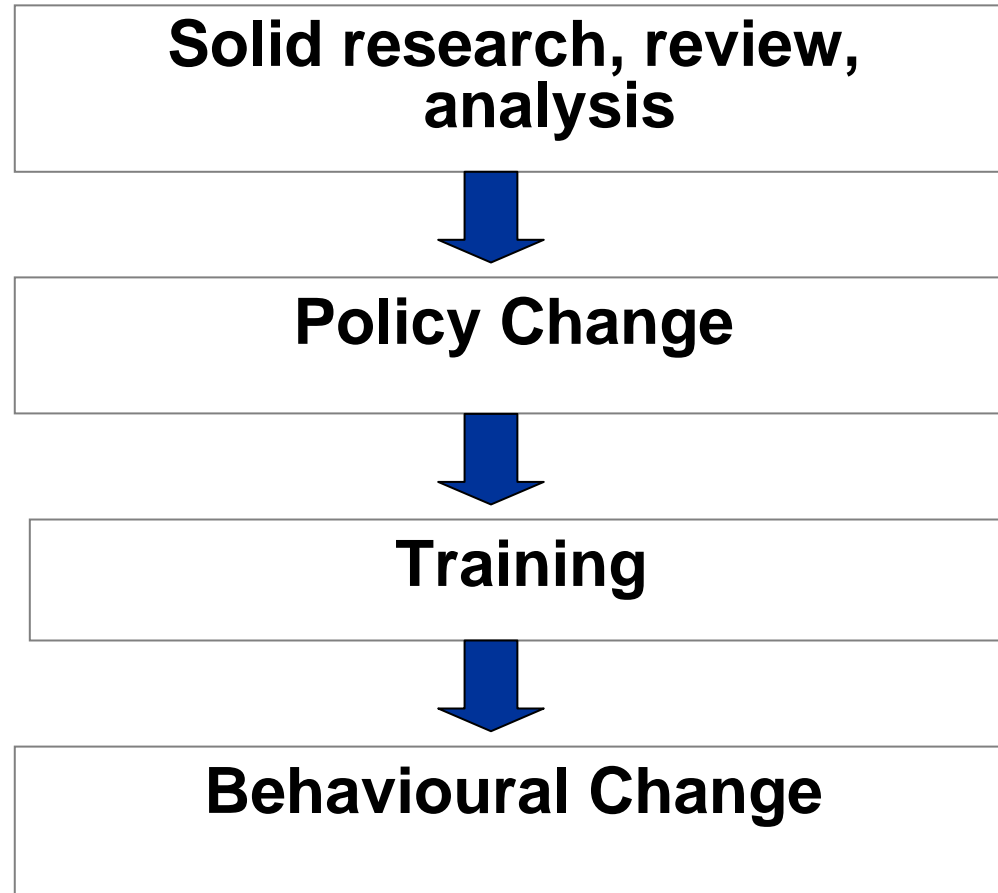
Key Powers to Maximize Effectiveness

- ✓ Self-initiate reviews/investigations and audit
- ✓ Ability to summon/enforce appearances, compel evidence, administer oaths
- ✓ Share information and conduct joint investigations with similar-mandated bodies
- ✓ Follow the trail of information
- ✓ Unfettered access to information
- ✓ Properly resourced
- ✓ Ability to report publicly

Absence of key powers = increased use of Public Inquiry Model and lack of Public Confidence



Influencing Change

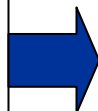




Progress despite points of risk

CPC Research/Review:

- CEW Report
- Review of the Record
- Complaint Reports



Coming next:

- Police Investigating Police Report
- In-Custody Death Report

RCMP resultant changes:

- CEW use down;
- Informal disposition of use of force complaints changed;
- Use of carotid control reduced;
- Handling of civil disputes clarified;
- Policy changed - handling of medical treatment for prisoners.



Common goals

- Act as bridge between public and police to create respectful dialogue through which public trust can be restored
- Bring public perspective to police - “Shine the light” on otherwise dark places
 - Frame issues with customer service mentality – how can they improve the way they do business?
- Ensure adequate powers for effective review to enhance transparency and accountability to the public
- Continue to “ensure that agencies exercising intrusive powers are subject to level of external review and disclosure proportionate to the level of intrusion”



Domestic challenge – Global impact

Where do we go from here?

- Maximize integration between like-mandated oversight bodies on international scale
 - Ensure level of oversight integration can keep pace with growing police integration
- Share key learnings for mutual benefit



Domestic challenge – Global impact

Where do we go from here?

- Undertake joint policy and research projects on key issues of mutual interest of benefit and interest to the public
 - As per above, maximize breadth of knowledge and resources through collaboration
 - PIP Public Submissions a start
 - Future collaboration could include:
 - Mental health and police interaction
 - In-custody death
- Continue to create opportunities for consultation on range of issues from legislation to community outreach



www.complaintscommission.ca