

CACOLE Conference 2011

Canmore, Alberta

**Military Police
Complaints
Commission**



**Commission d'examen
des plaintes concernant
la police militaire**

**Julianne Dunbar
General Counsel
Military Police Complaints Commission**

What is the Military Police Complaints Commission (MPCC)?

- The MPCC is a federal independent body established by the Parliament of Canada;
- Legislated in Part IV of the *National Defence Act*, this civilian oversight body is mandated to:
 - Review matters of military police conduct;
 - Investigate complaints from the Military Police concerning interference.



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Where do we fit?

- The MPCC is independent of the Department of National Defence and the Canadian Forces;
- The Commission is an organization within the Defence portfolio; and
- The MPCC reports annually to Parliament through the Minister of National Defence.



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Purpose of oversight

"...an effective review mechanism will have to be concerned with systemic failures and deficiencies as much as with the failures of individuals within the organization. Effective review should seek to reform and discipline systems, even where it would not be possible or fair to discipline individuals."

The Honourable Dennis O'Connor

Commission of Inquiry into the Actions of Canadian
Officials in Relation to Maher Arar



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On public confidence and trust

“Where policing is concerned, confidence and trust in the police is critical to effective policing, which in turn is vital to preserving public safety”

The Honourable Patrick J. Lesage, Q.C.

Former Chief Justice, Ontario Superior Court

Ontario Police Complaints System Review

April 2005



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Current Issues :

(1) Internal v. External Complaints

- Yes, but who should be the one to categorize complaints?
- Legislation is silent, but MPCC believes it must be the oversight body for the process to be credible.
- It is particularly important that MPCC be notified of the receipt of complaints.



Current Issues :

(2) Professional Standards Investigations

- Poor performance/negligence unreported through the complaints process needs to be addressed.
- The fact that the person reporting the conduct does not want to be a complainant does not preclude the issue from being dealt with as a complaint under Part IV of the NDA.



Who can file a conduct complaint?

- Any person (military or civilian) whether or not the complainant is affected by the subject matter of the complaint may file a complaint.



Current Issues :

(3) Policing Duties and Functions

- The dual role of MPs as both police and soldiers is recognized by the MPCC.
- MPCC recognizes there is a line between MP activities which properly attract oversight and those that do not.
- The question has been where to draw the line?



What are conduct complaints?

- This type of complaint is about the conduct of Military Police members in the performance of their policing duties or functions:
 - the conduct of an investigation;
 - the rendering of assistance to the public;
 - the execution of a warrant or another judicial process;
 - the handling of evidence;
 - the laying of a charge;
 - attendance at a judicial proceeding;
 - the enforcement of laws;
 - responding to a complaint; and
 - the arrest or custody of a person.



What isn't a conduct complaint?

- Subject to the list of activities on the previous slide:
 - general administrative functions;
 - training; and
 - military operations are excluded from conduct complaints.



Current Issues :

(4) Public Interest

- The Supreme Court of Canada has stated that the term “public interest” is highly discretionary and must be interpreted in light of the enabling statute.
- Of more than 600 complaints received since MPCC creation:
 - 12 Public Interest Investigations launched
 - 3 of the 12 resulted in Public Interest Hearings
 - 2 of those hearings ultimately proceeded



What are public interest investigations and hearings?

- The Chair may, at any time when deemed advisable in the public interest, cause the Commission to conduct an investigation and, if warranted, to hold a public hearing into a conduct or interference complaint.
- In the case of a public interest hearing, the Chair has the power to summon and enforce the attendance of witnesses and compel them to give:
 - Evidence under oath
 - Produce any documents.





Current Issues :

(5) Complaints against MP by MP

- Few interference complaints are filed.
- Not all interference complaints have been MP against MP, but where they are, the issue of the duty to supervise is raised.
- Supervisors can and must provide guidance to MP subordinates.



Questions?



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How to contact the MPCC

- Address:
Military Police Complaints Commission
270 Albert Street, 10th Floor
Ottawa ON K1P 5G8
- Telephone: (613) 947-5625
or toll free: 1-800-632-0566
- Fax: (613) 947-5713
or toll free: 1-877-947-5713
- E-mail: commission@mpcc-cppm.gc.ca
- Web site: www.mpcc-cppm.gc.ca

