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Commission for Public
Complaints Against the
Royal Canadian Mounted Police

Commission des plaintes
du public contre la
Gendarmerie royale du Canada

COMMISSION FOR PUBLIC COMPLAINTS AGAINST THE RCMP

Review of the RCMP's Public Complaint Records 2008

Including Recommendations for Implementation

Special Report
December 2009

Canada 

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Executive Summary

The Commission for Public Complaints Against the RCMP (“the Commission”) performs a vital role in Canadian society in that it provides civilian review of the conduct of RCMP members in carrying out their policing duties thereby holding the RCMP accountable to the public.

To assist in maintaining this strong accountability, and pursuant to paragraph 45.47(b) of the *RCMP Act*, the Commission created the Review of the Record Project, which was designed to examine all complaint dispositions stemming from public complaints against the RCMP.¹ The Commission’s examination of the complaint dispositions analyzes trends in the types of allegations made by the public against the RCMP, how the complaint was disposed of by the RCMP and if the disposition was in keeping with RCMP policy, and provides the Commission and the RCMP with an empirical foundation to assess how effectively the overall public complaint system for the RCMP is functioning. This project is only in its second year and already there has been a noticeable increase in the number of records provided to the Commission and an improvement with respect to service standards and interaction between the two organizations.²

The project consists of two major components: the Review of the Record, that assesses all *completed* complaint dispositions and the Outstanding Disposition List, which tracks all open Commission-lodged complaint files.

The Commission’s *Review of the RCMP’s Public Complaints Records-2007*, made six (6) recommendations for immediate implementation; RCMP Headquarters, however, did not respond to this report or its recommendations.³ The Commission is concerned about this lack of response from Headquarters, given that there appears to be issues with the RCMP public complaint process to be rectified, and those identified in last year’s report have been further exacerbated by inaction. It should be noted that some divisions did respond to the Commission directly and their responses were insightful and valuable.

The RCMP lacks a comprehensive public complaints database which makes tracking public complaints Force-wide very difficult. The administrative issues apparent in the RCMP’s public complaint process are further complicated by a lack of current guidelines with respect to informal resolutions, terminations, and Part IV investigations. As well, manuals related to the public complaint process have not been updated to ensure a standardized national approach.

Simply put, the Professional Standards and External Review Directorate is unable, with certainty, to identify when complaints were lodged, how many have been lodged, where they were lodged, the members involved, what the nature of the complaints are and if an investigation or appropriate disposition has been completed on a national level. Further, the Commission has serious concerns with respect to the administration of the RCMP public complaint process within the Territories (Yukon, Northwest Territories, and Nunavut).

¹ Please see **Appendix D** for an overview of the RCMP public complaint process.

² Please see **Appendix F** for a chart of the yearly comparisons.

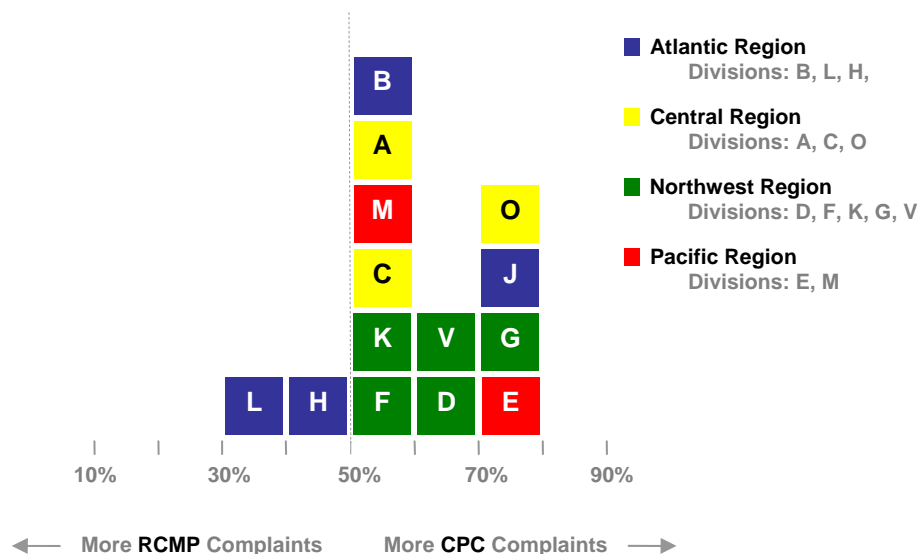
³ The *RCMP Act* does not require a response. Notwithstanding that, some divisions did respond directly to the Commission.

Despite the Commission concerns with the systemic issues apparent in the public complaint system, the results of the 2008 Review of the Record show improvements in regional and divisional service standards and a positive engagement between the divisions and the Commission.

The data collected for this report is for the calendar year 2008 and is based on all completed complaint records⁴ received by the Commission before July 1, 2009, with a complaint date between January 1, 2008 and December 31, 2008. The Commission received 1,829 completed complaint dispositions relating to complaints lodged within the 2008 timeframe but has been advised by the RCMP that 2,375 complaints⁵ were lodged in that year; therefore, approximately 23% of 2008 complaints remain outstanding.

Of the 1,829 complaint dispositions, 1,238 were lodged with the Commission (68%) while 584 were lodged with the RCMP (32%). Seven (7) additional complaints were lodged initially with other organizations representing 0.4% of the total complaints.⁶ With respect to Commission-lodged complaints this represents an 8% increase from 2007; and a 7% decrease for the RCMP.

Figure 1: Percentage of Complaints Lodged with CPC by Division⁷



⁴ A completed public complaint record was defined as the record of all complaints received by the RCMP under Part VII of the *RCMP Act* and included RCMP Form 4110 capturing informal resolutions and withdrawals, Form 4110 and a Notice of Direction as defined by subsection 45.36(6) of the Act, and Form 4110 and the Final Report as defined by section 45.4 of the Act.

⁵ This number represents the number of complaints that have been lodged in 2008; it does not represent the number of complaints that have been completed.

⁶ Four (4) complaints were lodged with the Federation of Saskatchewan Indian Nations and three (3) were lodged with the Alberta Solicitor General.

⁷ The divisions and associated province or territory is as follows: “A” Division: National Capital Region; “B” Division: Newfoundland and Labrador; “C” Division: Quebec; “D” Division: Manitoba; “E” Division: British Columbia; “F” Division: Saskatchewan; “G” Division: Northwest Territories; “H” Division: Nova Scotia; “J” Division: New Brunswick; “K” Division: Alberta; “L” Division: Prince Edward Island; “M” Division: Yukon; “O” Division: Ontario; “V” Division: Nunavut.

Based on the complaint dispositions received, the Pacific Region⁸ had the most complaints (814) representing 45% of the total, the Northwest Region had 692 (38%), the Central Region had 64 (3%) and the Atlantic Region had 259 (14%).

A total of 4,511 allegations were made against the RCMP and its members. The most common complaint allegations as identified by the RCMP were “Neglect of Duty” (29%), “Improper Attitude” (22%) and “Improper Use of Force” (10%). As with the allegations in 2007, there is a common perceived lack of police professionalism, although allegations of “Improper Use of Force” are down 3% in 2008. A total of 295 members had two or more complaints lodged against them, which represented 13% of the total number of members named in complaints.

In its handling of complaints, the RCMP issued a Final Report (RCMP) in 43% of the cases, issued a Notice of Direction⁹ (termination) 6% of the time, entered into an informal resolution in 34% of all cases and accepted a complaint withdrawal in 16% of the cases.

During the analysis of the documents, the Commission noticed that 6% of the total informal resolutions dealt with allegations of “Improper Use of Force” and that 13% of all use of force allegations resulted in an informal resolution. Of those allegations, 59% were deemed by the Commission to have been resolved contrary to policy. “J” Division appeared to have the most informal resolutions of “Improper Use of Force” with 33% of these allegations being resolved in this manner.

The Commission also found that 17% of all withdrawn complaints, contained serious allegations including: “Improper Use of Force”, “Improper Use of Firearms”, and “Statutory Offences”. Withdrawn complaints containing serious allegations accounted for nearly 3% of total complaints dispositions for 2008. It is the position of the Commission that serious allegations, especially incidents involving weapons or injury, should typically not be allowed to be withdrawn, as it undermines the integrity of the public complaint process and is unfair to both members and complainants.

In 2008 the RCMP took, on average, 103 days to issue a disposition once a complaint was lodged and an additional 69 days for the Commission to receive a copy of the disposition.¹⁰ It took, on average, 200 days for a complainant to lodge a complaint after the incident of concern. This is an improvement from 2007, when it took the RCMP, on average, 114 days to issue a disposition and an additional 86 days for the Commission to receive a copy.

The Commission is pleased to report that in 2008 the RCMP took, on average, 103 days to issue a disposition once a complaint was lodged. This is an eleven (11)-day reduction in

⁸ For administrative purposes the RCMP is divided into four regions, which are then divided into divisions and further divided into detachments. The Review of the Record Project captures and tracks data Force-wide, regionally, divisionally, and at the detachment level.

⁹ A Notice of Direction is also referred to as a termination and captures the RCMP termination of an investigation into a complaint.

¹⁰ These averages do not mean that it took the RCMP a particular amount of time to provide the complainant with the disposition; the timelines are specific to the RCMP providing the Commission with a copy of the dispositions.

processing time from 114 days in 2007. Interestingly, on average, 200¹¹ days elapsed before a complainant lodged a complaint after the incident of concern, on average; this is down from an average of 229 days in 2007.

The second aspect of this project is the production and management of the Outstanding Disposition List, which is designed to act as an accounting mechanism for all Commission-lodged complaints that are at any given time being investigated by the RCMP. Information gathered through the Outstanding Disposition List allows the Commission to track how timely the RCMP is responding to complaints and to identify the length of time complaints are taking to be investigated. Commendably, the RCMP reduced the number of pre-2007 outstanding complaints by an additional 68% from 2007, with only 48 dispositions still outstanding from that timeframe.

The Commission's undertaking of following up with the RCMP with questions raised in the analysis of complaint dispositions has also proved successful, with an RCMP turnaround time from request to response of 33 days. There were 62 follow-up requests made; of those, the Commission's concerns and requests were met in 87% of the cases. It must be noted that under the current legislation the Commission does not have the authority to direct the RCMP to investigate a complaint. Accordingly, while the RCMP may choose to refuse the Commission's request to investigate even when it involves serious allegations such as improper use of force or when injuries have allegedly been sustained,¹² this practice is contrary to RCMP policy. Moreover, the Commission does retain the authority pursuant to the *RCMP Act* to launch a Chair-initiated complaint and/or public interest investigation into such a matter if the RCMP refuses to properly investigate the complaint in the first instance.

The Commission has taken a proactive approach with respect to what information should be contained in the four different types of complaint dispositions. A "Best Practices" section has been added to the Commission's website to assist those who are tasked with the responsibility of writing complaint dispositions. Further, a position paper on the appropriate application of the termination paragraphs has also been prepared.

The Commission has also undertaken new information-tracking practices as a result of difficulties stemming from issues that arise from the quality of complaint dispositions. The Commission has noted that for informal resolutions, it is not uncommon for the member to be informed of the complaint after the complaint had been resolved. Without member participation in the informal resolution process, the Commission is concerned that the principle underlying informal resolutions is undermined. As such, the Commission has begun recording the *member informed date*, as recorded on Form 4110, with the intention of conducting future analysis. As well, the Commission has also begun to track the dates that dispositions are received by the Divisional Professional Standards Offices as well as the Professional Standards and External Review Directorate at RCMP Headquarters. Although it is hoped that this will aid the Commission in tracking timeliness of service, the information is not readily available for many of the documents received.

¹¹ While the reasons for this has not been fully examined, some preliminary analysis of the data suggests that complainants wait to lodge complaints because: 1) the complainant may not have immediate access to the public complaint system; 2) the complaint may be historical in that an incident occurred many years (in some cases decades) before a formal complaint is lodged; and 3) alternate ways of resolving the complaint may have been attempted before a formal complaint was lodged.

¹² In the Commission's experience, in 2008, this was the exception rather than the rule.

The Commission continues to find these projects valuable in that they have increased cooperation between the Commission and the RCMP; have assisted in reducing the large number of outstanding complaint dispositions; and through quantitative and qualitative analyses have identified trends that can be utilized to improve the quality of, and enhance public confidence in, the overall public complaint system.

Follow-Up of RCMP Response to Review of the Record Report Recommendations

The Commission's *Review of the RCMP's Public Complaints Records-2007*, made six (6) recommendations for immediate implementation. Unfortunately, the RCMP did not officially respond to the 2007 report, nor did it respond to the recommendations. The Commission is concerned about this lack of response, given that there are concerns with the RCMP public complaint process that need to be rectified.

Some RCMP divisions, however, did respond directly to the Commission as well as to their contracting province. Their responses provided a greater understanding of what steps these divisions were going to take to effectively address the areas identified as needing improvement; allowed them to highlight changes they had made; underscored the positive work they had been engaged in with various stakeholders; as well as raised questions about some of the Commission's findings. Many of the suggestions provided by these divisions with respect to the *Review of the RCMP's Public Complaints Records-2007* have been incorporated into this report. It is hoped in the future that other divisions, as well as the Professional Standards and External Review Directorate at RCMP Headquarters, will provide feedback to the Commission.

Although there was no official response from the RCMP, the Commission is in a position to detail what general steps have been taken by the Force in relation to the RCMP public complaint process and further expand on our concerns. It should be stressed that the RCMP and the Commission have recently engaged in dialogue to address many of these issues. These recommendations were:

- 1. *That the Professional Standards and External Review Directorate at RCMP Headquarters organize a Force-wide meeting of divisional Professional Standards units and the Commission in order to discuss best practices and ways of improving efficiency and effectiveness in the public complaint process.***

The Commission has been advised that the Professional Standards and External Review Directorate at RCMP Headquarters was planning such a meeting scheduled for the fall of 2009. Some divisions and regions already hold such meetings on a regular basis and have invited the Commission to participate. For instance, a presentation by the Commission on key issues was made to the "E" Division Professional Standards and External Review Directorate in January 2009. This has served to further solidify the working relationship between the RCMP and the Commission and to assist in standardizing the public complaint process which assists both organizations in improving service to Canadians.

- 2. *That the Professional Standards and External Review Directorate at RCMP Headquarters send out a directive clearly articulating:***
 - a. when it is appropriate to informally resolve improper use of force complaints and when it is not;***
 - b. how public complaints defined under Part VII of the RCMP Act are to be processed when the complainant raises statutory offence allegations; and***
 - c. when it is appropriate to terminate a public complaint under the RCMP Act and what information must be included in a Notice of Direction.***

Unfortunately, neither this recommendation nor its subcomponents has been met. Given this lack of response and the need for clarification, the Commission compiled, from RCMP documents, criteria that should be met while completing complaint dispositions. As well, the Commission has also authored a position paper on the appropriate application of the termination provisions in the *RCMP Act* and what information must be included in the Notice of Direction.¹³ Both of the criteria and the termination position paper are available on the Commission's website.

3. *That the RCMP implement a more efficient means of tracking public complaints and that divisions and detachments provide the Commission with a copy of all of the outstanding complaint dispositions.*

The recommendation has not fully been met. The divisions and detachments throughout the Force have been providing the Commission with dispositions and have worked diligently in addressing the outstanding dispositions that need to be provided to the Commission. This cooperation is commendable and the evidence of this hard work is further detailed in the Outstanding Disposition List section of the report.

Notwithstanding this, the Professional Standards and External Review Directorate at RCMP Headquarters has not implemented an efficient means of tracking public complaints. In an attempt to address this, in January 2009, the Commission provided the RCMP with a blank copy of the Review of the Record database and offered technical assistance with respect to its use. This was done in an effort to assist the RCMP in upgrading its case tracking system and to facilitate a more efficient (and standardized) approach to processing the thousands of complaints that are submitted each year. At the time of writing this report the Professional Standards and External Review Directorate had not implemented the database and indicated to the Commission that despite it being provided to the Force nine months prior, it was still under "assessment" from a *Privacy Act* standpoint.

The lack of a comprehensive database is problematic for a number of reasons, as record-keeping associated with the Force-wide public complaints system is inconsistent, ineffective and disorganized. There is no centralized tracking mechanism, complaints from across the entire Force are tracked on an Excel spreadsheet, sometimes without file numbers or the full names of the complainants, and there is limited search capability. This is especially challenging when there are complainants who submit multiple complaints or when there are unrelated complainants who have the same last name.

To further complicate matters, the RCMP spreadsheet does not capture when a complaint was lodged, only when the Professional Standards and External Review Directorate was notified of the complaint, which makes it difficult to properly track the life of a complaint or to properly assess how long a complaint has been outstanding. The Commission does capture this information and provides the Professional Standards and External Review Directorate at RCMP Headquarters with an outstanding disposition list approximately every three months for distribution to the divisions.

¹³ Excerpts of which have been reproduced in this report for the purposes of situating the statistics associated with terminating complaints.

Unfortunately, the RCMP list is not adequately maintained or regularly updated and attempts by the Commission to reconcile our lists with those of the Force resulted in our organization being provided with hundreds of duplicate complaint records; the identification of open complaints that had, in reality, been closed; the identification of complaints that had been closed but were, in actual fact, still under investigation; and the identification of complaints that were not known to the Professional Standards and External Review Directorate. Simply put, the Professional Standards and External Review Directorate is unable, with certainty, to identify when complaints were lodged, how many have been lodged, where they were lodged, the members involved, what the nature of the complaints are, and if an investigation or appropriate disposition has been completed on a national level.

While the record keeping of public complaints may be considered an internal administrative matter within the RCMP, the present problems associated with the tracking and documenting of the public complaint system is such that it negatively impacts the functioning and effectiveness of RCMP oversight.

The Commission, therefore, recommends that the RCMP implement a proper public complaint database immediately to ensure efficiency in the system. Since the Professional Standards and External Review Directorate has centralized aspects of the public complaint system by requesting divisions to provide it with copies of complaint forms and dispositions (before they are provided to the Commission) it is essential that it has the technical infrastructure and resource capacity in place to facilitate this.

4. That the RCMP ensure that those tasked with capturing public complaints and writing complaint dispositions be appropriately trained and that manuals related to the public complaint process be immediately updated to ensure a standardized national approach.

The Commission has been aware for some time of the intention of the Professional Standards and External Review Directorate to update the manuals and guidelines associated with public complaints and internal investigations. To date, this has not been completed. Guidance and standardization at the national level is needed and therefore, the Commission reiterates its recommendation that this training be completed in a more timely fashion.

5. That the RCMP commit to improving its service standards by implementing ways to reduce wait times and increase processing times for complaint dispositions.

This recommendation has not yet been met. However, the Commission notes, with encouragement, that the findings of the 2008 Review of the Record Report indicate a considerable improvement in timelines over those identified in the Report for 2007. This reflects the hard work and commitment of the divisions in strengthening the public complaint process.

6. That the RCMP ensure that all of the complaint dispositions be provided to the Commission concurrent to being provided to the member and the complainant.

This recommendation has not been met, as the Professional Standards and External Review Directorate at RCMP Headquarters has taken steps to centralize the process and insists that all complaint dispositions be provided to it before they are provided to the Commission. While

the rationale behind this decision is understandable, given the current concerns with record keeping the Commission is concerned that this aspect of the centralization will negatively impact service to Canadians and the strict service standards which the Commission has imposed upon itself. To that end, the Commission will review the impact of this centralization on the timeliness of Professional Standards and External Review Directorate service delivery and if the negative impact persists, then will recommend that the decision to centralize be reversed.

Given the Commission's concerns with respect to record keeping and data collection of Professional Standards and External Review Directorate at RCMP Headquarters, the Commission is of the opinion that it cannot rely on any statistics, or accountability reports that are released by this Directorate until the latter corrects the deficiencies identified in its record keeping practices. The Commission does note that this Directorate has appointed a new manager of the Public Complaint Unit. This additional resource will hopefully assist with the workload demands on this section.

Recommendations

Recognizing the importance of RCMP-wide consistency and based on the findings of the analyses within the Review of the Record Project, the Commission recommends to the Commissioner of the RCMP the following:

1. *That the RCMP immediately implement the recommendations made by the Commission in its Review of the RCMP's Public Complaints Records-2007 report.*
2. *That the Professional Standards and External Review Directorate at RCMP Headquarters immediately implement a proper database to track public complaints and related processes so that this Directorate will be able, at a minimum, to identify when complaints were lodged, how many have been lodged, where they were lodged, the members involved, what the nature of the complaints are and if an investigation or appropriate disposition has been completed on a national level.*
3. *That the RCMP ensure that those tasked with capturing public complaints and writing complaint dispositions receive complete and ongoing training and that manuals related to the public complaint process be immediately updated to ensure a standardized national approach.*
4. *That the RCMP commit to improving its service standards by implementing ways to reduce wait times and reduce processing times for complaint dispositions.*
5. *That the Professional Standards and External Review Directorate at RCMP Headquarters immediately issue a directive to RCMP members clearly articulating:*
 - a. *What constitutes "serious allegations" and when it is appropriate to informally resolve improper use of force complaints and when it is not;*
 - b. *how public complaints defined under Part VII of the RCMP Act are to be processed when the complainant raises statutory offence allegations; and*
 - c. *when it is appropriate to terminate a public complaint under the RCMP Act and what information must be included in a Notice of Direction.*
6. *That the RCMP amend its policies (as required) regarding the withdrawal of complaints to ensure that its policies clearly articulate when it is appropriate to accept a purported withdrawal of a complaint making "serious allegations"; and that the reasons for the withdrawal are clearly documented on the withdrawal forms.*
7. *That the Commissioner of the RCMP, to enhance consistency and adherence to policy, revise his delegated authority with respect to the issuance of Notices of Direction for terminations from the unit level to, at least, the level of officer (or non-commissioned officer) in charge of the Divisional Professional Standards units.*
8. *That the RCMP implement a national program whereby multiple complaints will be utilized as an "early warning" of potential conduct-related concerns with individual RCMP members.*

9. That the RCMP commit to initiate a detailed examination into the entire RCMP public complaint process in the Territories. The Commission is amenable to working jointly with the RCMP with respect to this recommendation.

**PART ONE: QUANTITATIVE ANALYSIS OF COMPLAINT
DISPOSITIONS**

RCMP-Wide and Regional Analysis

Since the Commission is unable to precisely account for how many complaint dispositions¹⁴ the RCMP has issued at any given moment, or how many complaints have been lodged in total, the Commission must rely on the RCMP to provide the complaint dispositions in a timely fashion in order for the database to be as complete as possible. Given the nature of the public complaint system and the time involved with investigations, the Commission will likely continue to receive complaint dispositions for complaints lodged in 2008 well into 2009, and 2010. This report only analyzes public complaints for which the RCMP has made a decision: a completed complaint disposition.

Further, some of the raw numbers are very small due to the limited number of complaint dispositions submitted by some divisions. Due to this small population size, the ability of the Commission to draw conclusions or provide more fulsome analyses is limited.

Due to these above-mentioned factors, the data included in this report cannot, and does not, reflect all complaints lodged by the public, or complaints investigated by the RCMP, in 2008.

Received Complaints

The data collected for 2008 is based on all completed complaint records received before July 1, 2009,¹⁵ with a complaint date between January 1, 2008 and December 31, 2008.¹⁶ The Commission received 1,829 completed complaint dispositions relating to complaints lodged within the 2008 timeframe but has been advised by the RCMP that 2,375 complaints¹⁷ were lodged in that year; therefore, approximately 23% of 2008 complaints remained outstanding at the time this report was written.

The Pacific Region¹⁸ had the most complaints (814) representing 45% of the total, while the Northwest Region¹⁹ had 692 (38%); the Central Region²⁰ had 64 (3%); and the Atlantic Region²¹ had 259 (14%). Although the number of completed complaints received by the Commission increased in 2008; the distribution throughout the Regions remained consistent from the previous year.

¹⁴The Commission has requested a copy of all public complaint records, pursuant to paragraph 45.47(b) of the *RCMP Act*. A completed public complaint record was defined as the record of all complaints received by the RCMP under Part VII of the *RCMP Act* and included RCMP Form 4110 capturing informal resolutions and withdrawals, Form 4110 and a Notice of Direction as defined by subsection 45.36(6) of the Act, and Form 4110 and the Final Report as defined by section 45.4 of the Act.

¹⁵ It was decided to give the RCMP six (6) additional months to provide the Commission with the complaint disposition for complaints lodged in 2008.

¹⁶ As of December 7th, 2009, the Commission has received 4,572 completed complaint dispositions since the beginning of the project.

¹⁷ This number represents the number of complaints that have been lodged in 2008; it does not represent the number of complaints that have been completed.

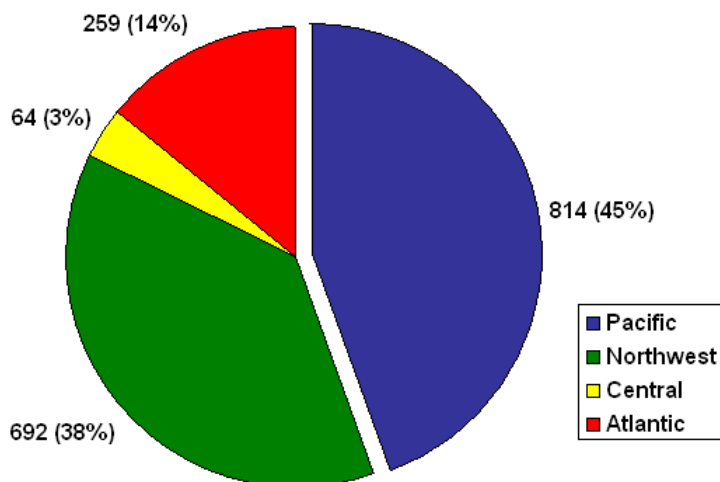
¹⁸ The Pacific Region includes British Columbia and the Yukon.

¹⁹ The Northwest Region includes Nunavut, Manitoba, Saskatchewan, Northwest Territories and Alberta.

²⁰ The Central Region includes Quebec and Ontario.

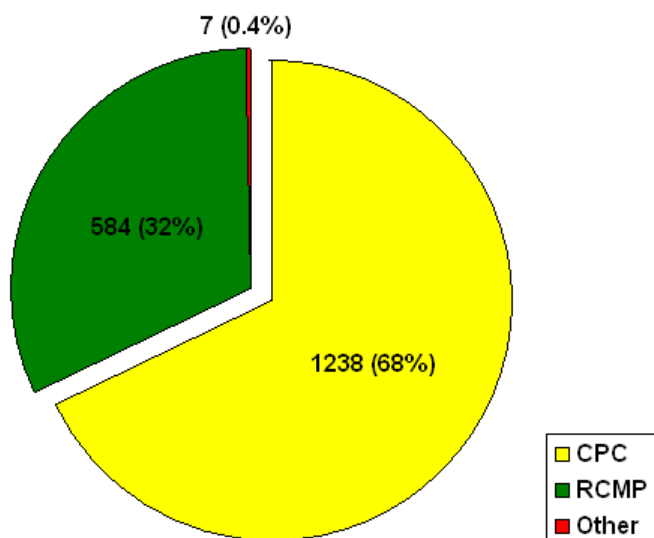
²¹ The Atlantic Region includes Newfoundland and Labrador, Nova Scotia, New Brunswick and Prince Edward Island.

Figure 2: Number of Complaints by Region



Of those complaints, 1,238 were lodged with the Commission (68%) while 583 were lodged with the RCMP (32%).²² With respect to Commission-lodged complaints this represents an 8% increase from 2007; and a 7% decrease for the RCMP.

Figure 3: Number of Complaints Based on the Organizations it Was Lodged With



From a regional perspective, complainants in the Pacific Region appeared to favour lodging complaints with the Commission (77%), while complaints lodged with the RCMP accounted for only 23%. This is an 11% increase from 2007²³ in favour of the Commission. This

²² The Commission also captured completed complaints that were lodged with the FSIN and the Alberta Solicitor General; both have been included in the “Other” category. Four (4) complaints were lodged initially with the FSIN accounting for 0.2% of the total complaints, while three (3) completed complaints were lodged with the Alberta Solicitor General, accounting for 0.2% of the total.

²³ Please see **Appendix F** for a chart of the yearly comparisons

breakdown could be attributed to the increased presence of the Commission in this region, as the national complaint intake office is located in Surrey, BC.

In the Northwest Region, 60% of the total complaints were lodged with the Commission, 39% were lodged with the RCMP, and 1% was lodged with other organizations.²⁴ In 2007, 59% of the complaints were lodged with the Commission, 40% were lodged with the RCMP and 1% was lodged with the FSIN.²⁵

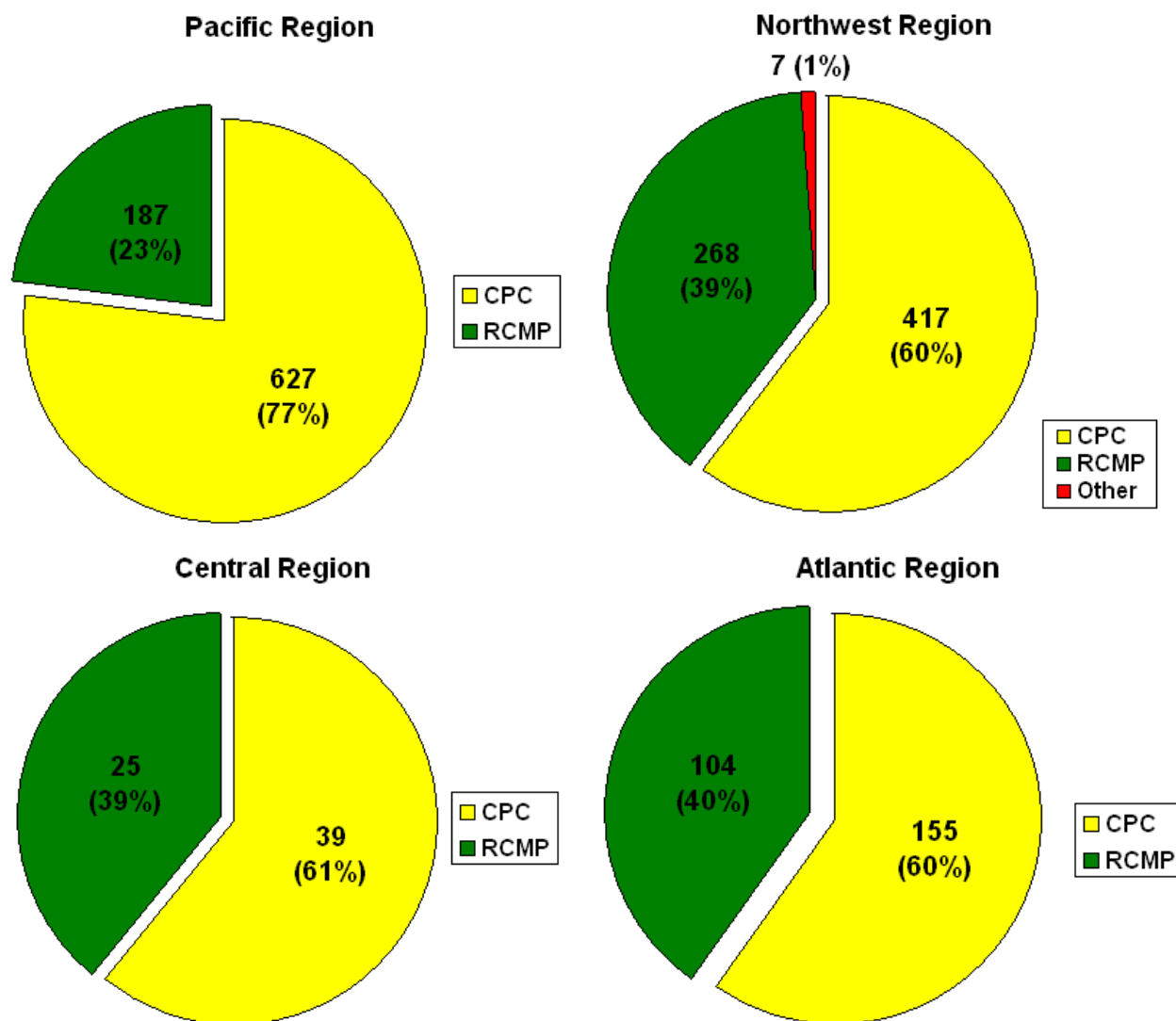
In the Central region, 61% of the total complaints were lodged with the Commission, while 39% of complaints were lodged with the RCMP. As with the Atlantic Region, there is a change in the statistics related to where complainants lodged their complaints; numbers in 2007 were evenly split between the two organizations.

In the Atlantic Region, 60% of the total complaints were lodged with the Commission, while 40% of the total were lodged with the RCMP. This is an increase from the 2007 complaints where there was an even split between the two organizations.

²⁴ 0.43% of complaints were lodged with the Alberta Solicitor General and 0.58% were lodged with the FSIN.

²⁵ The Commission did not receive any complaints that were lodged with the Alberta Solicitor General in time for inclusion in the 2007 report; however, unless clearly indicated that the complaint was lodged with the Alberta Solicitor General the Commission would have no way to verify how many complaints were lodged with this provincial body and therefore would be unable to predict how many dispositions should be provided to the Commission by the RCMP.

Figure 4: Regional Breakdown: Number of Complaints Based on the Organization it Was Lodged With



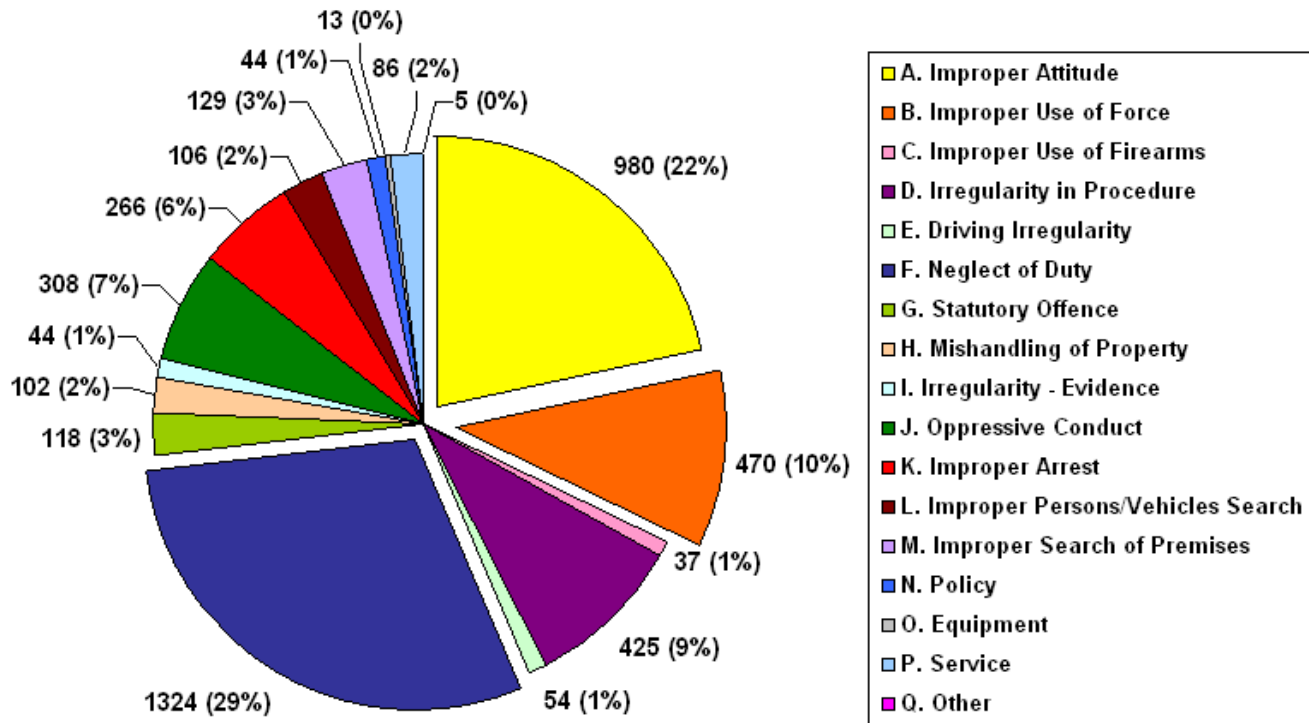
Occasionally, the Commission received a complaint against a whole detachment. In 2008, the Commission received 102 of these; the region most likely to have complaints against a whole detachment was the Pacific Region, which represented 6% of its total complaints. A further eleven (11) separate complaints were against the RCMP in general.

The average number of members named in a complaint was 1.5. Given that most front-line policing within the RCMP is done by constables and corporals, it is not surprising that constables were represented in 74% of the total complaints. The rank of corporal was represented in 12% of the public complaints and sergeants were represented in 6% of the complaints. There was little statistical difference between the figures in 2007 and 2008.

Allegations²⁶

A total of 4,511 allegations, an increase from 3,104 in 2007, were made against the RCMP and its members, which averaged approximately 2.5 allegations per complaint. The most common complaint allegations as identified by the RCMP were “Neglect of Duty” (29%), “Improper Attitude” (22%) and “Improper Use of Force” (10%).

Figure 5: Allegations Breakdown Force-Wide



The three most common complaint allegations identified by the RCMP in the Pacific Region were “Neglect of Duty” (30%), “Improper Attitude” (22%) and “Improper Use of Force” (12%).

In the Northwest Region, the three most common complaint allegations were “Neglect of Duty” (29%), “Improper Attitude” (21%) and “Irregularity in Procedure” (11%).

In the Central Region the most common allegations were “Neglect of Duty” (25%), “Improper Attitude” (24%), and “Oppressive Conduct” (22%).

In the Atlantic Region the most common allegations were “Neglect of Duty” (29%), “Improper Attitude” (22%), and “Irregularity in Procedure” and “Oppressive Conduct” at 12% each.

²⁶ A list of complaint allegation types and a brief description of each can be found in **Appendix C**. However, it should be noted that the Commission has concerns with the way in which the RCMP classifies its complaints, as there have been instances of misclassification. For example, allegations that would more appropriately be classified as “Improper Use of Force” are officially classified as “Neglect of Duty”. This has the effect of skewing the actual types of complaints and hiding more serious complaints in less serious categories.

Table 1: Allegations Breakdown by Region

Allegation	Pacific		Northwest		Central		Atlantic		Total	
	n	%	n	%	n	%	n	%	n	%
A. Improper Attitude	441	22%	359	21%	30	24%	150	22%	980	22%
B. Improper Use of Force	227	12%	186	11%	0	0%	57	8%	470	10%
C. Improper Use of Firearms	20	1%	16	1%	0	0%	1	0%	37	1%
D. Irregularity in Procedure	138	7%	189	11%	16	13%	82	12%	425	9%
E. Driving Irregularity	23	1%	21	1%	4	3%	6	1%	54	1%
F. Neglect of Duty	591	30%	503	29%	31	25%	199	29%	1,324	29%
G. Statutory Offence	12	1%	96	6%	3	2%	7	1%	118	3%
H. Mishandling of Property	49	2%	45	3%	1	1%	7	1%	102	2%
I. Irregularity – Evidence	17	1%	19	1%	0	0%	8	1%	44	1%
J. Oppressive Conduct	120	6%	78	4%	28	22%	82	12%	308	7%
K. Improper Arrest	134	7%	95	5%	5	4%	32	5%	266	6%
L. Improper Persons/Vehicles Search	62	3%	31	2%	1	1%	12	2%	106	2%
M. Improper Search of Premises	74	4%	42	2%	2	2%	11	2%	129	3%
N. Policy	24	1%	19	1%	0	0%	1	0%	44	1%
O. Equipment	4	0%	6	0%	2	2%	1	0%	13	0%
P. Service	29	1%	35	2%	2	2%	20	3%	86	2%
Q. Other	3	0%	1	0%	1	1%	0	0%	5	0%
Total	1,968		1,741		126		676		4,511	

The categorization of allegations can further be broken down into those complaints lodged with the Commission and those lodged with the RCMP. The allegations lodged with the Commission represent 72% of total allegations and those lodged with the RCMP represent 28%. This is in comparison to 2007 when allegations lodged with the Commission accounted for 64% and those lodged with the RCMP represented 36%.²⁷

²⁷ Additionally, in 2008, seven (7) allegations were lodged with the Alberta Solicitor General (0.16%) and another seven (7) were lodged with the FSIN (0.16%).

Table 2: Allegations Breakdown by Where Complaints Were Lodged

Allegations	CPC		RCMP		FSIN		Alberta Solicitor General		Total
	N	%	N	%	N	%	N	%	N
A. Improper Attitude	637	65.0%	342	34.9%	0	0.0%	1	0.1%	979
B. Improper Use of Force	262	55.7%	203	43.2%	4	0.9%	1	0.2%	469
C. Improper Use of Firearms	26	70.3%	11	29.7%	0	0.0%	0	0.0%	37
D. Irregularity in Procedure	321	75.5%	102	24.0%	0	0.0%	2	0.5%	423
E. Driving Irregularity	31	57.4%	23	42.6%	0	0.0%	0	0.0%	54
F. Neglect of Duty	1,092	82.5%	227	17.1%	3	0.2%	2	0.2%	1,322
G. Statutory Offence	57	48.3%	60	50.8%	0	0.0%	1	0.8%	117
H. Mishandling of Property	78	76.5%	24	23.5%	0	0.0%	0	0.0%	102
I. Irregularity – Evidence	38	86.4%	6	13.6%	0	0.0%	0	0.0%	44
J. Oppressive Conduct	214	69.5%	94	30.5%	0	0.0%	0	0.0%	308
K. Improper Arrest	179	67.3%	87	32.7%	0	0.0%	0	0.0%	266
L. Improper Persons/Vehicles Search	86	81.1%	20	18.9%	0	0.0%	0	0.0%	106
M. Improper Search of Premises	110	85.3%	19	14.7%	0	0.0%	0	0.0%	129
N. Policy	40	90.9%	4	9.1%	0	0.0%	0	0.0%	44
O. Equipment	7	53.8%	6	46.2%	0	0.0%	0	0.0%	13
P. Service	65	75.6%	21	24.4%	0	0.0%	0	0.0%	86
Q. Other	5	100.0%	0	0.0%	0	0.0%	0	0.0%	5
Total	3,248		1,249		7		7		4,504
Percentage of Total	72.1%		27.7%		0.2%		0.2%		

Unlike 2007 where allegations of “Driving Irregularity”, “Equipment”, and “Improper Persons/Vehicles Search” were most likely to be lodged with the RCMP, in 2008, with the exception of “Statutory Offences” allegations (51%), all other allegation types were most likely to be lodged with the Commission. Further, nine (9) of the seventeen allegation types had allegations made to the Commission, 75% or more of the time. These are: “Irregularity in Procedure” (75%); “Neglect of Duty” (83%); “Mishandling of Property” (76%); “Irregularity-Evidence” (86%); “Improper Persons/Vehicles Search” (81%); “Improper Search of Premises” (85%); “Policy” (91%); “Service” (76%); and “Other” (100%).

Figure 6: Allegations Breakdown for CPC-Lodged Complaints

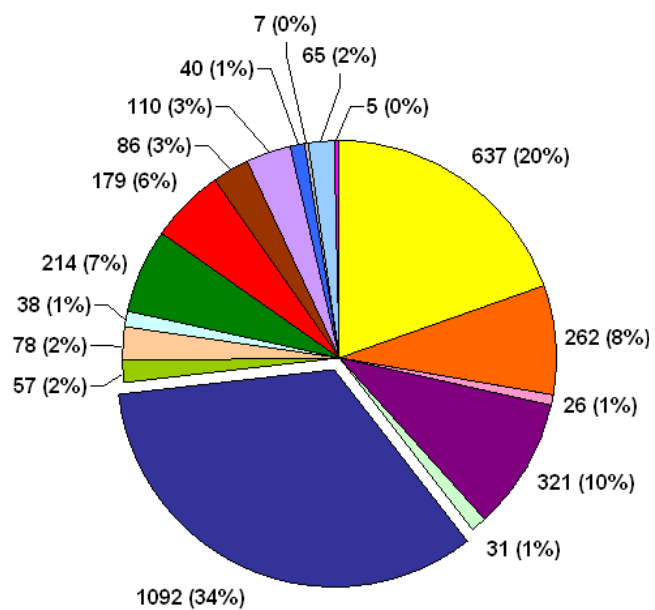
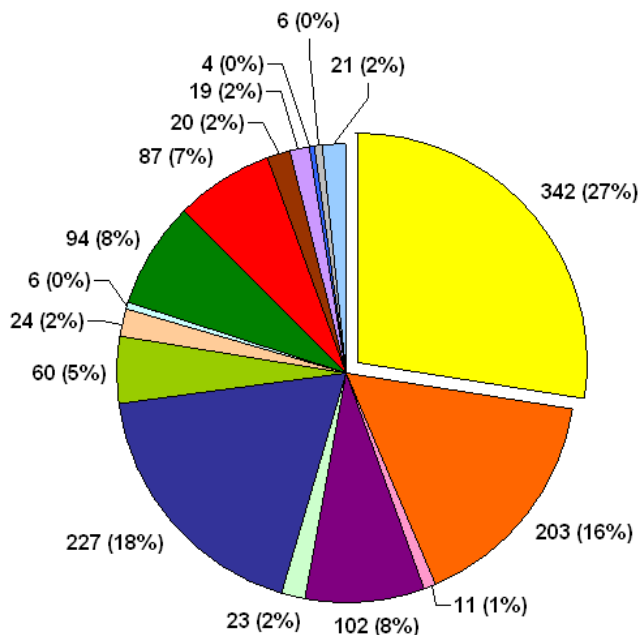


Figure 7: Allegations Breakdown for RCMP-Lodged Complaints



A. Improper Attitude	B. Improper Use of Force
C. Improper Use of Firearms	D. Irregularity in Procedure
E. Driving Irregularity	F. Neglect of Duty
G. Statutory Offence	H. Mishandling of Property
I. Irregularity - Evidence	J. Oppressive Conduct
K. Improper Arrest	L. Improper Persons/Vehicles Search
M. Improper Search of Premises	N. Policy
O. Equipment	P. Service
Q. Other	

For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint.²⁸ The most common issues that were raised in the complaints were “Attitude”²⁹ (16%), “Service” (12%), “Criminal Investigation Quality” (9%), “Vehicular Incidents” (8%) and issues with “Arrest” (8%). There was no statistically significant difference between the figures from 2007 to 2008, as the types of issues raised in the dispositions appear to be consistent from one year to the next.

²⁸ 46 issue categories were created, and descriptions can be found in **Appendix B** of this report.

²⁹ The issue of “attitude” was distinguished from “abusive language”, which accounted for 2.10% of the issues.

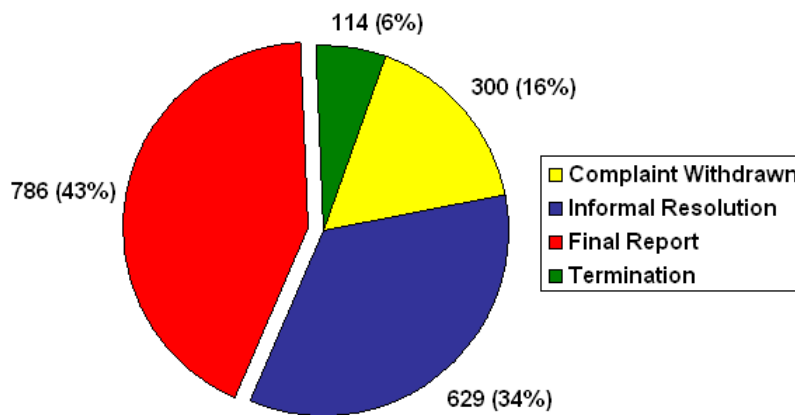
Disposition of Complaints³⁰

Once the RCMP has received a complaint, there are four ways that a complaint can be resolved: A complaint can be investigated and a Final Report issued; the complainant can agree to an informal resolution; the complainant can request to withdraw the complaint; or the complaint can be terminated under limited provisions identified in the *RCMP Act*.

In its handling of complaints, the RCMP issued a Final Report (RCMP) in 43% of the cases, entered into an informal resolution in 34% of all cases, issued a Notice of Direction (termination) 6% of the time, and accepted a complaint withdrawal in 16% of the cases.

Interestingly, in the previous year (2007), the RCMP issued a Final Report in 46% of the cases; issued a Notice of Direction (termination) in 11% of the cases; entered into an informal resolution 30% of the time and accepted a complaint withdrawal in 13% of the cases.

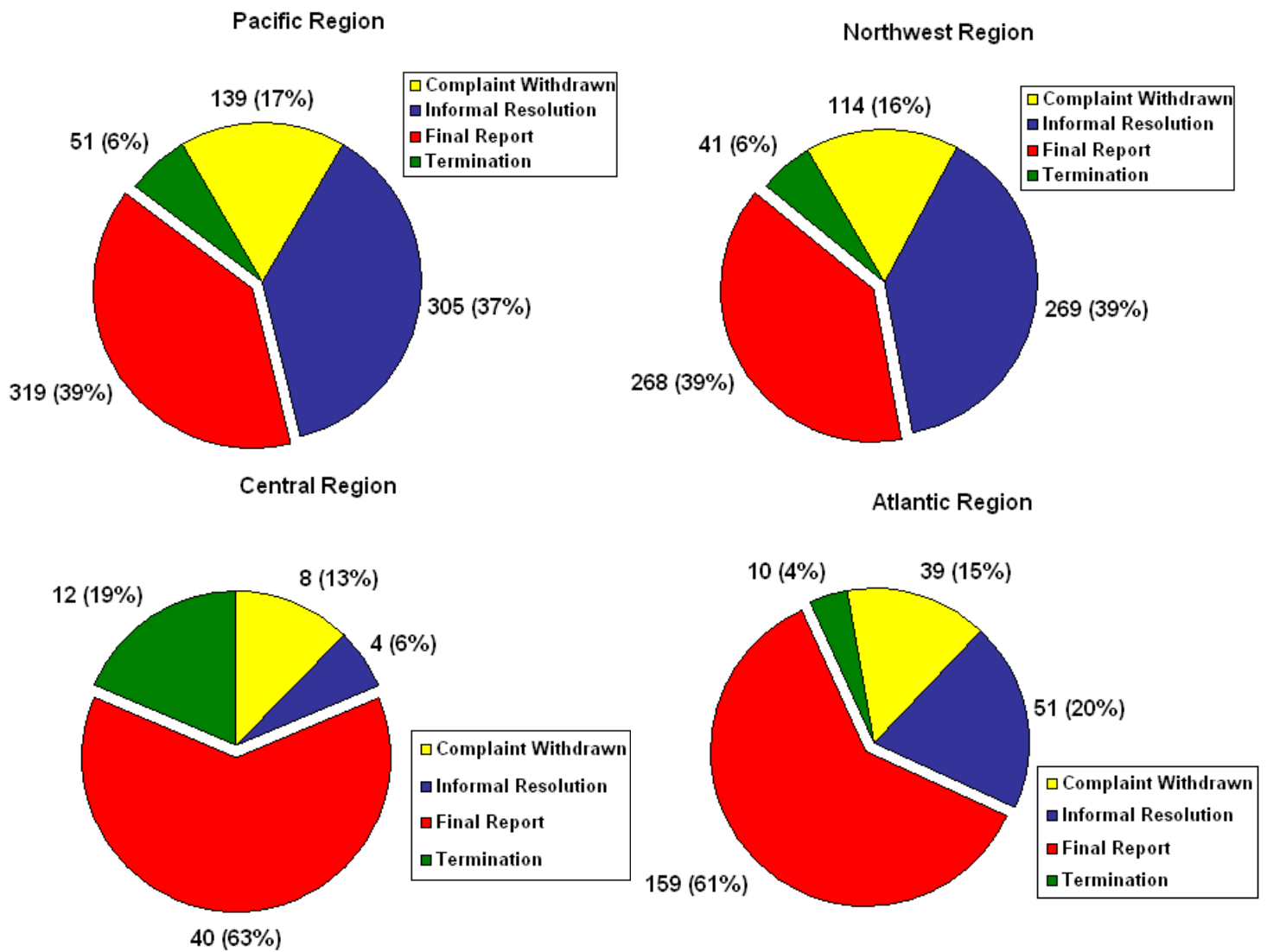
Figure 8: Number of Complaints by Disposition Type: Force-Wide



³⁰ Within the Disposition of Complaints section, there is a further breakdown to identify in what manner allegations categories have been disposed. For each allegation category, the number of allegations disposed of through each disposition type was divided by the total number of those allegations. These numbers were then compared from one allegation category to the next with the goal of determining which allegation was **most likely** to be disposed of by a certain disposition type. Therefore, an allegation category was more likely to be disposed of in a certain manner if the percentage disposed of in this way was significantly higher than that of other allegations categories. "Most likely" does not mean most common.

The regional breakdowns for complaint dispositions are as follows:

Figure 9: Regional Breakdown – Number of Complaints by Disposition Type



Investigation and Final Report

Of the complaint dispositions the Commission received, 786 were formally investigated and a Final Report³¹ was issued, representing 43% of the total dispositions. These reports made determinations on 2,412 allegations, with allegations of “Statutory Offence”, “Improper Use of Force”, and “Improper Arrest” most likely to be disposed of in this manner.

However, when looking at the allegations that were investigated across the country, only 10% were found supported by the RCMP. For the allegation categories that were most likely to be disposed of through a Final Report by the RCMP, the RCMP did not support the allegation between 91% and 98% of the time.³² It is of note that among the allegations that are most likely to be unsupported by the RCMP were “Improper Use of Force” (98% unsupported) and “Oppressive Conduct” (96% unsupported). With respect to serious allegations (“Improper Use of Force”, “Improper Use of a Firearm” and “Statutory Offence”) the RCMP supported 12 of the 406 allegations made or 2.9% of these kinds of allegations. The allegations that were most likely to be supported related to “Service” (45% supported) and “Improper Attitude” (15% supported).

From a regional perspective, the Pacific Region issued a Final Report in 39% of the cases, a decrease from 41% in 2007 and also marginally below the Force average. Of the 942 allegations made, the ones most likely to be disposed of in this manner were “Improper Search of Premises” and “Improper Use of Force”. However, when looking at the allegations that were supported and unsupported, it was discovered that only 8% of the total 925 allegations were supported. These supported allegations were most likely to be related to “Improper Attitude” (14% supported) and “Neglect of Duty” (10% supported); while allegations relating to “Improper Use of Firearms” (100% unsupported), “Driving Irregularity” (100% unsupported), “Mishandling of Property” (100% unsupported), and “Improper Use of Force” (99% unsupported) were most likely to be unsupported.

The Northwest Region issued a Final Report in 39% of the cases, which is a decrease from 44% in 2007 and marginally below the Force-wide average. Of the 898 allegations, the ones most likely to be disposed of through a Final Report were “Statutory Offence” and “Improper Persons/Vehicles Search.” However, when looking at the allegations that were supported and unsupported, it was found that 13% of the total 879 allegations were supported. These supported allegations were most likely to be related to “Service” (55% supported), “Driving Irregularity” (31% supported), and “Improper Attitude” (18% supported); while allegations relating to “Improper Persons/Vehicles Search” (100% unsupported), “Improper Search of Premises” (100% unsupported), “Irregularity in Evidence” (100% unsupported), and “Improper Use of Force” (97% unsupported) were most likely to be unsupported.

The Central Region issued a Final Report in 63% of the cases, well above the Force-wide average. This is only a slight decrease from 64% in 2007. These Final Reports addressed

³¹ These types of reports are referred to as “Final Reports” and in this instance only refer to the RCMP’s disposition of the complaint after a public complaint investigation is concluded.

³² It should be noted that the total number of allegations identified as being dealt with and the total number of allegations where a determination of supported or unsupported was made in a Final Report may differ, as there are occasions when the RCMP has been unable to make a determination due to lack of evidence or the allegation was not separately addressed.

85 allegations with “Oppressive Conduct” and “Irregularity in Procedure” most likely to be disposed on in this manner. However, in comparing the allegations that were supported and unsupported, it was found that only 7% of these 82 allegations were supported. These supported allegations were most likely to be related to “Improper Attitude” (18% supported); while allegations relating to “Oppressive Conduct” were most likely to be unsupported (100%).

The Atlantic Region issued a Final Report in 61% of the cases, which is also well above the Force-wide average. This is an increase from 58% in 2007. Of the 487 allegations, the ones most likely to be disposed of through a Final Report were “Improper Persons/Vehicles Search”, “Improper Search of Premises”, “Neglect of Duty” and “Oppressive Conduct”. However, when looking at the allegations that were supported and unsupported, it was found that only 9% of the total 473 allegations were supported. These supported allegations were most likely to be related to “Improper Search of Premises” (67% supported), and “Service” (40% supported); while allegations relating to “Improper Persons/Vehicles Search” (100% unsupported), “Oppressive Conduct” (98% unsupported), and “Improper Use of Force” (98% unsupported) were most likely to be unsupported.

Table 3: Allegations Breakdown for Final Reports³³

	Pacific		Northwest		Central		Atlantic		Total	
	n	%	n	%	n	%	n	%	n	%
A. Improper Attitude	170	18%	138	15%	17	20%	94	19%	419	17%
B. Improper Use of Force	146	15%	117	13%	0	0%	40	8%	303	13%
C. Improper Use of Firearms	11	1%	9	1%	0	0%	1	0%	21	1%
D. Irregularity in Procedure	79	8%	101	11%	12	14%	55	11%	247	10%
E. Driving Irregularity	11	1%	13	1%	3	4%	5	1%	32	1%
F. Neglect of Duty	281	30%	266	30%	20	24%	156	32%	723	30%
G. Statutory Offence	6	1%	82	9%	0	0%	6	1%	94	4%
H. Mishandling of Property	20	2%	19	2%	1	1%	3	1%	43	2%
I. Irregularity – Evidence	5	1%	12	1%	0	0%	4	1%	21	1%
J. Oppressive Conduct	47	5%	29	3%	21	25%	63	13%	160	7%
K. Improper Arrest	81	9%	56	6%	5	6%	23	5%	165	7%
L. Improper Persons/Vehicles Search	22	2%	20	2%	1	1%	11	2%	54	2%
M. Improper Search of Premises	49	5%	17	2%	1	1%	9	2%	76	3%
N. Policy	7	1%	6	1%	0	0%	1	0%	14	1%
O. Equipment	3	0%	2	0%	2	2%	1	0%	8	0%
P. Service	4	0%	10	1%	1	1%	15	3%	30	1%
Q. Other	3	0%	1	0%	1	1%	0	0%	5	0%
Total	945	100%	898	100%	85	100%	487	100%	2,415	100%

Table 4: Supported or Unsupported Allegations

Allegation	Supported		Unsupported		Total
	N	%	N	%	N
A. Improper Attitude	59	14.8%	340	85.2%	399
B. Improper Use of Force	7	2.4%	288	97.6%	295
C. Improper Use of Firearms	0	0.0%	21	100.0%	21
D. Irregularity in Procedure	24	10.0%	215	90.0%	239
E. Driving Irregularity	4	12.5%	28	87.5%	32
F. Neglect of Duty	81	11.2%	643	88.8%	724
G. Statutory Offence	5	5.6%	85	94.4%	90
H. Mishandling of Property	2	4.9%	39	95.1%	41
I. Irregularity – Evidence	0	0.0%	21	100.0%	21
J. Oppressive Conduct	7	4.5%	149	95.5%	156
K. Improper Arrest	15	9.3%	146	90.7%	161
L. Improper Persons/Vehicles Search	2	3.7%	52	96.3%	54
M. Improper Search of Premises	7	9.6%	66	90.4%	73
N. Policy	3	20.0%	12	80.0%	15
O. Equipment	1	16.7%	5	83.3%	6
P. Service	14	45.2%	17	54.8%	31
Q. Other	0	0.0%	4	100.0%	4
Total	231		2,131		2,362

³³ This table shows a frequency distribution of all allegations disposed of in this manner. It shows how common each allegation category was within the disposition type, not how likely it was to be disposed of in this manner.

Informal Resolutions

Pursuant to section 45.36 of the *RCMP Act*, a public complaint against the RCMP can be disposed of informally when the consent of both parties involved is obtained. Informal resolutions are documented on Form 4110³⁴ and the RCMP must “ensure that Section 8 contains sufficient information that outlines what action was taken in response to the complaint, exactly what the parties agreed to and that it is **signed by both parties** (emphasis added).” Both parties would include, in this instance, the complainant and the member³⁵/RCMP. Unfortunately, there appears to be little compliance with the intent of informal resolutions to the extent that it is often difficult to determine how a resolution was achieved and if both parties have agreed to the outcome.

Informal resolutions accounted for the second most common way to dispose of a complaint with 629 dispositions representing 34% of the total dispositions examined; an increase from 30% in 2007.³⁶ Of the 1,191 allegations identified, those relating to “Policy”, “Improper Attitude”, “Service”, and “Driving Irregularity” were most likely to be informally resolved.

From a regional perspective the Pacific Region resolved 37% of their public complaints in this manner, dealing with 565 allegations in total. This is an increase from the 35% of complaints that were informally resolved in 2007. Allegations most likely to result in an informal resolution were “Service” and “Policy”.

The Northwest Region informally resolved 39% of their public complaints, which dealt with 521 allegations in total. In contrast, in 2007, this region informally resolved 31% of their public complaints in this manner. Allegations most likely to be resolved informally were “Policy” and “Improper Attitude”.

The Central Region, in 2008, informally resolved only 6% of their public complaints, well below the Force-wide average or the averages of other regions. In 2007, the Region disposed of 9% of its complaints in this manner. Only seven (7) total allegations were addressed by this type of disposition. The allegations that were informally resolved for this region were three (3) allegations of “Improper Attitude”, one (1) allegation of “Driving Irregularity”, two (2) allegations of “Neglect of Duty”, and one (1) allegation of “Oppressive Conduct”.

The Atlantic Region informally resolved 20% of their public complaints in this manner, which dealt with 98 allegations in total. This is a slight decrease from 21% in 2007. Allegations most likely to be resolved informally were “Improper Attitude”, “Service”, and “Improper Use of Force”.

³⁴Form 4110 is RCMP’s Public Complaint Report.

³⁵ In some cases it was impossible to determine if the member who was the subject of the complaint was aware of either the complaint or the disposition.

³⁶ The percentages relating to informal resolutions and withdrawal of complaints can be deceiving. After reviewing the complete complaint records that have been provided to the Commission, the RCMP occasionally categorizes a withdrawal as an informal resolution and vice versa. Therefore, it is difficult to determine exactly how many informal resolutions and withdrawals the RCMP completes each year, as at times there is often a misclassification.

Table 5: Allegations Breakdown for Informal Resolutions³⁷

	Pacific		Northwest		Central		Atlantic		Total	
	n	%	n	%	n	%	n	%	n	%
A. Improper Attitude	180	32%	175	34%	3	43%	40	41%	398	33%
B. Improper Use of Force	26	5%	27	5%	0	0%	10	10%	63	5%
C. Improper Use of Firearms	3	1%	4	1%	0	0%	0	0%	7	1%
D. Irregularity in Procedure	27	5%	57	11%	0	0%	14	14%	98	8%
E. Driving Irregularity	10	2%	8	2%	1	14%	1	1%	20	2%
F. Neglect of Duty	175	31%	132	25%	2	29%	16	16%	325	27%
G. Statutory Offence	3	1%	5	1%	0	0%	0	0%	8	1%
H. Mishandling of Property	15	3%	13	2%	0	0%	0	0%	28	2%
I. Irregularity – Evidence	5	1%	1	0%	0	0%	1	1%	7	1%
J. Oppressive Conduct	39	7%	23	4%	1	14%	9	9%	72	6%
K. Improper Arrest	26	5%	29	6%	0	0%	3	3%	58	5%
L. Improper Persons/Vehicles Search	16	3%	8	2%	0	0%	0	0%	24	2%
M. Improper Search of Premises	13	2%	14	3%	0	0%	0	0%	27	2%
N. Policy	11	2%	10	2%	0	0%	0	0%	21	2%
O. Equipment	1	0%	2	0%	0	0%	0	0%	3	0%
P. Service	15	3%	13	2%	0	0%	4	4%	32	3%
Q. Other	0	0%	0	0%	0	0%	0	0%	0	0%
Total	565	100%	521	100%	7	100%	98	100%	1191	100%

³⁷ This table shows a frequency distribution of all allegations disposed of in this manner. It shows how common each allegation category was within the disposition type, not how likely it was to be disposed of in this manner.

Informal Resolution of Improper Use of Force Complaints

The Commission remains concerned that the RCMP has continued to informally resolve serious allegations and those involving “Improper Use of Force”. This severely undermines the public complaint process and limits the effectiveness of police oversight, as the complainant is barred from accessing the review process. While there may be incidents when it is appropriate to informally resolve seemingly serious allegations involving “Improper Use of Force” (as they, in fact, turn out not to be serious); in general, the very nature of this type of allegation is not conducive to this type of resolution. Some of the informal resolutions for “Improper Use of Force” have involved the alleged deployment or threatened deployment of a conducted energy weapon, the use of pepper spray, the improper use of a firearm and/or descriptions of substantial injuries sustained during interactions with the RCMP.

Clearly, in these cases the Commission does not believe that these allegations should be informally resolved because they involve weapons and/or injuries and therefore, should be investigated. In accordance with RCMP policy *AM XII.2 – Public Complaints*, a public complaint cannot be disposed of informally if:

1. a complaint alleges serious misconduct; or
2. a situation involves a subject member being arrested or a warrant to arrest being issued.

During the analysis of the documents related to the Review of the Record, the Commission noticed that 6% of the total informal resolutions dealt with allegations of “Improper Use of Force” and that 13% of all use of force allegations resulted in an informal resolution. Further broken down, 59% of all allegations of “Improper Use of Force” that were informally resolved were disposed of in a manner that the Commission deemed inappropriate given the circumstances provided for in the disposition. Improper resolutions for complaints that included these types of allegations were most likely to occur in “J” and “E” Divisions; however, “J” Division appeared to have the most informal resolutions of “Improper Use of Force” with 33% of these allegations being resolved in this manner.

An example of a complaint which was informally resolved involved the allegation that a member kicked the complainant in the face while in handcuffs.³⁸ The Commission also received an informally resolved complaint which alleged excessive force during an arrest. The member who oversaw the informal resolution apparently conceded that the force was unnecessary and apologized on behalf of the member. The presence of findings regarding member conduct made by those involved with the informal process causes the Commission concern, as does the fact that in the above-mentioned case there was no indication that the member was involved in the informal process.

Over the course of this project, when the Commission received information that an “Improper Use of Force” allegation had been informally resolved, either a request was made to the RCMP for further information to determine the seriousness of the allegation or the RCMP was

³⁸ The Commission followed up with the RCMP with respect to this complaint disposition. To date the RCMP has not responded to our request for further information or to our suggestion that an investigation may be warranted.

advised that given the information on the Form 4110 an informal resolution was not the most appropriate disposition and recommended an investigation. Details of the RCMP's response to these requests are provided in the Follow-Up section of this report.

Withdrawals

There are occasions when a complainant wishes to withdraw their complaint; a request to withdraw a complaint can be done at any time during the public complaint process. According to RCMP policy, the withdrawal of a complaint is to be captured on Form 4110 and the reason for the withdrawal is to be clearly documented in Section 8. According to RCMP policy, a complainant who believes that the RCMP is corrupt or that nothing good will come of the complaint is not considered to be a valid reason to withdraw a complaint. In addition, RCMP policy and guidelines state that there must be “unequivocal evidence of the complainant’s wish to withdraw [...]” It should be noted that the RCMP is not obligated to accept a request to withdraw a complaint, especially if it is deemed that doing so would not be in the best interest of the public complaint system.

Force-wide, withdrawal of public complaints accounted for 16% of all dispositions; this is an increase from 13% in 2007. Of the 633 total allegations, those mostly likely to be withdrawn were “Improper Use of Firearms”, “Service” and “Mishandling of Property”.

From a regional perspective, the Pacific Region disposed of 17% of their total public complaints in this manner; an increase from 14% in 2007. Of the 323 total allegations, those most likely to be withdrawn were “Improper Use of Firearms” and “Service”.

The Northwest Region disposed of 16% of their total public complaints in this manner; this is an increase from 14% in 2007. Of the 221 total allegations, those most likely to be withdrawn were “Improper Search of Premises” and “Service”.

The Central Region disposed of 13% of their total public complaints in this manner (8 complaints). This is an increase from 4% in 2007 but may be explained by the nature of complaints this division receives and the limited pool of dispositions. Of the 13 total allegations those most likely to be withdrawn were “Improper Attitude” and “Oppressive Conduct”.

The Atlantic Region disposed of 15% of their total public complaints in this manner; this is an increase from 11% in 2007. Of the 76 total allegations, those most likely to be withdrawn were “Improper Arrest” and “Improper Search of Premises”.

It is interesting to note that all Regions reported an increase in the number of withdrawals accepted in 2008; however, the Commission remains concerned with these statistics for a variety of reasons: there is evidence that informal resolutions are being improperly classified as withdrawals; there is limited documentation with respect to this type of disposition; and complainants are barred from accessing the review process thereby circumventing the public complaint process and undermining police oversight and accountability. While it currently remains unclear as to why there was an increase with this disposition type across all Regions, such an increase coupled with the concerns over the execution of withdrawals in general could point to a decline in transparency and accountability within the RCMP public complaint system.

Table 6: Allegations Breakdown for Withdrawn Complaints³⁹

	Pacific		Northwest		Central		Atlantic		Total	
	n	%	n	%	n	%	n	%	n	%
A. Improper Attitude	81	25%	38	17%	5	38%	13	17%	137	22%
B. Improper Use of Force	33	10%	33	15%	0	0%	6	8%	72	11%
C. Improper Use of Firearms	6	2%	3	1%	0	0%	0	0%	9	1%
D. Irregularity in Procedure	19	6%	21	10%	1	8%	12	16%	53	8%
E. Driving Irregularity	2	1%	0	0%	0	0%	0	0%	2	0%
F. Neglect of Duty	100	31%	71	32%	3	23%	21	28%	195	31%
G. Statutory Offence	3	1%	4	2%	0	0%	1	1%	8	1%
H. Mishandling of Property	9	3%	6	3%	0	0%	3	4%	18	3%
I. Irregularity – Evidence	0	0%	4	2%	0	0%	1	1%	5	1%
J. Oppressive Conduct	15	5%	9	4%	3	23%	9	12%	36	6%
K. Improper Arrest	23	7%	8	4%	0	0%	6	8%	37	6%
L. Improper Persons/Vehicles Search	13	4%	1	0%	0	0%	1	1%	15	2%
M. Improper Search of Premises	6	2%	11	5%	0	0%	2	3%	19	3%
N. Policy	2	1%	2	1%	0	0%	0	0%	4	1%
O. Equipment	0	0%	0	0%	0	0%	0	0%	0	0%
P. Service	8	3%	10	5%	1	8%	1	1%	20	3%
Q. Other	0	0%	0	0%	0	0%	0	0%	0	0%
Total	320	100%	221	100%	13	100%	76	100%	630	100%

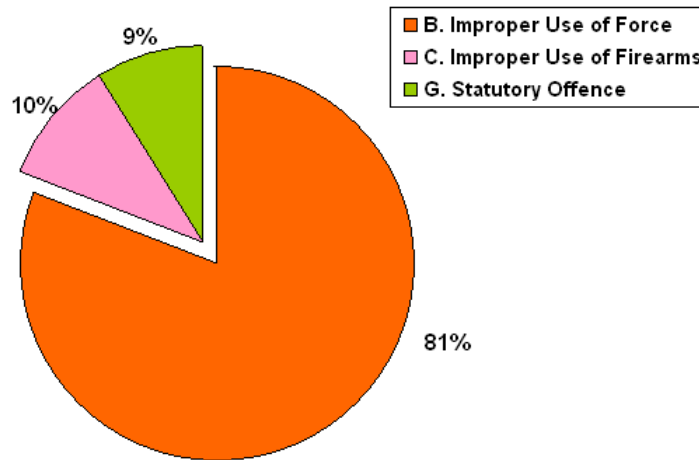
Serious Allegations Withdrawn

As in 2007, the Commission has noticed that complainants' requests for withdrawals relating to serious allegations have been accepted by the RCMP with little or no explanation as to the reason for the request. It is the position of the Commission that serious allegations, especially incidents involving weapons or injury, should typically not be allowed to be withdrawn, as it undermines the integrity of the public complaint process and is unfair to both members and complainants. Refusal to accept a request for withdrawal under these circumstances would appear to be the most appropriate response. The RCMP should investigate these complaints to the best of their ability, as other disposition types are available should the complainant choose not to participate in the public complaint process.

Of all 2008 withdrawn complaints, 17% of them included 'serious' allegations – these being "Improper Use of Force", "Improper Use of Firearms", and "Statutory Offences". Withdrawn complaints containing serious allegations accounted for nearly 3% of the total complaints for 2008.

³⁹ This table shows a frequency distribution of all allegations disposed of in this manner. It shows how common each allegation category was within the disposition type, not how likely it was to be disposed of in this manner.

Figure 10: Type of Serious Allegations Withdrawn



In 2008, there were 50 complaints capturing serious allegations that were purportedly withdrawn by the complainant. These complaints often included multiple but related allegations, 90 in total, which the Commission also deemed serious in nature. Some of these allegations included, but were not limited to: “Neglect of Duty”, “Improper Attitude”, and most notably, “Improper Arrest”.

Terminations (Notice of Direction)⁴⁰

A Notice of Direction is issued when the RCMP decides not to investigate a complaint or that the investigation into a complaint should be terminated. The RCMP may decide to terminate a complaint under three strict grounds provided for in paragraphs (a), (b) and (c) of subsection 45.36(5) of the *RCMP Act*. Essentially, the Commission believes a termination should not apply to a public complaint investigation if there is sufficient information to properly address the complaint in a Final Report.

A brief description of the termination paragraphs and under what circumstances they should be applied is described below:

Paragraph 45.36(5)(a)

Under paragraph 45.36(5)(a) of the Act, the RCMP may direct that no investigation be conducted or that an investigation be terminated if “the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided under any other Act of Parliament.”

This paragraph is often applied when the complainant is involved in a related criminal proceeding which is ongoing. It is generally not reasonable to assume that a criminal proceeding designed to examine the conduct of the complainant will also examine the member conduct complained of, unless there is some information to the contrary. Therefore, the RCMP must ensure that it is reasonable to assume that the ongoing criminal proceeding will deal with each allegation identified in the public complaint.

A more appropriate use of this paragraph would be in the context of complaints relating to the improper disclosure of information, for example, when processes under the *Privacy Act* may be invoked to deal directly with the complaint allegation. It should be noted that civil proceedings and coroners’ inquests, in particular, are not processes provided under federal statutes, and therefore this paragraph should not be applied.

Paragraph 45.36(5)(b)

Under paragraph 45.36(5)(b) of the Act, the Commissioner may direct that no investigation be conducted or that an investigation be terminated if, “the complaint is trivial, frivolous, vexatious or made in bad faith.” An RCMP directive states as follows:

A complaint is trivial when, on its face, it is of no consequence. A complaint is frivolous when, on its face, it is devoid of substance. A complaint is vexatious when it involves a repetition of unsubstantiated complaints from the same person, all of which share a common theme. A complaint is made in bad faith when it is made dishonestly for an improper purpose. Bad faith normally requires the presence of two elements: firstly the desire to achieve an improper purpose and, secondly, an act of an improper nature furthering the improper purpose.

⁴⁰ For a more fulsome explanation of the Commission’s stance on the application of the *RCMP Act* to terminate public complaints as well as the criteria upon which the Commission reviews the reasonableness of these terminations, please contact the Commission directly or visit our website to download the position paper.

This paragraph should be invoked only where the allegations contain no substantial or compelling factual basis, where no rational argument is possible, and/or where each aspect of the allegation has been the subject of a previous public complaint by the same complainant. However, it should be noted that what may be trivial to one person may be quite important to another. Therefore, the investigator's subjective view of the complaint or complainant should not be a factor when deciding to apply this paragraph.

Paragraph 45.36(5)(c)

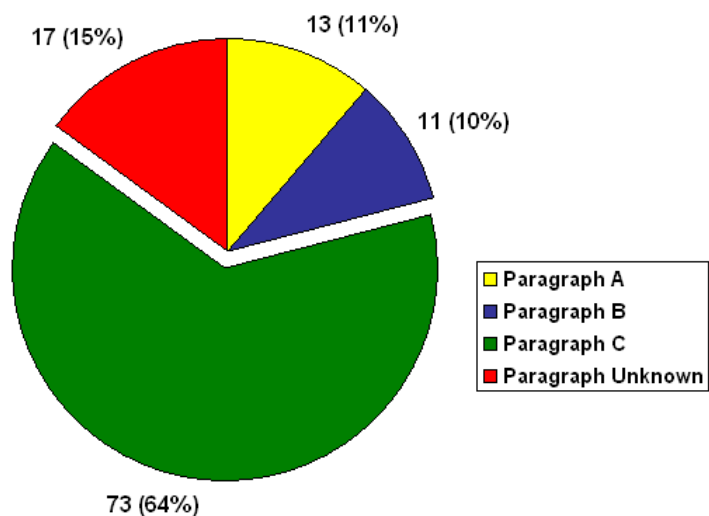
Paragraph 45.36(5)(c) is the most often applied paragraph. The RCMP may direct that no investigation be conducted or that an investigation be terminated if, "having regard to all the circumstances, investigation is not necessary or reasonably practicable."

Examples of terminations invoking this paragraph, and which have been found to be reasonable, include cases in which the complainant was incapable of providing any information that could provide the basis for further investigation within the public complaint process. However, an investigation should not be terminated only on the basis of the reluctance of the complainant to provide a statement as, in many cases, the initial complaint often provides sufficient information to conduct a thorough investigation. A termination will also be reasonable under this paragraph where the conduct complained of involved an individual who was not an RCMP member.

Quantitative Analysis of Terminations

In 2008, 6% of all public complaints, representing 275 allegations, were terminated by the RCMP; not surprisingly, the most common grounds for termination were paragraph (c), "investigation or further investigation is not necessary or reasonably practicable" (often perceived to be the "catch-all" termination provision). The allegation types that were most likely terminated, as opposed to any other types of disposition, were "Irregularity – Evidence", "Equipment", and "Oppressive Conduct".

Figure 11: Number of Terminated Complaints by Grounds Identified in subsection 45.36(5) of the RCMP Act



From a regional perspective, the Pacific Region disposed of 6% of its total public complaints through terminations, which addressed 138 total allegations. This is a decrease from 11% in 2007. Allegations most likely to be the subject of a termination paragraph were “Irregularity – Evidence” and “Improper Persons/Vehicles Search”. The grounds for termination most likely to be identified in the Pacific Region were paragraph (c).

The Northwest Region disposed of 6% of its total public complaints through terminations, which addressed 101 allegations. This is a decrease from 11% in 2007. Allegations most likely to be the subject of a termination paragraph were “Oppressive Conduct” and “Mishandling of Property”. The grounds for termination most likely to be invoked in the Northwest Region were paragraph (c).

The Central Region disposed of 19% of its total public complaints through terminations, which addressed 21 allegations. This is far above the Force-wide average, but a decrease from 25% in 2007. Allegations most likely to be the subject of a termination paragraph were “Neglect of Duty” and “Irregularity in Procedure”. The grounds for termination most likely to be identified in the Central Region were paragraph (c).

The Atlantic Region disposed of 4% of its total public complaints through terminations, which addressed 15 total allegations. This is a decrease from 9% in 2007. Allegations most likely to be the subject of a termination paragraph were “Neglect of Duty” and “Improper Attitude”. Most often, the grounds for termination were not identified.

The Commission notes that all of the Regions reported a decrease in issuing Notices of Direction. It remains unclear if the numbers associated with this disposition type have shifted to the number of Final Reports (or other disposition types).

Table 7: Allegations Breakdown for Terminated Complaints⁴¹

	Pacific		Northwest		Central		Atlantic		Total	
	n	%	n	%	n	%	n	%	n	%
A. Improper Attitude	10	7%	8	8%	5	24%	3	20%	26	9%
B. Improper Use of Force	22	16%	9	9%	0	0%	1	7%	32	12%
C. Improper Use of Firearms	0	0%	0	0%	0	0%	0	0%	0	0%
D. Irregularity in Procedure	13	9%	10	10%	3	14%	1	7%	27	10%
E. Driving Irregularity	0	0%	0	0%	0	0%	0	0%	0	0%
F. Neglect of Duty	35	25%	34	34%	6	29%	6	40%	81	29%
G. Statutory Offence	0	0%	5	5%	3	14%	0	0%	8	3%
H. Mishandling of Property	5	4%	7	7%	0	0%	1	7%	13	5%
I. Irregularity – Evidence	7	5%	2	2%	0	0%	2	13%	11	4%
J. Oppressive Conduct	19	14%	17	17%	3	14%	1	7%	40	15%
K. Improper Arrest	4	3%	2	2%	0	0%	0	0%	6	2%
L. Improper Persons/Vehicles Search	11	8%	2	2%	0	0%	0	0%	13	5%
M. Improper Search of Premises	6	4%	0	0%	1	5%	0	0%	7	3%
N. Policy	4	3%	1	1%	0	0%	0	0%	5	2%
O. Equipment	0	0%	2	2%	0	0%	0	0%	2	1%
P. Service	2	1%	2	2%	0	0%	0	0%	4	1%
Q. Other	0	0%	0	0%	0	0%	0	0%	0	0%
Total	138	100%	101	100%	21	100%	15	100%	275	100%

⁴¹ This table shows a frequency distribution of all allegations disposed of in this manner. It shows how common each allegation category was within the disposition type, not how likely it was to be disposed of in this manner.

Chronic and Multiple Complainants

The public complaint process is accessed by a variety of individuals who have concerns about the conduct of an RCMP member. Generally, one complaint relating to one incident is filed; however, some situations may necessitate the filing of two or more complaints, especially those spanning two divisions or detachments. These types of complainants are viewed as “multiple complainants”.

Apart from the above-mentioned multiple complainants, there are a small percentage of complainants who are chronic in nature and file multiple complaints, spanning many years, and involving many different members and detachments. While their concerns should always be addressed, chronic complainants can put a strain on the resources of the RCMP public complaint process.⁴² For complaints lodged in 2008, the Commission found that of the 1,695 identified complainants, 131 or 8% could be considered multiple or chronic complainants.

Table 8: Repeat Complainants⁴³

Region	Number of Complaints per Complainant					Total
	2	3	4	5	7	
Pacific	46	9	2	1	1	59
Northwest	42	6	2	0	0	50
Central	1	0	0	0	0	1
Atlantic	18	1	1	1	0	21
Total	107	16	5	2	1	131

Multiple Complaints against Individual Members

Multiple complaints against individual members for the 2008 calendar year were again tracked through the Review of the Record Project. A “repeat member” is a member who over the course of a year is the subject of two or more separate public complaints. It should be noted that a portion of these repeat members could be the subject of multiple complaints stemming from a single incident or multiple complaints from a multiple complainant.

It is conceivable that a member could legitimately generate multiple public complaints depending on the nature of the member’s interaction with the public and, potentially, if he or she are posted to a small detachment. It is equally conceivable that a member could be generating multiple public complaints due to aggressive or inappropriate on-duty behaviour. The context of the public complaint would best determine which of the two scenarios presented above was most accurate. In the future, the Commission will be able to identify which members have multiple complaints against them spanning a number of years as well

⁴² Paragraph 45.36(5)(b) of the *RCMP Act* has been used to terminate the investigation into a public complaint in situations where chronic or multiple-complaint complainants continue to submit virtually identical complaints. In such situations, the RCMP must determine that the complainant is not providing sufficient grounds to embark on a new public complaint investigation, and there should be no indication that such an investigation would achieve any useful purpose.

⁴³ Total complainants, n = 1,695

as the nature of these complaints. As the database grows there exists a greater opportunity to conduct further analysis into these statistics. The Commission is aware that at least one RCMP division utilizes multiple complaints as an “early warning” signal.⁴⁴ The Commission supports this practice and encourages the RCMP to consider implementing such a process nation-wide.

A total of 295 members had two or more complaints lodged against them, which represented 13% of the total number of members named in complaints.⁴⁵ Although most of the members had only two (2) complaints, some members had as many as five (5) complaints lodged against them in 2008 alone. Of these multiple complaint members, 136 were members in “E” Division, 81 were from “K” Division, and 23 were from “J” Division.

Of the 1,391 allegations lodged against members who had multiple complaints, the most common types were “Improper Attitude” (24%), “Neglect of Duty” (24%), and “Improper Use of Force” (13%). Interestingly, when members had four or more complaints lodged against them the primary allegation type was “Improper Attitude”, which represented over 30% of the total.

Table 9: Repeat Members

Region	Number of Complaints per Member				Total
	2	3	4	5	
Pacific	113	26	2	2	143
Northwest	106	17	4	0	127
Central	3	1	0	0	4
Atlantic	33	6	1	0	40
Total	255	50	7	2	314

⁴⁴ The Commission notes the value of early intervention and a coordinated response to managing police officers who are displaying conduct-related issues. The importance of this is borne out in reports such as “Project Odin: Identifying and Managing High Risk Officers in the NSW Police Force” authored by the Police Integrity Commission in Australia, the “Twenty-Seventh Semiannual Report, Los Angeles County Sheriff’s Department”, report authored by Merrick Bobb and the Police Assessment Resource Centre as well as hundreds of reports on police performance and the importance of instituting early warning tracking systems into law enforcement oversight mechanisms.

⁴⁵ Total members, n = 2,256

Service Standards: Processing Time⁴⁶

The Commission has implemented performance-based service standards for each step of the complaint and review processes that are under its control. These improvements have enhanced the ability of complainants, RCMP members and Canadians to hold the Commission and the RCMP accountable for a timely response to public complaints. However, a large portion of the public complaint process is under the control of the RCMP, and it was hoped that Force-wide service standards would be introduced to further enhance this aspect of public accountability.

The Commission is pleased to report that in 2008 the RCMP took, on average, 103 days to issue a disposition once a complaint was lodged. This is an 11-day reduction in processing time from 114 days in 2007. Interestingly, on average, 200⁴⁷ days elapsed before a complainant lodged a complaint after the incident of concern, on average; this is down from an average of 229 days in 2007.

Further broken down by disposition type, the timelines are as follows:

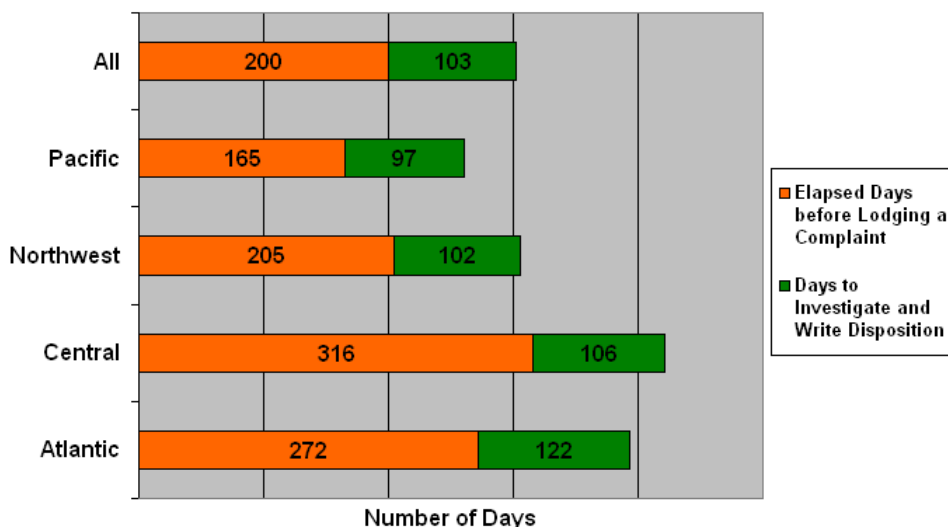
- On average, 149 days to issue a Final Report.
- On average, 66 days to enter into an Informal Resolution.
- On average, 72 days to accept a Withdrawal.
- On average, 64 days to issue a Notice of Direction.

⁴⁶ By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP.

⁴⁷ While the reasons for this has not been fully examined, some preliminary analysis of the data suggests that complainants wait to lodge complaints because:

- 1) the complainant may not have immediate access to the public complaint system;
- 2) the complaint may be historical in that an incident occurred many years (in some cases decades) before a formal complaint is lodged; and
- 3) alternate ways of resolving the complaint may have been attempted before a formal complaint was lodged.

Figure 12: Complaint Timeline By Region



In the Pacific Region, on average, 165 days elapsed before a complainant lodged the original complaint. Once the complaint was received, it took, on average, 97 days for the divisions within this region to complete a disposition; this is a 12-day reduction 2007. Further broken down by disposition type, the timelines are as follows.

- On average, 135 days to issue a Final Report:
- On average, 73 days to enter into an Informal Resolution.
- On average, 73 days to accept a Withdrawal.
- On average, 69 days to issue a Notice of Direction.

The average number of days that elapsed before a complainant in the Northwest Region lodged the original complaint was 205. Once the complaint was received, the divisions within this region took, on average, 102 days to complete a disposition. This is an 18-day reduction from 2007. Further broken down by disposition type, the timelines are as follows:

- On average, 168 days to issue a Final Report.
- On average, 55 days to enter into an Informal Resolution.
- On average, 66 days to accept a Withdrawal.
- On average, 69 days to issue a Notice of Direction.

In the Central Region, on average, 316 days elapsed before a complainant lodged the original complaint. Once the complaint was received it took, on average, 106 days for divisions within this region to complete a disposition, this is a three (3)-day increase from 2007. Further broken down by disposition type, the timelines are as follows:

- On average, 146 days to issue a Final Report.
- On average, 27 days to enter into an Informal Resolution.
- On average, 38 days to accept a Withdrawal.
- On average, 46 days to issue a Notice of Direction.

The average number of days that elapsed before a complainant in the Atlantic Region lodged the original complaint was 272 days. Once received the divisions within this region took, on

average, 122 days to complete a disposition. This is an increase from the average of 115 days in 2007. Further broken down by disposition type, the timelines are as follows:

- On average, 147 days to issue a Final Report.
- On average, 80 days to enter into an Informal Resolution.
- On average, 94 days, to accept a Withdrawal.
- On average, 42 days to issue a Notice of Direction.

The Commission has also attempted to determine if there was a difference with respect to these averages between Commission-lodged complaints and RCMP-lodged complaints. On average, complainants waited 223 days after the incident took place before lodging the original complaint directly with the Commission, while complaints lodged with the RCMP averaged only 142 days after the incident. This is an improvement from 2007, where it took, on average, 271 days after the incident took place before lodging the original complaint directly with the Commission while complaints lodged with the RCMP averaged only 165 days after the incident.

Providing Dispositions to the Commission

The RCMP is required to provide the Commission copies of all dispositions for its analyses. To that end, the average number of days⁴⁸ for the Commission to receive the complaint disposition from the RCMP as a whole was 73 days for Commission-lodged complaints as opposed to the 61 days it took for RCMP-lodged complaints. This is an improvement from 2007, where it took, on average, 95 days for Commission-lodged complaints and 72 days for RCMP-lodged complaints.

This average was also examined regionally:

In the Pacific Region, it took 95 days for Commission-lodged complaints as opposed to 82 days for RCMP-lodged complaints. This can be compared to 2007 where it took 95 days for Commission-lodged complaints and 69 days for RCMP-lodged complaints.

In the Northwest Region, it took 62 days for Commission-lodged complaints as opposed to 64 days for RCMP-lodged complaints; compared to 2007 where it took 110 days for Commission-lodged complaints and 87 days for RCMP-lodged complaints, a significant improvement.

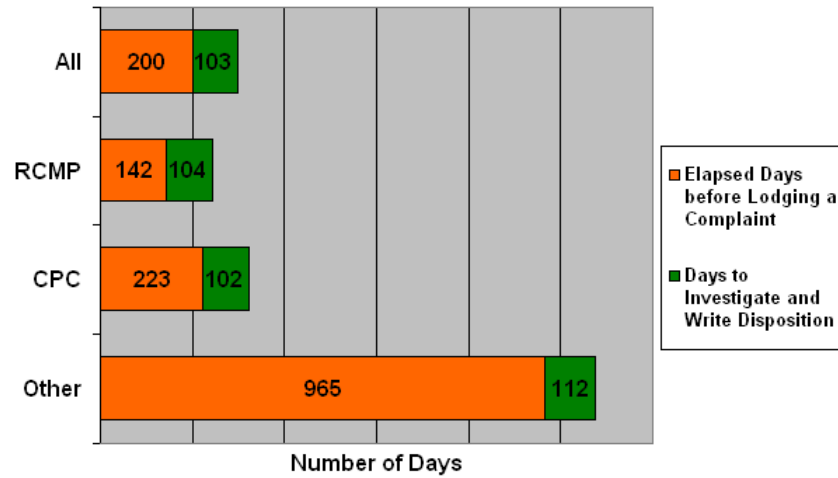
In the Central Region, it took 42 days for Commission-lodged complaints as opposed to 28 days for RCMP-lodged complaints. This is in comparison to 2007 where it took 66 days for Commission-lodged complaints as opposed to 67 days for RCMP-lodged complaints; a significant improvement.

In the Atlantic Region, it took 23 days for Commission-lodged complaints as opposed to 25 days for RCMP-lodged complaints. This is in comparison to 2007 where it took 66 days

⁴⁸ These averages do not necessarily mean that it took the RCMP a particular amount of time to provide the complainant with the disposition; the timelines are specific to the RCMP providing the Commission with a copy of the dispositions. The averages are calculated using the date of the disposition and the date the Commission received the documents.

for Commission-lodged complaints and 53 days for RCMP-lodged complaints; a significant improvement.

Figure 13: Complaint Timeline – Comparison Based on Where the Complaint Was Lodged



The average number of days to issue a disposition was 102 for Commission-lodged complaints as opposed to 104 days for RCMP-lodged complaints. This is an improvement from 2007, where it took, on average, was 118 for Commission-lodged complaints and 108 days for RCMP-lodged complaints.

Complaint timelines were also determined by allegation type for the three most common allegations:

- For allegations of “Neglect of Duty”, it took, on average, 109 days for the RCMP to issue a disposition. On average, it took a complainant 236 days after the incident date to file a complaint for this type of allegation.
- For allegations of “Improper Attitude”, it took, on average, 98 days for the RCMP to issue a disposition. On average, it took a complainant 153 days following the incident date to lodge a complaint for this type of allegation.
- For allegations of “Improper Use of Force”, it took, on average, 143 days for the RCMP to issue a disposition. On average, it took a complainant 173 days following the incident date to lodge a complaint for this type of allegation.

Administrative Issues

Incomplete Complaint Records

Occasionally, the Commission received complaint dispositions that were incomplete in that documents were missing or identifying information related to members or complainants was not provided. Of these complaints, the Commission received 183 incomplete records, representing 10% of the total dispositions received for complaints lodged in 2008; down 4% from 2007. Regionally, 4% of complaint records from the Pacific Region were incomplete, 14% from the Northwest Region, 17% from the Central Region and 17% from the Atlantic Region.

Incorrect Commission Reference⁴⁹

When issuing a Final Report or Notice of Direction, the RCMP is required by statute to inform the complainants of their right to request a review of their Final Report and Notice of Direction. The Commission has received dispositions that have an incorrect reference or that do not include this reference at all. In 2008, the Commission received 51 such dispositions: 30 from the Pacific Region, eight (8) from the Northwest Region, three (3) from the Central Region and 10 from the Atlantic Region.

Issues with Quality of Dispositions

A variety of administrative issues with dispositions provided by the RCMP have created difficulties for the Review of the Record Project. Incomplete Forms 4110 and poorly structured Final Reports and Notices of Direction have made the Commission's task of capturing data related to public complaints a difficult one.

There is currently no up-to-date national policy or handbook for the RCMP in relation to the completion of dispositions and corresponding Form 4110. As such, the Commission has undertaken the process of creating a best practices portion of its website for members to reference when completing public complaint dispositions.

It is hoped that with this addition, Forms 4110 will be filled out properly and entirely, and Letters of Disposition will be clearer, more concise, and better suit the needs of the RCMP, the Commission and the complainants.

⁴⁹ While this may seem an innocuous oversight, the effect that an incorrect reference to the Commission can have on the RCMP public complaint system is not. Without a proper address, and absent the knowledge that the complainant has a right to appeal the RCMP disposition of their complaint, the role of the Commission is undermined and the complainant is not fully apprised of their rights under the *RCMP Act*, which in turn denies them full access to the RCMP public complaint process.

PART TWO: OUTSTANDING DISPOSITION LIST

Outstanding Disposition List

The Outstanding Disposition List is designed to act as an accounting mechanism for all Commission-lodged complaints that are currently being investigated by the RCMP.⁵⁰ Information gathered through the Outstanding Disposition List allows the Commission to track how quickly the RCMP is responding to complaints, identify if complaints are taking too long to be investigated, and ultimately hold the RCMP accountable to the public.

A list of outstanding complaints has been provided to the RCMP on a regular basis throughout the year. The list is submitted to the RCMP every three months and identifies complaints that have been outstanding for 180 days or more. Deletions and additions are made to the list as complaint dispositions are received and new complaints are lodged.

The RCMP, in recent months, has made strides to provide the Commission with dispositions in a timelier manner and endeavoured to eliminate the outstanding complaints that were lodged prior to 2007, as the Commission tracks complaints that were lodged before January 1, 2007.

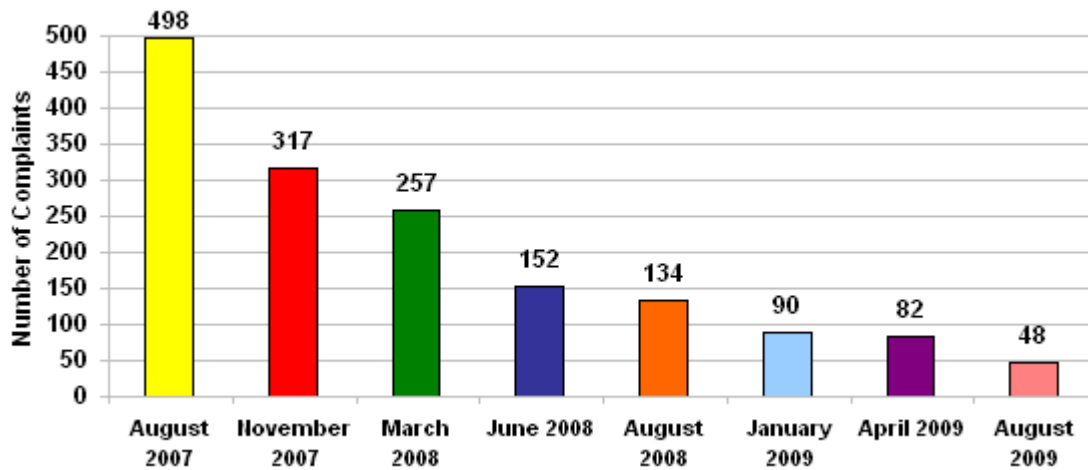
The Outstanding Disposition List has also been able to identify and track those complaints which have been outstanding for what the Commission deems to be an unreasonable amount of time: 750 days or longer.⁵¹ The RCMP, largely, has been receptive to this and made a noticeable effort to get these dispositions to the Commission. The results of this can be seen in the increased number of dispositions provided to the Commission, which received 785 complaint dispositions in 2008; this is a 22% increase from 2007. This increased output is in addition to the extraordinary effort put forth with respect to the Outstanding Disposition List project, the results of which are further examined in the following section. The majority of these long outstanding dispositions can be traced to "E" Division; however, it should be noted that this division has dedicated more resources to addressing the outstanding public complaint dispositions and has proactively instituted measures to provide the Commission with documents in a timelier manner.

The first reconfigured list since the release of the 2007 Review of the Record Report was sent to the RCMP in August 2008. Within three months of the list being sent, 311 complaint dispositions were provided to the Commission. In January 2009, a second list was sent. By April 2009, the Commission received 282 complaint dispositions from files appearing on the second list. Finally, in April 2009, a third list was sent resulting in 458 dispositions being sent to the Commission by July 2009.

⁵⁰ As of April 1, 2009, the Commission will henceforth be notified promptly of all new RCMP-lodged complaints, and this information will, in the future, be included in the list and be reported on in forthcoming Review of the Record reports.

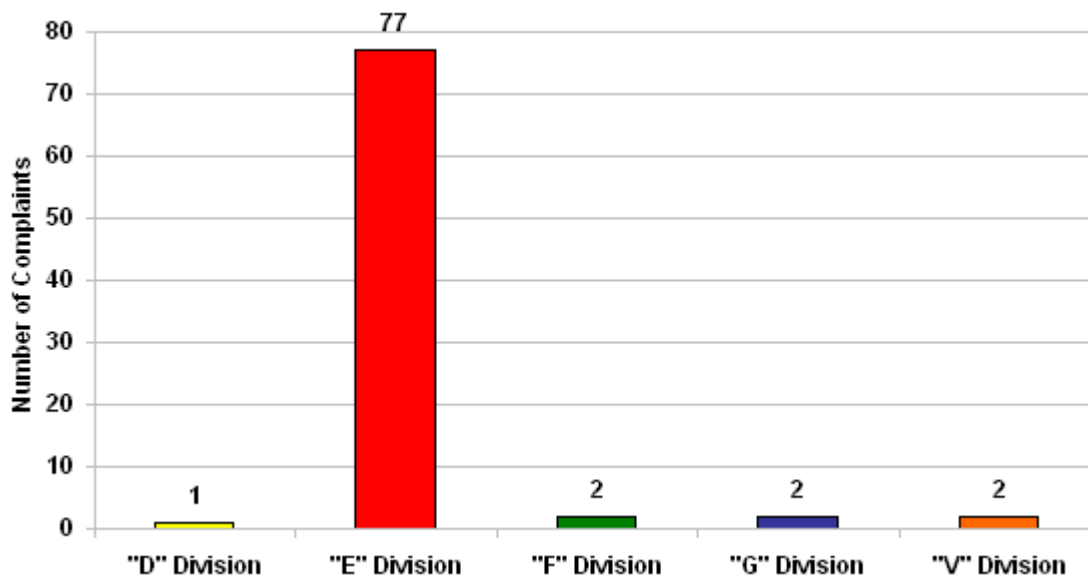
⁵¹ This also includes complaints that were lodged before January 1, 2007.

Figure 14: Number of Pre-2007 Outstanding Complaint Dispositions



Since the 2007 Review of the Record Report was released, when it was reported that there were 152 remaining complaints from prior to January 1, 2007, the RCMP has been able to further reduce this number by 68%; with only 48 dispositions that remain outstanding. This is a significant achievement. As noted below, “E” Division accounts for 96% of the remaining outstanding dispositions beyond the 750-day threshold.

Figure 15: Complaints Outstanding 750 Days or More By Division



The Outstanding Disposition List is able to present data in a multitude of ways, not the least important of which is by listing outstanding dispositions by their corresponding detachments. As such, the Commission is able to monitor the progress of individual detachments in ensuring that public complaints are disposed of within a reasonable timeframe. As of August 1, 2009, the Surrey Detachment had 82 dispositions outstanding beyond the 180-day threshold, the oldest being 2,239 days outstanding (over six years). However, detachments like Coquitlam, Wood Buffalo, and Whitehorse are but a few of many detachments whose record of complaint resolution and providing dispositions to the Commission is commendable.

Divisions have been very involved in providing feedback to the Commission and in maintaining the integrity of the Outstanding Disposition List. However, administrative issues with the Professional Standards and External Review Directorate were made evident in June 2009, when an effort was made to harmonize the RCMP's national list of complaints with the Commission's lists.

Due to what appears to be processing delays, the record keeping concerns and resource limitations, the Professional Standards and External Review Directorate was unable to provide the Commission with the 347 documents identified as missing through the harmonization process by the July 1, 2009⁵² project deadline. This is similar to what occurred when the Commission was compiling the 2007 Review of the Record Report when over 200 identified documents were not provided.

This setback effectively penalized the detachments and divisions which had previously sent dispositions to the Professional Standards and External Review Directorate, as these dispositions were not received in time to be included in the statistical analysis of this report. Their exclusion from the 2008 Quantitative Analysis section is an unfortunate consequence and it is hoped that the record keeping issues at the Professional Standards and External Review Directorate will be rectified in time for the 2009 report. It is clear that there are significant problems at the Professional Standards and External Review Directorate that are negatively impacting the proper functioning of the RCMP public complaint process.

However, in order to be fair to the detachments and divisions that had sent dispositions on time, those received after the July 1, 2009 deadline were considered when analyzing the available data for the Outstanding Disposition List, as the deadline specific to this aspect of the project was extended to August 1, 2009.

⁵² In order to be methodologically consistent and to enable comparisons between the statistics from 2007 and 2008 the Commission was unable to extend the deadline specific to the Quantitative Analysis section of the report.

Follow-Up on Complaint Dispositions

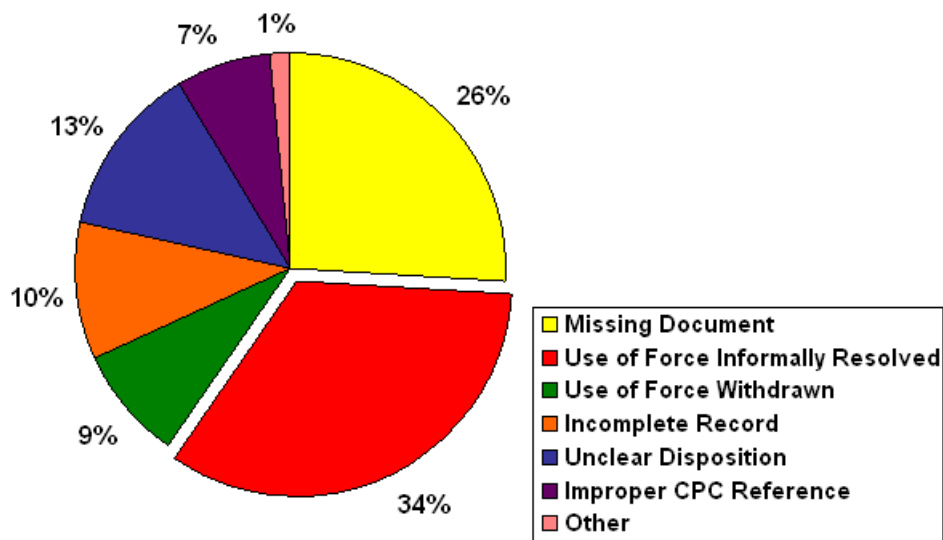
The Commission's efforts at following up on questions raised in the analysis of the completed complaint record is an example of the high degree of cooperation possible between the Review of the Record Unit, Professional Standards and External Review Directorate and divisional Professional Standards. Most times these requests were to obtain missing documents; however, other requests went so far as to have complaints sent back to detachments for additional information to assist in a proper analysis or to recommend an investigation into the allegations.

The RCMP's cooperation with this aspect of the Review of the Record Project has been commendable. In many cases, the Commission's requests were met within days. Although there were examples of long outstanding requests, the average length of a follow-up request to be made and a resolution to be offered was 33 days.

There were 62 follow-up requests for complaints lodged in 2008; only ten (10) remained open at the time of this Report. Of the closed follow-ups, the Commission's concerns and requests were met in 87% of the cases.

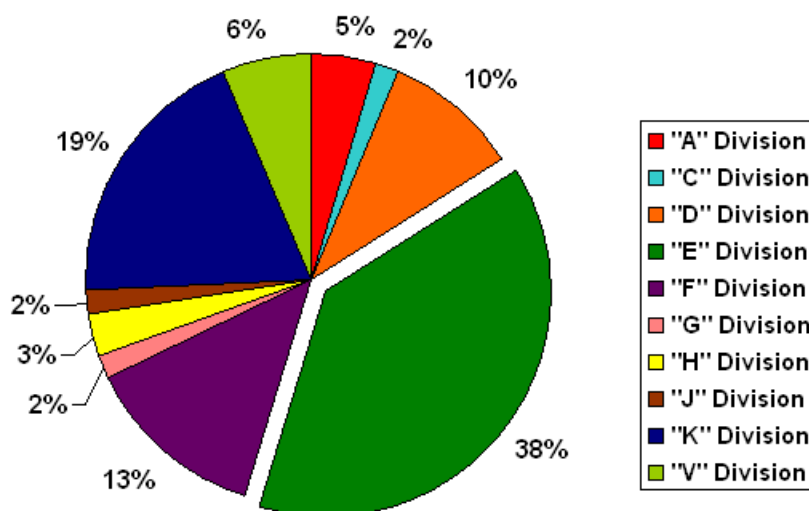
As identified, the reasons for follow-ups were primarily centered on two issues: *missing documents* and *improper use of force complaints informally resolved*. The other issues included: *incomplete records*, *unclear dispositions*, *improper CPC references*, *use of force complaints withdrawn*, and *other*.

Figure 16: Breakdown of 2008 Follow-Up Issues



The divisional breakdown of the follow-ups does not indicate any particular Commission concerns with specific regions. Instead, the follow-ups tended to be relatively proportional to the overall number of complaints received.

Figure 17: Breakdown of Follow-Ups by Division



Twenty-five follow-ups (40%) were resolved within ten (10) days of a Commission’s request. The majority of these timely responses were related to missing documentation, but nonetheless are examples of the RCMP’s strong willingness to cooperate with the Commission in ensuring the integrity of the public complaint process.

Still problematic, however, is the apparent inability to cease, or to at least clarify, the practice of informally resolving complaints involving serious allegations.⁵³ Despite the positive response to the Commission’s requests there were several cases where the RCMP refused to investigate a serious allegation once it had been resolved informally. It must be noted that under the current legislation the Commission does not have the power to force the RCMP to investigate a complaint. Accordingly, while the RCMP may choose to refuse the Commission’s request to investigate even when it involves serious allegations such as improper use of force or when injuries have allegedly been sustained,⁵⁴ this practice is contrary to RCMP policy. Moreover, the Commission does retain the authority pursuant to the *RCMP Act* to launch a Chair-initiated complaint and/or public interest investigation into such a matter if the RCMP refuses to properly investigate the complaint in the first instance.

There was a case where the Commission recommended an investigation into a complaint alleging “Improper Use of Force”, which was informally resolved after the RCMP explained the IM/IM model and arrest procedures to the complainant. Based on the seriousness of the allegations and the lack of information regarding the nature of force used, the Commission believed that an investigation was warranted or, at the very least, further information should be provided. However, the RCMP maintained that the informal resolution was appropriate, especially since the complainant was satisfied with the explanation and noted, “as he was not injured during the course of his arrest or time in custody.” Given the circumstances, an

⁵³ Although some serious allegations can at times be considered less serious once all details are examined, this classification can be mitigated in the first instance by a better description of allegations as well as a more fulsome explanation of the final resolution.

⁵⁴ In the Commission’s experience, in 2008, this was the exception rather than the rule.

informal resolution of this complaint did not appear to be appropriate and it would have been more prudent for the RCMP to provide further details of the force used against the complainant.

Another example where the Commission believed an investigation was warranted yet the RCMP was not willing to cooperate in that regard, involved alleged “Improper Use of Force” and “Improper Use of Firearms”. It was alleged that a civilian present at the scene was handed, by the RCMP members, pepper spray (OC spray), and that members effecting the arrest of the subject used improper and excessive force. The Commission strongly recommended a formal investigation. The RCMP, however, indicated that “there is absolutely no need to perform such an investigation, with the members acting completely appropriate given the circumstances they were presented with.” Given that it appeared as though determinations were being made regarding member conduct, and that the concerns of the Commission had not been fully addressed, an informal resolution did not seem to be the most appropriate disposition of this complaint.

It should be noted that although some of the Commission’s requests have been declined at times, there were also examples of investigations being undertaken in response to concerns raised over use of force complaints informally resolved. Such a response is evidence that the follow-up process was able to quickly address improperly resolved complaints and for which may otherwise have gone unnoticed.

In an instance where the RCMP satisfied the Commission’s concerns regarding a follow-up, the Commission’s concern with an informally resolved complaint alleging excessive force was reciprocated, and an investigation was initiated, with the RCMP noting: “[...] we were informed by Professional Standards & External Review Directorate that all allegations involving the serious use of force will be formally investigated. As a result, I am now ordering that a formal investigation be conducted into this allegation and that a comprehensive report be forwarded to this office [...].” In another instance, a complainant who sustained a broken wrist during the course of an arrest entered into an informal resolution with the RCMP. Given the presence of an injury, the Commission questioned if this type of disposition was appropriate. The RCMP agreed to investigate the complaint formally following the Commission’s follow-up.

Often the complaint dispositions did not provide sufficient details about the incident to determine what the circumstance of the interaction was and if the disposition was appropriate. The Commission made numerous requests for additional information in complaints which alleged improper use of force yet lacked sufficient detail to determine if an investigation was warranted. Frequently, the RCMP response was sufficient in satisfying the Commission’s concerns. In 12 of the 23 (52%) follow-ups related to “Improper Use of Force” complaints informally resolved, the RCMP’s additional explanation of the informal resolution process, as well as clearer details of the incidents in question, indicated that the informal resolutions were indeed appropriate. It should be noted that had the RCMP provided sufficient detail on the Form 4110 and properly captured the informal resolution in the first instance, it would have mitigated the need for additional requests and increased workload.

Interestingly, in response to the Commission’s repeated requests for additional information with respect to complaints which alleged improper use of force and lacked sufficient details, divisional Professional Standards have taken proactive steps to gather and provide additional

details explaining actions and outcomes along with the dispositions themselves. This has been most evident with “E” Division and has considerably reduced the need for follow-ups of this nature.

There were also cases of informally-resolved complaints based on the complainant being read an investigator’s report, or at times being briefed by the investigator. In these instances, the Commission believes the RCMP incorrectly circumvented the need for a Final Report by simply reviewing with the complainant the findings of the RCMP investigation. If an investigation has been conducted and findings made the more prudent course of action would be to issue a Final Report.

With respect to withdrawals, there was typically a lack of in-depth descriptions of events or details regarding the reasons for requesting a withdrawal. This was especially problematic with complaints that included serious allegations. At times, withdrawal letters from complainants may speak about why they are withdrawing their complaints, and at times complainants do not feel anything will come of their complaint. Under these circumstances, the Commission has requested more information and depending on the degree of interaction during the withdrawal process, indicated to the RCMP that an investigation appeared warranted.

In lieu of a national handbook for best practices related to public complaints, the follow-up process allows the Commission to interact, via Professional Standards, with individual detachments that are responsible for handling complaints and address concerns in an informal manner. Based on the above assessment, it is clear that more training for authors of disposition reports as well as for public complaint investigators is warranted and would vastly improve the quality and integrity of the process.

Recommendations

Recognizing the importance of RCMP-wide consistency and based on the findings of the analyses within the Review of the Record Project, the Commission recommends to the Commissioner of the RCMP the following:

1. *That the RCMP immediately implement the recommendations made by the Commission in its Review of the RCMP's Public Complaints Records-2007 report.*
2. *That the Professional Standards and External Review Directorate at RCMP Headquarters immediately implement a proper database to track public complaints and related processes so that this Directorate will be able, at a minimum, to identify when complaints were lodged, how many have been lodged, where they were lodged, the members involved, what the nature of the complaints are and if an investigation or appropriate disposition has been completed on a national level.*
3. *That the RCMP ensure that those tasked with capturing public complaints and writing complaint dispositions receive complete and ongoing training and that manuals related to the public complaint process be immediately updated to ensure a standardized national approach.*
4. *That the RCMP commit to improving its service standards by implementing ways to reduce wait times and reduce processing times for complaint dispositions.*
5. *That the Professional Standards and External Review Directorate at RCMP Headquarters immediately issue a directive to RCMP members clearly articulating:*
 - a. *What constitutes "serious allegations" and when it is appropriate to informally resolve improper use of force complaints and when it is not;*
 - b. *how public complaints defined under Part VII of the RCMP Act are to be processed when the complainant raises statutory offence allegations; and*
 - c. *when it is appropriate to terminate a public complaint under the RCMP Act and what information must be included in a Notice of Direction.*
6. *That the RCMP amend its policies (as required) regarding the withdrawal of complaints to ensure that its policies clearly articulate when it is appropriate to accept a purported withdrawal of a complaint making "serious allegations"; and that the reasons for the withdrawal are clearly documented on the withdrawal forms.*
7. *That the Commissioner of the RCMP, to enhance consistency and adherence to policy, revise his delegated authority with respect to the issuance of Notices of Direction for terminations from the unit level to, at least, the level of officer (or non-commissioned officer) in charge of the Divisional Professional Standards units.*
8. *That the RCMP implement a national program whereby multiple complaints will be utilized as an "early warning" of potential conduct-related concerns with individual RCMP members.*

9. *That the RCMP commit to initiate a detailed examination into the entire RCMP public complaint process in the Territories. The Commission is amenable to working jointly with the RCMP with respect to this recommendation.*

Appendices

Appendix A: Common Terminology

Adverse Finding	A finding typically found in an Interim Report, which states that the subject member(s)' conduct was improper in that it did not meet RCMP professional standards and/or was in conflict with RCMP policy.
Allegation	Assertion of misconduct in the performance of any duty or function, by a member of the public, against any member or person employed or appointed under the <i>RCMP Act</i> .
Commission's Issues List	Consists of 46 categories, which describe the nature of the public complaint. The process of assigning issues raised in complaints is completed when the Commission receives completed complaint records through the Review of the Record Project.
Commissioner's Notice	A letter issued by the RCMP Commissioner that acknowledges receipt of the Commission's Interim Report, and includes a response to the Chair or the Vice-Chair's findings and recommendations made in that report.
Complaint Disposition	RCMP-initiated settlement of a public complaint against a member
Completed Complaint Record	All RCMP paperwork relating to a public complaint and a disposition of a complaint, if necessary.
Final Report	A report that is issued by the Commission, and signed by either the Chair or the Vice-Chair, when the Commission is satisfied with the disposition of the complaint by the RCMP and can find no fault with the action of the member(s).
Final Report (RCMP)	One of the four types of complaint dispositions issued by the RCMP to the complainant(s) provided for under subsection 45.36(5) of the <i>RCMP Act</i> stating the RCMP's findings relating to its investigation into the public complaint.
Final Report After Commissioner's Notice	Written report that is issued by the Chair or the Vice-Chair in response to a Commissioner's Notice reasserting the Commission's position and detailing any concerns the Commission has with the RCMP Commissioner's response to the Interim Report.
Findings and Recommendations	Statement of conclusions made in reaction to the Commission's review of the public complaint disposition, and recommended courses of action by the RCMP. Satisfied findings can be found in both Final and Interim Reports.
Interim Report	A report that is issued by the Commission, and signed by either the Chair or the Vice-Chair, when the Commission is not satisfied with the disposition of the complaint by the RCMP and/or finds fault with the action of the member(s). Typically, recommendations are made in Interim Reports in conjunction with the adverse findings.
Notice of Direction	One of four types of complaint dispositions issued by the RCMP, under subsection 45.36(5) of the <i>RCMP Act</i> , to the complainant(s) stating the RCMP's decision not to investigate the complaint or to terminate the investigation into the complaint.

Outstanding Disposition List	Accounting mechanism for all Commission-lodged public complaints currently under investigation by the RCMP. It allows the Commission to track how quickly the RCMP is responding to complaints, and in particular, identify complaints that are taking too long to investigate.
Public Complaint Process	Series of procedures undertaken by the RCMP and the Commission to address a public complaint against a member of the RCMP. This can include, but is not limited to, complaint intake, investigation by the RCMP, issuing of complaint dispositions and complaint reviews.
RCMP Allegations Category	Part of the RCMP classification system of complaints found on Form 4110, where each allegation made by a member of the public is assigned a specific mutually exclusive classification reflecting the nature of the allegation.
RCMP Region	A geographical term describing an area of provinces or territories where RCMP has jurisdiction or is present. Regions are subdivided into divisions.
Satisfied Finding	A finding typically found in a Final Report, stating that the Commission is satisfied with the conduct of the RCMP member(s).
Statutory Mandate	Legal authority provided for by legislation.
Statutory Requirement	Legal obligation as provided for by legislation.

Appendix B: List of Issues⁵⁵

Issues	Examples of Use
Aboriginal Community	Complaints stemming from an incident on a reserve; complaints lodged through one of the friendship centres and the FSIN; complaints about discrimination against Aboriginal individuals.
Abusive Language	Offensive language; profanity; swearing; racist, sexist or other oppressive language.
Alcohol/Drugs (not intoxication)	Used when the complaint is related to alcohol or drugs but the individual is not intoxicated, e.g. a drug bust, open liquor in vehicle and possession of drugs.
Arrest	Complainant was arrested during the incident; usually corresponds to improper arrest allegations; complainant is unhappy about the way they were arrested.
Attitude	Other than abusive language; disrespect; harassment; intimidation; police attitudes; rudeness.
Care in Custody	Improper care while in police custody, e.g. dirty cells, no mattress, cold cells and ignoring requests for food or shower.
Chemical Irritants	Pepper Spray; OC Spray; Capsicum spray; Tear gas; Mace; Oleoresin Capsicum Spray.
Child Abuse Response	Includes both physical and sexual abuse against children.
Child Custody	Child access disputes; custody of children.
Civil Disputes/No child	Includes property disputes.
Conflict of Interest	Investigating member related to the witness and or complainant; members using their authority as police officers for non-police purposes, etc.
Criminal Investigation Quality	Complainant is not happy with the way a criminal investigation was conducted; this includes all aspects of investigations such as interviewing witnesses and examining and handling evidence, concealment of evidence, investigation, witnesses and misleading reports.
Crowd Control	Demonstrations; riots.
Custody Deaths	Death of an arrestee after being taken into custody; cell deaths; police-involved shootings; Taser deaths; drug overdose.
Detention	Involves suspect being held in cells; drunk tank.
Entry of Premises	Member enters premises without owner's permission.
Intoxication	Use of alcohol or drugs; drunkenness; impaired driving; use of breathalyser.
Informants/Sources	Complaint about member's use of informants or sources.
Lethal Weapons	Used when the complaint is about the member's use or threatened use of a lethal weapon; firearms; guns; revolvers; side arms.
Lying under Oath	Perjury; member lying in court.
Medical Care	Access to medications; providing proper medical attention.
Mental Illness	Member involvement with individuals suffering from mental

⁵⁵ The list of issues incorporates words or phrases most commonly used by complainants and the RCMP to describe the situation and context of the complaints.

	illness.
National Security	Includes terrorism.
Non-Custody Deaths	Includes criminal investigations into non-custody deaths.
Non-lethal Weapons/No chem.	Tasers; stun guns; water hoses; rubber bullets; baton.
Non-pursuit Police Driving	Includes members parking improperly; driving irregularities while transporting suspects.
Non-spousal, Non-child Assault Response	Member response to assault; does not include child or spousal abuse. Bar fights; violent civil disputes, etc.
Non-spousal, Non-child Sexual Assault Response	Member response to sexual assault; does not include child or spousal abuse. Rape victims.
Note-taking Quality	Quality of member's notes on incident forms; allegations of lying on police reports.
Use of Police Dogs	Dog bites; dog searches.
Police Physical Abuse No Restraints	Usually corresponds with excessive use of force allegations. Police brutality; police beatings; punching; kicking; throwing; slamming into wall.
Police Pursuit Driving	Car chase; high-speed pursuits.
Policy	Complaint about specific RCMP policies.
Property Mishandling	Lost, stolen, or damaged property due to member involvement; withholding property from complainant; releasing property to someone other than the owner of the property.
Public Complaint Investigation Quality	Complaints about the way a public complaint was handled; complaints about dispositions; complaint processing.
Release/Disclosure of Info.	Information dissemination; release of police involvement to someone other than the suspect.
Restraints	Choke holds; handcuffs (too tight); hog tie; neck holds. Sometimes corresponds to use of force allegations.
Right to Counsel	Suspect was not allowed to contact a lawyer or was not told of their right to contact a lawyer.
Search	Complaint about a search; search of premises, person, vehicle, etc.
Seizure	Complaint about the seizure of personal property; includes weapons, drugs, etc.
Service	Improper service by members; refusal to respond to complaints; not arranging for appropriate child care while taking a parent into custody; used when the service failure cannot be categorized by another issue.
Spousal Abuse Response	Domestic violence; includes physical and sexual abuse;
Vehicular Incidents	Driving-related complaints; crash site response; driving tickets; includes cars, ATVs, motorcycles, etc.
Witness Protection Program	Complaint involving an individual in the witness protection program.
Youth Interaction	Complaint involving members' interaction with youth under the age of 18.

Appendix C: List of Allegations

There are 16 RCMP complaint categories:

- A. **Improper Attitude:** The complaint category includes behaviour that could be seen as abusive, rude, discourteous, disrespectful, aggressive, intimidating, etc. The behaviour could also be seen to be unfair or lacking empathy.
- B. **Improper Use of Force:** The category includes allegations of inappropriate or excessive force. Improper use of force may be considered inconsistent with circumstances applied to frequently or harshly.
- C. **Improper Use of Firearms:** This category involves the use, display or discharge of a firearm.
- D. **Irregularity in Procedure:** This complaint category involves some aspect of the Privacy or Access issues, allegations that members improperly obtained information from a police data bank, and other alleged violations of an “administratively enforced” statute.
- E. **Driving Irregularity:** This complaint category includes allegations of improper or unsafe police transport, pursuits or operation of emergency vehicles.
- F. **Neglect of Duty:** This is a broad category that encompasses alleged behaviour that a member failed to or refused to perform a duty or provide an expected service. Such allegations could include failure to identify oneself, mismanagement of public complaints, inadequate investigations, improper care of prisoners, failure to release detained persons into a safe environment, and failure to provide appropriate medical care. This category could also include allegations of deficient reporting related to note books, investigations, occurrence reports.
- G. **Statutory Offence:** This complaint category is reserved for allegations that members violated sections of the *Criminal Code of Canada*, federal, provincial or municipal statutes.
- H. **Mishandling of Property:** This complaint category includes allegations about the loss of property, damage to property and the unreasonable detention of property.
- I. **Irregularity–Evidence:** These allegations would include concerns around members testifying in judicial proceedings, failure or refusal to report the facts of a public complaint, and failure or refusal to testify to correct or true facts.
- J. **Oppressive Conduct:** The complaint category would include these allegations that would surpass what would be considered improper attitude, irregular procedure and neglect of duty.
- K. **Improper Arrest:** This category involves allegations of failing to inform an individual for the reason for their arrest, right to counsel or failing to provide an opportunity to exercise these rights.
- L. **Improper Persons/Vehicles Search:** These allegations would include complaints of personal and vehicle searches as well as potential violations of section 8 of the *Charter of Rights and Freedoms*.
- M. **Improper Search of Premises:** The complaint category includes allegations concerning members who have entered or remain unlawfully in a premise.
- N. **Policy:** These allegations are specifically about RCMP policy and their application.
- O. **Equipment:** This category applies to allegations of improper use of RCMP equipment.
- P. **Service:** This complaint category includes allegations that members did not respond or failed to provide timely service.

Appendix D: Map of RCMP Divisions



The regions and their associated divisions are as follows:

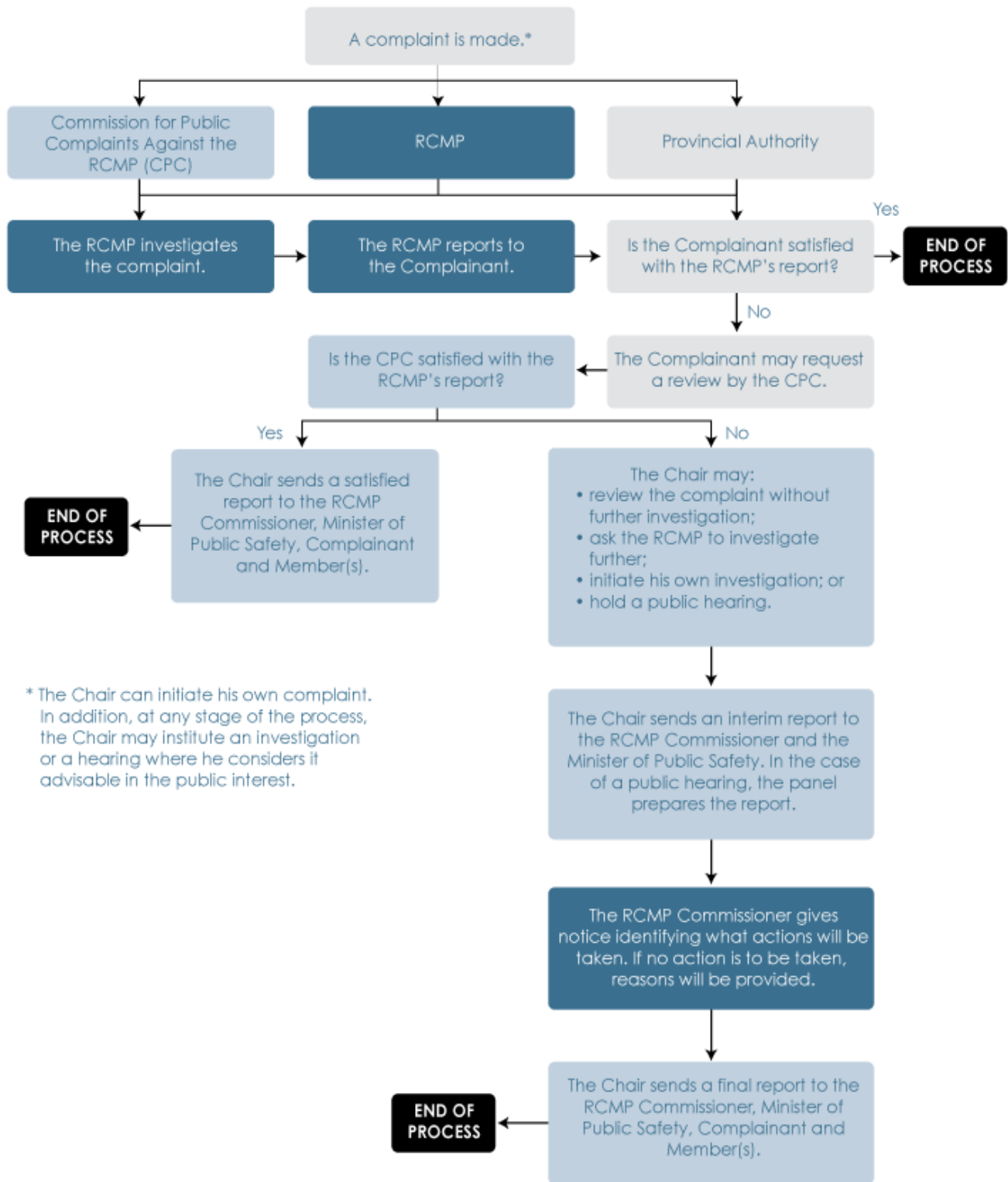
Pacific Region: "E" Division: British Columbia
"M" Division: Yukon

Northwest Region: "V" Division: Nunavut
"D" Division: Manitoba
"F" Division: Saskatchewan
"K" Division: Alberta
"G" Division: Northwest Territories

Central Region: "C" Division: Quebec
"O" Division: Ontario
"A" Division: National Capital Region

Atlantic Region: "B" Division: Newfoundland and Labrador
"H" Division: Nova Scotia
"J" Division: New Brunswick
"L" Division: Prince Edward Island

Appendix E: Public Complaint Process

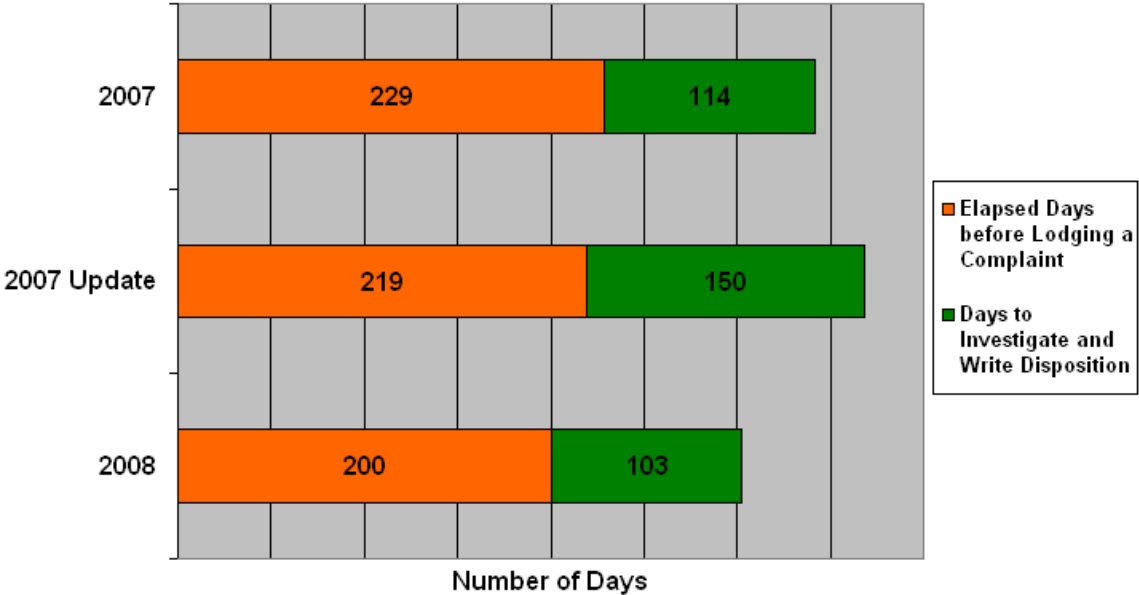


Appendix F: Yearly Comparison – At A Glance

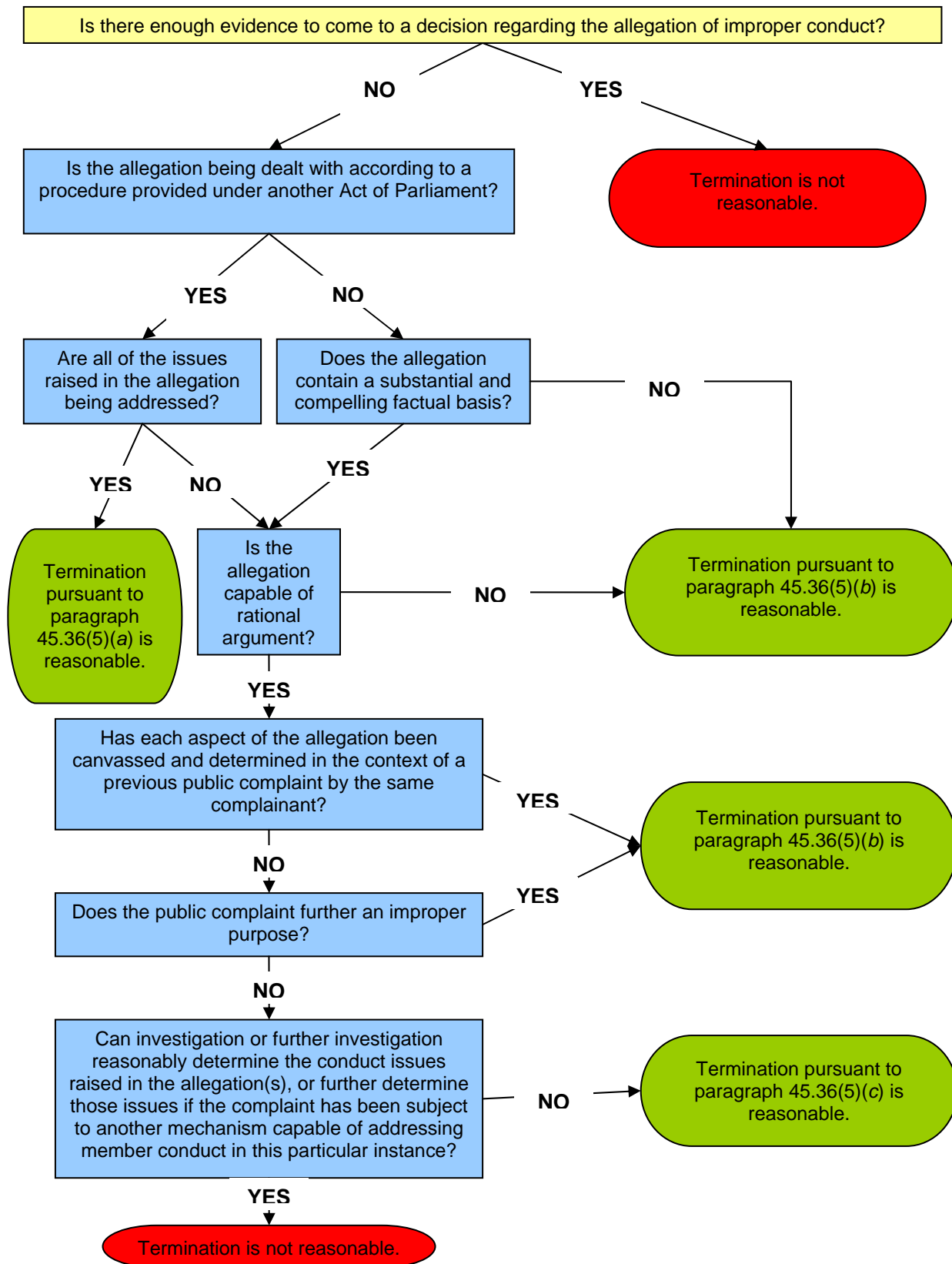
	2007 Report		2007 Update		2008 Report	
Complaints	#	%	#	%	#	%
Atlantic	236	16%	267	14%	259	14%
Central	53	4%	62	3%	64	3%
Northwest	509	35%	698	38%	692	38%
Pacific	642	45%	834	45%	814	45%
Total	1,440		1,861		1,829	
Lodged With:	#	%	#	%	#	%
Commission (CPC)	870	60.4%	1,098	59.0%	1,238	67.7%
RCMP	564	39.2%	750	40.3%	584	31.9%
FSIN	6	0.4%	9	0.5%	4	0.2%
Alb. Sol. Gen	0	0.0%	4	0.2%	3	0.2%
Total	1,440		1,861		1,829	
Dispositions	#	%	#	%	#	%
Final Report	659	46%	921	49%	785	42.92%
Informal Resolution	438	30%	541	29%	629	34.39%
Withdrawal	191	13%	231	12%	301	16.46%
Termination	152	11%	168	9%	114	6.23%
Total	1,440		1,861		1,829	
Allegations	#	%	#	%	#	%
A. Improper Attitude	615	19.8%	860	20.1%	980	21.7%
B. Improper Use of Force	412	13.3%	663	15.5%	470	10.4%
C. Improper Use of Firearms	13	0.4%	15	0.4%	37	0.8%
D. Irregularity in Procedure	194	6.3%	310	7.2%	424	9.4%
E. Driving Irregularity	38	1.2%	57	1.3%	54	1.2%
F. Neglect of Duty	893	28.8%	1,168	27.3%	1,326	29.4%
G. Statutory Offence	115	3.7%	187	4.4%	118	2.6%
H. Mishandling of Property	69	2.2%	84	2.0%	102	2.3%
I. Irregularity – Evidence	46	1.5%	48	1.1%	44	1.0%
J. Oppressive Conduct	283	9.1%	364	8.5%	307	6.8%
K. Improper Arrest	184	5.9%	236	5.5%	266	5.9%
L. Improper Persons/Vehicles Search	45	1.4%	63	1.5%	106	2.3%
M. Improper Search of Premises	85	2.7%	95	2.2%	129	2.9%
N. Policy	11	0.4%	18	0.4%	44	1.0%
O. Equipment	5	0.2%	8	0.2%	13	0.3%
P. Service	87	2.8%	97	2.3%	86	1.9%
Q. Other	9	0.3%	9	0.2%	5	0.1%
Total	3,104		4,282		4,511	
Timeline	#	%	#	%	#	%
Number of Days to Lodge Complaint	229	N/A	219	N/A	200	N/A
Number of Days to Issue Disposition	114	N/A	150	N/A	103	N/A
Number of Days to Receive Disposition	86	N/A	119	N/A	69	N/A
Issues	#	%	#	%	#	%
Aboriginal Community	22	0.6%	46	0.9%	74	1.3%

Abusive Language	84	2.3%	111	2.1%	118	2.1%
Alcohol or Drugs (not intoxication)	80	2.2%	110	2.1%	116	2.1%
Arrest	355	9.6%	512	9.9%	447	7.9%
Attitude	606	16.3%	788	15.3%	876	15.6%
Care in Custody	64	1.7%	75	1.5%	67	1.2%
Chemical Irritant	31	0.8%	53	1.0%	20	0.4%
Child Abuse Response	15	0.4%	24	0.5%	39	0.7%
Child Custody	21	0.6%	30	0.6%	31	0.6%
Civil Disputes/No Child	40	1.1%	56	1.1%	74	1.3%
Conflict of Interest	14	0.4%	31	0.6%	39	0.7%
Criminal Investigation Quality (RCMP)	402	10.8%	497	9.6%	519	9.2%
Crowd Control	10	0.3%	11	0.2%	3	0.1%
Custody Deaths	8	0.2%	11	0.2%	5	0.1%
Detention	120	3.2%	178	3.4%	161	2.9%
Entry of Premises	84	2.3%	109	2.1%	81	1.4%
Informants/Sources	5	0.1%	7	0.1%	19	0.3%
Intoxication	102	2.8%	190	3.7%	210	3.7%
Lethal Weapons	19	0.5%	25	0.5%	37	0.7%
Lying under Oath	27	0.7%	29	0.6%	12	0.2%
Medical Care	73	2.0%	96	1.9%	111	2.0%
Mental Illness	73	2.0%	83	1.6%	69	1.2%
National Security	0	0.0%	1	0.0%	2	0.0%
Non-custody Deaths	1	0.0%	3	0.1%	10	0.2%
Non-lethal weapons other than chemical irritants	52	1.4%	79	1.5%	40	0.7%
Non-pursuit Police Driving	14	0.4%	27	0.5%	29	0.5%
Non-spousal, Non-child Assault Response	51	1.4%	84	1.6%	110	2.0%
Non-spousal, Non-child Sexual Assault Response	17	0.5%	19	0.4%	12	0.2%
Note-taking Quality	6	0.2%	9	0.2%	12	0.2%
Other (if necessary)	59	1.6%	59	1.1%	0	0.0%
Police Dogs	9	0.2%	13	0.3%	23	0.4%
Police Physical Abuse	169	4.6%	287	5.6%	238	4.2%
Police Pursuit Driving	9	0.2%	12	0.2%	21	0.4%
Policy	37	1.0%	43	0.8%	54	1.0%
Property Mishandling	61	1.6%	89	1.7%	109	1.9%
Public Complaint Process Quality (RCMP)	84	2.3%	93	1.8%	44	0.8%
Release/Disclosure of Information	48	1.3%	66	1.3%	75	1.3%
Restraints	63	1.7%	84	1.6%	66	1.2%
Right to Counsel	54	1.5%	73	1.4%	58	1.0%
Search	118	3.2%	155	3.0%	186	3.3%
Seizure	79	2.1%	99	1.9%	87	1.5%
Service	168	4.5%	285	5.5%	680	12.1%
Spousal Abuse Response	55	1.5%	62	1.2%	57	1.0%
Vehicular Incidents	262	7.1%	374	7.2%	449	8.0%
Witness Protection Program	0	0.0%	1	0.0%	4	0.1%
Youth Interaction With RCMP	38	1.0%	59	1.1%	75	1.3%
Youth Involvement	N/A	N/A	16	0.3%	54	1.0%
Total	3,709		5,164		5,623	

Complaint Timeline By Year



Appendix G: Termination Flowchart



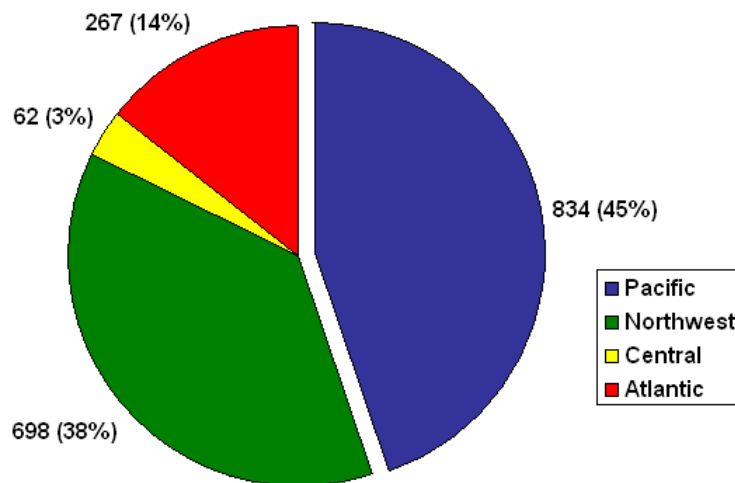
REVIEW OF THE RECORD REPORT: 2007– FORCE-WIDE AND REGIONAL: UPDATED

Received Complaints

The Commission received 1,861 completed complaint dispositions from the RCMP relating to complaints lodged in 2007. The RCMP estimated that 2,500 complaints had been lodged in 2007; leaving over 600 complaints still outstanding from this time period.

The Pacific Region had the most complaints (834) representing 45% of the total, while the Northwest Region had 689 (38%), the Central Region had 62 (3%), and the Atlantic Region had 267 (14%).

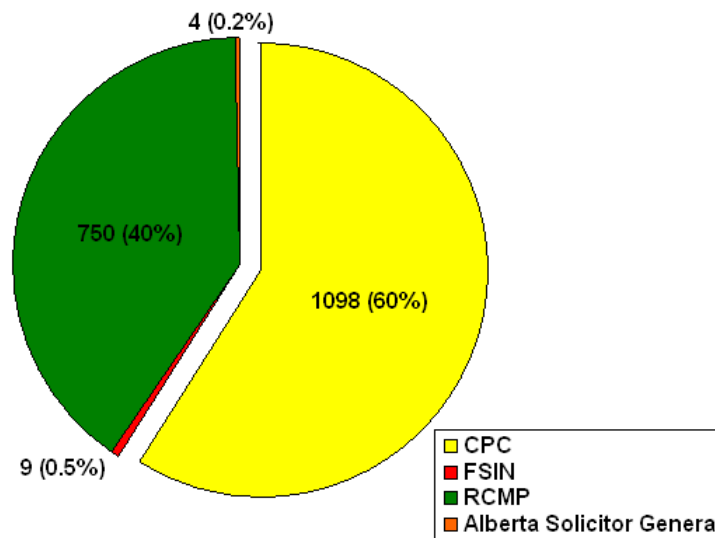
Number of Complaints by Region



Of those complaints, 1,098 were lodged with the Commission (59%) while 750 were lodged with the RCMP (40%), and 13 were lodged with other organizations (0.7%).⁵⁶

⁵⁶ Nine (9) complaints were lodged with the FSIN (0.5%), and four (4) were lodged with the Alberta Solicitor General (0.2%).

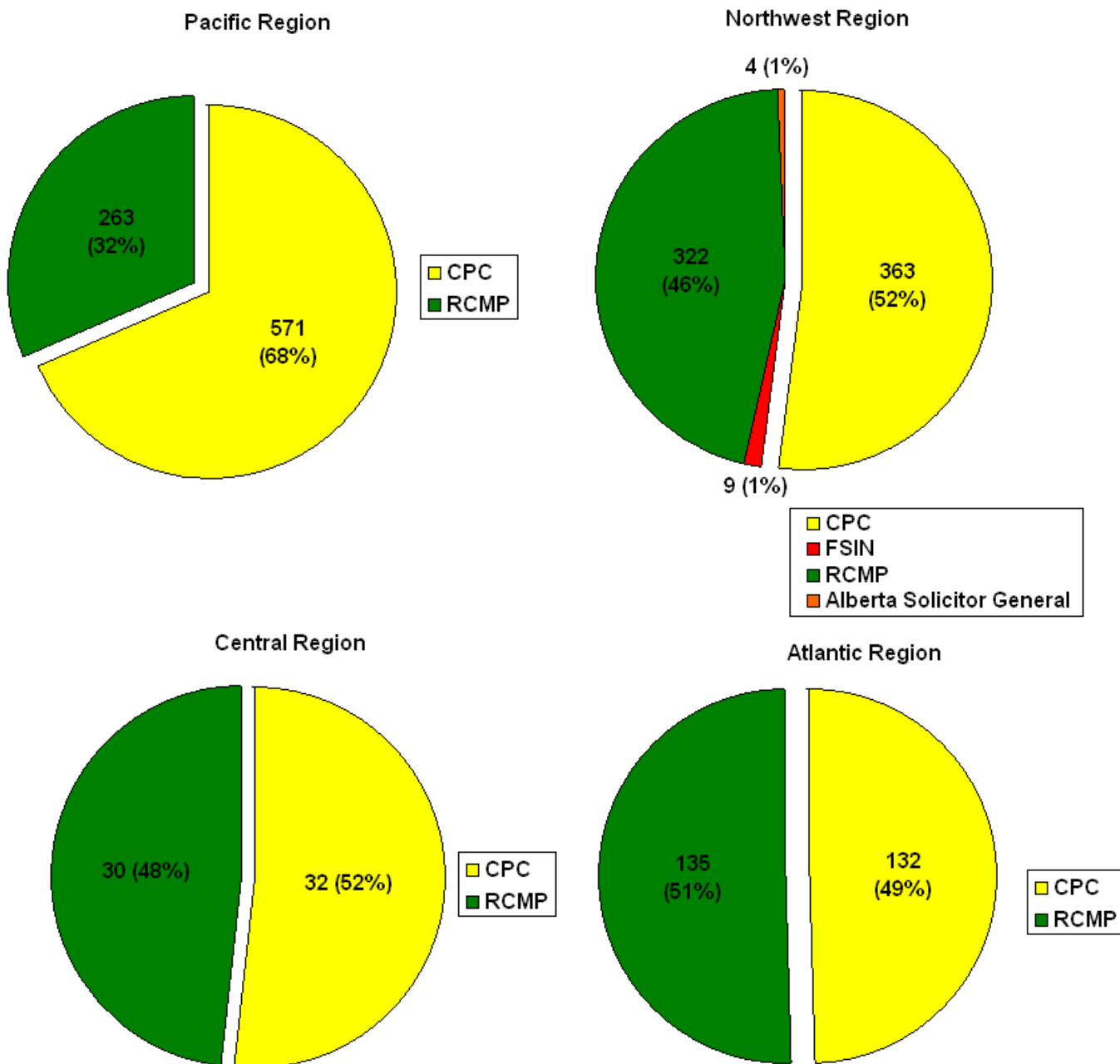
Number of Complaints Based on the Organizations it Was Lodged With



From a regional perspective, complainants in the Pacific Region appeared to favour lodging complaints with the Commission (68%). Only 32% within this region were lodged with the RCMP. Complaints originating from the Atlantic, Central, and Northwest Regions were split relatively evenly between those lodged with the Commission and the RCMP. For the Northwest Region, 52% of the complaints were lodged with the Commission, compared to 46% with the RCMP, and 2% with other organizations.⁵⁷ In the Central Region, 52% were lodged with the Commission and 48% were lodged with the RCMP. For the Atlantic Region, 49% were lodged with the Commission and 51% were lodged with the RCMP.

⁵⁷ 1.29% of complaints were lodged with the FSIN, and 0.57% with the Alberta Solicitor General.

Regional Breakdown – Number of Complaints Based on the Organization it Was Lodged With



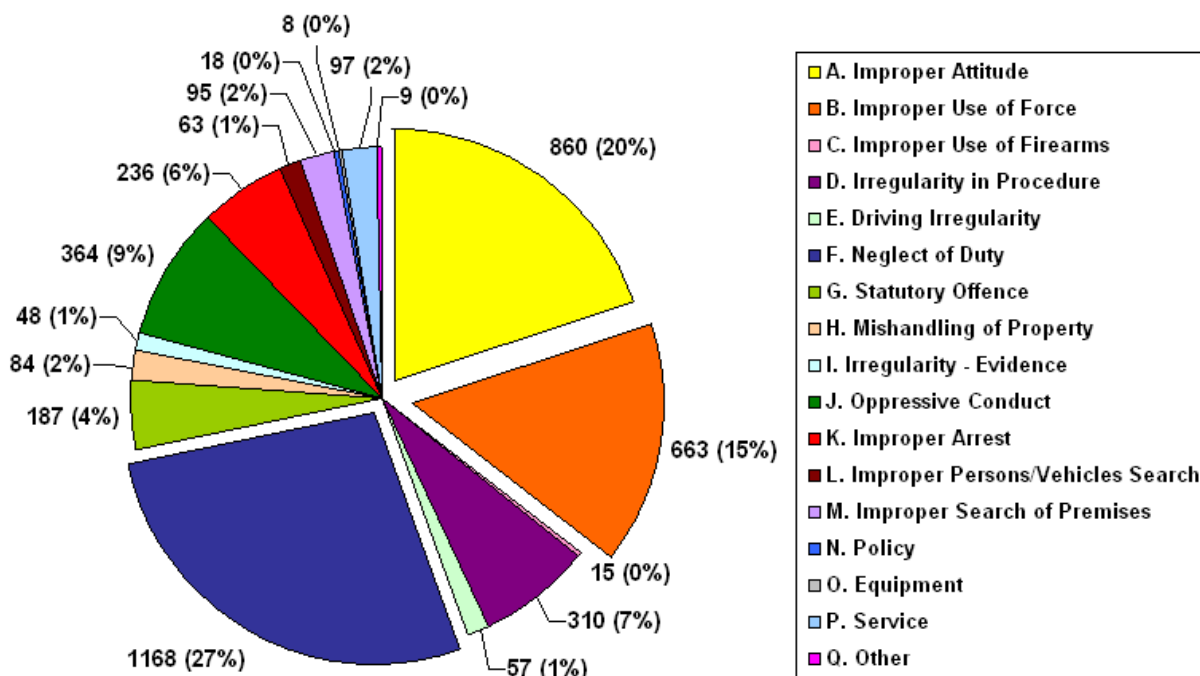
In 2007, the Commission received 102 of these complaints; the region most likely to have complaints against a whole detachment was the Atlantic Region, which represented 9% of their total complaints. A further eight (8) separate complaints were against the RCMP in general, three (3) of which originated from “A” Division.

The average number of members named in a complaint was 1.5. Given that most front-line policing within the RCMP is done by constables and corporals, it is not surprising that constables were represented in 71% of the total complaints. The rank of corporal was represented in 13% of the public complaints and sergeants were represented in 5% of the complaints.

Allegations

A total of 4,282 allegations were made against the RCMP and its members, which averaged approximately 2.3 allegations per complaint. The most common complaint allegations as identified by the RCMP were “Neglect of Duty” (27%), “Improper Attitude” (20%) and “Improper Use of Force” (15%).

Allegations Breakdown Force-Wide



The three most common complaint allegations identified by the RCMP in the Pacific Region were “Neglect of Duty” (27%), “Improper Attitude” (21%) and “Improper Use of Force” (16%).

In the Northwest Region, the three most common complaint allegations were “Neglect of Duty” (26%), “Improper Attitude” (19%) and “Improper Use of Force” (17%).

In the Central Region the most common allegations were “Neglect of Duty” (31%), “Improper Attitude” (25%), and “Irregularity in Procedure” (16%).

In the Atlantic Region the three most common allegations were “Neglect of Duty” (31%), “Improper Attitude” (20%), and “Improper Use of Force” (11%).

The categorization of allegations can further be broken down into those complaints lodged with the Commission and those lodged with the RCMP. The allegations lodged with the

Commission represent 61% of total allegations, those lodged with the RCMP represent 38%, and those lodged with other organizations represent 0.65%.⁵⁸

Complaints involving allegations of “Irregularity – Evidence” (83%), “Improper Search of Premises (80%) and “Service” (74%) were most likely to be lodged with the Commission, followed closely by “Neglect of Duty” (73%). Conversely, complaints involving allegations of “Driving Irregularity” (68%) were more likely to be lodged with the RCMP.

Typically, complaint allegations such as “Improper Attitude”, “Improper Use of Force”, “Policy”, and “Improper Persons/Vehicles Search” were evenly split between the Commission and the RCMP. Interestingly, 2% of the “Improper Use of Force” allegations were lodged with the FSIN for complaints lodged against members in Saskatchewan.

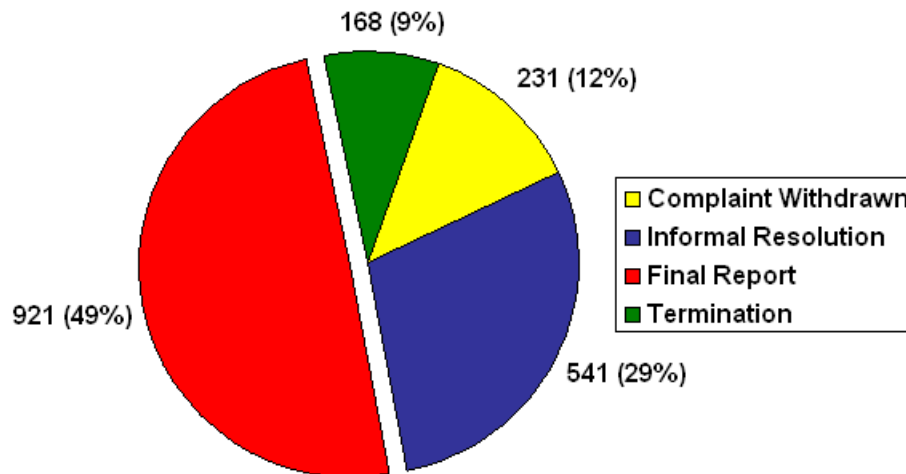
For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint. The most common issues that were raised in the complaints were “Attitude” (15%), issues with “Arrest” (10%), “Criminal Investigation Quality” (10%), and “Vehicular Incidents” (7%).

⁵⁸ Allegations lodged with the FSIN represent 0.47% of total allegations, and those lodged with the Alberta Solicitor General represent 0.19%.

Disposition of Complaints⁵⁹

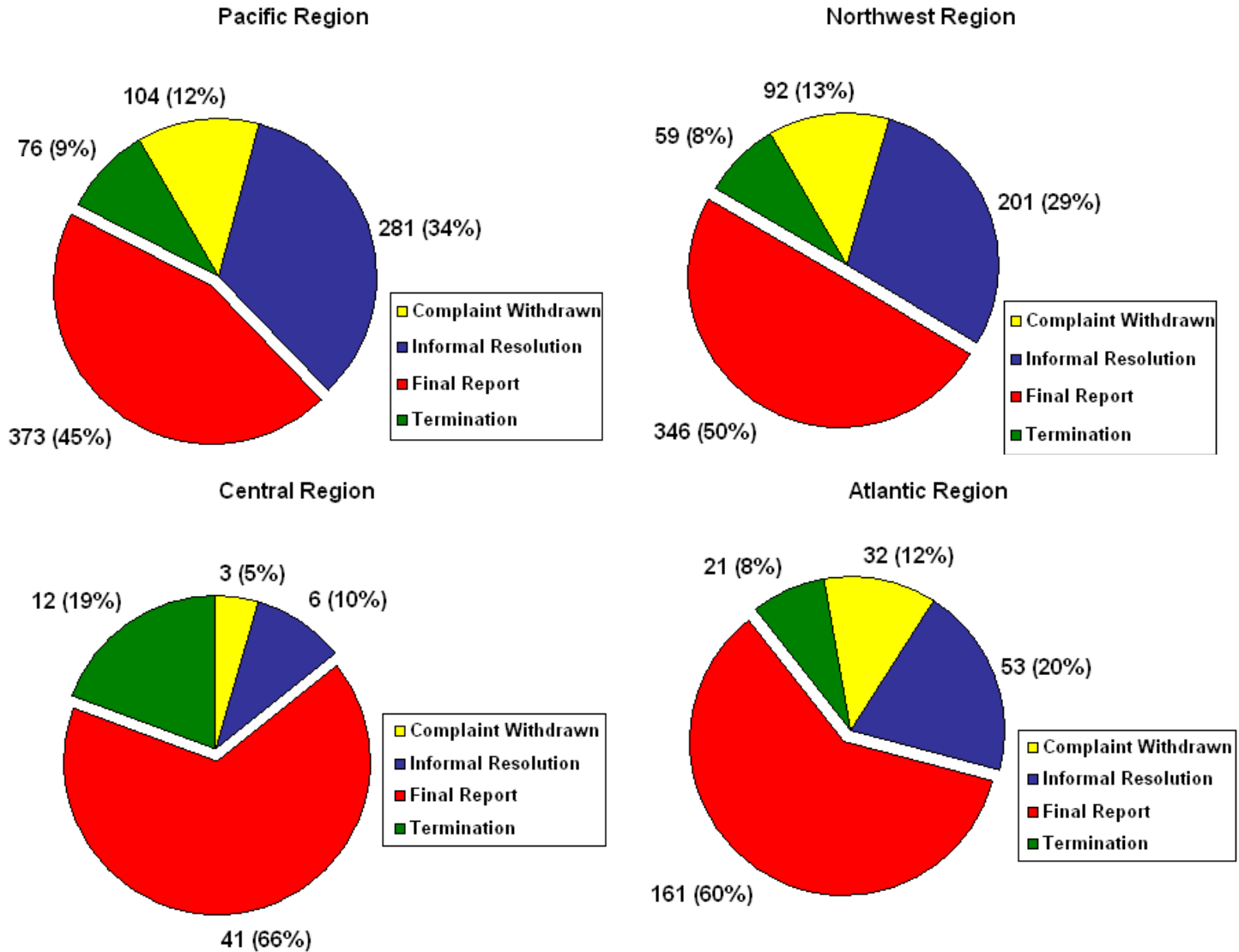
The RCMP can dispose of a complaint in one of four ways: a Final Report, a Notice of Direction (termination), Informal Resolution and accepting a withdrawal.

Number of Complaints by Disposition Type: Force-Wide



⁵⁹ Within the Disposition of Complaints section, there is a further breakdown to identify in what manner allegations categories have been disposed. For each allegation category, the number of allegations disposed of through each disposition type was divided by the total number of those allegations. These numbers were then compared from one allegation category to the next with the goal of determining which allegation was *most likely* to be disposed of by a certain disposition type. Therefore, an allegation category was more likely to be disposed of in a certain manner if the percentage disposed of in this way was significantly higher than that of other allegations categories. "Most likely" does not mean most common.

Regional Breakdown – Number of Complaints by Disposition Type



Investigation and Final Report

Of the complaint dispositions the Commission received, 921 were formally investigated and a Final Report was issued, representing 49% of the total dispositions. These reports made determinations on 2,623 allegations, with allegations of “Improper Use of Firearms”, “Irregularity – Evidence”, “Improper Use of Force” and “Oppressive Conduct” most likely to be disposed of in this manner.

However, when looking at the allegations that were investigated across the country, only 9% were found supported by the RCMP. For the allegation categories that were most likely to be disposed of through a Final Report by the RCMP, the RCMP did not support the allegation between 85% and 100% of the time. It is of note that among the allegations that are most likely to be unsupported by the RCMP were “Improper Use of Force” and “Statutory Offence”

and that the RCMP did not support any allegations regarding “Policy” and “Irregularity – Evidence”.

From a regional perspective, the Pacific Region issued a Final Report in 45% of the cases. These Final Reports made determinations on 1,070 allegations. The allegations most likely to be disposed of in this manner were “Oppressive Conduct”, “Improper Use of Force”, and “Irregularity in Procedure”.

The Northwest Region issued a Final Report in 50% of the cases, which addressed 1,061 allegations. The allegations most likely to be disposed of in this manner were “Improper Use of Force” and “Irregularity – Evidence”.

The Central Region issued a Final Report in 66% of the cases, well above the Force-wide average. These Final Reports made determinations on 72 allegations. The allegation most likely to result in an investigation and final report was “Neglect of Duty”.

The Atlantic Region issued a Final Report in 60% of the cases, which dealt with 420 allegations. The allegations most likely to be disposed of in this manner were “Improper Arrest” and “Oppressive Conduct”.

Informal Resolutions

Informal resolutions accounted for the second most common way to dispose of a complaint with 541 dispositions representing 29% of the 1,861 dispositions examined.⁶⁰ In 2007, informal resolutions disposed of 866 allegations. Allegations relating to “Improper Attitude”, “Driving Irregularity”, and “Service” were most likely to be informally resolved. It is of note that 11% of these resolutions dealt with “Improper Use of Force” allegations (57 cases).

From a regional perspective the Pacific Region resolved 34% of their public complaints in this manner, which dealt with 473 allegations in total. Allegations most likely to result in an informal resolution were “Driving Irregularity” and “Service”.

The Northwest Region informally resolved 29% of their public complaints, which dealt with 315 allegations in total. Allegations most likely to be resolved were “Improper Attitude” and “Service”.

The Central Region informally resolved only 10% of their public complaints, well below the Force-wide average or the averages of other regions. Only five (5) total allegations were disposed of in this manner. The allegations that were informally resolved for this region were three (3) allegations of “Improper Attitude”, one (1) allegation of “Driving Irregularity”, and one (1) allegation of “Neglect of Duty”.

⁶⁰ The percentages relating to informal resolutions and withdrawal of complaints can be deceiving. After reviewing the complete complaint records that have been provided to the Commission, the RCMP occasionally categorizes a withdrawal as an informal resolution and vice versa. Therefore, it is difficult to determine exactly how many informal resolutions and withdrawals the RCMP completes each year, as there is often a misclassification.

The Atlantic Region informally resolved 20% of their public complaints in this manner, which dealt with 73 allegations in total. The allegation most likely to be resolved informally was “Improper Attitude”.

Informal Resolution of Improper Use of Force Complaints

During the analysis of the documents related to the Review of the Record, the Commission noticed that 11% of the total informal resolutions dealt with allegations of improper use of force and that 12% of all use of force allegations resulted in an informal resolution (77 allegations). Further broken down, just over half (51%) of all allegations of improper use of force complaints that were informally resolved were disposed of in a manner that the Commission deemed inappropriate (39 allegations). Improper resolutions for use of force allegations were most likely to occur in “G” and “V” Divisions.

Withdrawals

Force-wide, complainants withdrew their public complaints in 12% of the cases, which represented 456 allegations. Allegations that were mostly likely to be withdrawn were “Mishandling of Property”, “Improper Persons/Vehicles Search” and “Improper Search of Premises”.

From a regional perspective, the Pacific Region disposed of 12% of its total public complaints in this manner, which addressed 232 total allegations. Allegations most likely to be withdrawn were “Improper Search of Premises”, “Mishandling of Property”, and “Improper Arrest”.

The Northwest Region disposed of 13% of its total public complaints in this manner, which addressed 143 total allegations. Allegations most likely to be withdrawn were “Driving Irregularity”, “Neglect of Duty”, and “Mishandling of Property”.

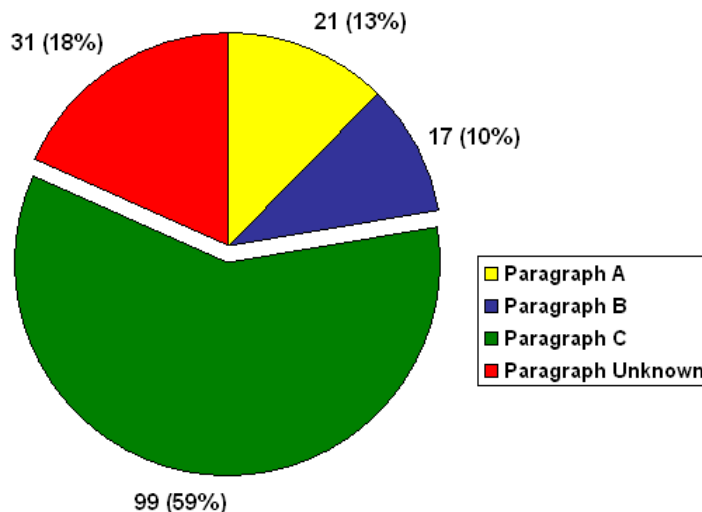
The Central Region disposed of only 5% of its total public complaints in this manner, which addressed three (3) total allegations. The allegations that were withdrawn were two (2) allegations of “Irregularity in Procedure” and one (1) allegation of “Neglect of Duty”.

The Atlantic Region disposed of 12% of its total public complaints in this manner, which addressed 78 total allegations. Allegations most likely to be withdrawn were “Mishandling of Property” and “Improper Persons/Vehicles Search”.

Terminations (Notice of Direction)

In 2007, 9% of all public complaints, representing 337 allegations, were terminated by the RCMP; the most common grounds for termination were paragraph (c), “investigation or further investigation is not necessary or reasonably practicable.” The allegations that were most likely terminated were “Statutory Offence”, “Service”, and “Irregularity – Evidence”.

Number of Terminated Complaints by Grounds Identified in subsection 45.36(5) of the RCMP Act



From a regional perspective, the Pacific Region disposed of 9% of its total public complaints through terminations, which addressed 159 total allegations. Allegations most likely to be the subject of a termination paragraph were “Statutory Offence” and “Service”. The grounds for termination most likely to be identified in the Pacific Region were paragraph (c).

The Northwest Region disposed of 8% of its total public complaints through terminations, which addressed 129 allegations. Allegations most likely to be the subject of a termination paragraph were “Statutory Offence” and “Service”. The grounds for termination most likely to be invoked in the Northwest Region were paragraph (c).

The Central Region disposed of 19% of its total public complaints through terminations, which addressed 16 allegations. This is far above the Force-wide average. The allegation most likely to be the subject of a termination paragraph was “Oppressive Conduct”. Most often, the grounds for termination were not provided.

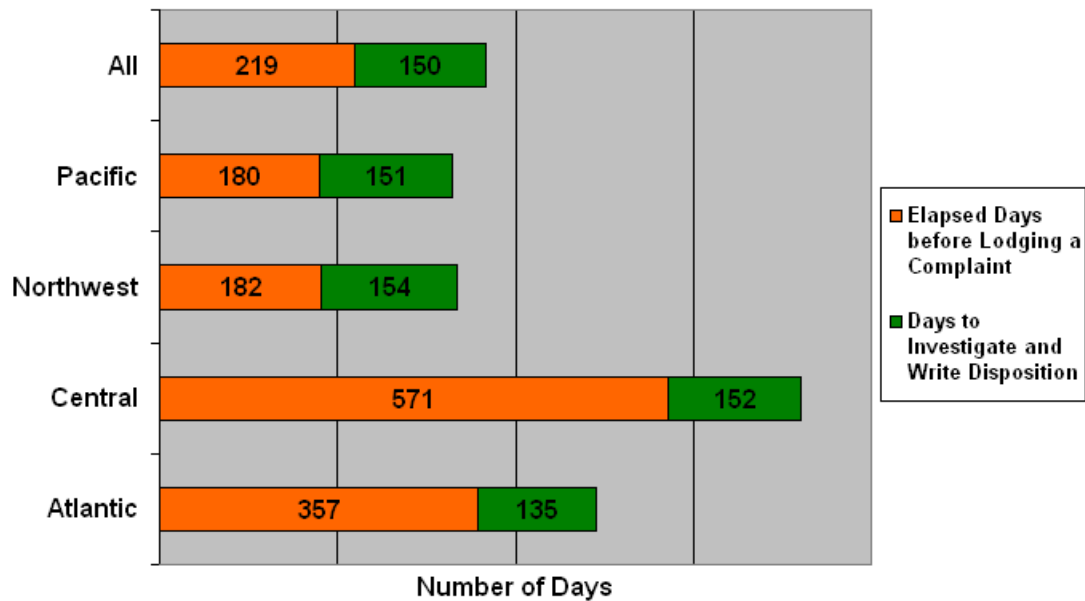
The Atlantic Region disposed of 8% of its total public complaints through terminations, which addressed 33 total allegations. Allegations most likely to be the subject of a termination paragraph were “Statutory Offence” and “Irregularity – Evidence”. The grounds for termination most likely to be identified in the Atlantic Region were paragraph (c).

Service Standards: Processing Time⁶¹

In 2007 the RCMP took, on average, 150 days to issue a disposition once a complaint was lodged. The average number of days to issue a disposition was 156 for Commission-lodged complaints as opposed to 140 days for RCMP-lodged complaints. Interestingly, on average, 219 days elapsed before a complainant lodged a complaint after the incident of concern.

⁶¹ By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP.

Complaint Timeline By Region



In the Pacific Region, on average, 180 days elapsed before a complainant lodged the original complaint. Once the complaint was received, it took, on average, 151 days for the divisions within this region to complete a disposition.

The average number of days that elapsed before a complainant in the Northwest Region lodged the original complaint was 182. Once the complaint was received, the divisions within this region took, on average, 154 days to complete a disposition.

In the Central Region, on average, 571 days elapsed before a complainant lodged the original complaint. It is suspected that the lengthy amount of time to lodge a complaint may be linked to complainants whose issue(s) with RCMP conduct may span years or may be linked to some historical event. Once the complaint was received it took, on average, 152 days for divisions within this region to complete a disposition.

The average number of days that elapsed before a complainant in the Atlantic Region lodged the original complaint was 357 days. Once the complaint was received the divisions within this region took, on average, 135 days to complete a disposition.

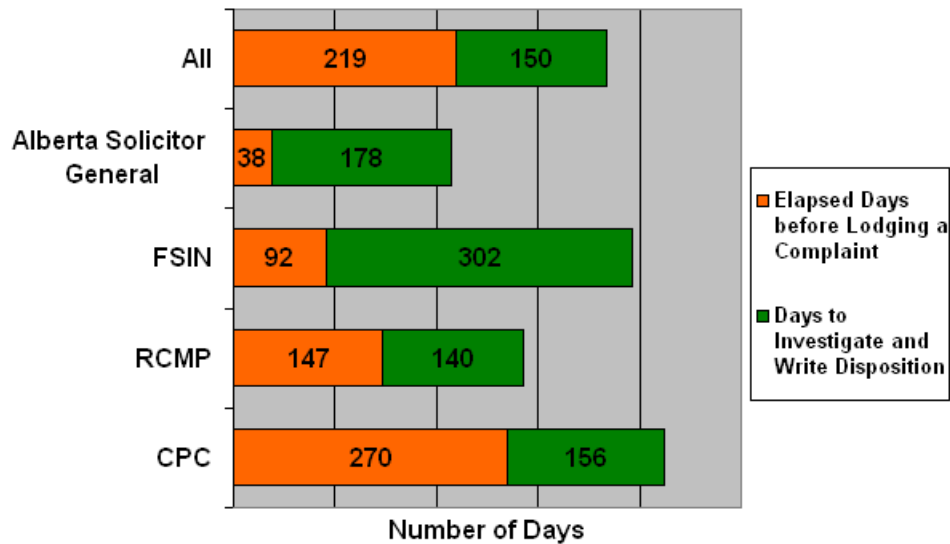
After looking at these timelines in general, the Commission attempted to determine if there was a difference with respect to these averages between Commission-lodged complaints and RCMP-lodged complaints. As represented by the orange bar in Figure 26, there can be a considerable amount of time that elapses between the incident date and the date the complainant lodges the original complaint. On average, complainants waited 270 days after the incident took place before lodging the original complaint directly with the Commission, while complaints lodged with the RCMP averaged only 147 days after the incident.

The average number of days⁶² for the Commission to receive the complaint disposition from the RCMP as a whole was 113 days for Commission-lodged complaints as opposed to the 127 days it took for RCMP-lodged complaints.

To that end, the average number of days for the Commission to receive the complaint disposition from:

- the Pacific Region, 124 days for Commission-lodged complaints as opposed to 98 days for RCMP-lodged complaints;
- the Northwest Region, 118 days for Commission-lodged complaints as opposed to 175 days for RCMP-lodged complaints;
- the Central Region, 66 days for Commission-lodged complaints as opposed to 61 days for RCMP-lodged complaints; and
- the Atlantic Region, 62 days for Commission-lodged complaints as opposed to 84 days for RCMP-lodged complaints.

Complaint Timeline – Comparison Based on Where the Complaint Was Lodged



⁶² These averages do not necessarily mean that it took the RCMP a particular amount of time to provide the complainant with the disposition; the timelines are specific to the RCMP providing the Commission with a copy of the dispositions. The averages are calculated using the date of the disposition and the date the Commission received the documents.

DIVISION REPORTS: 2008

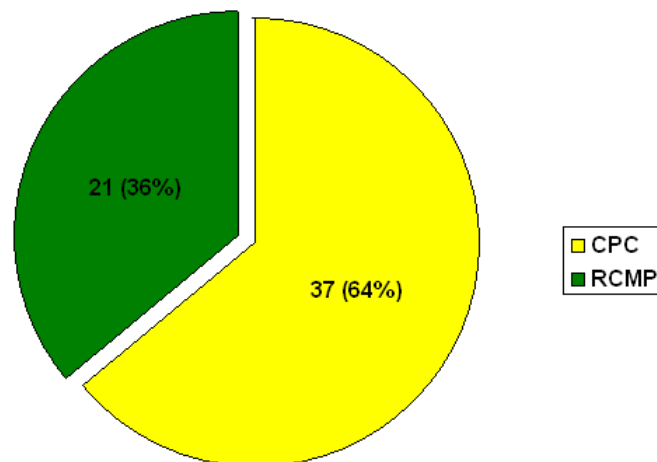
The Territories: Yukon, Northwest Territories and Nunavut

Complaints Received

As in 2007, the Commission isolated the complaint numbers for Nunavut, the Yukon and the Northwest Territories as there is a continued concern that there has been an under-representation of actual public complaint numbers. Further, for 2008, the Commission noticed that informal resolutions have increased over the statistics of 2007 and that withdrawal of complaints is significantly higher than the 2008 Force-wide average. Public complaints lodged in the Territories which are actually subject to an investigation and Final Report is well below the Force average and the 2008 numbers show a decrease compared to those reported in 2007. The Commission has serious concerns with respect to the administration of the RCMP public complaint process within the Territories.⁶³

The Commission has received 58 complaint dispositions from Nunavut, the Yukon and the Northwest Territories combined related to complaints lodged in 2008. Of the 58 complaints received from the Territories, 37 (64%) were lodged with the Commission and 21 (36%) were lodged with the RCMP.

The Territories: Number of Complaints Based on the Organization it Was Lodged With

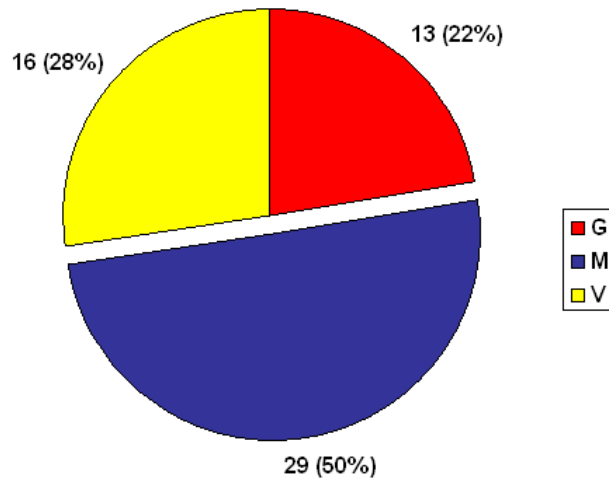


The number of complaint dispositions was further examined at the divisional level. The division identified most often in the complaint dispositions was “M” Division (50%), followed by “V” Division (28%) and “G” Division (22%). Of the 29 complaints received from “M” Division, 13 were lodged with the RCMP, while 16 were lodged with the Commission; of the 16 complaints received from “V” Division, 11 were lodged with the Commission and five (5)

⁶³ The Commission has noted over a number of years ongoing concerns with the RCMP’s policing in the North; of great concern is the manner in which use of force is utilized by members within the Territories, as well as the resolution of complaints concerning the use of force. These and other issues of concern have been expanded upon in the Commission’s *RCMP Use of the Conducted Energy Weapon (CEW) Interim Report*, *RCMP Use of the Conducted Energy Weapon (CEW) Final Report*, *RCMP Use of the Conducted Energy Weapon (CEW): January 1, 2008 – December 31, 2008 Special Report*, as well as various Chair-Initiated Complaints stemming from incidents in Inuvik and Whitehorse as well and the recent *Police Investigating the Police Chair-Initiated Public Interest Investigation*. Further, the Commission has serious concerns with respect to the administration of the RCMP public complaint process within the Territories.

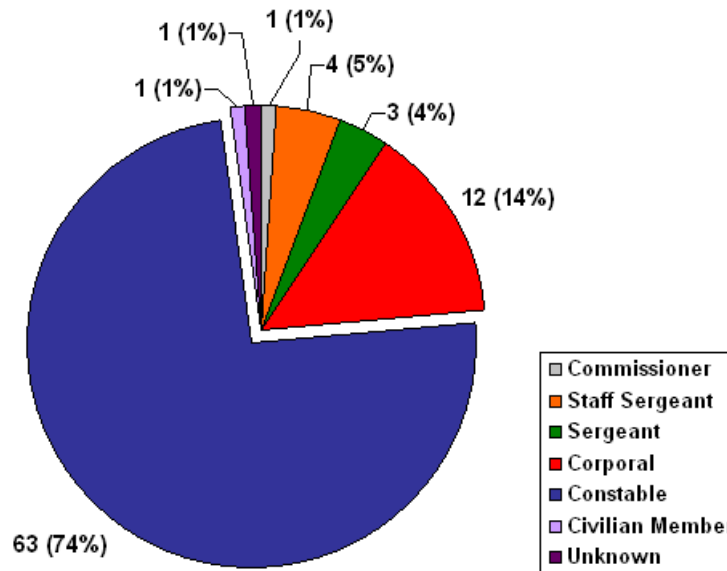
were lodged with the RCMP; and of the 13 complaints received from “G” Division, ten (10) were lodged with the Commission and three (3) were lodged with the RCMP.

The Territories: Number of Complaints by Division



The average number of members named in the complaints for the Territories was 1.5, with the rank of constable (74%) and corporal (14%) represented most often in the complaints.

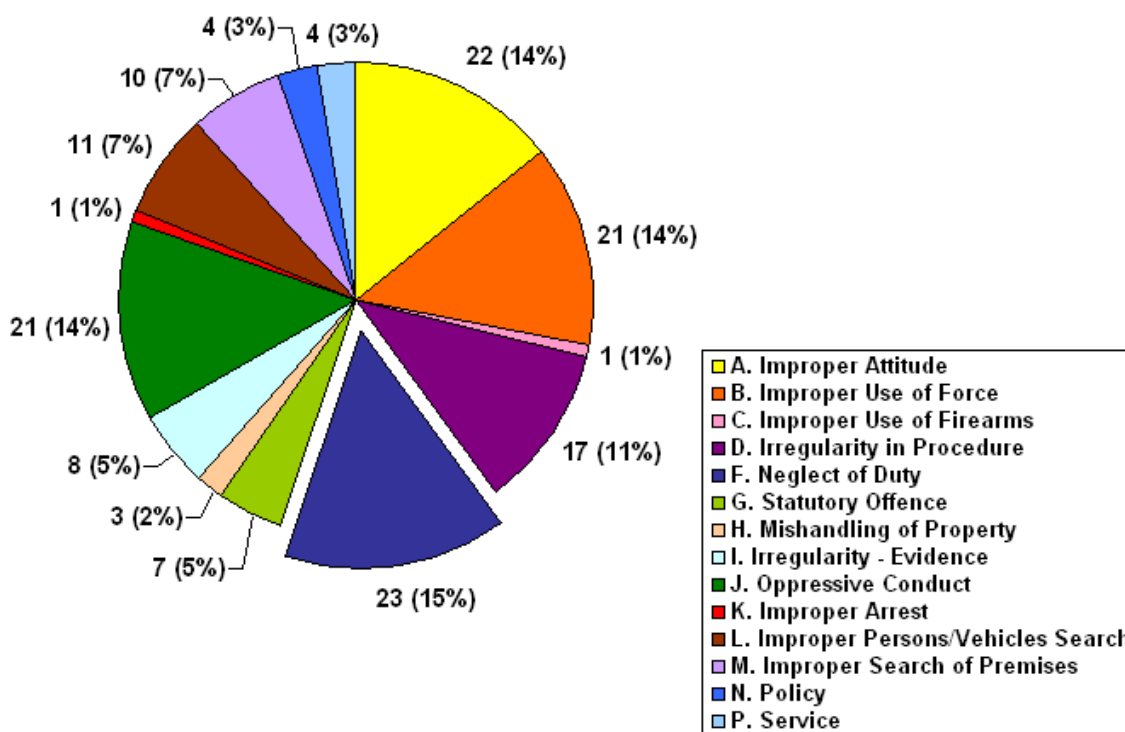
The Territories: Number of Complaints by Member Rank



Allegations

A total of 153 allegations were made against members in the Territories, which averaged about 2.6 allegations per complaint. The most common allegations were “Neglect of Duty” (15%), “Improper Attitude” (14%) and “Improper Use of Force” and “Oppressive Conduct” (14% each). This is in contrast to 2007, when the most common allegation was “Improper Use of Force”, followed by “Improper Attitude” and “Oppressive Conduct”.

The Territories: Allegations Breakdown



For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint. The most common issues that were raised in the complaints for the Territories were “Attitude” (16%), “Service” (11%) and “Arrest” (10%).

Further, the results revealed trends in the issues for each allegation. For the purpose of this analysis, the common issues will be reported for the most frequently occurring allegations:

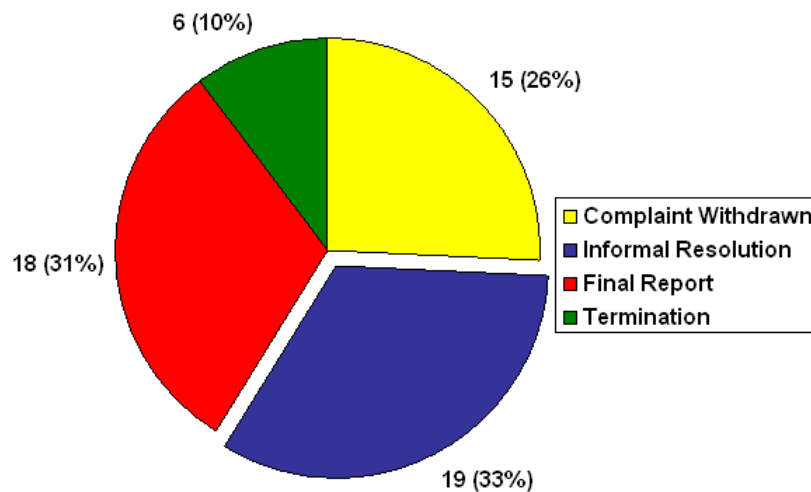
- The main issues that arose for “Neglect of Duty” were “Service” (17%) and “Criminal Investigation Quality” (14%).
- For allegations of “Improper Attitude” the key issues were “Attitude” (33%) and “Criminal Investigation Quality” and “Service” both at 9%.
- The main issues that arose from “Improper Use of Force” were “Arrest” (12%) and “Police Physical Abuse” (11%).
- The main issues identified in complaints dealing with allegations of “Oppressive Conduct” included “Service” (12%) and “Seizure” (10%).

The Territories: Commission-Identified Issues

Issue	Number of Allegations	%
Aboriginal Community	1	1%
Abusive Language	1	1%
Alcohol or Drugs (not intoxication)	4	2%
Arrest	17	10%
Attitude	28	16%
Care in Custody	4	2%
Chemical Irritant	2	1%
Child Abuse Response	3	2%
Child Custody	1	1%
Civil Disputes/No Child	2	1%
Criminal Investigation Quality (RCMP)	12	7%
Detention	9	5%
Entry of Premises	3	2%
Intoxication	9	5%
Lethal Weapons	2	1%
Medical Care	5	3%
Mental Illness	2	1%
Non-lethal weapons other than chemical irritants	2	1%
Non-spousal, Non-child Assault Response	2	1%
Non-spousal, Non-child Sexual Assault Response	1	1%
Note-taking Quality	1	1%
Police Physical Abuse	10	6%
Police Pursuit Driving	1	1%
Policy	1	1%
Property Mishandling	3	2%
Public Complaint Process Quality (RCMP)	1	1%
Release/Disclosure of Information	1	1%
Restraints	1	1%
Right to Counsel	2	1%
Search	4	2%
Seizure	3	2%
Service	18	11%
Spousal Abuse Response	3	2%
Vehicular Incidents	9	5%
Youth Interaction With RCMP	3	2%
Total	171	

Disposition of Complaints⁶⁴

The Territories: Number of Complaints by Disposition Type



Investigation and Final Report

Of the complaint dispositions the Commission received from the Territories, 18 (31%) were formally investigated and a Final Report was issued; below the Force-wide average of 43% and a decrease from 40% in 2007. These reports made determinations on 44 allegations. The allegations most likely to be disposed of in this manner were “Improper Persons/Vehicles Search” and “Improper Use of Force”.

Overall, the RCMP’s findings did not support the allegations with 80% of all allegations found unsupported. More specifically, while looking at each allegation separately, the RCMP’s findings did not support the allegations between 67% and 100% of the time. The only exception is with regards to allegations of “Irregularity in Procedure” where the findings supported the allegation 80% of the time. For all allegations of “Improper Use of Force” and “Improper Use of Firearm” the RCMP did not support the allegations 100% of the time. With respect to allegations of “Statutory Offence”, “V” Division supported two (2) out of six (6) allegations (33%).

Informal Resolutions

Informal resolutions occurred in 33% of the cases, slightly lower than the Force-wide average of 34% and an increase from 28% in 2007. Of the 27 allegations addressed, the allegations that were most likely to be subject to an informal resolution were “Improper Attitude” and “Oppressive Conduct”.

⁶⁴ Within the Disposition of Complaints section, there is a further breakdown to identify in what manner allegations categories have been disposed. For each allegation category, the number of allegations disposed of through each disposition type was divided by the total number of those allegations. These numbers were then compared from one allegation category to the next with the goal of determining which allegation was *most likely* to be disposed of by a certain disposition type. Therefore, an allegation category was more likely to be disposed of in a certain manner if the percentage disposed of in this way was significantly higher than that of other allegations categories. “Most likely” does not mean most common.

Withdrawals

In 26% of the dispositions received from the Territories, the complainant withdrew the complaint, significantly higher than the Force-wide average of 16% but a decrease from 28% in 2007. A total of 23 allegations were disposed of in this manner, with allegations of “Improper Attitude” and “Neglect of Duty” being most likely to be withdrawn.

In all of the divisions in the Territories the percentage of dispositions that resulted in withdrawals was significantly higher than the Force-wide percentage; by at least ten (10) percentage points. This is a concern for the Commission, as there is evidence to suggest that public complaints are being improperly withdrawn and that informal resolutions are being erroneously captured as withdrawals on Forms 4110.

*Terminations (Notice of Direction)*⁶⁵

In 2008, in 10% of the dispositions received from the Territories, a Notice of Direction was issued which addressed 59 allegations. Allegations that were most likely to be subject to termination paragraphs included “Improper Search of Premises”, “Improper Persons/Vehicles Search”, and “Irregularity in Procedure”. The grounds for termination most often invoked were paragraph (c).

⁶⁵ The RCMP may decide to terminate a complaint under three strict grounds provided for in paragraphs (a), (b) and (c) of subsection 45.36(5) of the *RCMP Act*. These paragraphs are:

- (a) the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided under any other Act of Parliament;
- (b) the complaint is trivial, frivolous, vexatious or made in bad faith; and
- (c) having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable.

Service Standards: Complaint Processing Time⁶⁶

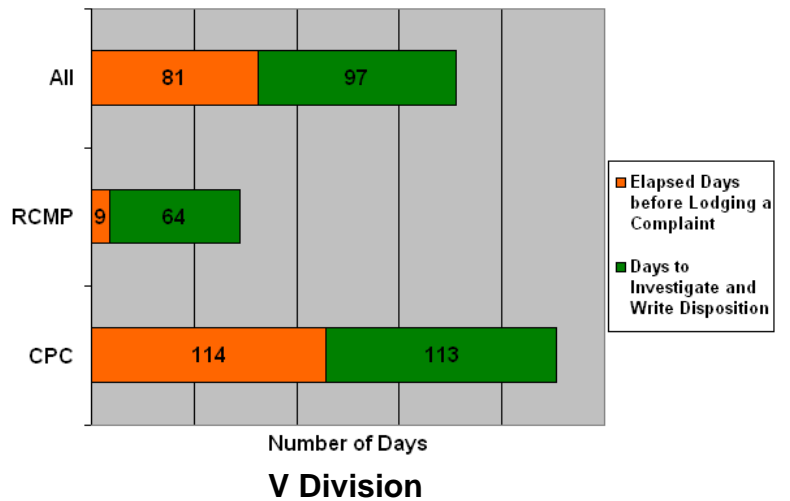
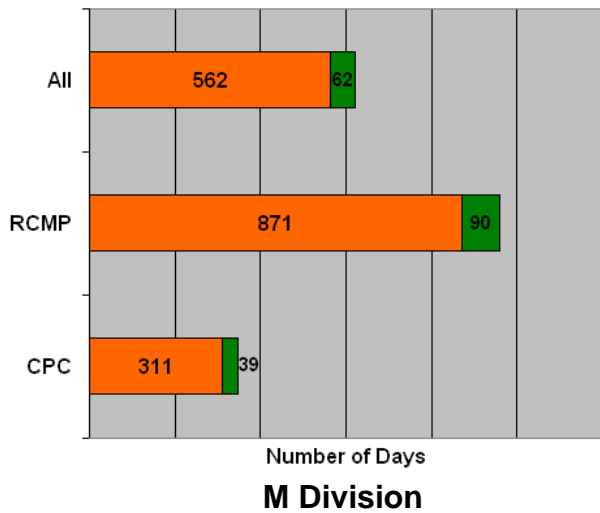
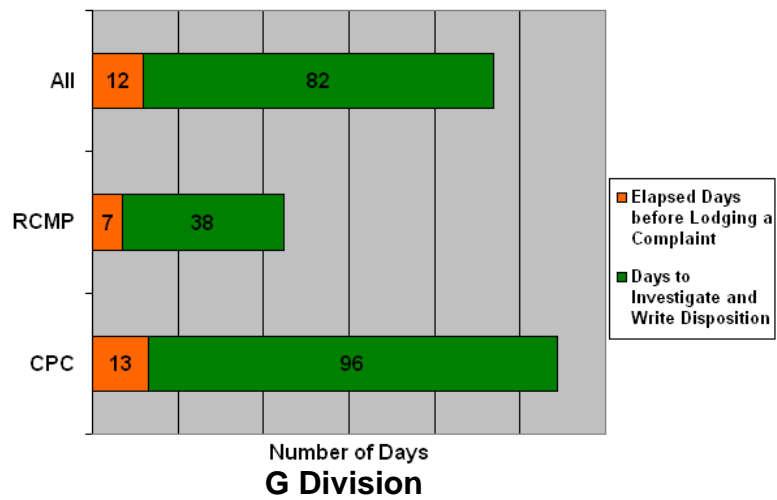
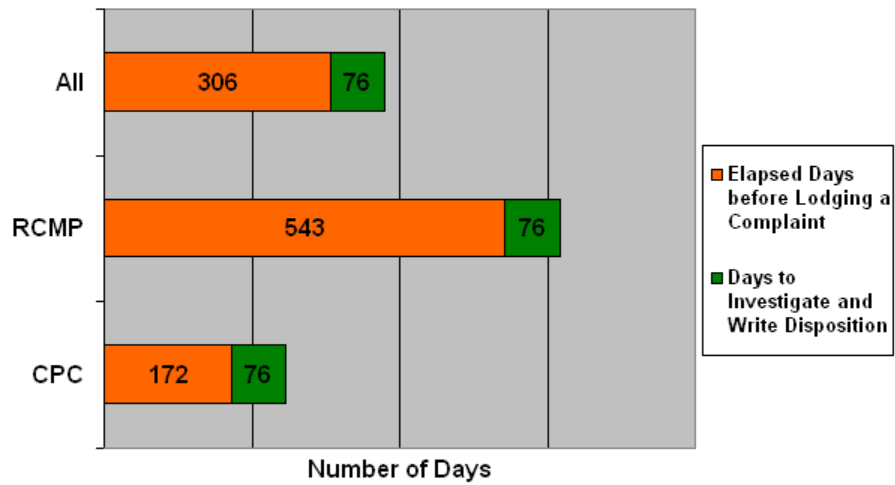
On average, it took 76 days to issue a disposition once the complaint was lodged. This is in comparison to the RCMP national average of 103 days and a decrease from 99 days in 2007. The average number of days to issue a complaint disposition was 76 for Commission-lodged complaints, the same number of days for RCMP-lodged complaints.

It typically took complainants in this division 306 days to lodge a complaint following the incident date. On average, complainants waited 172 days after the incident took place before lodging a complaint with the Commission, while complaints lodged with the RCMP averaged 543⁶⁷ days after the incident.

⁶⁶ By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP. With respect to providing the Commission with a disposition, the date of the disposition is compared with the date the document was received at the Commission.

⁶⁷ The range for this average was 0 to 10,311 days. One case related to an incident from 1980 which contributed to the average being skewed. While the reasons for this delay are not yet fully understood, some preliminary analysis of the data suggests that complainants wait extended periods of time to lodge complaints because: 1) the complainant may not have immediate access to the public complaint system; 2) the complaint may be historical in that an incident occurred many years (in some cases decades) before a formal complaint is lodged; and 3) alternate ways of resolving the complaint may have been attempted before a formal complaint was lodged

The Territories: Complaint Timeline Based on the Organization the Complaint Was Lodged With

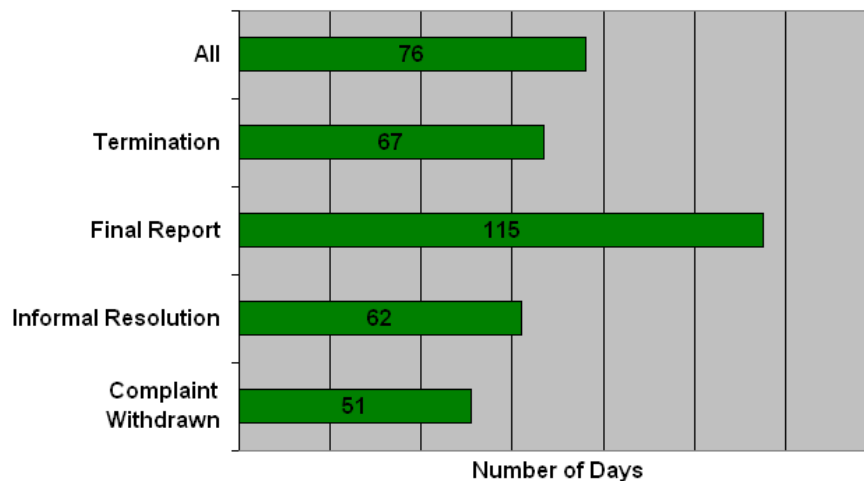


The average number of days for the Commission to receive the complaint disposition from the territories was 45 for Commission-lodged complaints as opposed to the 48 days for RCMP-lodged complaints. This is a significant improvement over 2007, where the numbers of days were 148 and 76 respectively.

Complaint timelines were also determined by disposition type:

- It took, on average, 115 days to issue a Final Report. For these cases, 661 days, on average, elapsed before a complainant lodged the original complaint.
- It took, on average, 67 days to issue a Notice of Direction. On average, 540 days elapsed before a complainant lodged the complaint in these cases.
- On average, it took 51 days to complete a withdrawal. On average, 45 days elapsed before a complainant lodged a complaint that was disposed of in this manner.
- On average it took 62 days to enter into an informal resolution. It took 102 days, on average, before a complainant lodged a complaint that was disposed of in this manner.

The Territories: Number of Days to Issue the Disposition by Disposition Type



Complaint timelines were also determined by allegation type for the three most common allegations.

- For allegations of “Neglect of Duty”, it took, on average, 107 days to issue a disposition. It took, on average, a complainant 204 days after the incident date to file a complaint for this type of allegation.
- For allegations of “Improper Attitude”, it took, on average, 45 days to issue a disposition. It took, on average, a complainant 105 days following the incident date to lodge a complaint for this type of allegation.
- For allegations of “Improper Use of Force”, it took, on average, 92 days to issue a disposition. It took, on average, a complainant 15 days following the incident date to lodge a complaint for this type of allegation.
- For allegations of “Oppressive Conduct”, it took, on average, 112 days to issue a disposition. It took, on average, a complainant 343 days after the incident date to lodge a complaint for this type of allegation.

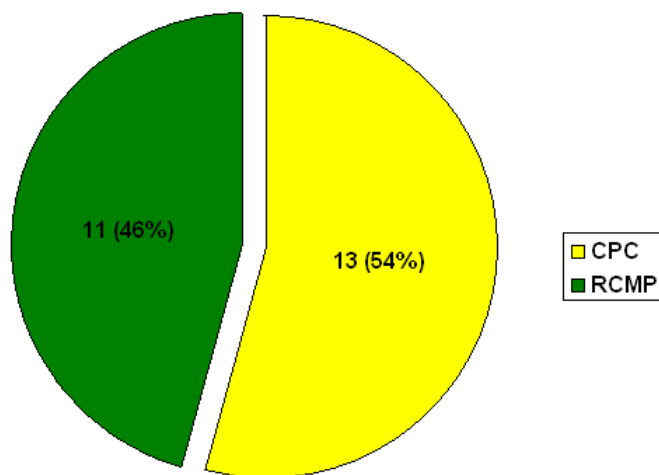
A-NATIONAL CAPITAL REGION

DIVISIONAL REPORT

Complaints Received

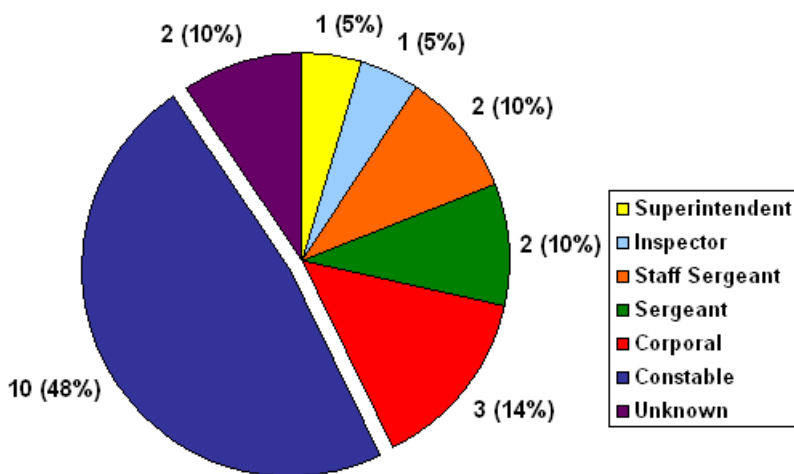
The Commission received 24 complaint dispositions from “A” Division, of which 13 (54%) were lodged with the Commission, while 11 (46%) were lodged with the RCMP. The vast majority of complaints (67%) identified the detachment as unknown.

“A” Division: Number of Complaints



The average number of members named in the complaints for “A” Division was 1.1; with constables (48%) being the rank most represented in the complaints.

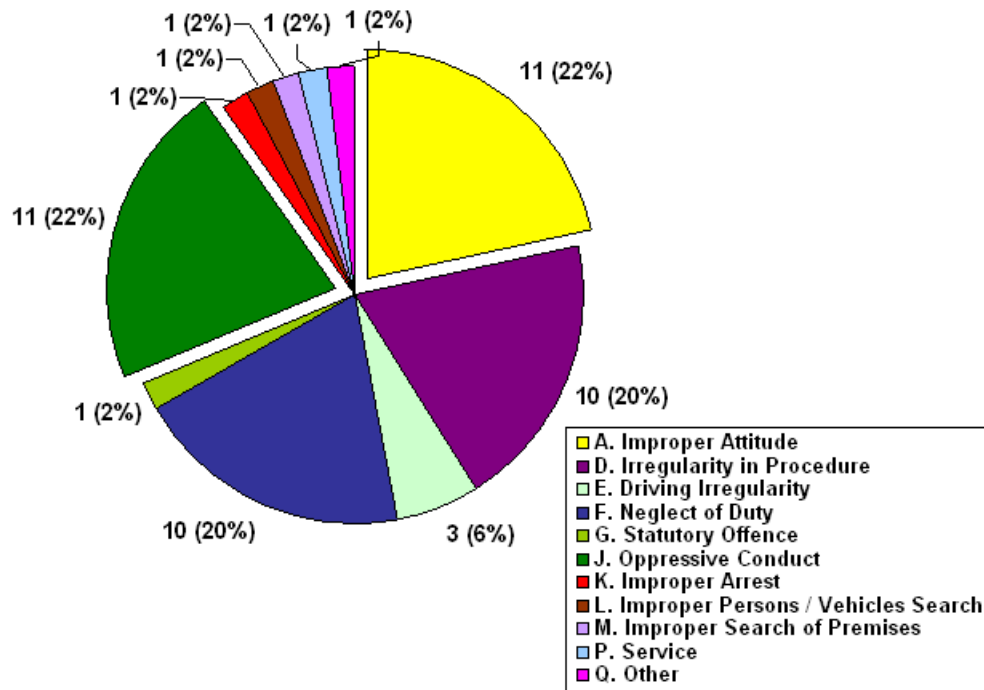
“A” Division: Ranks Represented in Complaints



Allegations

A total of 51 allegations were made against members in “A” Division, which averaged about 2.1 allegations per complaint. The two most common allegations were “Improper Attitude” and “Oppressive Conduct” both at 22%, followed by “Neglect of Duty” and “Irregularity in Procedure” at 20%.

“A” Division: Allegations Breakdown



For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint. The two most common issues that were raised in the complaints were “Attitude” (28%) and “Service” (18%). In 2007, the most common issues identified were “Criminal Investigation Quality” (26%) and “Attitude” (17%).

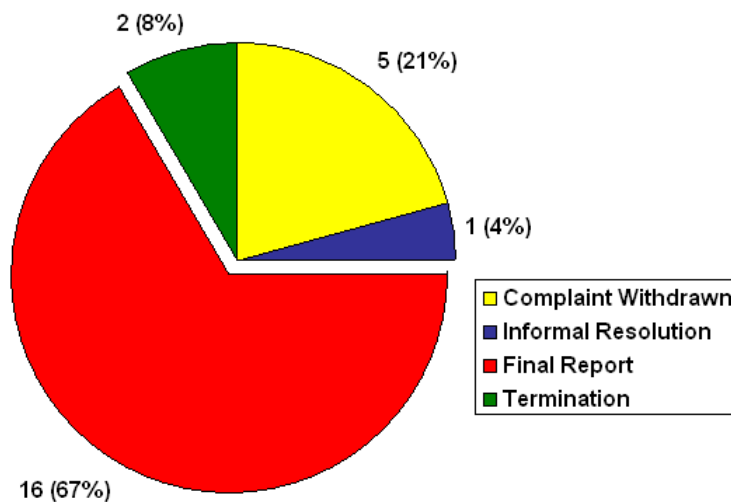
“A” Division: Commission-Identified Issues

Issue	Number of Complaints	%
Arrest	1	2%
Attitude	17	28%
Conflict of Interest	1	2%
Criminal Investigation Quality (RCMP)	1	2%
Mental Illness	2	3%
National Security	1	2%
Non-pursuit Police Driving	1	2%
Police Pursuit Driving	2	3%
Policy	1	2%
Public Complaint Process Quality (RCMP)	1	2%
Release/Disclosure of Information	3	5%
Right to Counsel	1	2%
Search	4	7%
Seizure	2	3%
Service	11	18%
Vehicular Incidents	10	17%
Witness Protection Program	1	2%
Total	60	

Further, the results revealed trends in the issues for each allegation. For the purpose of this analysis, the common issues will be reported for the four most frequently occurring allegations: For complaints alleging “Improper Attitude” the most common issues were “Attitude” (46%) and “Vehicular Incidents” (29%). For allegations of “Oppressive Conduct” the key issue was “Attitude” (29%), with issues of interacting with those suffering from “mental illness” and “search” and “seizure” accounting for 14% each. The most frequent issue associated with both allegation categories of “Neglect of Duty” and “Irregularity in Procedure” was “Service” at 41% and 24% respectively.

Disposition of Complaints⁶⁸

“A” Division: Number of Complaints by Disposition Type



Investigation and Final Report

Of the complaint dispositions the Commission received, 67% were formally investigated and a Final Report was issued. These reports made determinations on 37 allegations, the most common of which was “Irregularity in Procedure”. Interestingly, the RCMP’s findings supported only two (2) of the complainant’s allegations (one [1] “Improper Attitude” and one [1] “Neglect of Duty”).

Informal Resolutions

In one case (4%) the complaint was informally resolved. This complaint was related to allegations of “Improper Attitude” and “Neglect of Duty”.

Withdrawals

Accounting for the second most common way to dispose of a complaint, withdrawals occurred in 21% of the cases. This is in stark contrast to 2007, when this type of disposition of a public complaint accounted for only 6% of cases. Withdrawals dealt with seven (7) allegations, the most common of which were “Improper Attitude” and “Oppressive Conduct”.

⁶⁸ Within the Disposition of Complaints section, there is a further breakdown to identify in what manner allegations categories have been disposed. For each allegation category, the number of allegations disposed of through each disposition type was divided by the total number of those allegations. These numbers were then compared from one allegation category to the next with the goal of determining which allegation was **most likely** to be disposed of by a certain disposition type. Therefore, an allegation category was more likely to be disposed of in a certain manner if the percentage disposed of in this way was significantly higher than that of other allegations categories. “Most likely” does not mean most common.

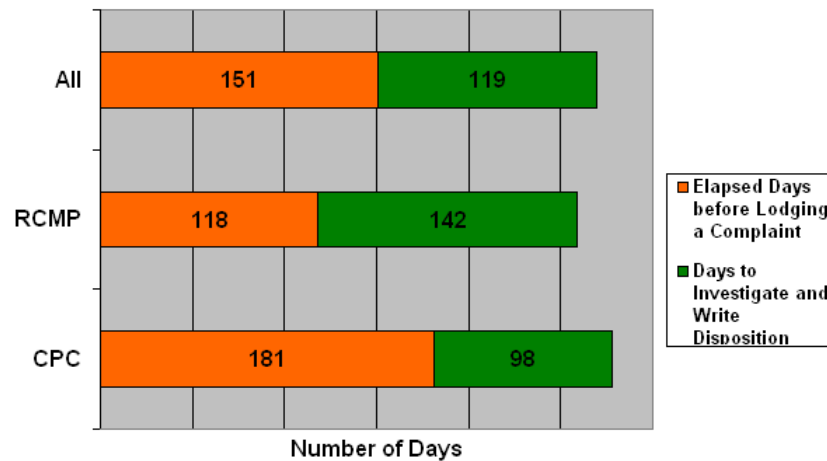
Terminations (Notice of Direction)⁶⁹

Eight percent (8%) of the complaint dispositions were disposed of through a Notice of Direction, which represented two (2) complaints. In one case the termination paragraph was not specified and in another the investigation was terminated under paragraph (c). These terminations addressed four (4) allegations, the most common of which was “Improper Attitude”

Service Standards: Complaint Processing Time⁷⁰

On average, this division took 119 days to issue any type of disposition once a complaint was lodged. This is slightly above the RCMP national average of 103 days, but is a decrease from 137 days in 2007. It took, on average, 151 days for a complainant to lodge a complaint.

“A” Division: Complaint Timeline Based on the Organization the Complaint Was Lodged With



The average number of days to issue a disposition was 98 days for Commission-lodged complaints as opposed to 142 days for RCMP-lodged complaints. In 2007, the average number of days to issue a disposition was 182 days for Commission-lodged complaints and 63 days for RCMP-lodged complaints. On average, complainants waited 181 days after the incident took place before lodging a complaint with the Commission, while complaints lodged with the RCMP averaged only 118 day after the incident.

⁶⁹ The RCMP may decide to terminate a complaint under three strict grounds provided for in paragraphs (a), (b) and (c) of subsection 45.36(5) of the *RCMP Act*. These paragraphs are:

- (a) the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided under any other Act of Parliament;
- (b) the complaint is trivial, frivolous, vexatious or made in bad faith; and
- (c) having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable.

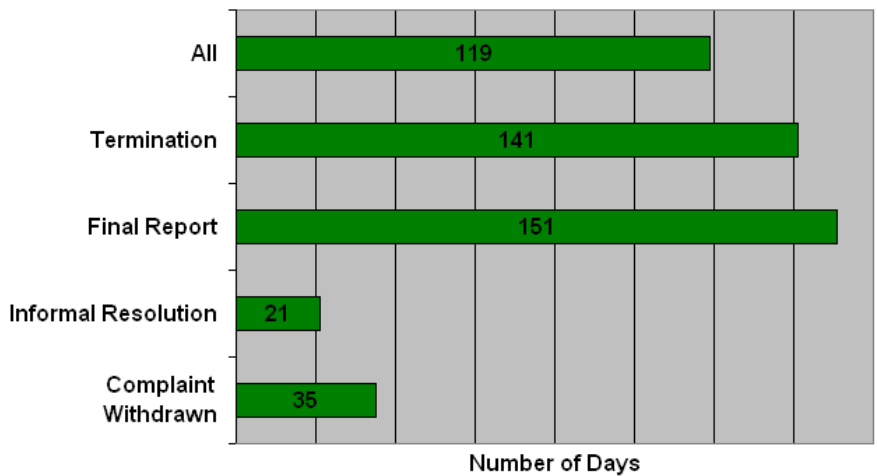
⁷⁰ By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP. With respect to providing the Commission with a disposition, the date of the disposition is compared with the date the document was received at the Commission.

The average number of days for the Commission to receive the complaint disposition from this division was 97 for Commission-lodged complaints as opposed to the 39 days it took for RCMP-lodged complaints.

Complaint timelines were also determined by disposition type:

- On average, it took 151 days to issue a Final Report. For these cases, on average, 202 days elapsed before a complainant lodged the original complaint.
- On average, it took 141 days to issue a Notice of Direction. On average, it took 175 days to elapse before a complainant lodged the original complaint.
- On average, it took 35 days to complete a withdrawal. For these cases, it took, on average, 10 days to elapse before a complainant lodged the original complaint that was subsequently disposed of in this manner.
- Bearing in mind there was only one complaint that was informally resolved; it took 21 days to enter into the informal resolution. For this case, it took 29 days to elapse before a complainant lodged the original complaint that was disposed of in this manner.

“A” Division: Number of Days to Issue the Disposition by Disposition Type



Complaint timelines were also determined for the most common allegation types.

- Allegations of “Oppressive Conduct”, on average, took 130 days before a disposition was issued. On average, complainants waited 161 days after the incident date to lodge a complaint for this type of allegation.
- Allegations of “Neglect of Duty” took, on average, 103 days before a disposition was issued. Complainants lodged a complaint, on average, 230 days after the incident date.
- Allegations of “Irregularity in Procedure”, on average, took 126 days for a disposition to be issued. On average, complainants waited 33 days after the incident date to lodge a complaint for this type of allegation.

B-NEWFOUNDLAND AND LABRADOR

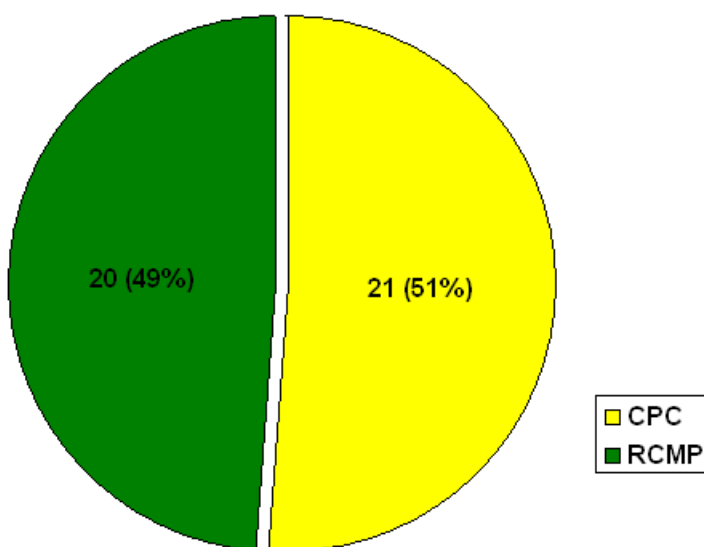
DIVISIONAL REPORT

Complaints Received

The Commission received 41 complaint dispositions related to complaints lodged in 2008. Of the complaint records received 20 (49%) were lodged with the RCMP, while 21 (51%) were lodged with the Commission.

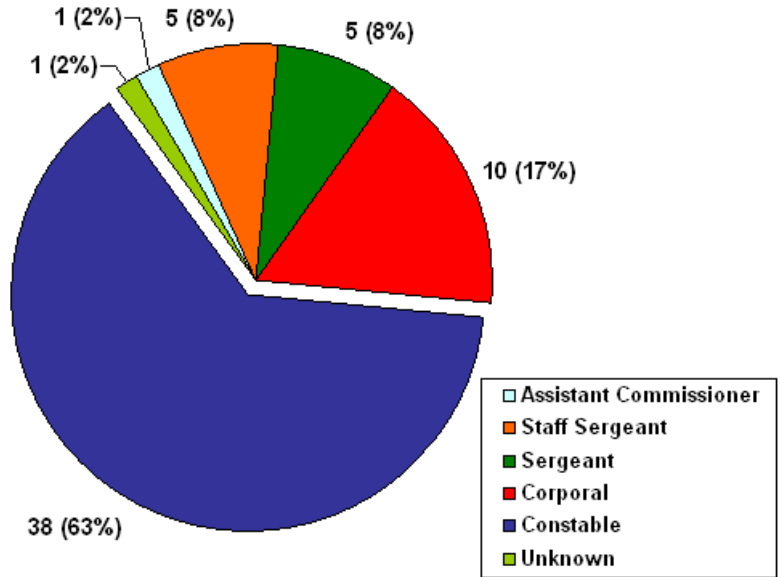
The complaint dispositions were further examined at the detachment level. The detachments identified most often in the complaint dispositions included the Placentia Detachment (20%), followed by the Burin-St. Johns S/D Detachment (10%); the Glovertown and St. Johns S/Div H.Q. Detachments accounted for three (3) complaints each (7% each).

“B” Division: Number of Complaints Based on the Organization it Was Lodged With



The average number of members named in the complaints for “B” Division was 1.5 with constables (63%) being the rank most represented in the complaints followed by corporals (17%).

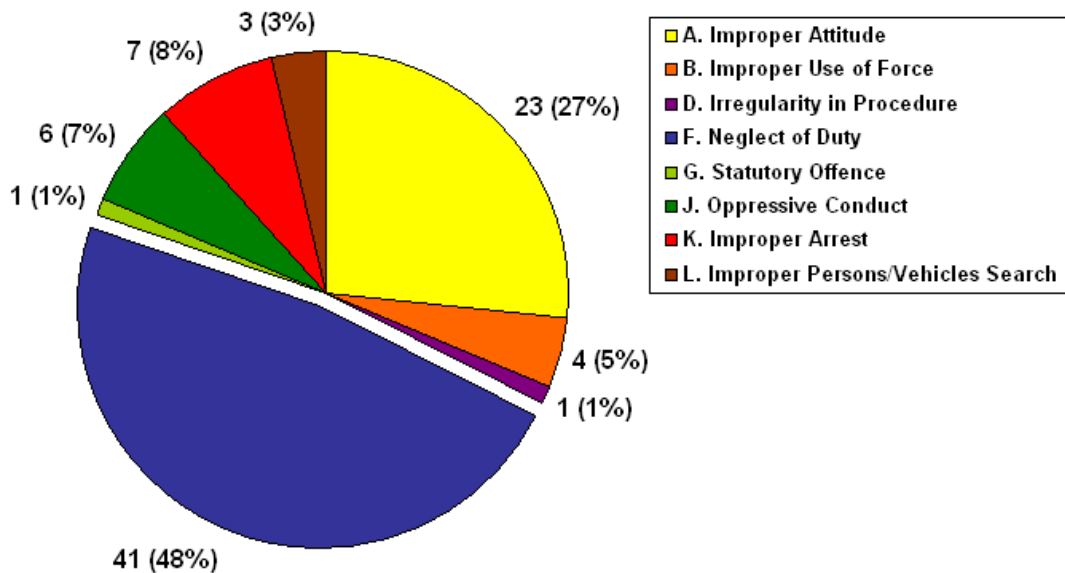
“B” Division: Number of Complaints by Member Rank



Allegations

A total of 86 allegations were made, which averaged about 2.1 allegations per complaint. The three most common allegations were “Neglect of Duty” (48%), “Improper Attitude” (27%) and “Improper Arrest” (8%). Allegations were also examined at the detachment level.

“B” Division: Allegations Breakdown



For the Placentia Detachment, the results indicate that the most common allegations pertained to “Neglect of Duty” (47%), and “Improper Attitude” (40%). The most common type of allegation for the Burin-St. Johns S/Div Detachment as well as the Glovertown Detachment

was “Neglect of Duty” (69% and 50%). Finally, the most common type of allegation for the St. Johns S/Div. H.Q. Detachment was “Improper Attitude” (67%).

Allegations were also analyzed by disposition type. For complaints involving allegations of “Neglect of Duty”, it was common for the RCMP to issue a Final Report (85%). The same was true for allegations of “Improper Attitude” (70%). Allegations of “Improper Arrest” were disposed of through a Final Report in 86% of the cases.

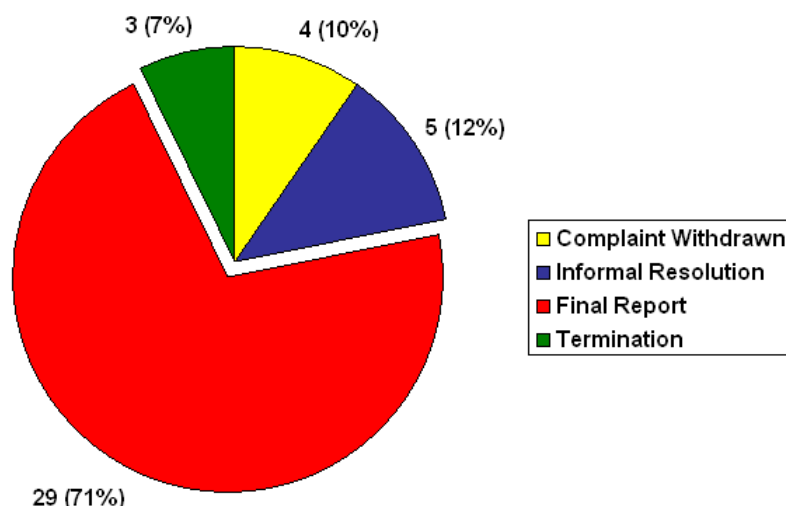
For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint. The most common issues that were raised in the complaints for this division were “Criminal Investigation Quality (RCMP)” (18%), “Attitude” (14%), and “Service” (13%).

“B” Division: Commission-Identified Issues

Issue	Number of Complaints	%
Abusive Language	1	1%
Alcohol or Drugs (not intoxication)	3	2%
Arrest	11	8%
Attitude	18	14%
Care in Custody	2	2%
Child Abuse Response	5	4%
Child Custody	2	2%
Criminal Investigation Quality (RCMP)	23	18%
Detention	2	2%
Intoxication	4	3%
Lethal Weapons	1	1%
Medical Care	1	1%
Mental Illness	1	1%
Non-spousal, Non-child Assault Response	5	4%
Police Physical Abuse	4	3%
Property Mishandling	2	2%
Public Complaint Process Quality (RCMP)	3	2%
Release/Disclosure of Information	4	3%
Right to Counsel	1	1%
Search	3	2%
Seizure	1	1%
Service	17	13%
Spousal Abuse Response	1	1%
Vehicular Incidents	10	8%
Youth Interaction With RCMP	3	2%
Youth Involvement	3	2%
Total	131	

Disposition of Complaints⁷¹

“B” Division: Number of Complaints by Disposition Type



Investigation and Final Report

Of the complaint dispositions the Commission received, 71% were formally investigated and a Final Report issued. These reports made determinations on 70 allegations with the allegation most likely being addressed in this way being “Neglect of Duty”.

Of these 70 allegations, only two (2) were found to be supported (Improper Arrest) which represents 3% of the total allegations. With respect to serious allegations (“Improper Use of Force” and “Statutory Offence”) the RCMP did not support any of the five (5) allegations.

Informal Resolutions

Accounting for the second most common way to dispose of a complaint, informal resolutions occurred in 12% of the cases; addressing six (6) allegations. The allegation most likely to end in an informal resolution was “Improper Attitude”.

Withdrawals

In 10% of the cases, the complainant withdrew the complaint. Withdrawals disposed of six (6) allegations, the most common of which were “Improper Attitude” and “Neglect of Duty”.

⁷¹ Within the Disposition of Complaints section, there is a further breakdown to identify in what manner allegations categories have been disposed. For each allegation category, the number of allegations disposed of through each disposition type was divided by the total number of those allegations. These numbers were then compared from one allegation category to the next with the goal of determining which allegation was **most likely** to be disposed of by a certain disposition type. Therefore, an allegation category was more likely to be disposed of in a certain manner if the percentage disposed of in this way was significantly higher than that of other allegations categories. “Most likely” does not mean most common.

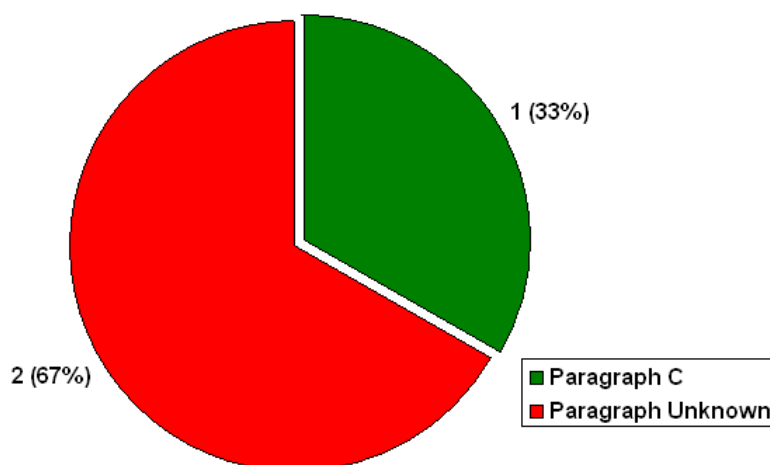
*Terminations (Notice of Direction)*⁷²

In 2008, 7% of all the dispositions received from “B” Division received a Notice of Direction, addressing four (4) allegations. In contrast, 2007 saw a Notice of Direction issued for 20% of all the dispositions received from “B” Division.

The allegations that were terminated in 2008 were “Improper Attitude” (2), “Irregularity in Procedure” (1), and “Neglect of Duty” (1).

In two (2) of the three (3) complaint dispositions, the termination paragraph was not specified in the Notice of Direction; in the remaining case, termination paragraph (c) was identified.

“B” Division: Number of Terminated Complaints by Grounds Identified in subsection 45.36(5) of the RCMP Act



⁷² The RCMP may decide to terminate a complaint under three strict grounds provided for in paragraphs (a), (b) and (c) of subsection 45.36(5) of the *RCMP Act*. These paragraphs are:

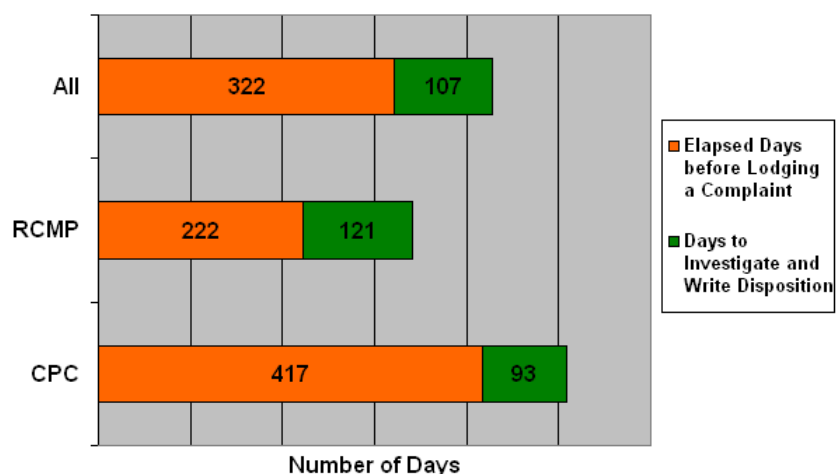
- (a) the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided under any other Act of Parliament;
- (b) the complaint is trivial, frivolous, vexatious or made in bad faith; and
- (c) having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable.

Service Standards: Complaint Processing Time⁷³

On average, it took 107 days to issue a disposition once a complaint was lodged. This is in comparison to the RCMP national average of 103 days and a slight increase from 99 days in 2007. The average number of days to issue a disposition was 93 for Commission-lodged complaints as opposed to 121 days for RCMP-lodged complaints.

It typically took 322 days to elapse before a complainant lodged the original complaint. On average, complainants waited 417⁷⁴ days after the incident took place before lodging a complaint with the Commission, while complaints lodged with the RCMP averaged 222 days after the incident.

“B” Division: Complaint Timeline Based on the Organization the Complaint Was Lodged With



The average number of days for the Commission to receive the complaint disposition from this division was 32 for Commission-lodged complaints as opposed to the 22 days it took for RCMP-lodged complaints.

Complaint processing times were analyzed for each of the four detachments in “B” Division with the most complaint dispositions:

⁷³ By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP. With respect to providing the Commission with a disposition, the date of the disposition is compared with the date the document was received at the Commission.

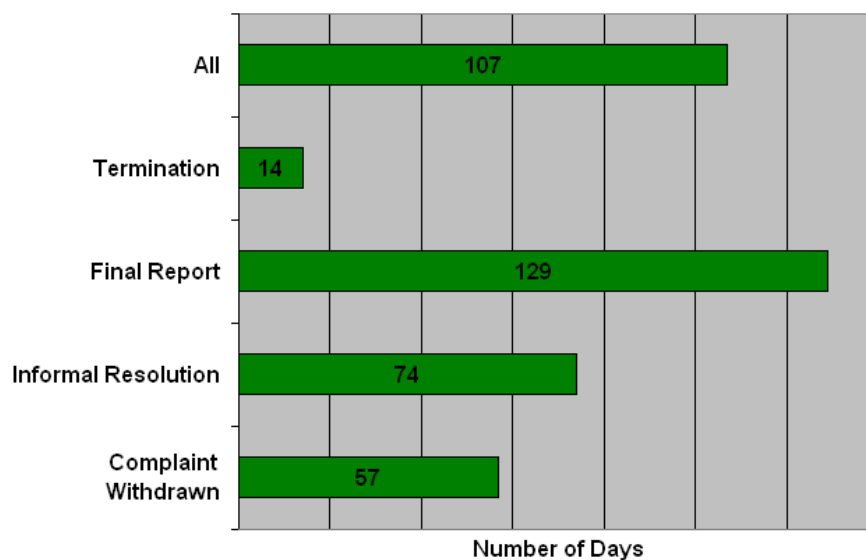
⁷⁴ The range for this average was 0 to 5,392 days. One case related to an incident from 1994 which contributed to the average being skewed. While the reasons for this delay is not yet fully understood, some preliminary analysis of the data suggests that complainants wait extended periods of time to lodge complaints because: 1) the complainant may not have immediate access to the public complaint system; 2) the complaint may be historical in that an incident occurred many years (in some cases decades) before a formal complaint is lodged; and 3) alternate ways of resolving the complaint may have been attempted before a formal complaint was lodged. In one case, a complainant waited over 3,700 days before lodging a formal complaint with the Commission.

- The Placentia Detachment took 109 days to issue a disposition once a complaint was lodged. On average, complainants waited 167 days after the incident took place before lodging a complaint.
- The Burin-St. Johns S/D Detachment took an average of 81 days to issue a disposition once a complaint was lodged. On average, complainants waited 187 days after the incident took place before lodging a complaint.
- The Glovertown Detachment took an average of 118 days to issue a disposition. On average, complainants waited 1,898 days after the incident took place before lodging a complaint.
- The St. Johns S/Div. H.Q. Detachment took on average 13 days to issue a disposition for a public complaint. On average, complainants waited 82 days after the incident took place before lodging a complaint.

Complaint timelines were also determined by disposition type:

- To issue a Final Report it took, on average, 129 days. For these cases, it took, on average, 250 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To issue an informal resolution it took an average of 74 days to issue a disposition. For these cases, 19 days, on average, elapsed before a complainant lodged the original complaint that resulted in this type of disposition.
- To issue a Notice of Direction it took, on average, 14 days. For these cases, it took, on average, 1,876 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- For withdrawals it took on average 57 days to complete this type of disposition. For these cases, it took, on average, 57 days to elapse before a complainant lodged the original complaint that resulted in this type of disposition.

“B” Division: Number of Days to Issue the Disposition by Disposition Type



Complaint timelines could be determined by allegation type. For the three most common types of allegations, timelines are reported:

- Allegations of “Neglect of Duty”, on average, took 120 days for a disposition to be issued. Typically, complainants waited 521 days after the incident date to lodge a complaint for this type of allegation.
- Allegations of “Improper Attitude”, on average, took 74 days for a disposition to be issued. Complainants, on average, lodged a complaint 54 days after the incident date for this type of allegation.
- Allegations of “Improper Arrest” took 124 days for a disposition to be issued once a complaint was lodged. On average, complainants waited 76 days to lodge a complaint for this type of allegation.

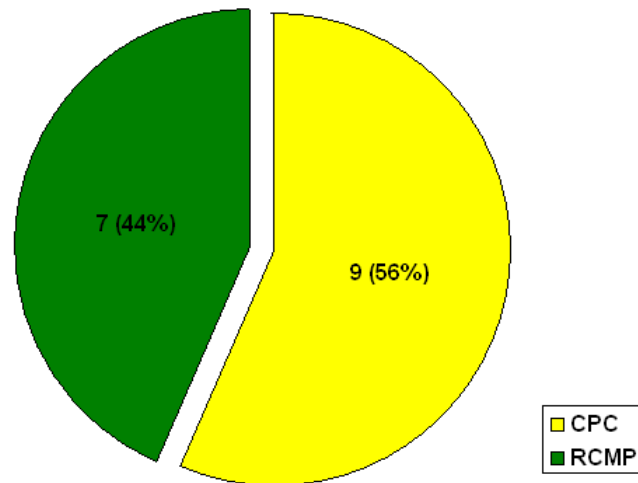
It is interesting to note that within “B” Division complaints involving “Statutory Offences” allegations, on average, took the longest time (281 days) to issue dispositions suggesting that these types of concerns might require more detailed and lengthy investigations. This interpretation is supported by the finding that complaints involving this type of allegation were issued a Final Report in all cases.

C-QUEBEC
DIVISIONAL REPORT

Complaints Received

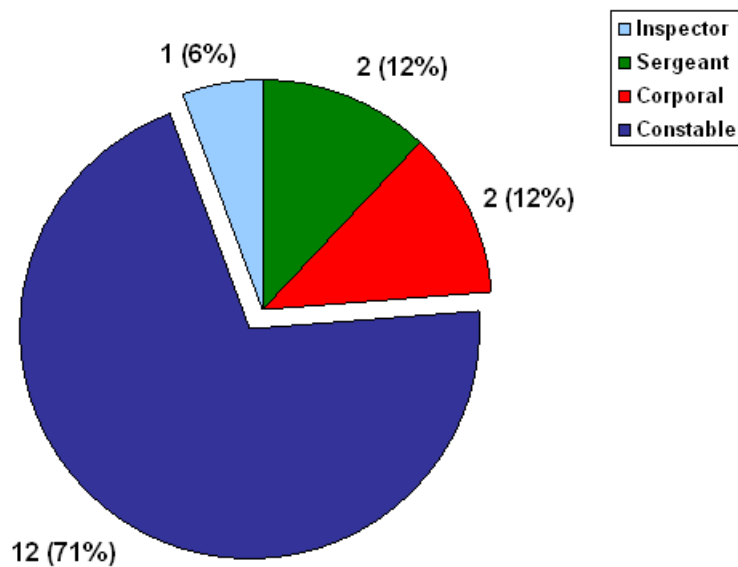
The Commission received 16 complaint dispositions of which 56% were lodged with the Commission and 44% were lodged with the RCMP.

“C” Division: Number of Complaints Based on the Organization it Was Lodged With



The average number of members named in the complaints was 1.2. The most frequently occurring ranks of the subject members were constables (71%) and corporals and sergeants (12%).

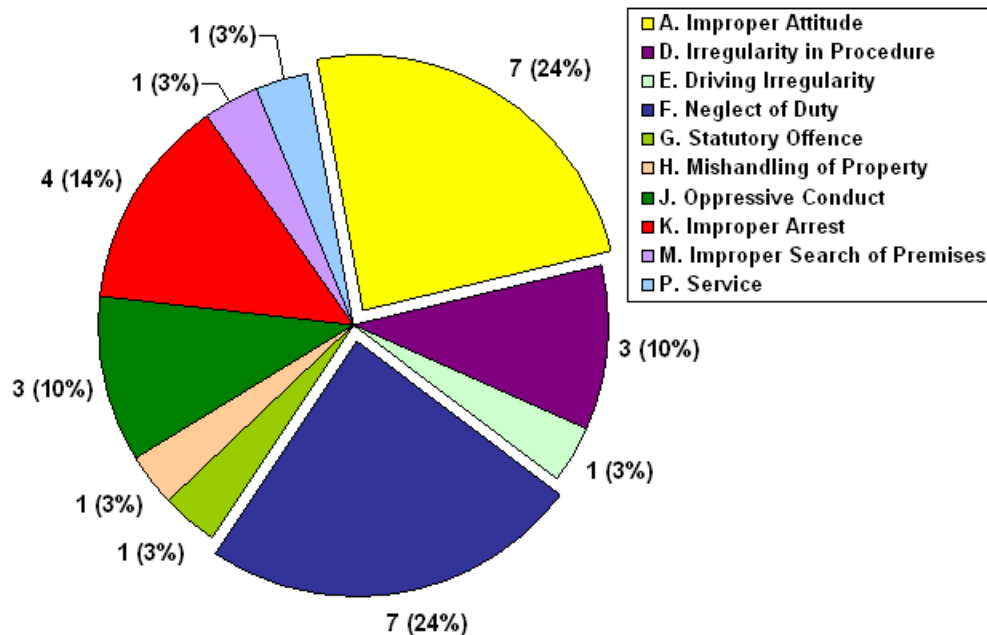
“C” Division: Number of Complaints by Member Rank



Allegations

A total of 29 allegations were made, which averaged about 1.8 allegations per complaint. The three most common allegations were “Improper Attitude” (24%) and “Neglect of Duty” (24%) and “Improper Arrest” (14%).

“C” Division: Allegations Breakdown



For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint. The four most common issues that were raised in the complaints were “Attitude” (30%), “Criminal Investigation Quality” (12%), “Arrest” (9%) and “Property Mishandling” (9%).

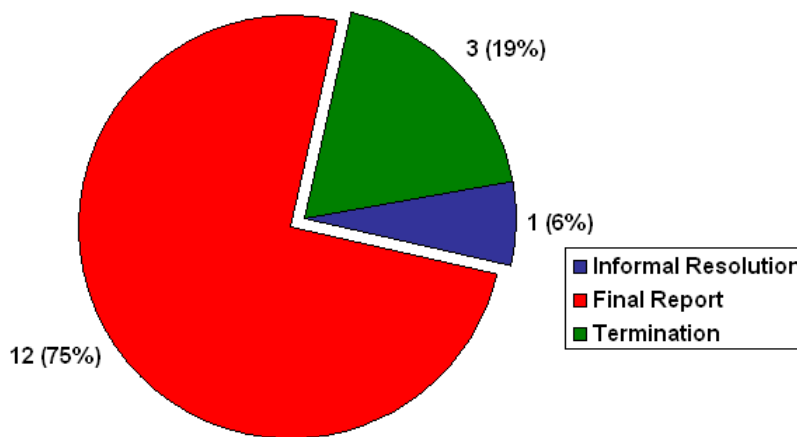
“C” Division: Commission-Identified Issues

Issue	Number of Complaints	%
Abusive Language	1	3%
Arrest	3	9%
Attitude	10	30%
Conflict of Interest	1	3%
Criminal Investigation Quality (RCMP)	4	12%
Entry of Premises	2	6%
Medical Care	1	3%
Police Pursuit Driving	1	3%
Policy	1	3%
Property Mishandling	3	9%
Search	2	6%
Seizure	2	6%
Service	2	6%
Total	33	

Further, the results revealed trends in the issues for each allegation. For the purpose of this analysis, the common issues will be reported for the three most frequently occurring allegations: For complaints alleging “Improper Attitude” the key issues were “Attitude” (58%), “Arrest” (17%) and “Medical Care” (17%). The main issues for “Neglect of Duty” included “Criminal Investigation Quality” (25%), “Service” (19%) and “Arrest”, “Attitude” and “Conflict of Interest” each at 13%.

Disposition of Complaints⁷⁵

“C” Division: Number of Complaints by Disposition Type



Investigation and Final Report

Of the complaint dispositions the Commission received, 75% were formally investigated and a Final Report issued. This percentage is significantly higher than the Force-wide average of 43%.

These reports made determinations on 21 allegations, of which three (3) were supported by the RCMP. Allegations most likely to result in a Final Report were “Improper Attitude” and “Neglect of Duty”. No serious allegations were lodged with this division.

Informal Resolutions

Only one informal resolution was received from this division, which dealt with an allegation of “Driving Irregularity”.

Withdrawals

None of the complaint dispositions received by the Commission from “C” Division contained a complaint withdrawal.

⁷⁵ Within the Disposition of Complaints section, there is a further breakdown to identify in what manner allegations categories have been disposed. For each allegation category, the number of allegations disposed of through each disposition type was divided by the total number of those allegations. These numbers were then compared from one allegation category to the next with the goal of determining which allegation was **most likely** to be disposed of by a certain disposition type. Therefore, an allegation category was more likely to be disposed of in a certain manner if the percentage disposed of in this way was significantly higher than that of other allegations categories. “Most likely” does not mean most common.

*Terminations (Notice of Direction)*⁷⁶

In 2008, on average, in 19% of the dispositions received, a Notice of Direction was issued. The allegation most likely to be subject to a termination was “Irregularity in Procedure”.

Service Standards: Complaint Processing Time⁷⁷

On average, it took 109 days for the division to issue a disposition once a complaint was lodged. This is in comparison to the RCMP national average of 103 days and down from 130 days in 2007. Further broken down, the average number of days to issue a disposition was 110 for Commission-lodged complaints as opposed to 108 days for RCMP-lodged complaints.

It typically took 352 days for a complainant to lodge a complaint. On average, complainants waited 389 days after the incident took place before lodging a complaint with the Commission, while complaints lodged with the RCMP averaged 304 days after the incident.⁷⁸

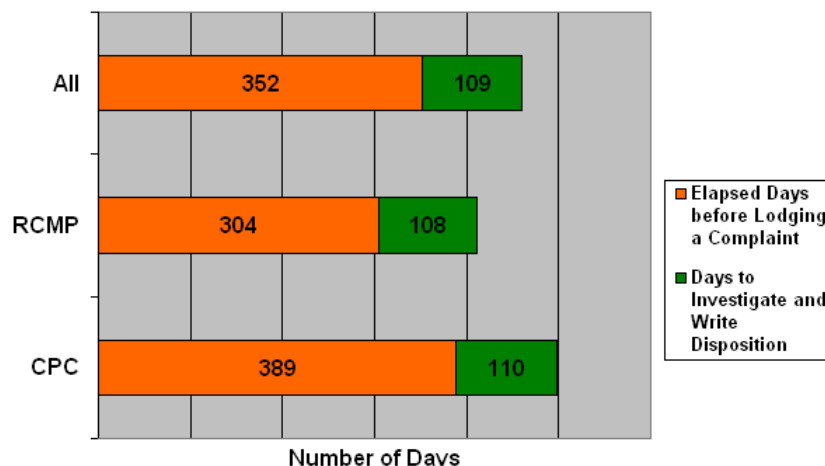
⁷⁶ The RCMP may decide to terminate a complaint under three strict grounds provided for in paragraphs (a), (b) and (c) of subsection 45.36(5) of the *RCMP Act*. These paragraphs are:

- (a) the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided under any other Act of Parliament;
- (b) the complaint is trivial, frivolous, vexatious or made in bad faith; and
- (c) having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable.

⁷⁷ By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP. With respect to providing the Commission with a disposition, the date of the disposition is compared with the date the document was received at the Commission.

⁷⁸ While the reasons for this delay is not yet fully understood, some preliminary analysis of the data suggests that complainants wait extended periods of time to lodge complaints because: 1) the complainant may not have immediate access to the public complaint system; 2) the complaint may be historical in that an incident occurred many years (in some cases decades) before a formal complaint is lodged; and 3) alternate ways of resolving the complaint may have been attempted before a formal complaint was lodged.

“C” Division: Complaint Timeline Based on the Organization the Complaint Was Lodged With

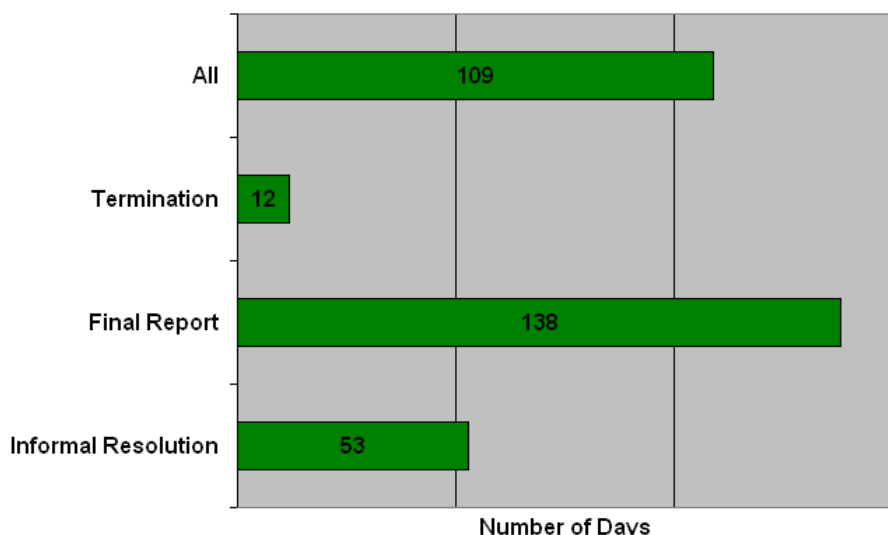


The average number of days for the Commission to receive the complaint disposition from this division was 11 for Commission-lodged complaints as opposed to the 17 days it took for RCMP-lodged complaints.

Complaint timelines were also determined by disposition type:

- It took, on average, 138 days to issue a Final Report. For these cases it generally took 360 days to elapse before a complainant lodged a complaint that resulted in this type of disposition.
- It took 12 days for a Notice of Direction to be issued. It generally took 437 days to elapse before a complainant lodged a complaint that resulted in this type of disposition.
- For the only informal resolution received from this division it took 53 days to enter into this type of disposition. The complaint was disposed of the same day that it was lodged.

“C” Division: Number of Days to Issue the Disposition by Disposition Type



Complaint timelines were also determined by allegation type. Timelines are reported for the three most common types of allegations:

- Allegations of “Improper Attitude”, on average, took 127 days for a disposition to be issued. On average, complainants waited 12 days after the incident date to lodge a complaint.
- Allegations of “Neglect of Duty”, on average, took 116 days for a disposition to be issued. Complainants lodged a complaint, on average, 577 days after the incident date.
- Allegations of “Improper Arrest”, on average, took 220 days for a disposition to be issued, the longest average to issue a disposition from this division. Complainants lodged a complaint, on average, 410 days after the incident date.

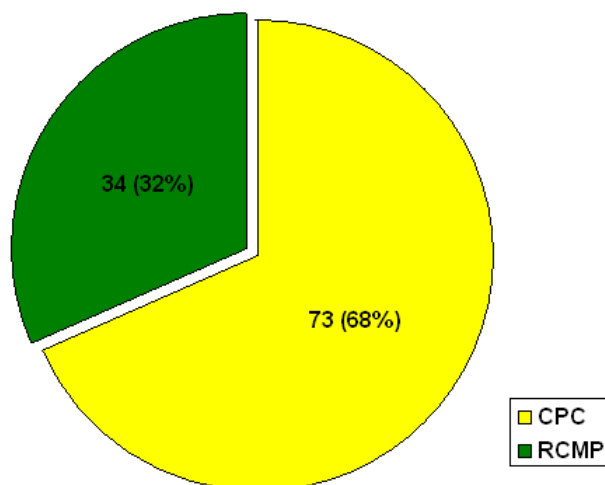
It is interesting to note that within “C” Division complaints involving “Improper Arrest” allegations, on average, took the longest time (220 days) to issue dispositions

D-MANITOBA
DIVISIONAL REPORT

Complaints Received

The Commission received 107 complaint dispositions of which 68% were lodged with the Commission, while 32% were lodged with the RCMP.

“D” Division: Number of Complaints Based on the Organization it Was Lodged With



The complaint dispositions were further examined at the detachment level. The detachments identified most often in the complaint dispositions included Thompson (10%), The Pas (8%), and Selkirk (8%). In comparing the three detachments, it was found that:

- For the Selkirk Detachment, three (3) (33%) of the complaints were lodged with the Commission, while six (6) (67%) were lodged with the RCMP.
- For The Pas Detachment, six (6) (67%) of the complaints were lodged with the Commission and three (3) (33%) were lodged with the RCMP.
- For the Thompson Detachment, six (6) (55%) of the complaints were lodged with the Commission, while five (5) (45%) were lodged with the RCMP.

The average number of members named in the complaints for “D” Division was 1.7 with the rank of constable (73%) being the most frequently represented rank in the complaints, followed by the ranks of corporal (13%) and staff sergeant (6%).

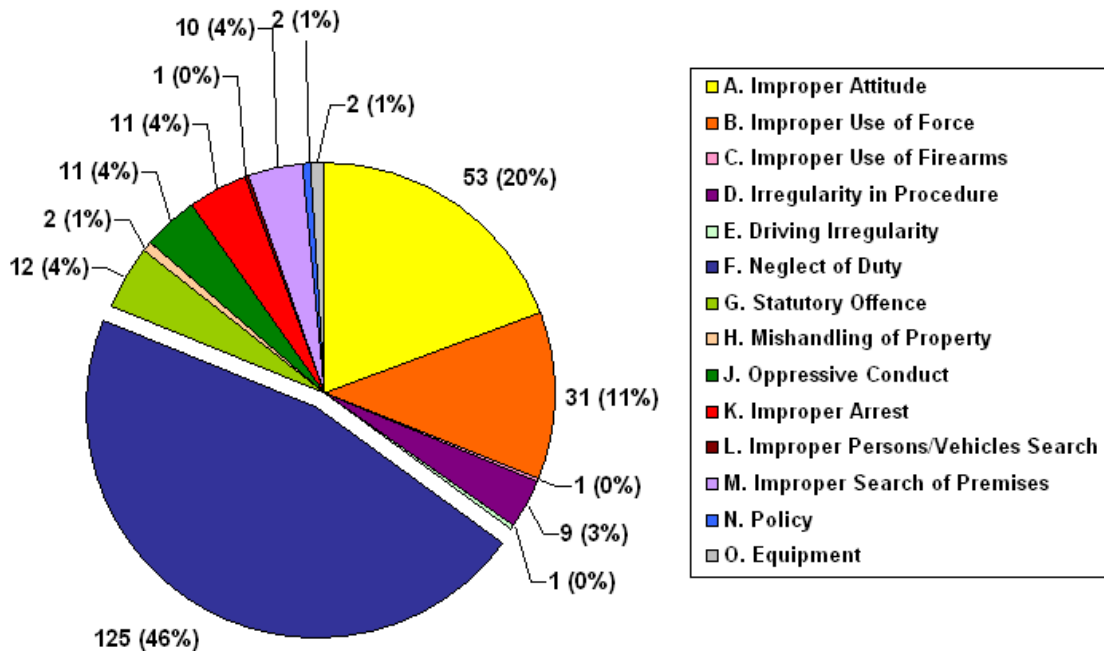
“D” Division: Number of Complaints by Member Rank



Allegations

A total of 271 allegations were made against members in “D” Division, which averaged about 2.5 allegations per complaint. The three most common allegations were “Neglect of Duty” (46%), “Improper Attitude” (20%), and “Improper Use of Force” (11%).

“D” Division: Allegations Breakdown



Allegations were also examined at the detachment level. “Neglect of Duty” was the most common of the allegations cited in the complaint dispositions received from the Selkirk (50%) and The Pas (35%) Detachments. However, in the Thompson Detachment, the most common allegation was “Improper Use of Force” which represented 32% of all allegations from that detachment.

For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint. The most common issues raised in the complaints for “D” Division were “Service” (14%), “Attitude” (14%), “Criminal Investigation Quality (RCMP)” (10%), “Arrest” (7%), and “Vehicular Incidents” (7%).

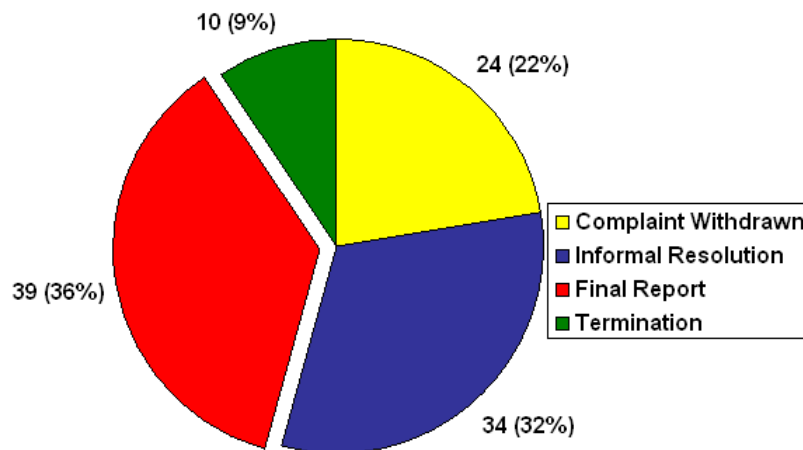
“D” Division: Commission-Identified Issues

Issue	Number of Complaints	%
Aboriginal community	7	2%
Abusive Language	7	2%
Alcohol or Drugs (not intoxication)	4	1%
Arrest	22	7%
Attitude	45	14%
Care in Custody	7	2%
Child Abuse Response	4	1%
Child Custody	3	1%
Civil Disputes/No Child	5	2%
Conflict of Interest	2	1%
Criminal Investigation Quality (RCMP)	31	10%
Detention	11	3%
Entry of Premises	3	1%
Intoxication	16	5%
Lethal Weapons	2	1%
Medical Care	11	3%
Mental Illness	2	1%
Non-custody Deaths	1	0%
Non-lethal weapons other than chemical irritants	2	1%
Non-pursuit Police Driving	1	0%
Non-spousal, Non-child Assault Response	9	3%
Note-taking Quality	1	0%
Police Dogs	1	0%
Police Physical Abuse	15	5%
Policy	3	1%
Property Mishandling	4	1%
Public Complaint Process Quality (RCMP)	2	1%
Release/Disclosure of Information	3	1%
Restraints	2	1%
Right to Counsel	2	1%
Search	9	3%
Seizure	4	1%
Service	46	14%
Spousal Abuse Response	3	1%
Vehicular Incidents	21	7%
Youth Interaction With RCMP	6	2%
Youth Involvement	3	1%
Total	320	

Further, the results revealed trends in the issues for each allegation. For the purpose of this analysis, the common issues will be reported for the two most frequently occurring allegations: For complaints involving allegations of “Neglect of Duty” the key issues were “Service” (21%), “Criminal Investigation Quality (RCMP)” (14%), and “Attitude” (10%). For allegations of “Improper Attitude” the most prominent issues that were identified included “Attitude” (31%), “Service” (14%), “Criminal Investigation Quality (RCMP)” (8%), “Vehicular Incidents” (7%), and “Abusive Language” (7%).

Disposition of Complaints⁷⁹

“D” Division: Number of Complaints by Disposition Type



Investigation and Final Report

Of the complaint dispositions the Commission received, 39 (36%) were formally investigated and a Final Report issued. These reports made determinations on 134 allegations. Sixteen percent (16%) of these allegations were found to be supported, which is slightly higher than the Force-wide average of 10%. Allegations most likely to be subject to a Final Report were “Improper Use of Force” and “Statutory Offence”.

For almost every type of allegation, with the exception of “Driving Irregularity” and “Policy”, the overwhelming majority (67-100%) of the RCMP’s findings did not support the complainant’s allegation(s). With respect to serious allegations (“Improper Use of Force” and “Statutory Allegations” the RCMP did not support any of the 29 allegations made.

⁷⁹ Within the Disposition of Complaints section, there is a further breakdown to identify in what manner allegations categories have been disposed. For each allegation category, the number of allegations disposed of through each disposition type was divided by the total number of those allegations. These numbers were then compared from one allegation category to the next with the goal of determining which allegation was **most likely** to be disposed of by a certain disposition type. Therefore, an allegation category was more likely to be disposed of in a certain manner if the percentage disposed of in this way was significantly higher than that of other allegations categories. “Most likely” does not mean most common.

Informal Resolutions

Informal resolutions occurred in 32% of the complaint dispositions received, which addressed 65 allegations. The allegations most likely to be informally resolved were “Improper Search of Premises” and “Improper Attitude”.

Withdrawals

In 22% of the cases, the complainant withdrew the complaint, which disposed of 43 allegations. The allegation most likely to be withdrawn was “Improper Arrest”.

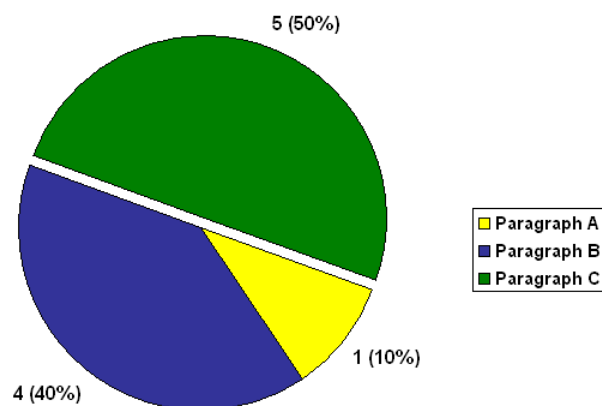
Terminations (Notice of Direction)⁸⁰

In 9% of all public complaints received, a Notice of Direction was issued, which dealt with 29 allegations. In half of the ten (10) cases, termination paragraph (c) was cited in the Notice of Direction. In four (4) of the remaining cases, termination paragraph (b) was cited, while as in one (1) case termination paragraph (a) was applied.

The Force-wide percentage of dispositions that were Notices of Direction was 6%, while Notices of Direction accounted for 9% of “D” Division dispositions. While the number of terminations is still higher than the Force-wide percentage, the discrepancy is much less than in 2007 (24%).

The allegation most likely to be subject to a Notice of Direction in this division was “Oppressive Conduct”, with 73% of “Oppressive Conduct” allegations being dealt with in this way.

“D” Division: Number of Terminated Complaints by Grounds Identified in subsection 45.36(5) of the RCMP Act



⁸⁰ The RCMP may decide to terminate a complaint under three strict grounds provided for in paragraphs (a), (b) and (c) of subsection 45.36(5) of the *RCMP Act*. These paragraphs are:

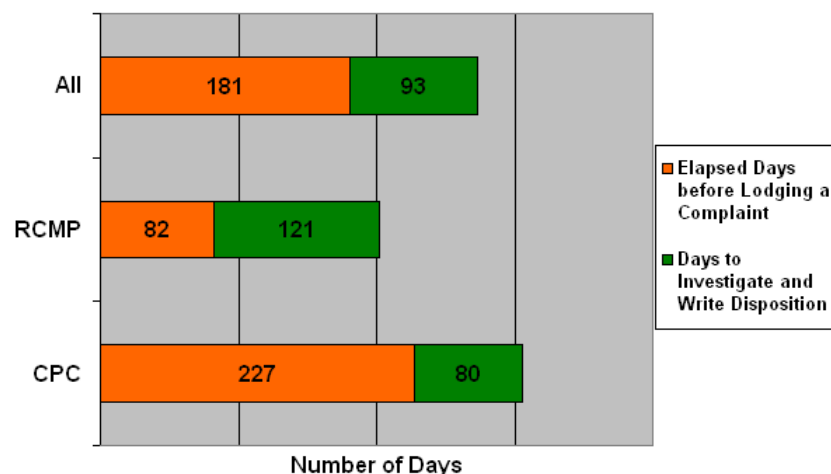
- (a) the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided under any other Act of Parliament;
- (b) the complaint is trivial, frivolous, vexatious or made in bad faith; and
- (c) having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable.

Service Standards: Complaint Processing Time⁸¹

“D” Division, on average, took 93 days to issue a disposition once a complaint was lodged. This is in comparison to the RCMP national average of 103 days to issue a disposition once a complaint was lodged. The average number of days to issue a disposition was 80 for Commission-lodged complaints as opposed to 121 days for RCMP-lodged complaints.

It typically took 181 days for a complainant to lodge a complaint compared to the national average of 200 days. On average, complainants waited 227 days after the incident took place before lodging a complaint with the Commission, while complaints lodged with the RCMP averaged 82 days after the incident.⁸²

“D” Division: Complaint Timeline by Organization it Was Lodged With



The average number of days for the Commission to receive the complaint disposition from this division was 97 for Commission-lodged complaints and 99 days for RCMP-lodged complaints.

Complaint timelines were also determined by disposition type:

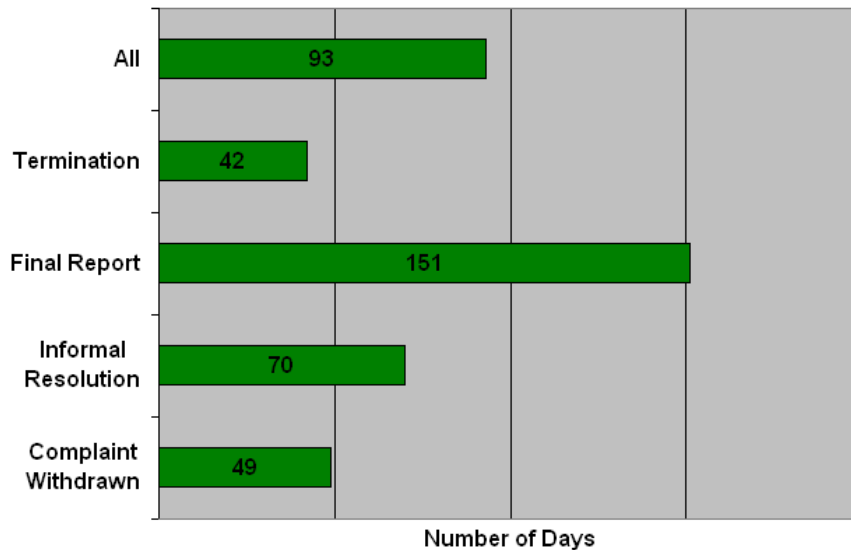
- To issue a Final Report by the RCMP it took an average of 151 days to issue a disposition. For these cases it generally took 162 days for a complainant to lodge a complaint that resulted in this type of disposition.

⁸¹ By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP. With respect to providing the Commission with a disposition, the date of the disposition is compared with the date the document was received at the Commission.

⁸² While the reasons for this delay is not yet fully understood, some preliminary analysis of the data suggests that complainants wait extended periods of time to lodge complaints because: 1) the complainant may not have immediate access to the public complaint system; 2) the complaint may be historical in that an incident occurred many years (in some cases decades) before a formal complaint is lodged; and 3) alternate ways of resolving the complaint may have been attempted before a formal complaint was lodged.

- To issue a Notice of Direction, invoking any termination provisions, it took 42 days. It generally took 702 days for a complainant to lodge a complaint that resulted in this type of disposition.
- To enter into an informal resolution it took 70 days. It generally took 94 days for a complainant to lodge a complaint that resulted in this type of disposition.
- Complainants took approximately 49 days to withdraw a complaint. Generally, 138 days elapsed before a complainant lodged a complaint that resulted in this type of disposition.

“D” Division: Number of Days to Issue the Disposition by Disposition Type



Complaint timelines were also determined by allegation type. For the two most common types of allegations, timelines are reported:

- Allegations of “Neglect of Duty”, on average, took 85 days for a disposition to be issued. Typically, complainants waited 274 days after the incident date to lodge a complaint for this type of allegation.
- Allegations of “Improper Attitude” on average took 74 days for a disposition to be issued. Complainants, on average, lodged a complaint 121 days after the incident date for this type of allegation.

It is of note that, within the division, complaints involving “Statutory Offence” allegations, on average, took the longest time (167 days) to issue dispositions.

E-BRITISH COLUMBIA

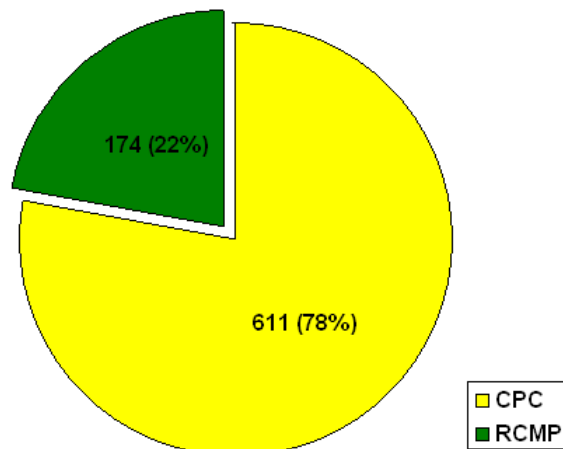
DIVISIONAL REPORT

Complaints Received

The Commission received 785 complaint dispositions from “E” Division related to complaints lodged in 2008. Of the 785 complaint dispositions received from “E” Division, 611 (78%) of the complaints were lodged with the Commission, while 174 (22%) were lodged with the RCMP. This is a significant change from 2007, where 67% of the complaints were lodged with the Commission and 33% were lodged with the RCMP.

The complaint dispositions were further examined at the detachment level. The detachments identified most often in the complaint dispositions were the Surrey Detachment (8%), followed by the Kelowna Detachment (6%), the Coquitlam Detachment (5%), and the Kamloops Detachment (5%).

“E” Division: Number of Complaints Based on the Organization it Was Lodged With

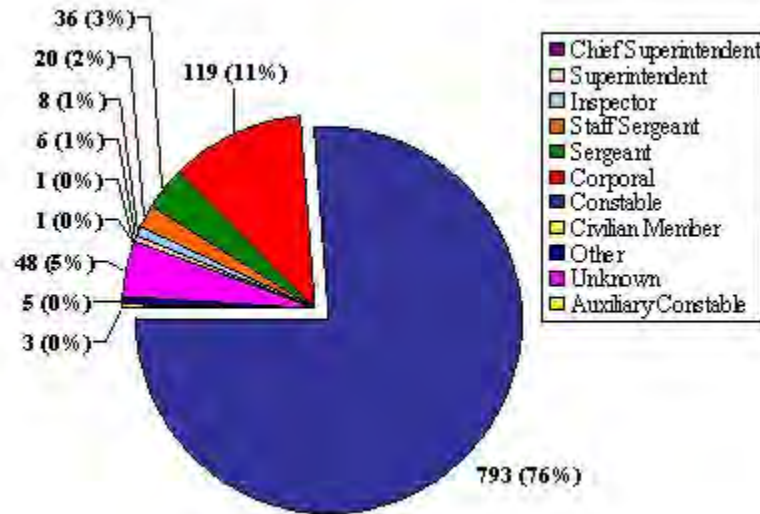


In comparing the eight detachments, it was found that:

- For the Surrey Detachment, 61 (92%) of the complaints were lodged with the Commission, while 5 (8%) of them were lodged with the RCMP.
- For the Kelowna Detachment, 35 (73%) of the complaints were lodged with the Commission, while 13 (27%) of them were lodged with the RCMP.
- For the Coquitlam Detachment, 26 (68%) were lodged with the Commission and 12 (32%) were lodged with the RCMP.
- For the Kamloops Detachment, 25 (66%) of the complaints were lodged with the Commission and 13 (34%) were lodged with the RCMP.

The average number of members named in complaints in this division was 1.4, with constables most frequently being represented (76%), followed by corporals (12%).

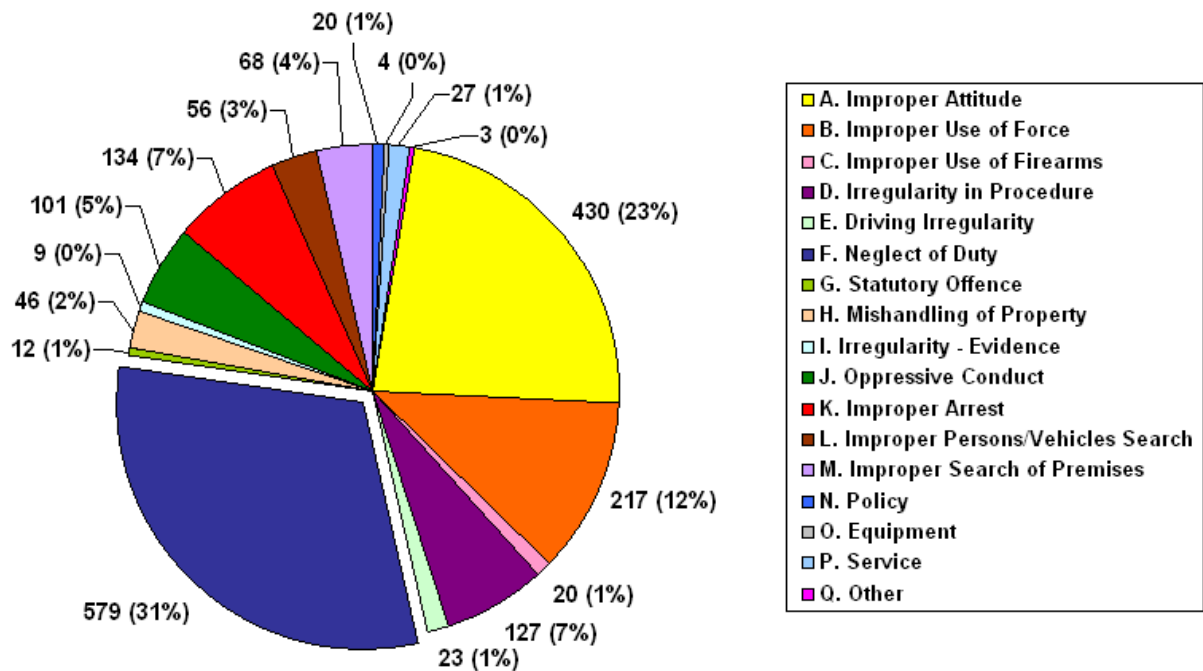
“E” Division: Number of Complaints by Member Rank



Allegations

A total of 1,876 allegations were made against members, which averaged about 2.4 allegations per complaint. The three most common allegations were “Neglect of Duty” (31%), “Improper Attitude” (23%) and “Improper Use of Force” (12%).

“E” Division: Allegations Breakdown



Allegations were also examined at the detachment level:

- For the Surrey Detachment, the results indicated that the most common allegation was “Neglect of Duty” (39%), followed by “Improper Attitude” (24%) and “Oppressive Conduct” (10%).

- For the Kelowna Detachment, the results indicated that the most common allegations included “Neglect of Duty” (31%), “Irregularity in Procedure” (15%), “Improper Use of Force” (14%), and “Improper Attitude” (13%).
- For the Coquitlam Detachment, typical allegations included “Neglect of Duty” (30%), “Improper Attitude” (29%), and “Improper Use of Force” (13%).
- For the Kamloops Detachment, the most common allegations were “Neglect of Duty” (40%), “Improper Attitude” (22%), and “Irregularity in Procedure” (9%).

Allegations were further analyzed by member rank. In “E” Division, “Neglect of Duty” (32%) was the most common allegation made against constables, followed by “Improper Attitude” (23%) and “Improper Use of Force” (12%).

For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint. The most common issues that were raised in the complaints for “E” Division were “Attitude” (15%), “Service” (12%), “Criminal Investigation Quality (RCMP)” (10%), “Vehicular Incidents” (8%) and “Arrest” (8%).

Trends in the issues were also identified by detachment:

- The main issue identified in complaints from the Surrey Detachment was “Attitude” (20%), followed by “Criminal Investigation Quality” (14%) and “Service” (11%).
- The main issue identified in complaints from the Kelowna Detachment was “Attitude” (14%), followed by “Service” (11%) and “Vehicular Incidents” (10%).
- The main issues identified for the Coquitlam Detachment were “Attitude” (18%), “Vehicular Incidents” (11%), and “Arrest” (8%).
- The main issues in complaints from the Kamloops Detachment were “Attitude” at 20% followed by “Criminal Investigation Quality (RCMP)”, “Service”, and “Vehicular Incidents” all at 10%.

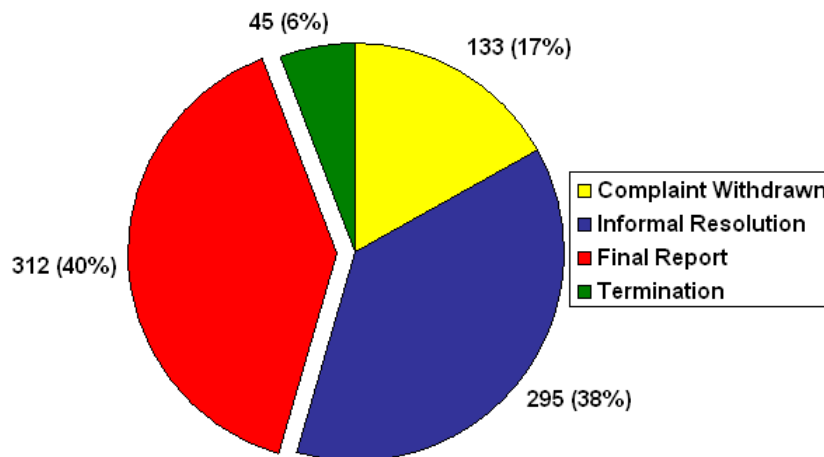
Further, the results revealed trends in the issues for each allegation. The top three (3) will be reported on: For complaints alleging “Neglect of Duty” the key issues were “Service” (17%), “Criminal Investigation Quality (RCMP)” (16%), and “Attitude” (11%). The main issues identified in complaints alleging “Improper Attitude” included “Attitude” (26%), and “Service” (10%). Finally, for allegations involving “Improper Use of Force” the key issues identified were “Arrest” (16%), and “Police Physical Abuse” (16%).

“E” Division: Commission-Identified Issues

Issue	Number of Complaints	%
Aboriginal community	25	1%
Abusive Language	65	3%
Alcohol or Drugs (not intoxication)	49	2%
Arrest	192	8%
Attitude	378	15%
Care in Custody	23	1%
Chemical Irritant	8	0%
Child Abuse Response	10	0%
Child Custody	12	0%
Civil Disputes/No Child	36	1%
Conflict of Interest	9	0%
Criminal Investigation Quality (RCMP)	234	10%
Crowd Control	1	0%
Custody Deaths	5	0%
Detention	63	3%
Entry of Premises	30	1%
Informants/Sources	9	0%
Intoxication	92	4%
Lethal Weapons	15	1%
Lying under Oath	2	0%
Medical Care	49	2%
Mental Illness	34	1%
Non-custody Deaths	4	0%
Non-lethal weapons other than chemical irritants	19	1%
Non-pursuit Police Driving	12	0%
Non-spousal, Non-child Assault Response	51	2%
Non-spousal, Non-child Sexual Assault Response	7	0%
Note-taking Quality	3	0%
Police Dogs	12	0%
Police Physical Abuse	104	4%
Police Pursuit Driving	5	0%
Policy	18	1%
Property Mishandling	48	2%
Public Complaint Process Quality (RCMP)	15	1%
Release/Disclosure of Information	27	1%
Restraints	37	2%
Right to Counsel	24	1%
Search	77	3%
Seizure	42	2%
Service	304	12%
Spousal Abuse Response	26	1%
Vehicular Incidents	206	8%
Witness Protection Program	1	0%
Youth Interaction With RCMP	22	1%
Youth Involvement	38	2%
Total	2,443	

Disposition of Complaints⁸³

“E” Division: Number of Complaints by Disposition Type



Investigation and Final Report

Of the complaint dispositions the Commission received, 311 (40%) were formally investigated and a Final Report was issued. These reports made determinations on 930 allegations with allegations of “Improper Search of Premises” and “Improper Use of Force” being the most likely to be disposed of in this manner.

At the detachment level, Final Reports accounted for:

- 9 of the 66 dispositions received from the Surrey Detachment (14%);
- 22 of the 48 dispositions received from the Kelowna Detachment (46%);
- 36 of the 38 dispositions received from the Coquitlam Detachment (95%);
- 17 of the 38 dispositions received from the Kamloops Detachment (45%).

Most of the RCMP’s findings contained in the Final Report did not support the complainant’s allegation(s). For almost every type of allegation, with the exception of “Service”, the overwhelming majority (85-100%) of the RCMP’s findings did not support the complainant’s allegation(s). However, for allegations involving “Service”, two (2) of the three (3) allegations were found to be supported (67%). With respect to serious allegations (“Improper Use of Force”, “Improper Use of a Firearm” and “Statutory Offence”) the RCMP supported two (2) of the 153 allegations made or 1.3% of these kinds of allegations.

⁸³ Within the Disposition of Complaints section, there is a further breakdown to identify in what manner allegations categories have been disposed. For each allegation category, the number of allegations disposed of through each disposition type was divided by the total number of those allegations. These numbers were then compared from one allegation category to the next with the goal of determining which allegation was **most likely** to be disposed of by a certain disposition type. Therefore, an allegation category was more likely to be disposed of in a certain manner if the percentage disposed of in this way was significantly higher than that of other allegations categories. “Most likely” does not mean most common.

Informal Resolutions

Accounting for the second most common way to dispose of a complaint, informal resolutions occurred in 38% of the cases. In total, 554 allegations were informally resolved, with allegations of “Service” and “Policy” most likely to be resolved in this manner.

At the detachment level, informal resolutions accounted for:

- 18 (27%) of the dispositions from the Surrey Detachment;
- 17 (35%) of the dispositions from the Kelowna Detachment;
- 16 (42%) of the dispositions from the Kamloops Detachment;
- None of the dispositions from the Coquitlam Detachment.

Withdrawals

In 17% of the cases, the complainant withdrew the complaint. In total, 313 allegations were withdrawn, the most likely being “Improper Use of Firearms” and “Statutory Offence”.

At the detachment level, withdrawals accounted for:

- 18 (27%) complaint dispositions from the Surrey Detachment;
- 9 (19%) complaint disposition from the Kelowna Detachment;
- 1 (3%) complaint disposition from the Coquitlam Detachment;
- 3 (8%) complaint dispositions from the Kamloops Detachment.

Terminations (Notice of Direction)⁸⁴

In 2008, in 6% of all public complaints received from “E” Division, a Notice of Direction (termination) was issued. In 18% of the 45 cases, the termination paragraph was not specified in the Notice of Direction. Termination paragraph (c) was most often invoked (69%). In total, 79 allegations were addressed by way of a termination, with allegations of “Improper Persons/Vehicles Search” and “Oppressive Conduct” being the most likely to be subject of a termination.

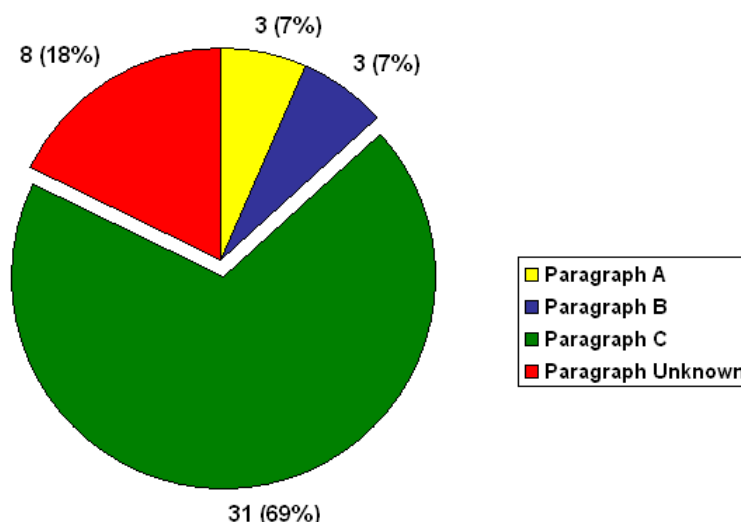
At the detachment level, Notices of Direction accounted for:

- 21 (32%) dispositions received from the Surrey Detachment;
- 1 (3%) disposition received from the Coquitlam Detachment;
- 2 (5%) dispositions received from the Kamloops Detachment;
- No dispositions from the Kelowna Detachment.

⁸⁴ The RCMP may decide to terminate a complaint under three strict grounds provided for in paragraphs (a), (b) and (c) of subsection 45.36(5) of the *RCMP Act*. These paragraphs are:

- (a) the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided under any other Act of Parliament;
- (b) the complaint is trivial, frivolous, vexatious or made in bad faith; and
- (c) having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable.

“E” Division: Number of Terminated Complaints by Grounds Identified in subsection 45.36(5) of the RCMP Act



Service Standards: Complaint Processing Time⁸⁵

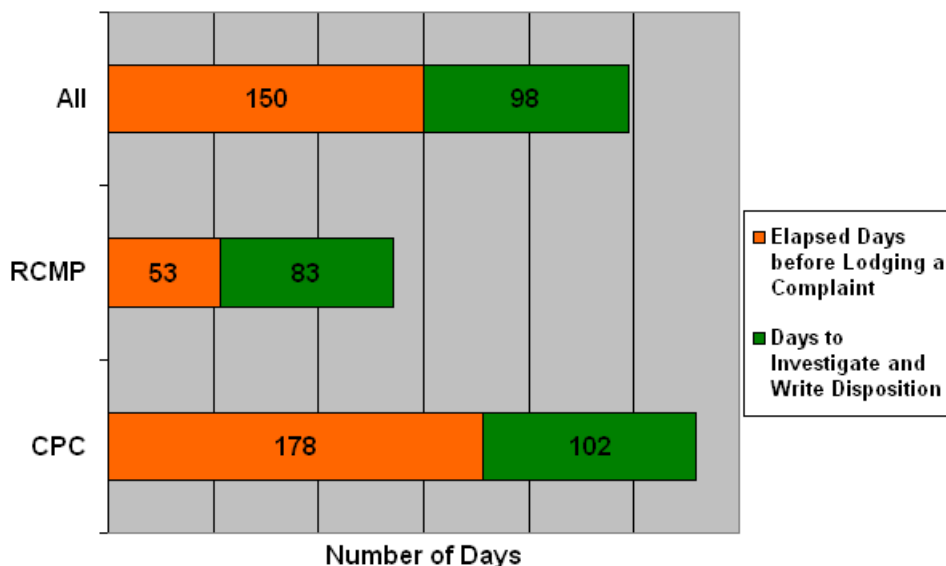
In 2008, “E” Division, on average, took 98 days to issue a disposition once a complaint was lodged. This is in comparison to the RCMP national average of 103 days and down from 111 days in 2007. The average number of days to issue a disposition was 102 for Commission-lodged complaints as opposed to 83 days for RCMP-lodged complaints.

It typically took complainants 150 days after the incident date to file a complaint. On average, complainants waited 178 days after the incident took place before lodging a complaint with the Commission, while complaints lodged with the RCMP averaged 53 days after the incident.⁸⁶

⁸⁵ By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP. With respect to providing the Commission with a disposition, the date of the disposition is compared with the date the document was received at the Commission.

⁸⁶ While the reasons for this delay is not yet fully understood, some preliminary analysis of the data suggests that complainants wait extended periods of time to lodge complaints because: 1) the complainant may not have immediate access to the public complaint system; 2) the complaint may be historical in that an incident occurred many years (in some cases decades) before a formal complaint is lodged; and 3) alternate ways of resolving the complaint may have been attempted before a formal complaint was lodged.

“E” Division: Complaint Timeline Based on the Organization it Was Lodged With



The average number of days for the Commission to receive the complaint disposition from this division was 97 for Commission-lodged complaints as opposed to the 87 days it took for RCMP-lodged complaints.

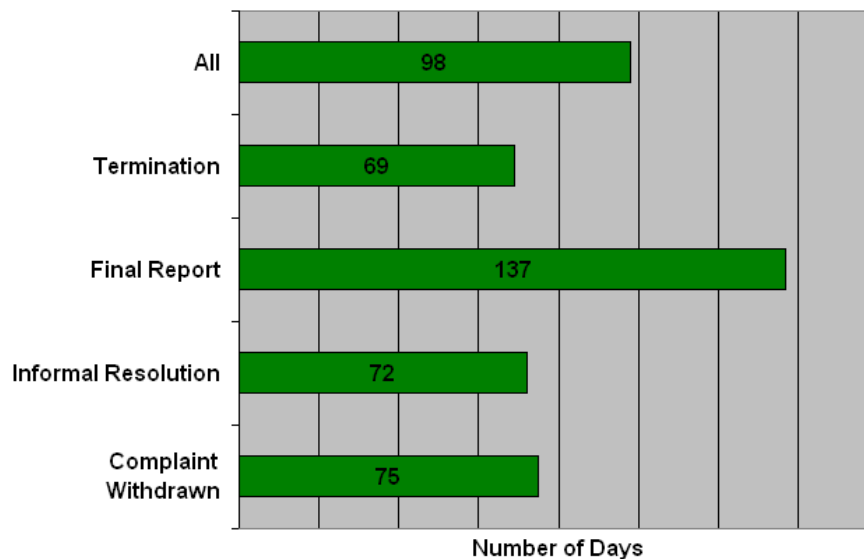
Complaint processing times were analyzed for each of the four detachments that were identified most often in the complaints.

- On average, the Surrey Detachment took 79 days to issue a disposition once a complaint was lodged. Typically, for these cases complainants waited 97 days after the incident date to lodge the original complaint.
- The Kelowna Detachment took an average of 80 days to issue a disposition once a complaint was lodged. Complainants, on average, lodged the original complaint 111 days after the incident date.
- The Coquitlam Detachment took 48 days to issue a disposition. Complainants waited an average of 147 days following the incident date to file the original complaint.
- The Kamloops Detachment, on average, took 100 days to issue a disposition following receipt of the complaint. For these cases complainants waited an average of 132 days after the incident to lodge the complaint.

Complaint timelines were also determined by disposition type:

- To issue a Final Report it typically took 136 days. In these cases, it took, on average, 223 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To capture a withdrawal it took an average of 75 days. It took, on average, 101 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To issue a Notice of Direction it typically took 69 days. It took, on average, 382 days for a complainant to lodge a complaint that resulted in this type of disposition.
- To enter into an informal resolution it took 72 days. In these cases, it took, on average, 60 days for a complainant to lodge the original complaint that resulted in this type of disposition.

“E” Division: Number of Days to Issue the Disposition by Disposition Type



Complaint timelines were also determined by allegation type. For the three most common types of allegations, timelines are reported.

- For complaints involving allegations of “Neglect of Duty”, on average, it took 108 days to issue a disposition. On average, complainants waited 159 days after the incident date to lodge a complaint for this type of allegation.
- For “Improper Attitude”, on average, it took 95 days to issue a disposition. Complainants, on average, lodged the original complaint 71 days after the incident date for this type of allegation.
- Finally, for “Improper Use of Force” it took, on average, 131 days to issue a disposition once a complaint was lodged. On average, complainants waited 194 days to lodge a complaint for this type of allegation.

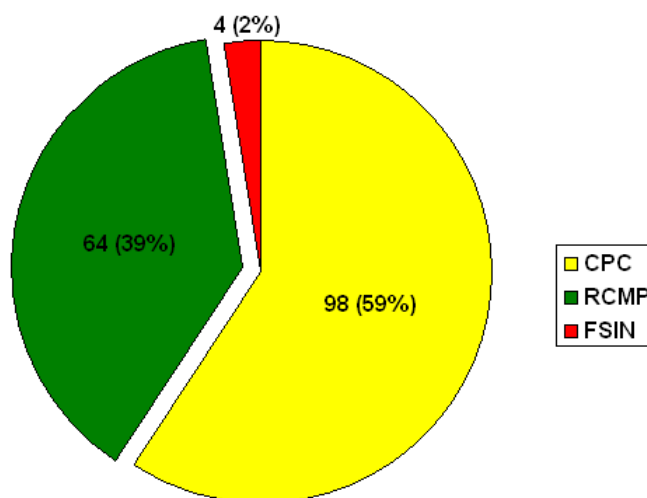
It is interesting to note that within “E” Division complaints involving “Policy” allegations, on average, took the longest time (159 days) to issue dispositions. However, given that informal resolutions accounted for 55% of all dispositions associated with the allegation type it is unclear why it took so long to dispose of these complaints.

**F-SASKATCHEWAN
DIVISIONAL REPORT**

Complaints Received

The Commission received 166 complaint dispositions of which 59% were lodged with the Commission, 39% were lodged with the RCMP and 2% were lodged with the FSIN.

“F” Division: Number of Complaints Based on the Organization it Was Lodged With

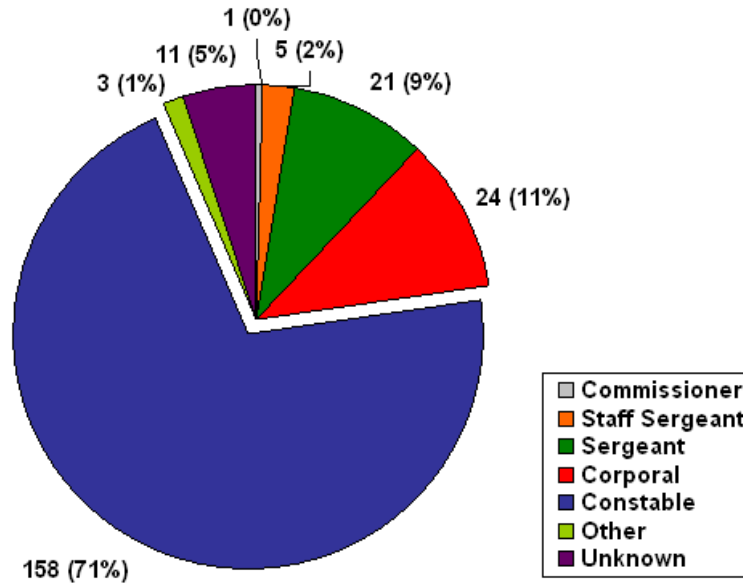


In analyzing the two detachments identified most often in complaints, it was found that:

- For the North Battleford Detachment, six (6) of the complaints were lodged with the Commission (55%), and five (5) were lodged with the RCMP (45%).
- For the Kamsack Detachment, three (3) of the complaints were lodged with the Commission (38%), one (1) was lodged with the FSIN (13%) and four (4) were lodged with the RCMP (50%).

The average number of members named in the complaints for “F” Division was 1.5, with the rank of constable being represented most often (71%) followed by the rank of corporal (11%) and sergeant (9%).

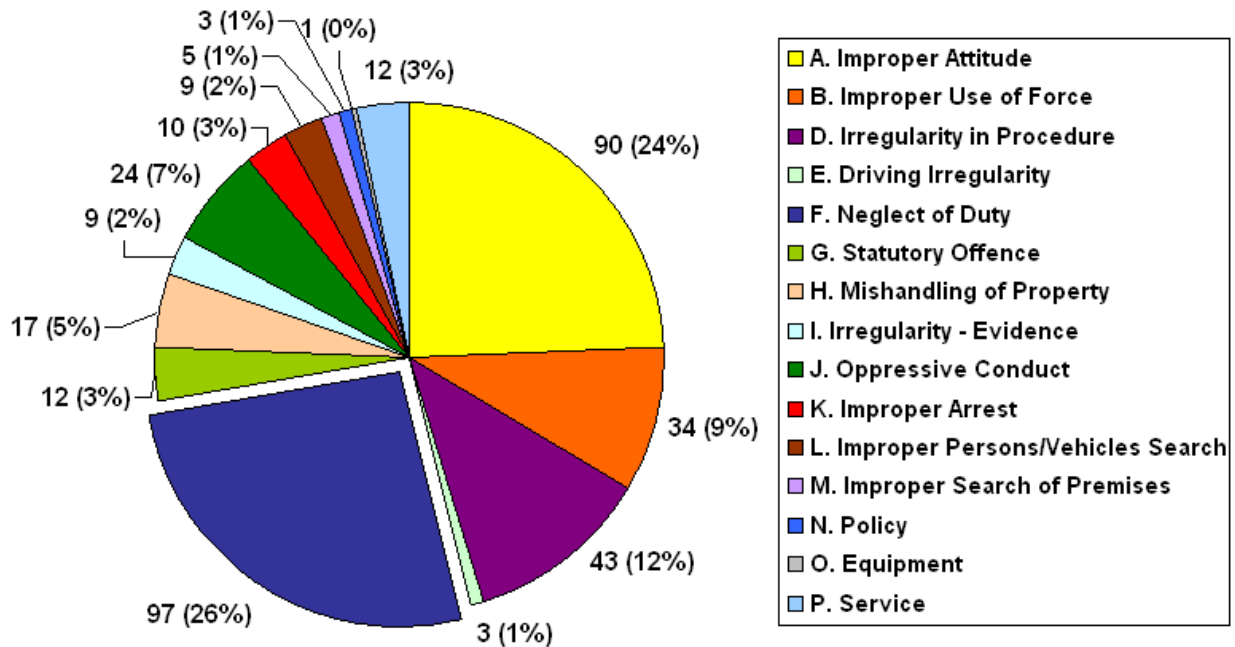
“F” Division: Number of Complaints by Member Rank



Allegations

A total of 365 allegations were made against members in “F” Division, which averaged about 2.2 allegations per complaint. The three most common allegations were “Neglect of Duty” (27%), “Improper Attitude” (24%), and “Irregularity in Procedure” (12%).

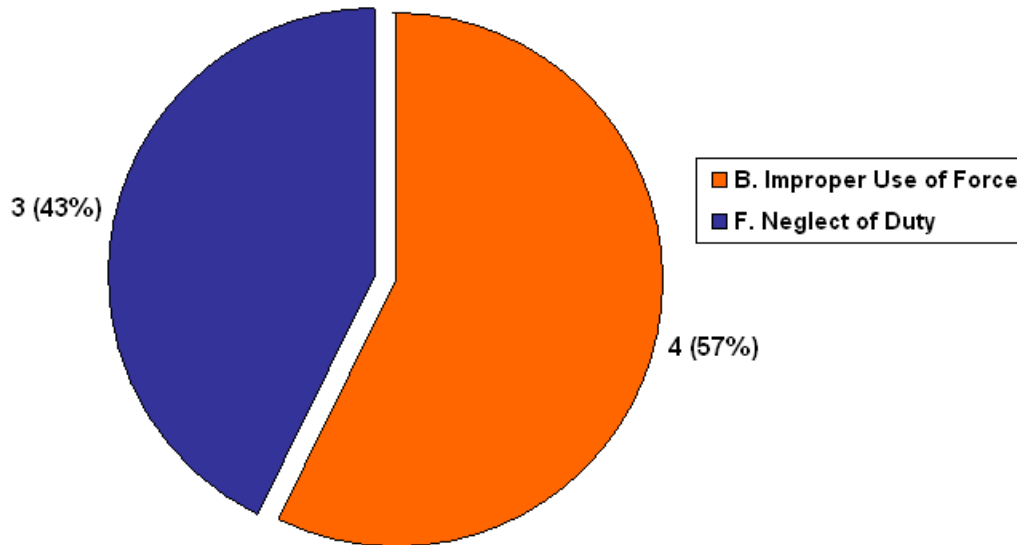
“F” Division: Allegations Breakdown



Allegations were also examined at the detachment level:

- For the North Battleford Detachment, the results indicated that the most common allegations were “Improper Use of Force” at 37% followed by “Improper Attitude” at 26%.
- For the Kamsack Detachment, the results indicated that the most common allegations were “Neglect of Duty” and “Oppressive Conduct” both at 32%.

“F” Division: Allegations for FSIN-Lodged Complaints



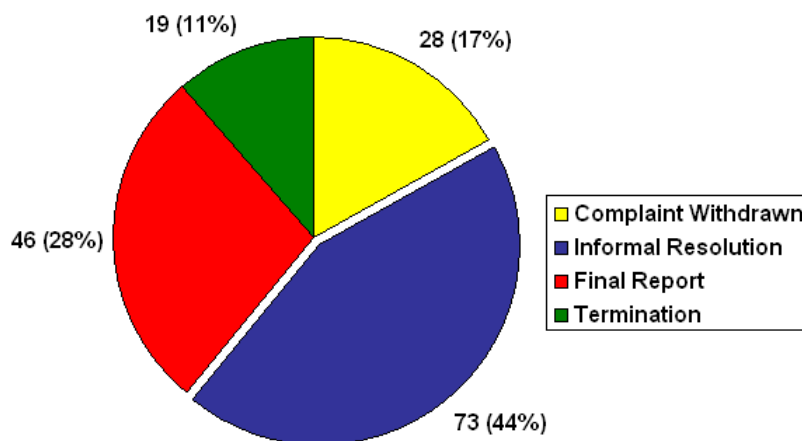
For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint. The most common issues that were raised in the complaints for “F” Division were “Attitude” (15%), “Service” (11%), “Arrest” (8%), “Criminal Investigation Quality (RCMP)” (7%) and “Vehicular Incidents” (7%).

“F” Division: Commission-Identified Issues

Issue	Number of Complaints	%
Aboriginal community	20	4%
Abusive Language	8	2%
Alcohol or Drugs (not intoxication)	10	2%
Arrest	38	8%
Attitude	69	15%
Care in Custody	11	2%
Chemical Irritant	2	0%
Child Abuse Response	5	1%
Child Custody	4	1%
Civil Disputes/No Child	4	1%
Conflict of Interest	6	1%
Criminal Investigation Quality (RCMP)	35	7%
Detention	17	4%
Entry of Premises	11	2%
Informants/Sources	3	1%
Intoxication	14	3%
Lethal Weapons	2	0%
Lying under Oath	3	1%
Medical Care	5	1%
Mental Illness	1	0%
Non-custody Deaths	1	0%
Non-lethal weapons other than chemical irritants	3	1%
Non-pursuit Police Driving	1	0%
Non-spousal, Non-child Assault Response	9	2%
Non-spousal, Non-child Sexual Assault Response	1	0%
Note-taking Quality	1	0%
Police Dogs	1	0%
Police Physical Abuse	20	4%
Police Pursuit Driving	1	0%
Policy	5	1%
Property Mishandling	8	2%
Public Complaint Process Quality (RCMP)	5	1%
Release/Disclosure of Information	7	1%
Restraints	2	0%
Right to Counsel	2	0%
Search	22	5%
Seizure	5	1%
Service	51	11%
Spousal Abuse Response	3	1%
Vehicular Incidents	32	7%
Youth Interaction With RCMP	15	3%
Youth Involvement	4	1%
Total	467	

Disposition of Complaints⁸⁷

“F” Division: Number of Complaints by Disposition Type



Investigation and Final Report

Of the complaint dispositions the Commission received from “F” Division, 46 (28%) were formally investigated and a Final Report by the RCMP issued. These reports made determinations on 154 allegations, with the most likely allegations being “Statutory Offence” and “Improper Use of Force”.

For all allegations, the majority of the RCMP’s findings did not support the complainant’s allegation(s) (81-100%). Overall, only 17 allegations were found to be supported (12%). With respect to serious allegations (“Improper Use of Force”, and “Statutory Offence”) the RCMP supported one (1) of the 26 allegations made or 3.8% of those kinds of allegations.

Informal Resolutions

Accounting for the most common way in this division to dispose of a complaint, informal resolutions occurred in 73 (44%) cases. The percentage of dispositions that resulted in informal resolutions in “F” Division was 10 percentage points higher than the Force-wide percentage of 34%. Informal resolution disposed of 115 allegations, which were most likely to be related to “Improper Attitude” and “Mishandling of Property”.

⁸⁷ Within the Disposition of Complaints section, there is a further breakdown to identify in what manner allegations categories have been disposed. For each allegation category, the number of allegations disposed of through each disposition type was divided by the total number of those allegations. These numbers were then compared from one allegation category to the next with the goal of determining which allegation was **most likely** to be disposed of by a certain disposition type. Therefore, an allegation category was more likely to be disposed of in a certain manner if the percentage disposed of in this way was significantly higher than that of other allegations categories. “Most likely” does not mean most common.

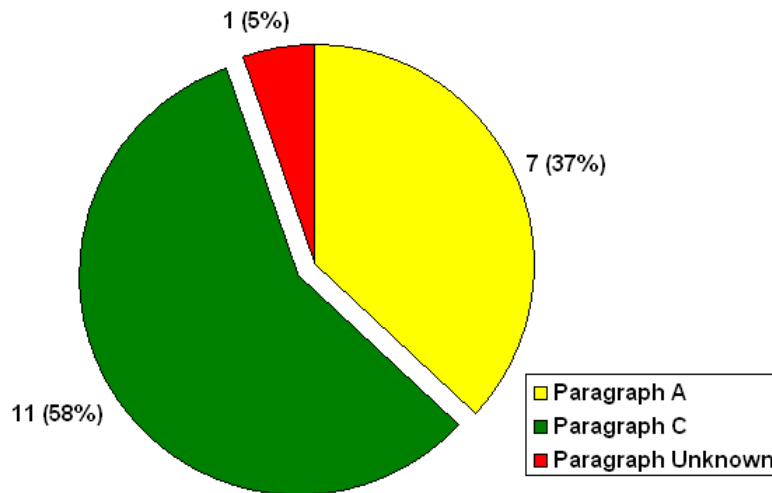
Withdrawals

In 17% of the cases, the complainant withdrew the complaint. This disposition type disposed of 55 allegations, the most likely of which was “Irregularity in Procedure”.

Terminations (Notice of Direction)⁸⁸

In 11% of all public complaints received from “F” Division a Notice of Direction was issued. In one (1) of the 19 complaints that were terminated (5%), the termination paragraph was not specified in the Notice of Direction. Termination paragraph (c) was most often invoked (58%). Notices of Direction disposed of 41 allegations, the most likely of which was “Mishandling of Property”.

“F” Division: Number of Terminated Complaints by Grounds Identified in subsection 45.36(5) of the RCMP Act



⁸⁸ The RCMP may decide to terminate a complaint under three strict grounds provided for in paragraphs (a), (b) and (c) of subsection 45.36(5) of the *RCMP Act*. These paragraphs are:

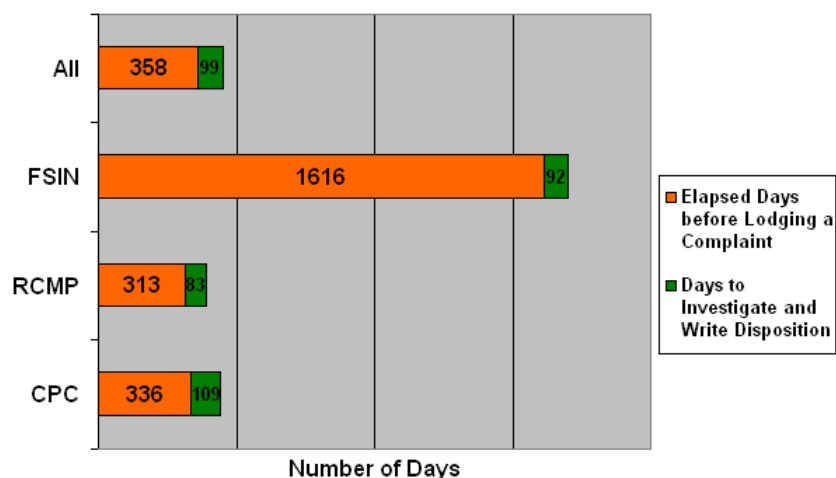
- (a) the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided under any other Act of Parliament;
- (b) the complaint is trivial, frivolous, vexatious or made in bad faith; and
- (c) having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable.

Service Standards: Complaint Processing Time⁸⁹

In 2008, “F” Division, on average, took 99 days to issue a disposition once a complaint was lodged. This is in comparison to the RCMP national average of 103 days and represents a significant improvement from 137 days in 2007. The average number of days to issue a disposition was 109 for Commission-lodged complaints as opposed to 83 days for RCMP-lodged complaints. For complaints lodged with the FSIN, it took an average of 92 days to issue a disposition.

It typically took complainants 359 days after the incident date to lodge a complaint. On average, complainants waited 336 days after the incident took place before lodging a complaint with the Commission, while complaints lodged with the RCMP averaged 314 days after the incident. Complainants, on average, took 1,616⁹⁰ days after the incident date to lodge a complaint with the FSIN.

“F” Division: Complaint Timeline Based on the Organization it Was Lodged With



The average number of days for the Commission to receive the complaint disposition from this division was 48 for Commission-lodged complaints as opposed to the 43 days it took for RCMP-lodged complaints. For complaints lodged with the FSIN, it took 90 days for the Commission to receive a copy of the disposition.

Complaint processing times were analyzed for the two detachments identified most often in complaint dispositions:

⁸⁹ By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP. With respect to providing the Commission with a disposition, the date of the disposition is compared with the date the document was received at the Commission.

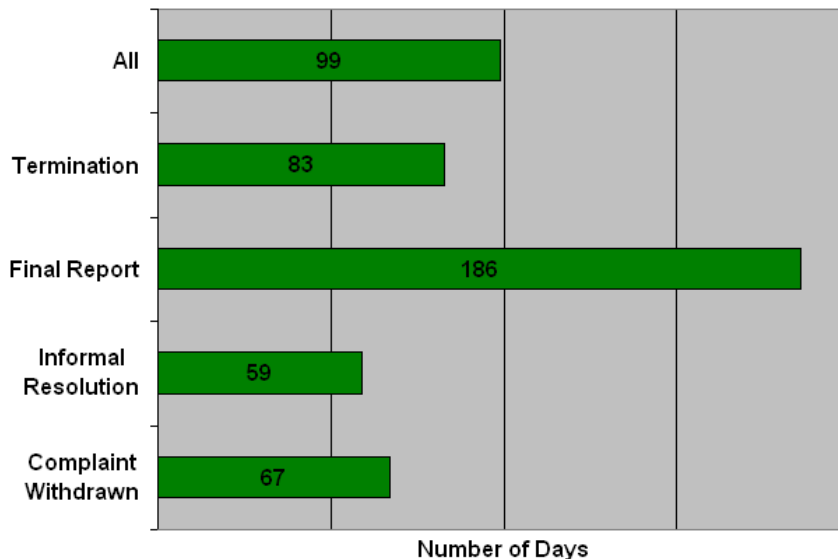
⁹⁰ The range for this average was 7 to 6,253 days. One case related to an incident from 1991 which contributed to the average being skewed.

- The North Battleford Detachment took 126 days to issue a disposition once a complaint was lodged. On average, it took complainants only 52 days after the incident date to lodge the original complaint.
- The Kamsack Detachment took an average of 108 days to issue a disposition once a complaint was lodged. Complainants, on average, lodged the original complaint 873 days after the incident date.

Complaint timelines were also determined by disposition type:

- To issue a Final Report it took, on average, 186 days. For these cases, it took, on average, 275 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To enter into an informal resolution it took, on average, 59 days. For these cases, it took, on average, 65 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- For a complainant to withdraw a complaint it took, on average, 67 days. For these cases, it took, on average, 233 days for a complainant to lodge a complaint that resulted in this type of disposition.
- To issue a Notice of Direction it took, on average, 83 days. For these cases, it took, on average, 1,861 days for a complainant to lodge the original complaint that resulted in this type of disposition.

“F” Division: Number of Days to Issue the Disposition by Disposition Type



Complaint timelines were also determined by allegation type. For the three most common types of allegations, timelines are reported.

- Allegations of “Neglect of Duty” took, on average, 115 days for a disposition to be issued once a complaint was lodged. On average, complainants waited 393 days to lodge the original complaint for this type of allegation.
- Allegations of “Improper Attitude”, on average, took 94 days for a disposition to be issued. Complainants, on average, lodged the original complaint 502 days after the incident date for this type of allegation.

- Allegations of “Irregularity in Procedure”, on average, took 147 days for a disposition to be issued. On average, complainants waited 290 days after the incident date to lodge the original complaint for this type of allegation.

It is interesting to note that within “F” Division complaints involving “Statutory Offence” allegations, on average, took the longest time (193 days) to issue dispositions.

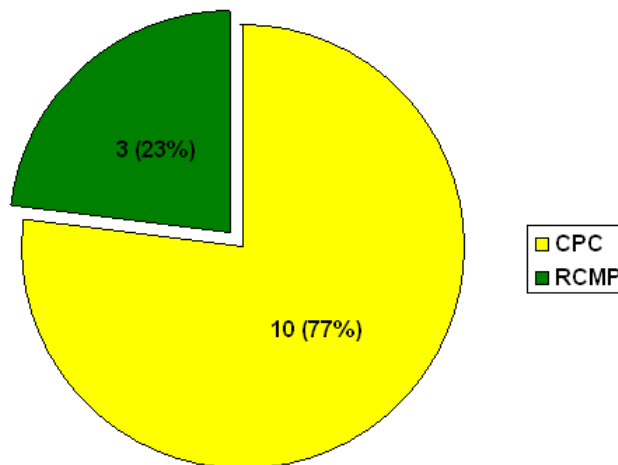
G-NORTHWEST TERRITORIES

DIVISIONAL REPORT

Complaints Received

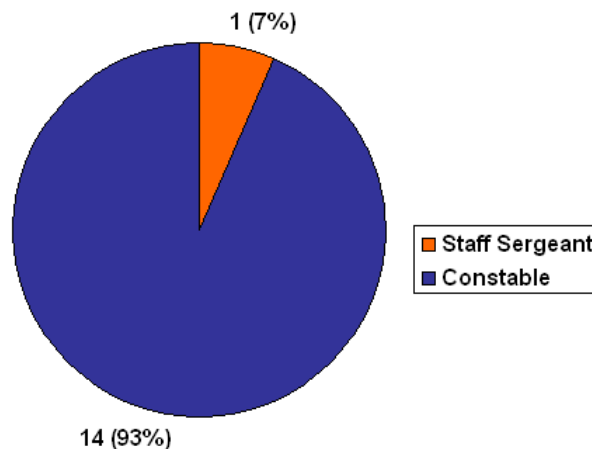
The Commission received 13 complaint dispositions from “G” Division with complaints involving the Yellowknife Detachment accounting for 38% of the total dispositions. Of the 13 complaints received from “G” Division, ten (10) were lodged with the Commission (77%), while three (3) were lodged with the RCMP (23%). For the Yellowknife Detachment, two (2) of the complaints were lodged with the Commission (40%) and three (3) were lodged with the RCMP (60%).

“G” Division: Number of Complaints Based on the Organization it was Lodged With



The average number of members named in the complaints for “G” Division was 1.3 with constables being represented in all but one complaint (93%). The final complaint was against a staff sergeant. No other ranks were identified.

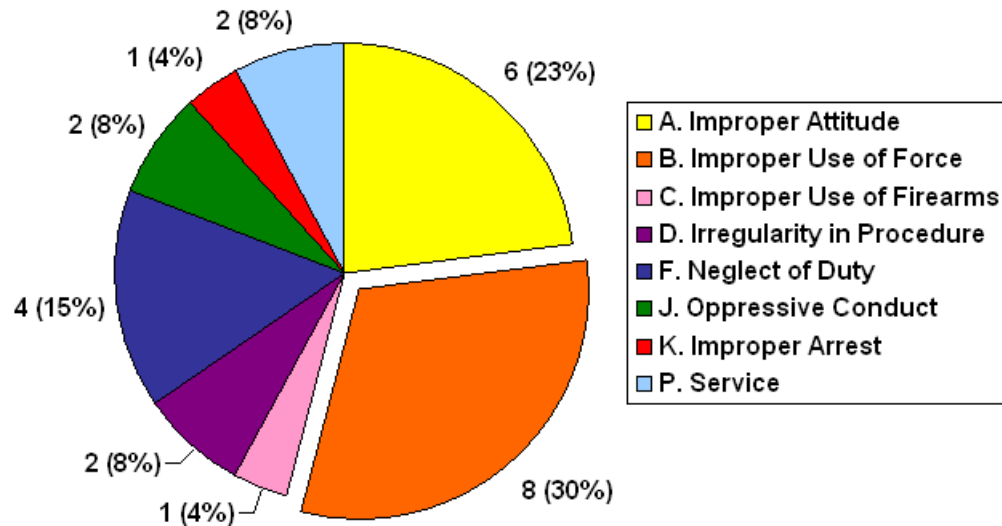
“G” Division: Number of Complaints by Member Rank



Allegations

A total of 26 allegations were made against members in “G” Division, which averaged two (2) allegations per complaint. The two most common allegations were “Improper Use of Force” (31%) and “Improper Attitude” (23%). For the Yellowknife Detachment, the data indicates that most of the allegations related to “Improper Use of Force” (55%).

“G” Division: Allegations Breakdown



For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint. The most common issues that were raised in the complaints were “Attitude” (16%) and “Arrest” (13%).

“G” Division: Commission-Identified Issues

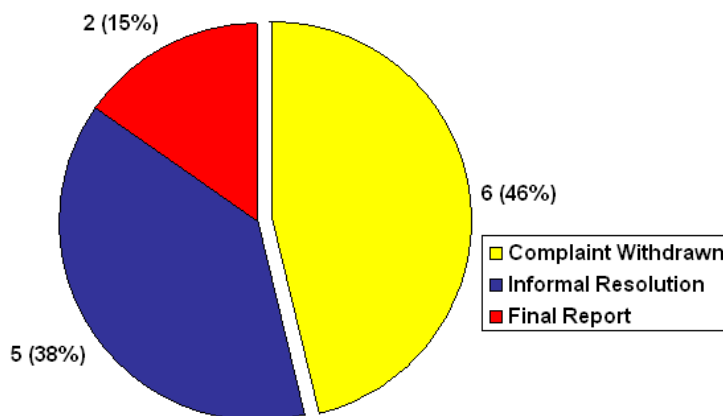
Issue	Number of Complaints	%
Alcohol or Drugs (not intoxication)	1	2%
Arrest	6	13%
Attitude	7	16%
Care in Custody	1	2%
Chemical Irritant	2	4%
Child Abuse Response	2	4%
Child Custody	1	2%
Civil Disputes/No Child	1	2%
Criminal Investigation Quality (RCMP)	3	7%
Detention	2	4%
Intoxication	2	4%
Lethal Weapons	1	2%
Medical Care	1	2%
Mental Illness	1	2%
Non-lethal weapons other than chemical irritants	1	2%
Non-spousal, Non-child Assault Response	2	4%
Police Physical Abuse	3	7%
Right to Counsel	1	2%
Service	4	9%
Vehicular Incidents	1	2%
Youth Interaction With RCMP	2	4%
Total	45	

Further, the results revealed trends in the issues for each allegation. For the purpose of this analysis, the common issues will be reported for the most frequently occurring allegations:

- The main issues that arose for “Improper Use of Force” included “Arrest” (14%), “Police Physical Abuse” (12%) and “Chemical Irritant” (10%).
- For allegations involving “Improper Attitude” the key issue identified was “Attitude” (29%).

Disposition of Complaints⁹¹

“G” Division: Number of Complaints by Disposition Type



Investigation and Final Report

Of the complaint dispositions the Commission received, two (2) (15%) were formally investigated and a Final Report was issued. These reports made findings on five (5) allegations and found them all to be unsupported.

Complaints involving allegations of “Improper Use of Force” were most likely to be formally investigated with a Final Report issued in 50% of the cases. With respect to serious allegations (in this case “Improper Use of Force”) the RCMP supported none of the four (4) allegations made.

Informal Resolutions

Informal resolutions occurred in 38% of the cases, which addressed 11 allegations. This is a significant increase from 17% of the dispositions disposed of in this manner for 2007. The allegation that was most likely to be subject to an informal resolution was “Improper Attitude”.

Withdrawals

In 46% of all the public complaints from this division, the complainant withdrew the complaint. A total of ten (10) allegations were disposed of in this manner. This is a significant increase from the 33% of the dispositions what were disposed of in this way in 2007. Allegations of “Neglect of Duty” and “Irregularity in Procedure” were most likely to result in a withdrawal.

Terminations (Notice of Direction)

No Notices of Direction were received by the Commission from this division.

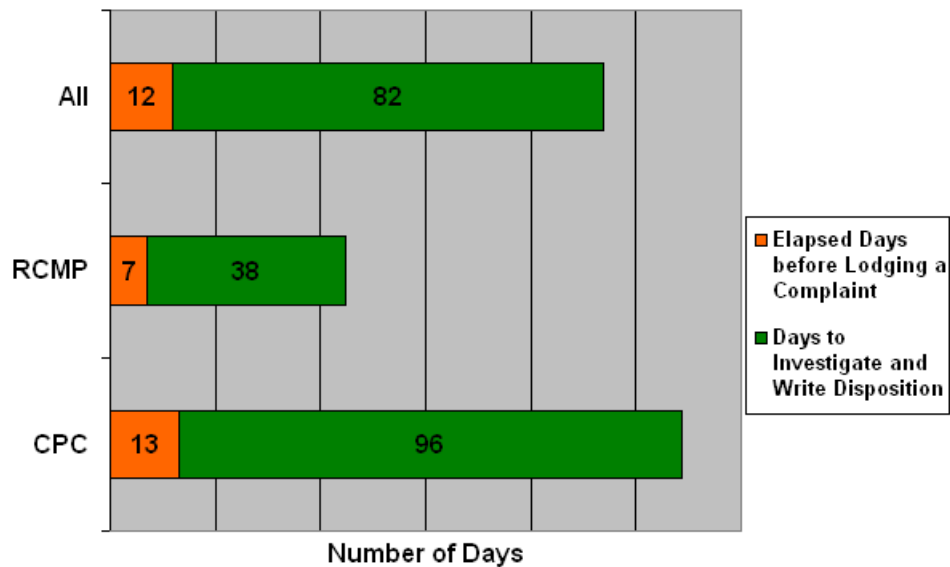
⁹¹ Within the Disposition of Complaints section, there is a further breakdown to identify in what manner allegations categories have been disposed. For each allegation category, the number of allegations disposed of through each disposition type was divided by the total number of those allegations. These numbers were then compared from one allegation category to the next with the goal of determining which allegation was **most likely** to be disposed of by a certain disposition type. Therefore, an allegation category was more likely to be disposed of in a certain manner if the percentage disposed of in this way was significantly higher than that of other allegations categories. “Most likely” does not mean most common.

Service Standards: Complaint Processing Time⁹²

On average, it took 82 days to issue a disposition once a complaint was lodged. This is in comparison to the RCMP national average of 103 days and a decrease from 106 days in 2007. The average number of days to issue a disposition was 96 for Commission-lodged complaints as opposed to 38 days for RCMP-lodged complaints. This is in contrast to 2007 when the average number of days was 101 for Commission-lodged complaints and 132 days for RCMP-lodged complaints.

On average it took 12 days for complainants to lodge a complaint after the incident date; this is a significant decrease from the average of 339 days in 2007. On average, complainants waited 13 days after the incident took place before lodging a complaint with the Commission, while complaints lodged with the RCMP averaged seven (7) days after the incident.

“G” Division: Complaint Timeline Based on the Organization it Was Lodged With



The average number of days for the Commission to receive the complaint disposition from this division was 63 for Commission-lodged complaints as opposed to the 86 days it took for RCMP-lodged complaints. This is an improvement from 2007, when it took, on average, 93 days for Commission-lodged complaints and 103 days for RCMP-lodged complaints.

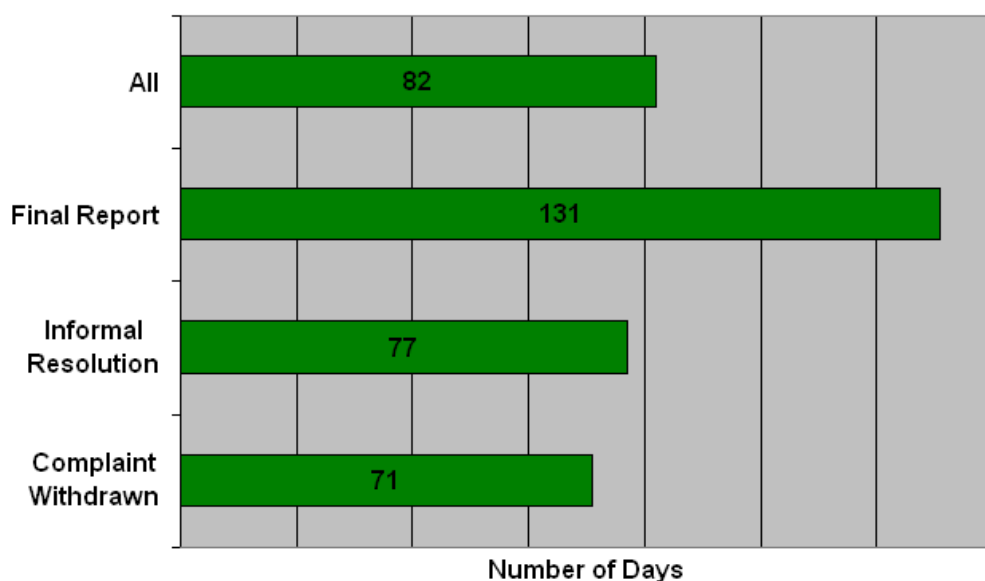
Complaints identifying the Yellowknife Detachment, on average, took 75 days to issue a disposition once a complaint was lodged and an additional 74 days for the Commission to receive a copy of the disposition. Typically, complainants waited six (6) days after the incident date to lodge a complaint.

⁹² By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP. With respect to providing the Commission with a disposition, the date of the disposition is compared with the date the document was received at the Commission.

Complaint timelines were also determined by disposition type:

- To issue a Final Report it took 131 days. For these cases, it generally took four (4) days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To enter into an informal resolution it took 77 days. For these cases it generally took four (4) days for a complainant to lodge the original complaint that resulted in this type of disposition.
- For a complainant to withdraw a complaint it took, on average, 71 days. For these cases, it generally took 20 days for a complainant to lodge the original complaint that resulted in this type of disposition.

“G” Division: Number of Days to Issue the Disposition by Disposition Type



Complaint timelines were also determined by allegation type. For the most frequently occurring types of allegations, timelines are reported.

- Allegations of “Improper Use of Force”, on average, took 116 days for a disposition to be issued. Typically, complainants waited seven (7) days after the incident date to lodge the original complaint with this type of allegation.
- Allegations involving “Improper Attitude” took 66 days for a disposition to be issued. Complainants, on average, lodged the original complaint seven (7) days after the incident date with this type of allegation.

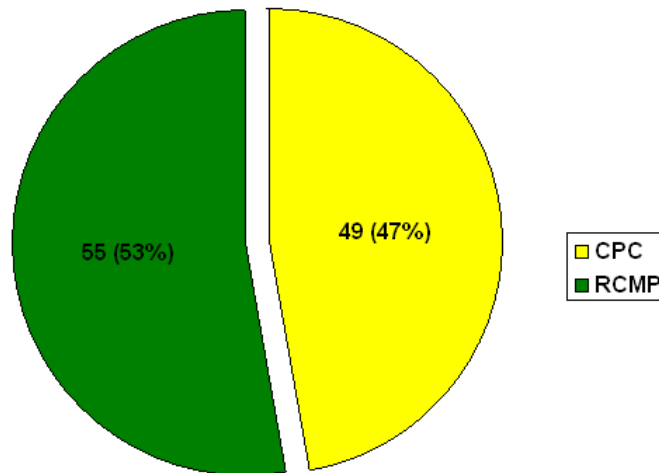
Interestingly, allegations of “Irregularity in Procedure”, on average, took 225 days before a disposition was issued.

**H-NOVA SCOTIA
DIVISIONAL REPORT**

Complaints Received

The Commission received 104 complaint dispositions of which 55 (53%) were lodged with the RCMP, while 49 (47%) were lodged with the Commission. The complaints were further examined at the detachment level. The detachments that were most often identified in the complaint dispositions included the Halifax Detachment (14%), followed by the Digby Detachment (8%) and the Antigonish Detachment (7%).

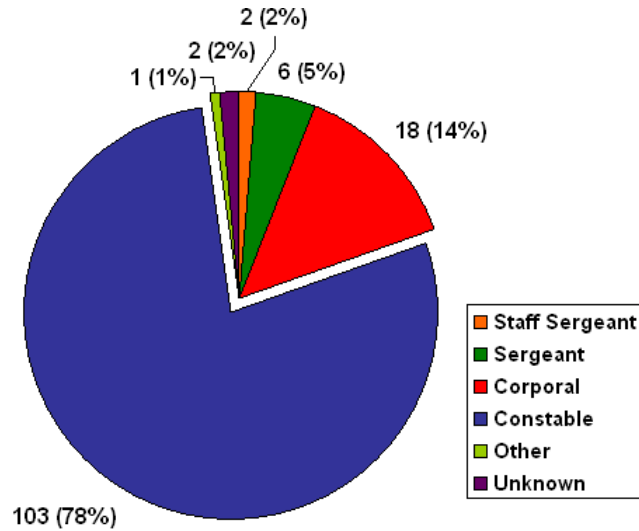
“H” Division: Number of Complaints Based on the Organization it Was Lodged With



In comparing the three detachments, it was found that for the Halifax Detachment, 60% of the complaints were lodged with the RCMP, while 40% of them were lodged with the Commission; for the Digby Detachment 88% of the complaints were lodged with the RCMP and 13% were lodged with the Commission; and for the Antigonish Detachment, 71% of the complaints were lodged with the RCMP, while 29% of them were lodged with the Commission. These numbers contrast with the Force-wide average where only 32% of complaints are lodged with the RCMP and 68% are lodged with the Commission.

The average number of members named in the complaints for “H” Division was 1.3, with the rank of constable being the most common rank (78%), followed by the rank of corporal (14%).

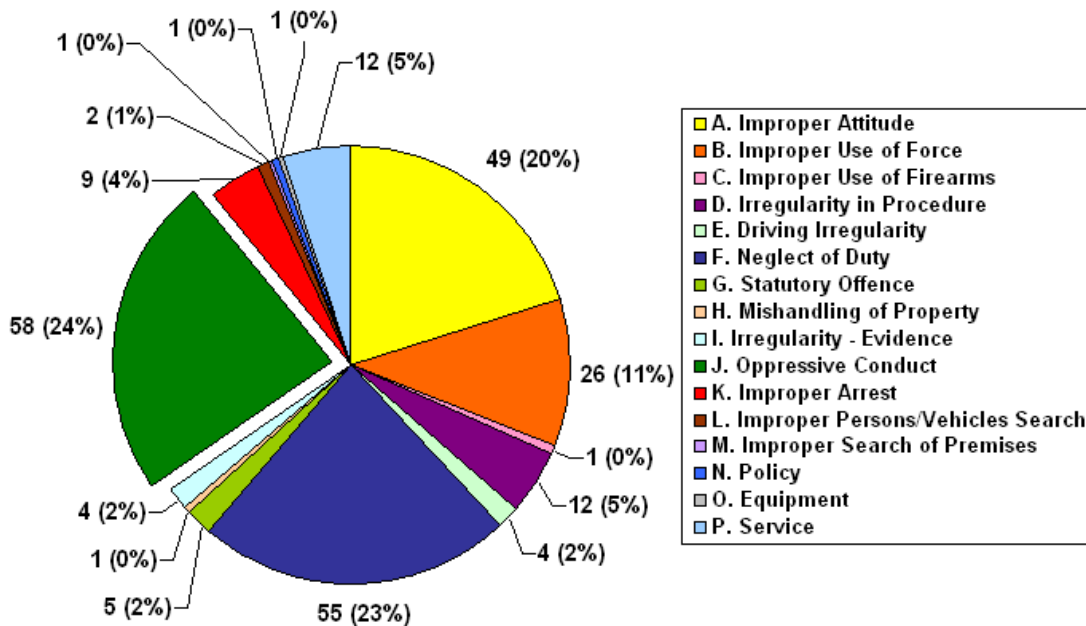
“H” Division: Number of Complaints by Member Rank



Allegations

A total of 241 allegations were made against members in “H” Division, which averaged about 2.3 allegations per complaint. The three most common allegations were “Oppressive Conduct” (24%), “Neglect of Duty” (23%) and “Improper Attitude” (20%).

“H” Division: Allegations Breakdown



Allegations were also examined at the detachment level. For the Digby Detachment, the most common allegations related to “Improper Use of Force” (28%) and “Oppressive Conduct” (24%). The most common allegations for the Antigonish Detachment were “Improper Attitude” and “Irregularity in Procedure” both at 33%. For the Halifax Detachment the most frequent allegations were “Improper Attitude” (35%) and “Oppressive Conduct” (30%).

For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint. The most common issues that were raised in the complaints for “H” Division were “Attitude” (20%), “Service” (10%), and “Arrest” (9%).

“H” Division: Commission-Identified Issues

Issue	Number of Complaints	%
Aboriginal community	1	0%
Abusive Language	7	2%
Alcohol or Drugs (not intoxication)	5	2%
Arrest	27	9%
Attitude	59	20%
Care in Custody	3	1%
Child Abuse Response	3	1%
Child Custody	2	1%
Civil Disputes/No Child	3	1%
Criminal Investigation Quality (RCMP)	22	7%
Detention	8	3%
Entry of Premises	7	2%
Informants/Sources	1	0%
Intoxication	8	3%
Lethal Weapons	2	1%
Lying under Oath	2	1%
Medical Care	8	3%
Mental Illness	3	1%
Non-lethal weapons other than chemical irritants	3	1%
Non-pursuit Police Driving	3	1%
Non-spousal, Non-child Assault Response	5	2%
Note-taking Quality	1	0%
Police Physical Abuse	13	4%
Police Pursuit Driving	3	1%
Policy	5	2%
Property Mishandling	2	1%
Release/Disclosure of Information	2	1%
Restraints	2	1%
Right to Counsel	6	2%
Search	6	2%
Seizure	3	1%
Service	31	10%
Spousal Abuse Response	6	2%
Vehicular Incidents	25	8%
Youth Interaction With RCMP	8	3%
Youth Involvement	1	0%
Total	296	

Trends in the issues were also identified by detachment:

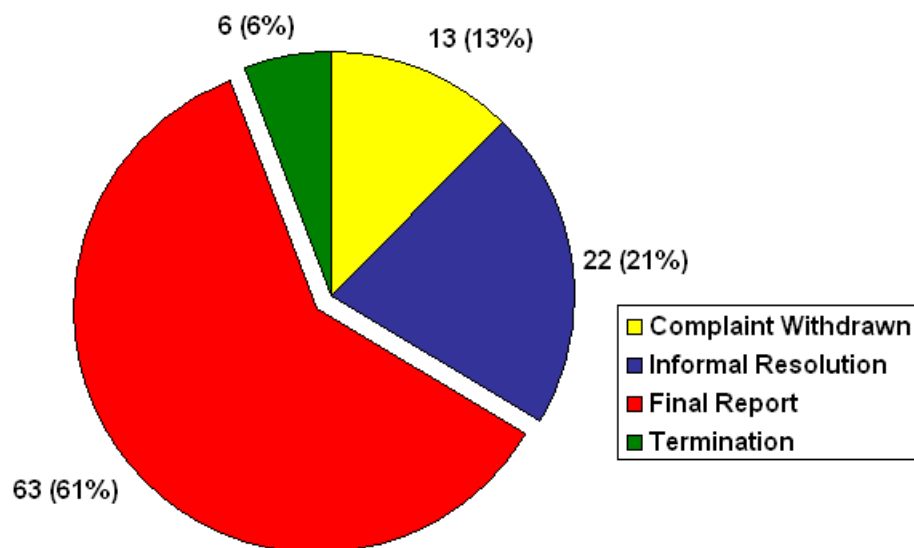
- For the Digby Detachment, the common issues raised were “Attitude” (28%) followed by “Vehicular Incidents” (10%) and “Youth Interaction with RCMP” (10%).
- The two most common issues identified in complaints received from the Antigonish Detachment were “Attitude” (24%) and “Entry of Premises” (18%).
- Lastly, for the Halifax Detachment, “Attitude” (26%) was the key issue identified in the complaints, followed by “Service” (10%) and “Vehicular Incidents” (10%).

Further, the results revealed trends in the issues for each allegation. For the purpose of this analysis, the common issues will be reported for the three most frequently occurring allegations:

- For complaints alleging “Oppressive Conduct” the key issues were “Attitude” (15%) “Arrest” (13%) and “Service” (9%).
- For complaints alleging “Neglect of Duty” the key issues were “Service” (14%), “Criminal Investigation Quality (RCMP)” (13%) and “Attitude” (12%).
- For complaints alleging “Improper Attitude” the key issues identified were “Attitude” (35%), “Vehicular Incidents” (11%), and “Youth Interaction with the RCMP” (8%).

Disposition of Complaints⁹³

“H” Division: Number of Complaints by Disposition Type



⁹³ Within the Disposition of Complaints section, there is a further breakdown to identify in what manner allegations categories have been disposed. For each allegation category, the number of allegations disposed of through each disposition type was divided by the total number of those allegations. These numbers were then compared from one allegation category to the next with the goal of determining which allegation was *most likely* to be disposed of by a certain disposition type. Therefore, an allegation category was more likely to be disposed of in a certain manner if the percentage disposed of in this way was significantly higher than that of other allegations categories. “Most likely” does not mean most common.

Investigation and Final Report

Of the complaint dispositions the Commission received, 63 (61%) were formally investigated and a Final Report issued by the RCMP. These reports made determinations on 174 allegations, the most common of which were “Oppressive Conduct” and “Service”.

For almost every type of allegation, with the exception of “Service”, the overwhelming majority (75-100%) of the RCMP’s findings did not support the complainant’s allegation(s). Sixty percent (60%) of “Service” allegations were found to be supported while 40% were unsupported. With respect to serious allegations (“Improper Use of Force”, “Improper Use of a Firearm” and “Statutory Offence”) the RCMP supported one (1) of the 21 allegations made or 4.8% of these kinds of allegations.

Informal Resolutions

Accounting for the second most common way to dispose of a complaint, informal resolutions occurred in 21% of the cases. Informal resolutions dealt with 31 allegations, the most likely of which were “Improper Attitude” and “Service”.

Withdrawals

In 13% of the cases, the complainant withdrew the complaint. Withdrawals disposed of 28 allegations, with the most likely being “Improper Use of Force” and “Irregularity in Procedure”.

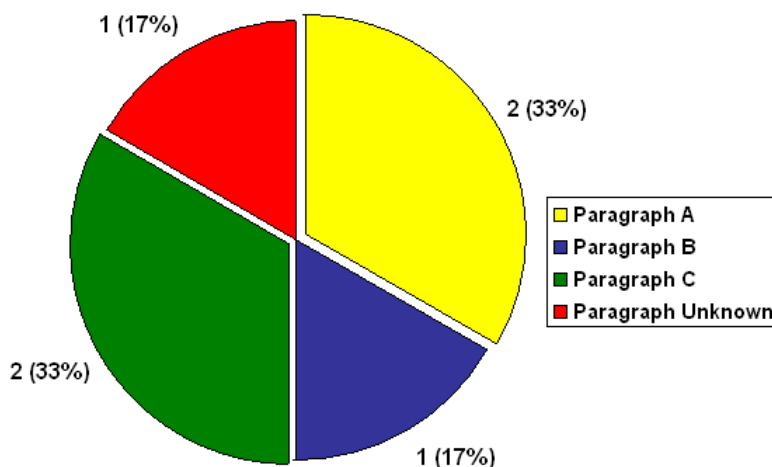
Terminations (Notice of Direction)⁹⁴

In 6% of all public complaints received a Notice of Direction was issued. In total, eight (8) allegations were subject to termination paragraphs. In one (1) of the six (6) cases (17%), the grounds for termination were not specified in the Notice of Direction. Allegations most likely to be subject to a termination paragraph were related to “Neglect of Duty”.

⁹⁴ The RCMP may decide to terminate a complaint under three strict grounds provided for in paragraphs (a), (b) and (c) of subsection 45.36(5) of the *RCMP Act*. These paragraphs are:

- (a) the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided under any other Act of Parliament;
- (b) the complaint is trivial, frivolous, vexatious or made in bad faith; and
- (c) having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable.

“H” Division: Number of Terminated Complaints by Grounds Identified in subsection 45.36(5) of the RCMP Act



Service Standards: Complaint Processing Time⁹⁵

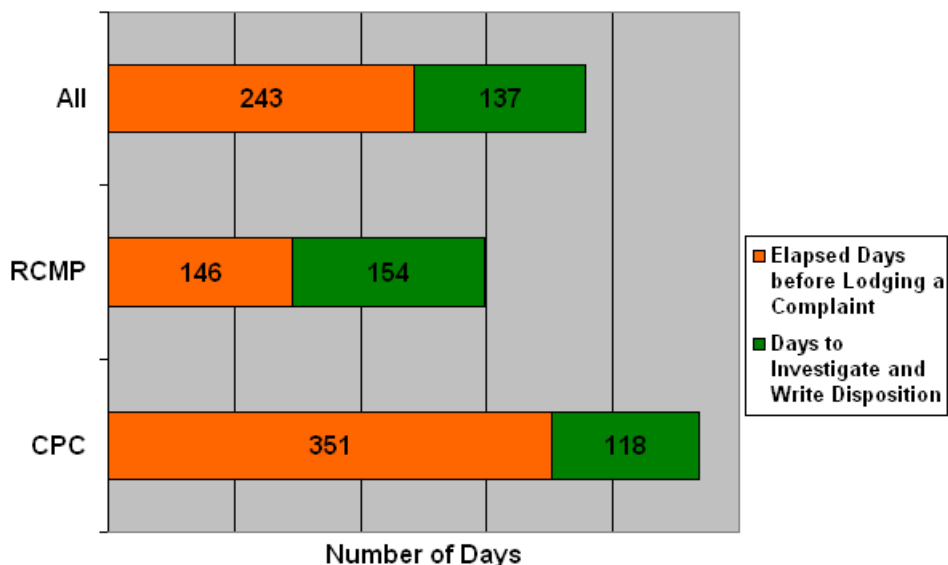
In 2007, “H” Division, on average, took 137 days to issue a disposition once a complaint was lodged; this is in comparison to the RCMP national average of 103 days. The average number of days to issue a disposition was 118 for Commission-lodged complaints as opposed to 154 days for RCMP-lodged complaints.

On average, it took 243 days for a complainant to lodge a complaint. On average, complainants waited 351 days after the incident took place before lodging a complaint with the Commission, while complaints lodged with the RCMP averaged 146 days after the incident.⁹⁶

⁹⁵ By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP. With respect to providing the Commission with a disposition, the date of the disposition is compared with the date the document was received at the Commission.

⁹⁶ While the reasons for this delay is not yet fully understood, some preliminary analysis of the data suggests that complainants wait extended periods of time to lodge complaints with the Commission because: 1) the complainant may not have immediate access to the public complaint system; 2) the complaint may be historical in that an incident occurred many years (in some cases decades) before a formal complaint is lodged; and 3) alternate ways of resolving the complaint may have been attempted before a formal complaint was lodged.

“H” Division: Complaint Timeline Based on the Organization it Was Lodged With



The average number of days for the Commission to receive the complaint disposition from this division was 19 for Commission-lodged complaints as opposed to the 21 days it took for RCMP-lodged complaints. This is significantly lower than 2007, when it took, on average, 64 days for Commission-lodged complaints and 54 days for RCMP-lodged complaints.

Complaint processing times were analyzed for each of the three detachments that were identified most often in complaint dispositions:

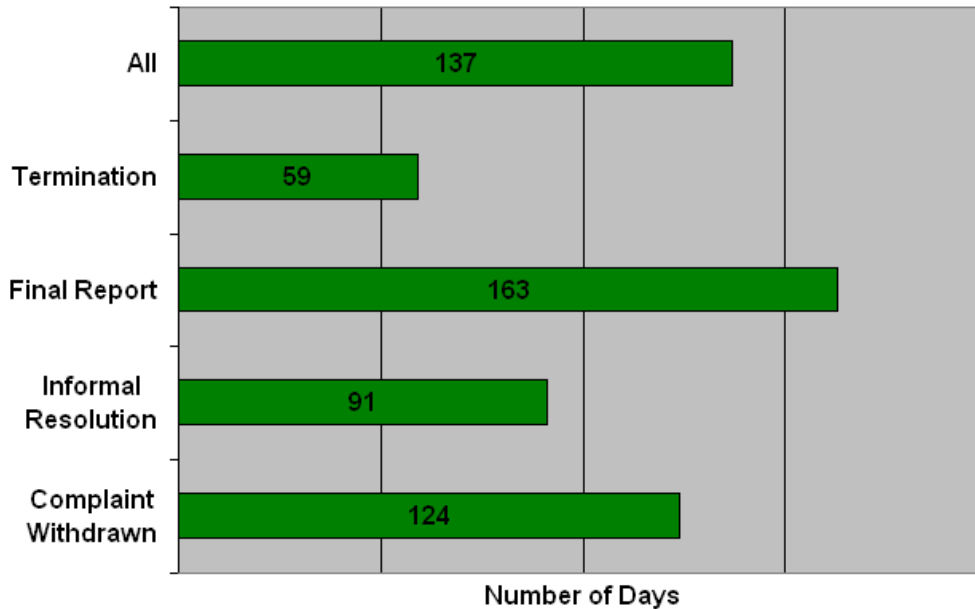
- On average, the Digby Detachment took 100 days to issue a disposition once a complaint was lodged. Typically, for these cases complainants waited only 23 days after the incident date to lodge the original complaint.
- The Antigonish Detachment took an average of 238 days to issue a disposition once a complaint was lodged. Complainants, on average, lodged the original complaint 39 days after the incident date.
- Finally, the Halifax Detachment, on average, took 119 days to issue a disposition following receipt of the complaint. Surprisingly, complainants waited an average of 766 days after the incident to lodge the original complaint.

Complaint timelines were also determined by disposition type:

- To issue a Final Report by the RCMP it took, on average, 163 days. For these cases, it generally took 168 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To issue a notice of direction invoking any termination provision it took 59 days. For these cases, it generally took 1,460 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To enter into an informal resolution it took, on average, 91 days. For these cases, it generally took 101 days for a complainant to lodge the original complaint that resulted in this type of disposition.

- To capture a withdrawal it took, on average, 124 days. For these cases, it generally took 282 days for a complainant to lodge the original complaint that resulted in this type of disposition.

“H” Division: Number of Days to Issue the Disposition by Disposition Type



Complaint timelines were also determined by allegation type. For the three most common types of allegations, timelines are reported.

- Allegations of “Oppressive Conduct”, on average, took 159 days for a disposition to be issued. On average, complainants waited 189 days after the incident date to lodge the original complaint for this type of allegation.
- Allegations of “Neglect of Duty”, on average, took 155 days for a disposition to be issued. Complainants, on average, lodged a complaint 210 days after the incident date for this type of allegation.
- Allegations of “Improper Attitude” typically took 148 days for a disposition to be issued once a complaint was lodged. On average, complainants waited 277 days to lodge the original complaint for this type of allegation.

It is interesting to note that within “H” Division complaints involving “Driving Irregularity” allegations, on average, took the longest time (203 days) to issue dispositions.

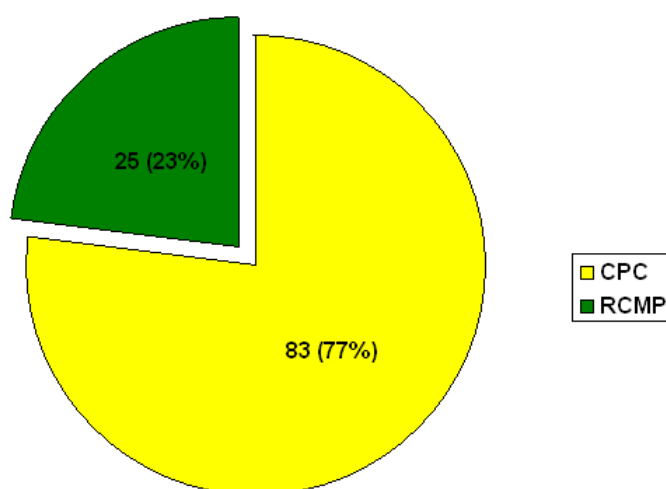
**J-NEW BRUNSWICK
DIVISIONAL REPORT**

Complaints Received

The Commission received 108 complaint dispositions of which 77% were lodged with the Commission, while 23% were lodged with the RCMP. This is in contrast to 2007, where 62% of the complaints were lodged with the Commission and 38% were lodged with the RCMP.

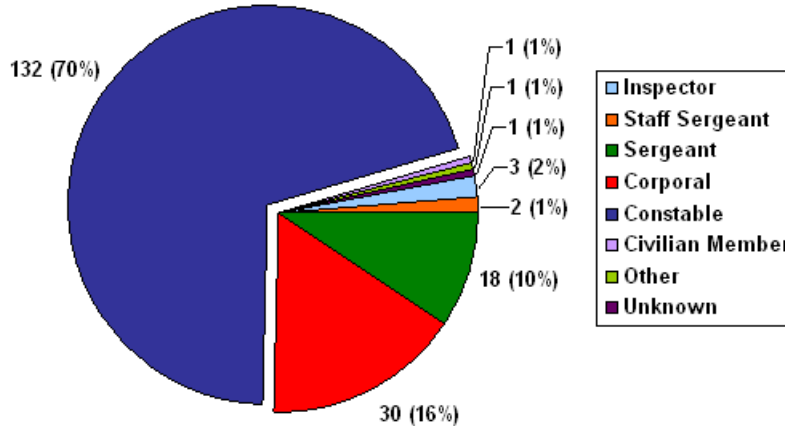
The Codiac-Codiac District Detachment was identified in 13% of all public complaints related to this Division. In this detachment, 100% of the complaints were lodged with the Commission. Complaints from the Oromocto Municipal Detachment represented 8% of all complaints received from “H” Division. Seventy-eight percent (78%) of these complaints were lodged with the Commission while 22% were lodged with the RCMP.

“J” Division: Number of Complaints Based on the Organization it Was Lodged With



The average number of members named in the complaints for “J” Division was 1.8, with the rank of constable being the most common rank identified in the total complaints (70%). The rank of corporal was represented in 16% of the complaints and sergeant was represented in 10% of the complaints.

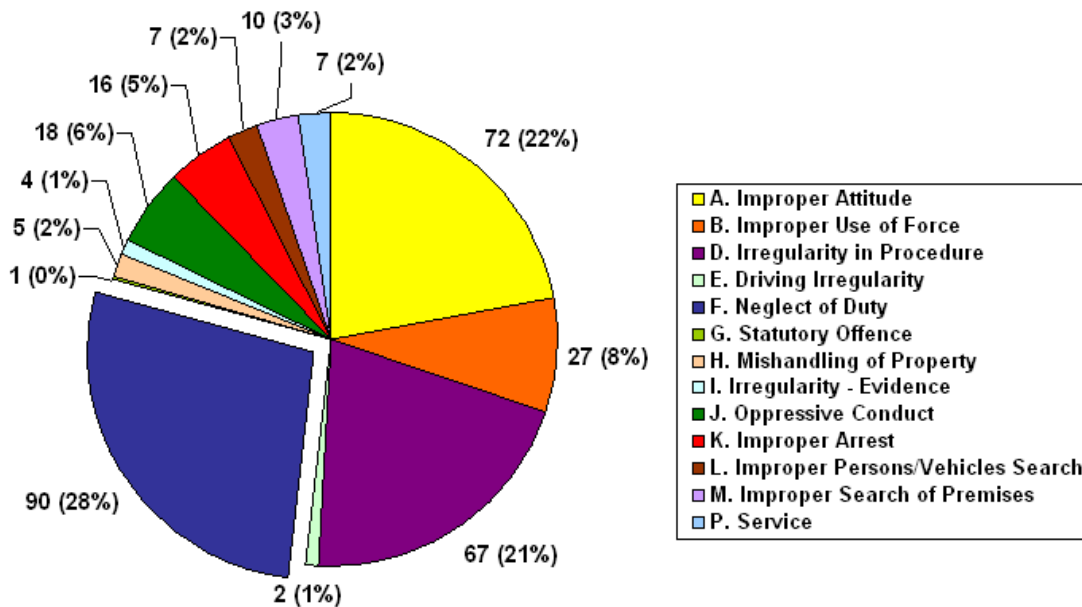
“J” Division: Number of Complaints by Member Rank



Allegations

A total of 326 allegations were made against members, which averaged about three (3) allegations per complaint. The three most common allegations were “Neglect of Duty” (28%), “Improper Attitude” (22%) and “Irregularity in Procedure” (21%). Allegations of “Improper Use of Force” dropped from 12% in 2007 to 8% in 2008.

“J” Division: Allegations Breakdown



Allegations were also examined at the detachment level. For the Codiac-Codiac District Detachment, the results indicate that the most common allegations pertained to “Neglect of Duty” (28%), “Irregularity in Procedure” (26%), and “Improper Attitude” (21%). For the Oromocto Detachment, the most common allegations were “Irregularity in Procedure” (61%) and “Improper Attitude” (11%).

For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint. The most common issues that were raised in the complaints for “J” Division were “Attitude” (15%), “Criminal Investigation Quality (RCMP)” (12%), and “Service” (10%). The most common issues identified in complaints received from the Codiac-Codiac District Detachment were “Arrest” (12%), “Attitude” (12%) and “Criminal Investigation Quality” (11%). For the Oromocto Detachment, the most common issues were “Criminal Investigation Quality” (21%) and “Vehicular Incidents” (21%).

Further, the results revealed trends in the issues for each allegation. For the purpose of this analysis, the common issues will be reported for the three most frequently occurring allegations:

- For complaints alleging “Neglect of Duty” the key issues were “Criminal Investigation Quality (RCMP)” (15%), “Service” (12%), and “Attitude” (11%).
- For complaints alleging “Improper Attitude” the key issues were “Attitude” (24%), “Service” (9%), and “Criminal Investigation Quality (RCMP)” (8%).

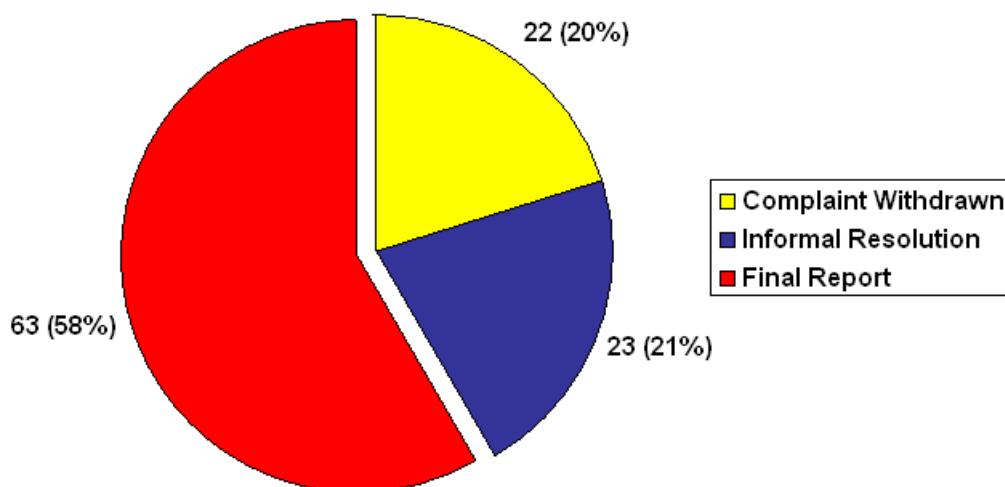
For complaints alleging “Irregularity in Procedure” the key issues identified were “Service” (14%), “Entry of Premises” (9%), “Policy” (9%), “Child Custody” (9%), and “Youth Interaction with RCMP” (9%).

“J” Division: Commission-Identified Issues

Issue	Number of Complaints	%
Aboriginal community	1	0%
Abusive Language	4	1%
Alcohol or Drugs (not intoxication)	8	2%
Arrest	22	6%
Attitude	54	15%
Care in Custody	6	2%
Chemical Irritant	2	1%
Child Abuse Response	4	1%
Child Custody	1	0%
Civil Disputes/No Child	10	3%
Conflict of Interest	4	1%
Criminal Investigation Quality (RCMP)	41	12%
Detention	10	3%
Entry of Premises	8	2%
Informants/Sources	2	1%
Intoxication	8	2%
Lethal Weapons	3	1%
Lying under Oath	1	0%
Medical Care	5	1%
Mental Illness	7	2%
Non-lethal weapons other than chemical irritants	2	1%
Non-spousal, Non-child Assault Response	6	2%
Non-spousal, Non-child Sexual Assault Response	1	0%
Note-taking Quality	1	0%
Police Dogs	3	1%
Police Physical Abuse	15	4%
Police Pursuit Driving	2	1%
Policy	2	1%
Property Mishandling	9	3%
Public Complaint Process Quality (RCMP)	6	2%
Release/Disclosure of Information	6	2%
Restraints	4	1%
Right to Counsel	4	1%
Search	15	4%
Seizure	7	2%
Service	37	10%
Spousal Abuse Response	3	1%
Vehicular Incidents	26	7%
Youth Interaction With RCMP	6	2%
Total	356	

Disposition of Complaints⁹⁷

“J” Division: Number of Complaints by Disposition Type



Investigation and Final Report

Of the complaint dispositions the Commission received, 58% were formally investigated and a Final Report issued. These reports made determinations on 225 allegations, the most likely being “Improper Search of Premises” and “Neglect of Duty”.

For all types of allegation identified in the complaints, with the exception of “Improper Search of Premises”, the overwhelming majority (83-100%) of the RCMP’s findings did not support the complainant’s allegation(s). “Improper Search of Premises” allegations were found to be supported 67% of the time and unsupported 33% of the time. With respect to serious allegations (in this case “Improper Use of Force”) the RCMP supported none of the 18 allegations made.

Informal Resolutions

Accounting for the second most common way to dispose of a complaint, informal resolutions occurred in 21% of the cases and dealt with 59 allegations. The allegation most likely to be subject to an informal resolution was “Improper Use of Force” with 33% of these allegations being informally resolved.

⁹⁷ Within the Disposition of Complaints section, there is a further breakdown to identify in what manner allegations categories have been disposed. For each allegation category, the number of allegations disposed of through each disposition type was divided by the total number of those allegations. These numbers were then compared from one allegation category to the next with the goal of determining which allegation was **most likely** to be disposed of by a certain disposition type. Therefore, an allegation category was more likely to be disposed of in a certain manner if the percentage disposed of in this way was significantly higher than that of other allegations categories. “Most likely” does not mean most common.

Withdrawals

In 20% of the cases, the complainant withdrew the complaint. In total, 42 allegations were withdrawn, the most likely being “Oppressive Conduct”.

Terminations (Notice of Direction)

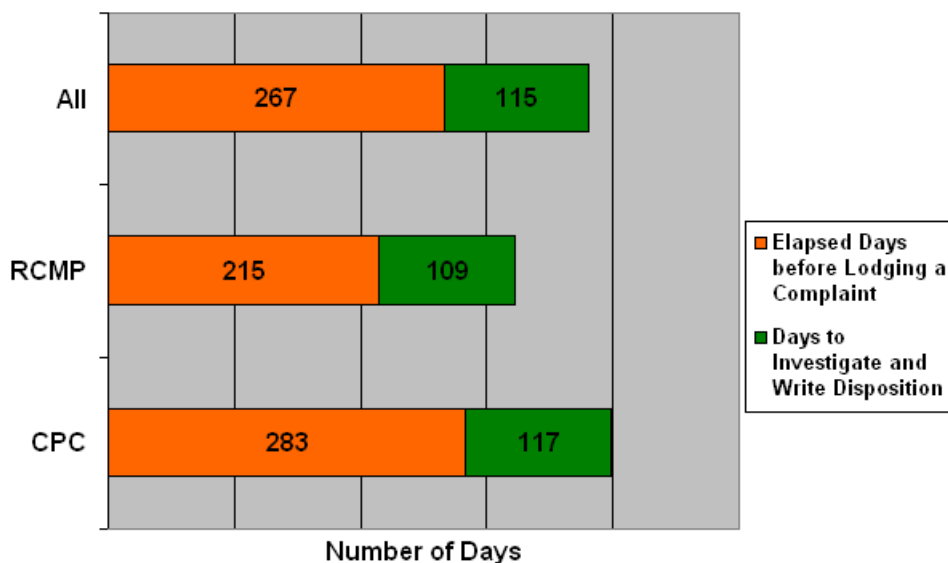
There were no Notices of Direction provided to the Commission by “J” Division.

Service Standards: Complaint Processing Time⁹⁸

In 2008, “J” Division, on average, took 115 days to issue any type of disposition once a complaint was lodged. This is in comparison to the RCMP national average of 103 days and represents an increase from 93 days in 2007. The average number of days to issue a disposition was 117 for Commission-lodged complaints as opposed to 109 days for RCMP-lodged complaints.

On average, it took 267 days for a complainant to lodge a complaint. On average, complainants waited 283 days after the incident took place before lodging the original complaint with the Commission, while complaints lodged with the RCMP averaged 215 days after the incident.⁹⁹

“J” Division: Complaint Timeline Based on the Organization it Was Lodged With



The average number of days for the Commission to receive the complaint disposition from this division was 24 for Commission-lodged complaints as opposed to the 25 days it took for RCMP-lodged complaints. Specific to the Commission-lodged complaints this is an improvement from 2007 when it took, on average, 74 days.

Complaint processing times were also analyzed for complaints from the two most common detachments. On average, the Codiac-Codiac District Detachment took 117 days to issue a

⁹⁸ By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP. With respect to providing the Commission with a disposition, the date of the disposition is compared with the date the document was received at the Commission.

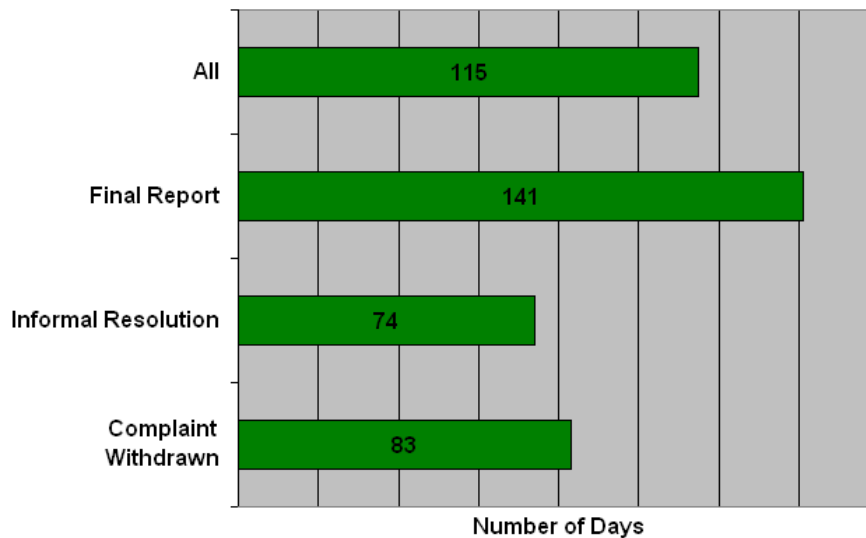
⁹⁹ While the reasons for this delay is not yet fully understood, some preliminary analysis of the data suggests that complainants wait extended periods of time to lodge complaints because: 1) the complainant may not have immediate access to the public complaint system; 2) the complaint may be historical in that an incident occurred many years (in some cases decades) before a formal complaint is lodged; and 3) alternate ways of resolving the complaint may have been attempted before a formal complaint was lodged.

disposition once a complaint was lodged. Typically, in these cases, complainants waited 146 after the incident date to lodge the original complaint. For the Oromocto Detachment, it took 97 days for a disposition to be issued while complainants waited 49 days after the incident to lodge a complaint.

Complaint timelines were also determined by disposition type:

- To issue a Final Report it took, on average, 141 days. For these cases, it took, on average, 292 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To enter into an informal resolution it took, on average, 74 days. For these cases, it took, on average, 243 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To capture a withdrawal it took, on average, 83 days. For these cases, it generally took 223 days for a complainant to lodge the original complaint that resulted in this type of disposition.

“J” Division: Number of Days to Issue the Disposition by Disposition Type



Complaint timelines were also determined by allegation type. For the three most common types of allegations, timelines are reported:

- Allegations of “Neglect of Duty”, on average, took 124 days for a disposition to be issued. Typically, complainants waited 333 days after the incident date to lodge a complaint for this type of allegation.
- Allegations of “Improper Attitude”, on average, took 116 days for a disposition to be issued. Complainants, on average, lodged a complaint 302 days after the incident date for this type of allegation.
- Allegations of “Irregularity in Procedure” typically took 137 days for a disposition to be issued once a complaint was lodged. On average, complainants waited 278 days to lodge a complaint for this type of allegation.

It is interesting to note that within “J” Division complaints involving “Irregularity–Evidence” allegations, on average, took the longest time (193 days) to issue dispositions.

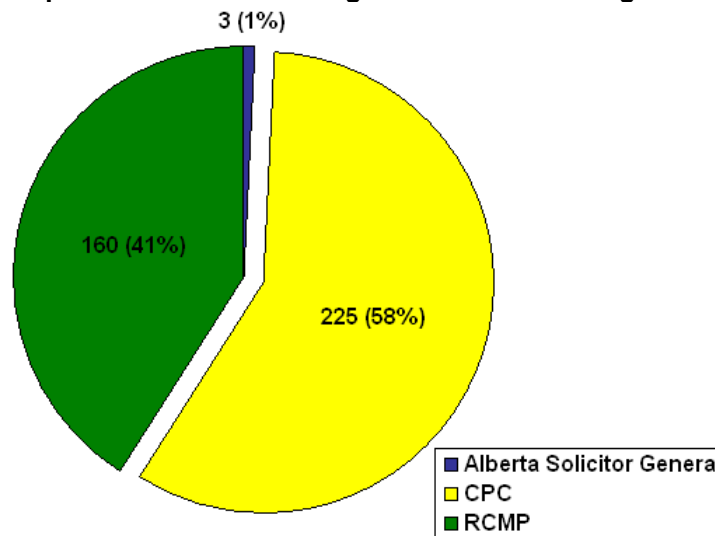
K-ALBERTA
DIVISIONAL REPORT

Complaints Received

The Commission received 388 completed complaint dispositions of which 58% were lodged with the Commission, 41% were lodged with the RCMP and 0.8% were lodged with the Alberta Solicitor General.

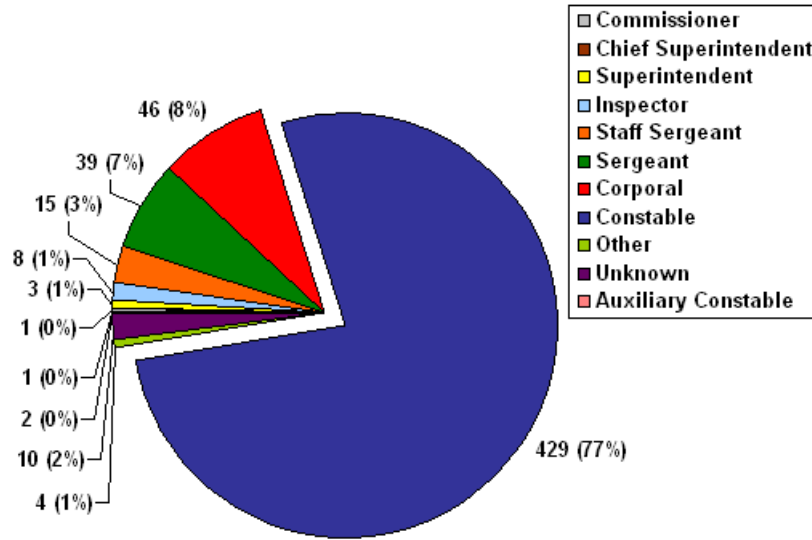
The detachments identified most often in the complaint dispositions were the Red Deer Detachment (6%), Grande Prairie Detachment (4%), Wetaskiwin Detachment (4%) and Wood Buffalo (4%). In 2007, the Red Deer Detachment accounted for 17% of all submitted complaints particular to this division.

“K” Division: Number of Complaints Based on the Organization it Was Lodged With



The average number of members named in the complaints for “K” Division was 1.5, with the rank of constable (77%) being the most frequently represented rank of the total complaints. The rank of corporal was represented in 8% of the complaints, while sergeants were also the subject of 7% of the complaints.

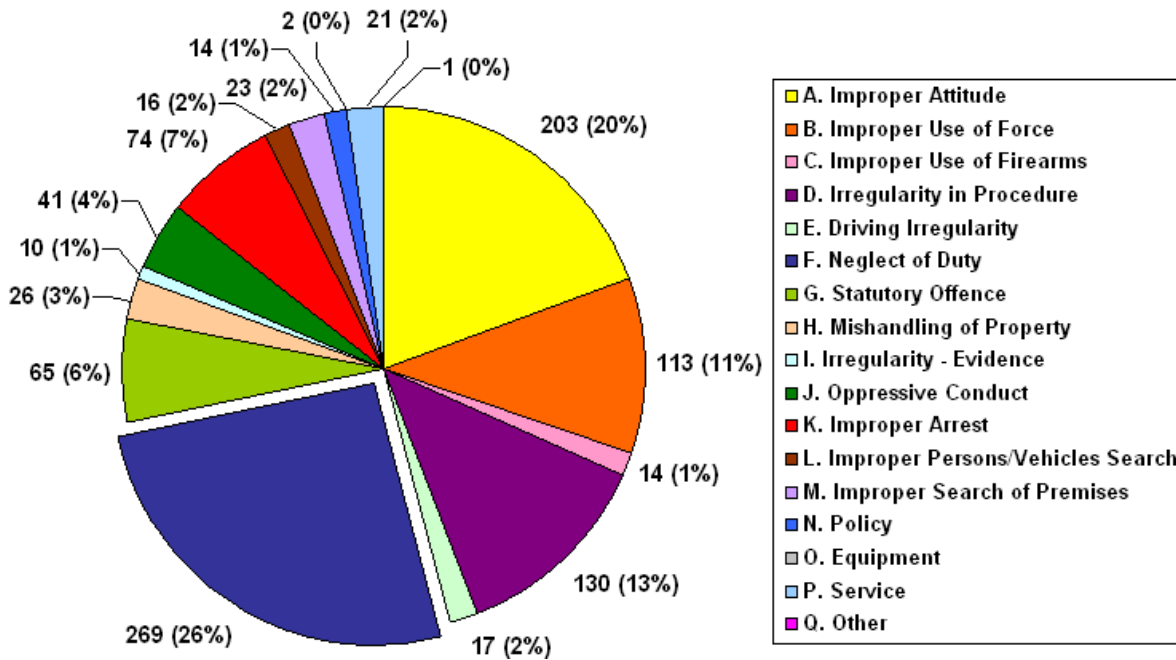
“K” Division: Number of Complaints by Member Rank



Allegations

A total of 1,039 allegations were made against members in “K” Division, which averaged about 2.7 allegations per complaint. The most common allegations were “Neglect of Duty” (26%), “Improper Attitude” (20%), “Irregularity in Procedure” (13%) and “Improper Use of Force” (11%).

“K” Division: Allegations Breakdown



Allegations were also examined at the detachment level:

- For the Red Deer Detachment, most of the allegations related to “Neglect of Duty” (28%) followed by “Improper Attitude” (12%) and “Improper Use of Force” (10%).

- The most common allegations for the Grande Prairie Detachment were “Irregularity in Procedure” (31%) and “Neglect of Duty” (19%).
- For the Wetaskiwin Detachment, allegations of “Improper Attitude” and “Neglect of Duty” were equally common representing 34% each.
- Finally, in Wood Buffalo, the most common allegations were “Neglect of Duty” (43%), “Improper Use of Force” (17%), and “Irregularity in Procedure” (14%).

For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint. The common issues that were raised in the complaints for “K” Division were “Attitude” (14%), “Service” (12%), “Arrest” (9%), “Criminal Investigation Quality (RCMP)” (9%), and “Vehicular Incidents” (8%).

Trends in the issues were also identified by detachment:

- Common issues raised in the Red Deer Detachment were “Service” (14%), “Criminal Investigation Quality (RCMP)” (12%), “Arrest” (11%), and “Attitude” (11%).
- For the Grande Prairie Detachment, common issues were “Service” (15%) and “Vehicular Incidents” (15%).
- In the Wetaskiwin Detachment, issues related to “Vehicular Incidents” (16%) and “Attitude” (14%) were most often raised.
- Finally, in Wood Buffalo, the most common issues were “Attitude” (12%) and “Service” (12%).

In “K” Division, the results revealed trends in the issues for each allegation. For the purpose of this analysis, the common issues will be reported for the three most frequently occurring allegations:

- In complaints alleging “Neglect of Duty” the key issues were “Service” (18%), “Criminal Investigation Quality (RCMP)” (15%), and “Attitude” (11%).
- The main issues raised in complaints alleging “Improper Attitude” included “Attitude” (22%), “Service” (9%) and “Arrest” (9%).
- Issues raised in complaints alleging “Irregularity in Procedure” included “Service” (11%), “Arrest” (9%), and “Attitude” (9%).

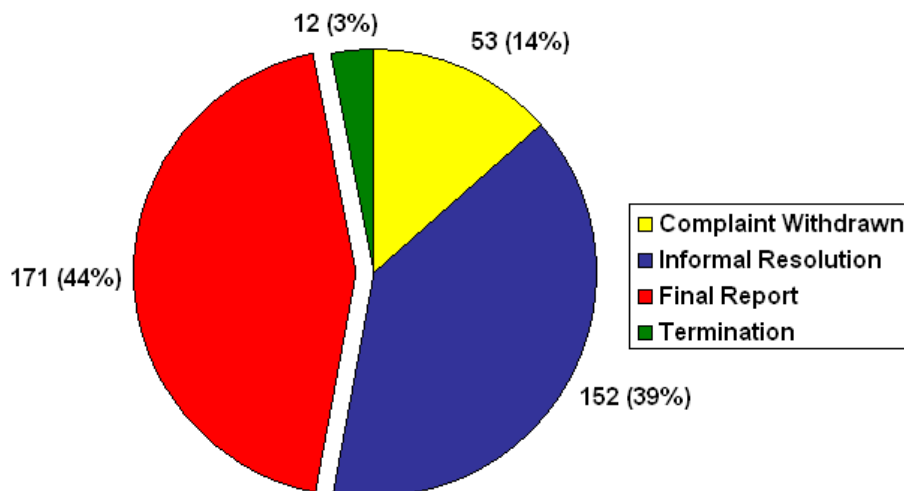
Finally, for allegations involving “Improper Use of Force” the key issues identified were “Arrest” (15%), “Police Physical Abuse” (13%) and “Intoxication” (9%).

“K” Division: Commission-Identified Issues

Issue	Number of Complaints	%
Aboriginal community	18	1%
Abusive Language	24	2%
Alcohol or Drugs (not intoxication)	32	3%
Arrest	111	9%
Attitude	179	14%
Care in Custody	11	1%
Chemical Irritant	6	0%
Child Abuse Response	5	0%
Child Custody	6	0%
Civil Disputes/No Child	13	1%
Conflict of Interest	12	1%
Criminal Investigation Quality (RCMP)	109	9%
Crowd Control	2	0%
Detention	41	3%
Entry of Premises	16	1%
Informants/Sources	4	0%
Intoxication	59	5%
Lethal Weapons	10	1%
Lying under Oath	4	0%
Medical Care	25	2%
Mental Illness	15	1%
Non-custody Deaths	4	0%
Non-lethal weapons other than chemical irritants	9	1%
Non-pursuit Police Driving	10	1%
Non-spousal, Non-child Assault Response	23	2%
Non-spousal, Non-child Sexual Assault Response	2	0%
Note-taking Quality	4	0%
Police Dogs	6	0%
Police Physical Abuse	57	4%
Police Pursuit Driving	6	0%
Policy	15	1%
Property Mishandling	28	2%
Public Complaint Process Quality (RCMP)	11	1%
Release/Disclosure of Information	16	1%
Restraints	18	1%
Right to Counsel	15	1%
Search	44	3%
Seizure	17	1%
Service	150	12%
Spousal Abuse Response	12	1%
Vehicular Incidents	105	8%
Witness Protection Program	1	0%
Youth Interaction With RCMP	12	1%
Youth Involvement	5	0%
Total	1,272	

Disposition of Complaints¹⁰⁰

“K” Division: Number of Complaints by Disposition Type



Investigation and Final Report

Of the complaint dispositions the Commission received, the majority (44%) were formally investigated and a Final Report was issued. These reports made determinations on 574 allegations, the most likely of which were “Statutory Offence”, “Improper Persons/Vehicles Search”, and “Irregularity – Evidence”.

For most allegation types the overwhelming majority of the RCMP’s findings did not support the complainant’s allegation(s) (85-100%). However, “Policy” and “Driving Irregularity” allegations were found to be supported 33% of the time, while as “Service” allegations were supported 75% of the time. The one allegation regarding “Equipment” was also found to be supported. With respect to serious allegations (“Improper Use of Force”, “Improper Use of a Firearm” and “Statutory Offence”) the RCMP supported six (6) of the 139 allegations made or 4% of these kinds allegations. Overall, allegations in “K” Division were found to be supported 12% of the time.

At the detachment level, Final Reports accounted for:

- 11 of the 24 dispositions received from the Red Deer Detachment (46%);
- 11 of the 16 dispositions received from the Grande Prairie Detachment (69%);
- 8 of the 15 dispositions received from the Wetaskiwin Detachment (53%);
- 12 of the 14 dispositions received from the Wood Buffalo Detachment (86%).

¹⁰⁰ Within the Disposition of Complaints section, there is a further breakdown to identify in what manner allegations categories have been disposed. For each allegation category, the number of allegations disposed of through each disposition type was divided by the total number of those allegations. These numbers were then compared from one allegation category to the next with the goal of determining which allegation was **most likely** to be disposed of by a certain disposition type. Therefore, an allegation category was more likely to be disposed of in a certain manner if the percentage disposed of in this way was significantly higher than that of other allegations categories. “Most likely” does not mean most common.

Informal Resolutions

Accounting for the second most common way to dispose of a complaint, informal resolutions occurred in 39% of the cases. Informal resolutions dealt with 324 allegations, the most likely being “Improper Attitude” and “Policy”.

At the detachment level, informal resolutions accounted for:

- 10 of the 24 dispositions received from the Red Deer Detachment (42%);
- 4 of the 16 dispositions received from the Grande Prairie Detachment (25%);
- 6 of the 15 dispositions received from the Wetaskiwin Detachment (40%);
- 2 of the 14 dispositions received from the Wood Buffalo Detachment (14%).

It is interesting to note that in 2007, informal resolutions accounted for 47% of all dispositions in the Red Deer Detachment, which was 17 percentage points over the Force-wide average. In 2008, however, informal resolutions in the Red Deer Detachment represent 42% of total dispositions which is only eight (8) percentage points higher than the Force-wide average of 34%.

Withdrawals

In 14% of the cases, the complainant withdrew the complaint. Withdrawals dealt with 110 allegations, the most likely being “Improper Search of Premises” and “Improper Use of Force”.

At the detachment level, withdrawals accounted for:

- 2 of the 24 dispositions received from the Red Deer Detachment (8%);
- 1 of the 16 dispositions received from the Grande Prairie Detachment (6%);
- 1 of the 15 dispositions received from the Wetaskiwin Detachment (7%);
- None of the 14 dispositions received from the Wood Buffalo Detachment.

Terminations (Notice of Direction)¹⁰¹

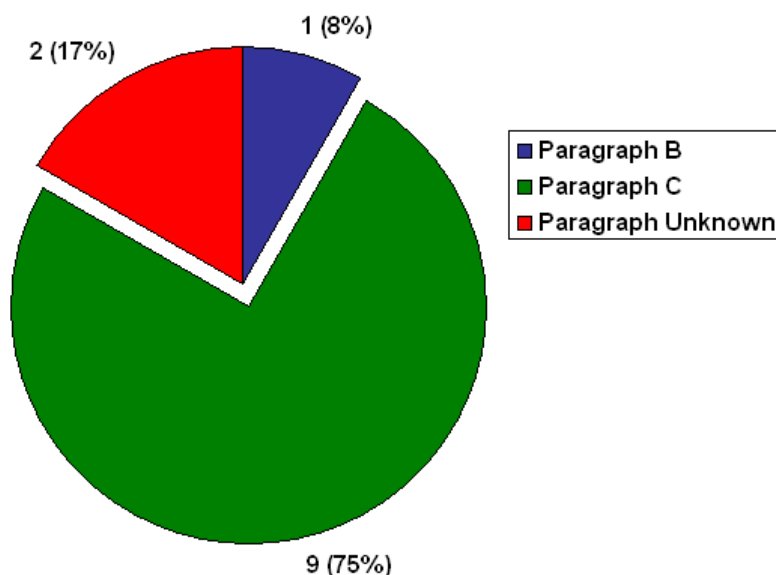
In 2008, in 3% of all public complaints received, a Notice of Direction was issued. In two (2) of the 12 (17%) cases, the termination paragraph was not specified; however, the grounds for termination most often invoked were paragraph (c) (75%). In total, 31 allegations were subject to a termination paragraph, the most likely of which were “Oppressive Conduct” and “Mishandling of Property”.

At the detachment level, terminations accounted for only one (1) of the 24 dispositions received from the Red Deer Detachment (4%). None of the complaints from the Grande Prairie, Wetaskiwin, and Wood Buffalo Detachments were terminated.

¹⁰¹ The RCMP may decide to terminate a complaint under three strict grounds provided for in paragraphs (a), (b) and (c) of subsection 45.36(5) of the *RCMP Act*. These paragraphs are:

- (a) the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided under any other Act of Parliament;
- (b) the complaint is trivial, frivolous, vexatious or made in bad faith; and
- (c) having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable.

“K” Division: Number of Terminated Complaints by Grounds Identified in subsection 45.36(5) of the RCMP Act



Service Standards: Complaint Processing Time¹⁰²

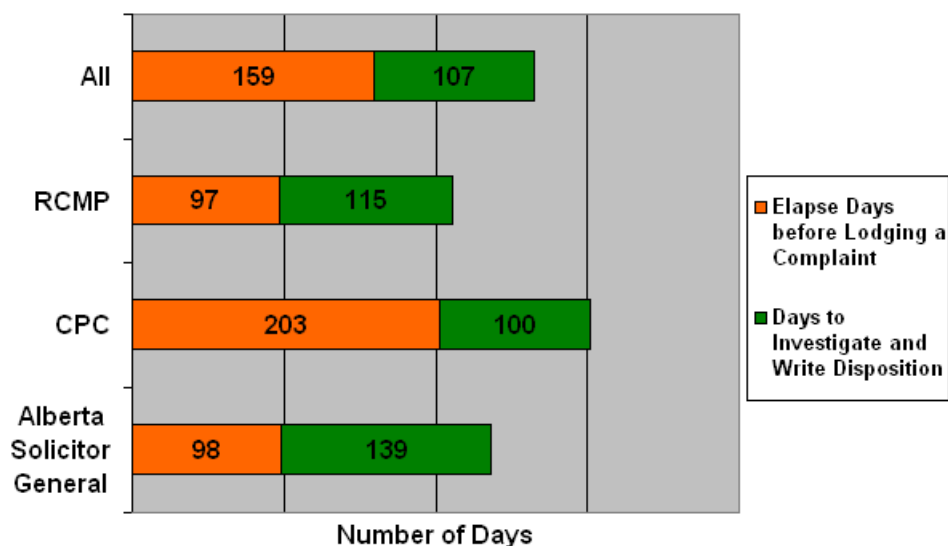
In 2008, “K” Division, on average, took 107 days to issue a disposition once a complaint was lodged. This is in comparison to the RCMP national average of 103 days and represents a decrease from 120 days in 2007. The average number of days to issue a disposition was 100 for Commission-lodged complaints as opposed to 115 days for RCMP-lodged complaints and 139 days for complaints lodged with the Alberta Solicitor General.

It typically took 159 days for a complainant to lodge a complaint. On average, complainants waited 203¹⁰³ days after the incident took place before lodging a complaint with the Commission. Complaints lodged with the RCMP averaged 97 days after the incident and, on average, 98 days with the Alberta Solicitor General.

¹⁰² By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP. With respect to providing the Commission with a disposition, the date of the disposition is compared with the date the document was received at the Commission.

¹⁰³ The range for this average was 0 to 4,528 days. Two cases were related to incidents from 1996 which contributed to the average being skewed. While the reasons for this delay is not yet fully understood, some preliminary analysis of the data suggests that complainants wait extended periods of time to lodge complaints because: 1) the complainant may not have immediate access to the public complaint system; 2) the complaint may be historical in that an incident occurred many years (in some cases decades) before a formal complaint is lodged; and 3) alternate ways of resolving the complaint may have been attempted before a formal complaint was lodged.

“K” Division: Complaint Timeline Based on the Organization the Complaint Was Lodged With



The average number of days for the Commission to receive the complaint disposition from this division was 57 for Commission-lodged complaints as opposed to the 64 days it took for RCMP-lodged complaints and 26 days for Alberta Solicitor General-lodged complaints.

Complaint processing times were analyzed for each of the detachments which were identified most often in the complaints:

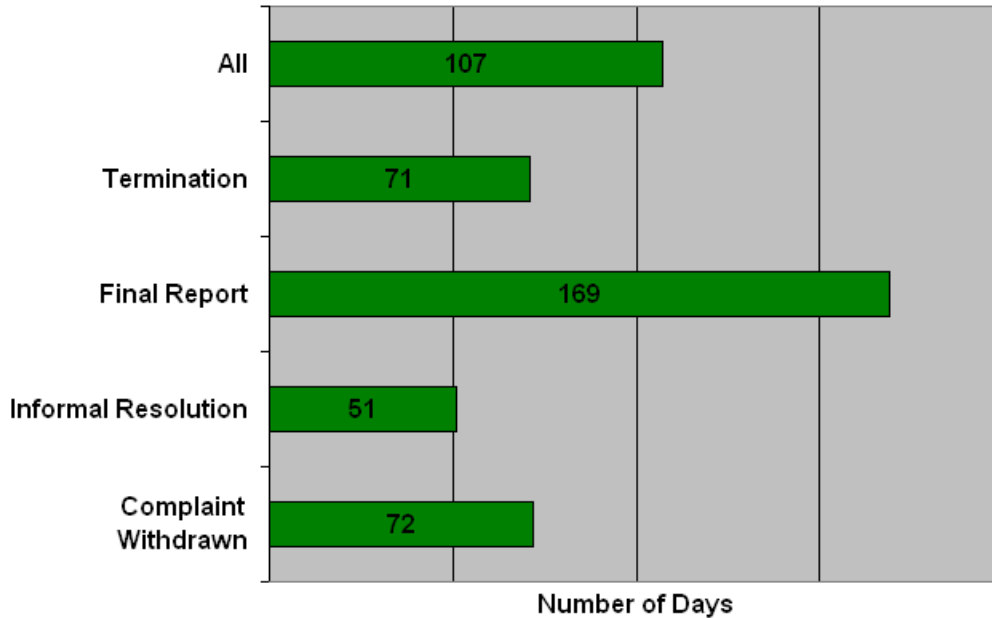
- On average, the Red Deer Detachment took 132 days to issue a disposition once a complaint was lodged. Typically, for these cases complainants waited 168 days after the incident date to lodge the original complaint.
- The Grande Prairie Detachment took an average of 108 days to issue a disposition once a complaint was lodged. Complainants, on average, lodged the original complaint 99 days after the incident date.
- The Wetaskiwin Detachment took, on average, 118 days to issue a disposition. Complainants waited an average of 72 days following the incident date to file the original complaint.
- The Wood Buffalo Detachment, on average, took 190 days to issue a disposition following receipt of the complaint. For these cases complainants waited an average of 171 days after the incident to lodge the complaint.

Complaint timelines were also determined by disposition type:

- To issue a Final Report it took, on average, 169 days. For these cases it generally took 211 days to elapse before a complainant lodged the original complaint that resulted in this type of disposition.
- To issue a Notice of Direction it took, on average, 71 days. For these cases, it generally took 55 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To capture a withdrawal it took, on average, 72 days. For these cases, it generally took 141 days for a complainant to lodge the original complaint that resulted in this type of disposition.

- To enter into an informal resolution it took, on average, 51 days. For these cases, it generally took 115 days for a complainant to lodge a complaint that resulted in this type of disposition.

“K” Division: Number of Days to Issue the Disposition by Disposition Type



Complaint timelines were also determined by allegation type. For the four most common types of allegations, timelines are reported.

- Allegations of “Neglect of Duty” took, on average, 104 days for a disposition to be issued. Typically, complainants waited 224 days after the incident date to lodge the original complaint for this type of allegation.
- Allegations of “Improper Attitude” took, on average, 103 days for a disposition to be issued. Complainants, on average, lodged the original complaint 113 days after the incident date for this type of allegation.
- Allegations of “Irregularity in Procedure” took, on average, 121 days for a disposition to be issued once a complaint was lodged. On average, complainants waited 123 days to lodge the original complaint for this type of allegation.
- Allegations of “Improper Use of Force” took, on average, 183 days for a disposition to be issued once a complaint was lodged. On average, complainants waited 181 days to lodge the original complaint for this type of allegation.

It is interesting to note that within “K” Division complaints involving “Statutory Offence” allegations, on average, took the longest time (216 days) to issue dispositions by the RCMP in this division.

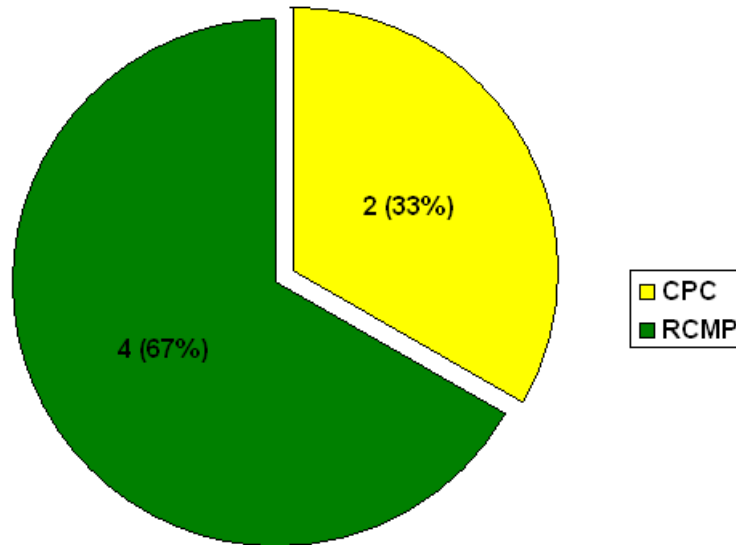
L-PRINCE EDWARD ISLAND

DIVISIONAL REPORT

Complaints Received

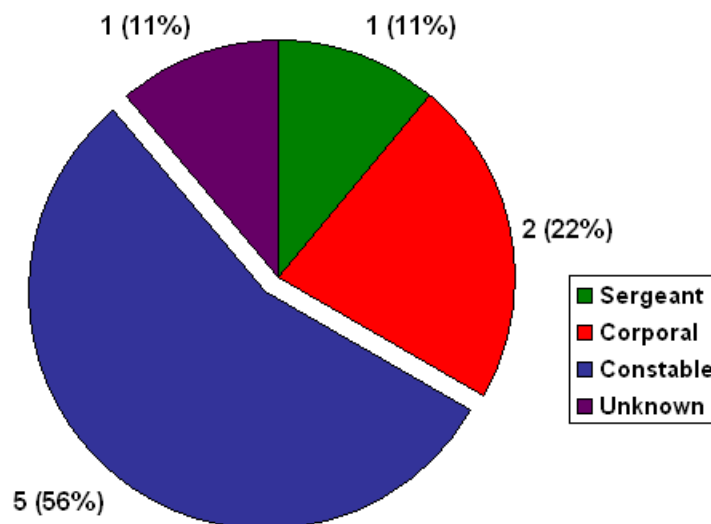
The Commission received six (6) completed complaint dispositions from “L” Division related to complaints lodged in 2008. Of the complaints received 67% were lodged with the RCMP, while 33% were lodged with the Commission.

“L” Division: Number of Complaints Based on the Organization it was Lodged With



The average number of members named in the complaints was 1.5, with the rank of constable being the most commonly represented rank (56%), with the rank of corporal representing 22%.

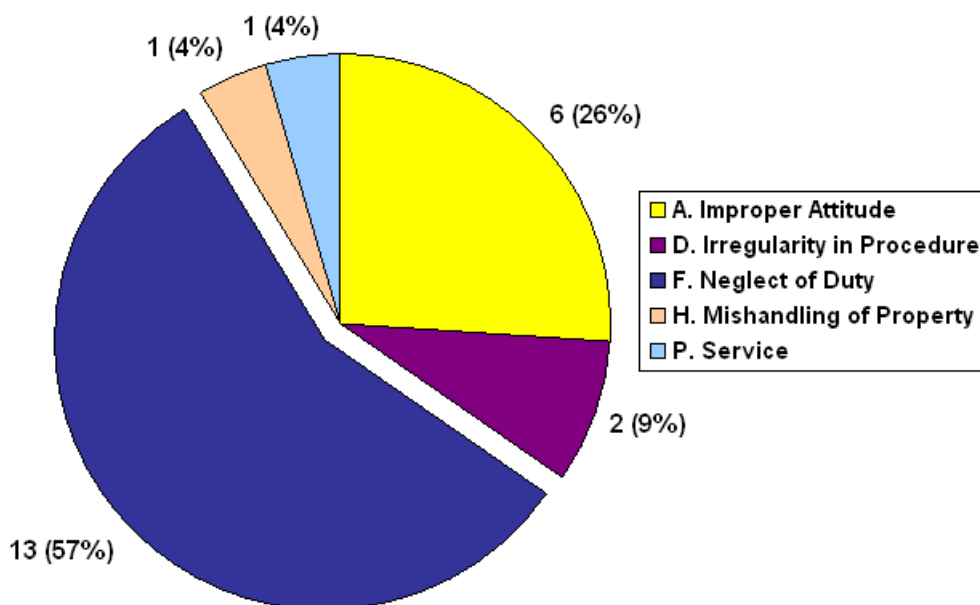
“L” Division: Number of Complaints by Member Rank



Allegations

A total of 23 allegations were made against members in “L” Division, which averaged about 3.8 allegations per complaint. The prevalent allegations included “Neglect of Duty” (57%) and “Improper Attitude” (26%).

“L” Division: Allegations Breakdown



For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint. The common issues identified in the complaints were “Attitude” (20%) and “Service” (15%).

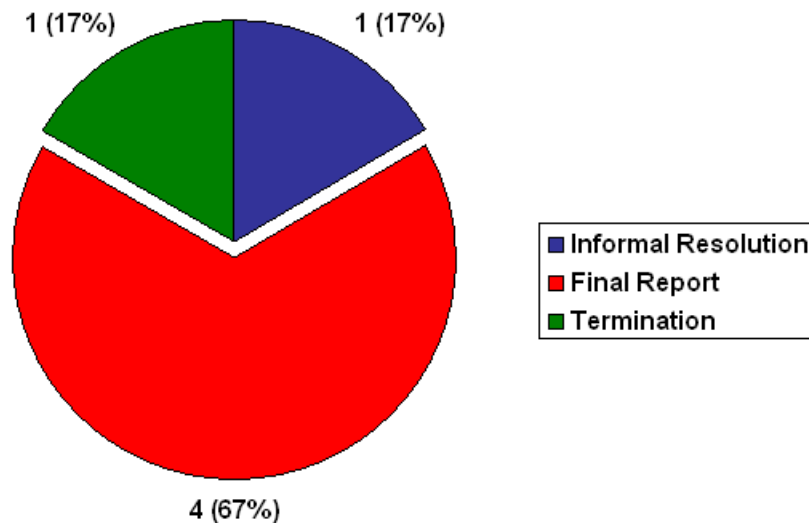
“L” Division: Commission-Identified Issues

Issue	Number of Complaints	%
Alcohol or Drugs (not intoxication)	1	5%
Arrest	2	10%
Attitude	4	20%
Criminal Investigation Quality (RCMP)	1	5%
Entry of Premises	1	5%
Intoxication	1	5%
Medical Care	1	5%
Mental Illness	2	10%
Release/Disclosure of Information	2	10%
Service	3	15%
Vehicular Incidents	2	10%
Total	20	

Further, the results revealed trends in the issues for each allegation. For the purpose of this analysis, the common issues will be reported for the two most frequently occurring allegations: For complaints alleging “Neglect of Duty” the key issue was “Attitude” (24%), “Mental Illness” (24%) and “Release/Disclosure of Information” (21%). This is in contrast to 2007, where the only key issue was “Criminal Investigation Quality (RCMP)” (40%). The main issues identified in complaints alleging “Improper Attitude” included “Attitude” (30%) and “Release/Disclosure of Information” (20%).

Disposition of Complaints

“L” Division: Number of Complaints by Disposition Type



Investigation and Final Report

Of the complaint dispositions the Commission received, 67% were formally investigated and a Final Report issued by the RCMP. These reports made determinations on 18 allegations. The allegation most likely to be subject to a Final Report was “Neglect of Duty”; however, this type of disposition also addressed five (5) allegations of “Improper Attitude” and two (2) allegations of “Irregularity in Procedure”. In “L” Division, 100% of the RCMP’s findings did not support the complainant’s allegations.

Informal Resolutions

The Commission only received one informal resolution, which dealt with one allegation of “Improper Attitude” and one allegation of “Service”.

Withdrawals

The Commission did not receive any complaint dispositions that resulted in a complaint withdrawal.

*Terminations (Notice of Direction)*¹⁰⁴

The Commission only received one complaint disposition that captured a Notice of Direction; there was no termination paragraph cited. This complaint contained two (2) allegations; one of “Neglect of Duty” and one of “Mishandling of Property”.

Service Standards: Complaint Processing Time¹⁰⁵

In 2008, “L” Division, on average, took 78 days to issue a disposition once a complaint was lodged. This is an improvement from 114 days in 2007 and compared to the RCMP national average for 2008 of 103 days. The average number of days to issue a disposition was 70 days for Commission-lodged complaints as opposed to 82 days for RCMP-lodged complaints.

On average, it typically took 523 days for a complainant to lodge the original complaint. On average, complainants waited 1,357¹⁰⁶ days after the incident took place before lodging the original complaint with the Commission, while complaints lodged with the RCMP averaged 106 days after the incident.

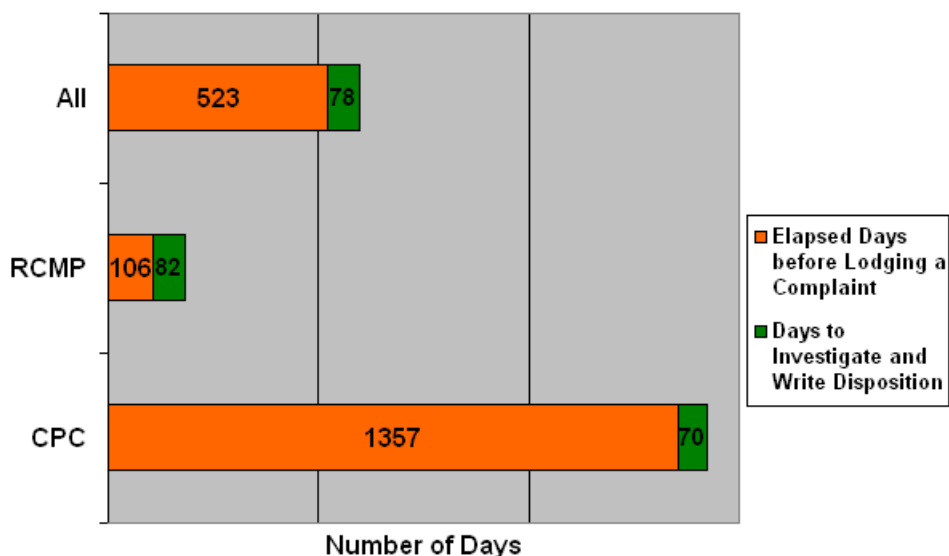
¹⁰⁴ The RCMP may decide to terminate a complaint under three strict grounds provided for in paragraphs (a), (b) and (c) of subsection 45.36(5) of the *RCMP Act*. These paragraphs are:

- (a) the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided under any other Act of Parliament;
- (b) the complaint is trivial, frivolous, vexatious or made in bad faith; and
- (c) having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable.

¹⁰⁵ By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP. With respect to providing the Commission with a disposition, the date of the disposition is compared with the date the document was received at the Commission.

¹⁰⁶ The range for this average was 36 to 2,678 days. One case related to an incident from 2001 which contributed to the average being skewed.

“L” Division: Complaint Timeline Based on the Organization the Complaint Was Lodged With



The average number of days for the Commission to receive the complaint disposition from this division was 12 for Commission-lodged complaints as opposed to the 92 days it took for RCMP-lodged complaints.

Complaint timelines were also determined by allegation type. For the two most common types of allegations, timelines are reported:

- Allegations of “Neglect of Duty”, on average, took 93 days for a disposition to be issued. Typically, complainants waited, on average, 627 days after the incident date to lodge the original complaint for this type of allegation.
- Allegations of “Improper Attitude”, on average, took 87 days for a disposition to be issued. Complainants, on average, lodged the original complaint 728 days after the incident date for this type of allegation.

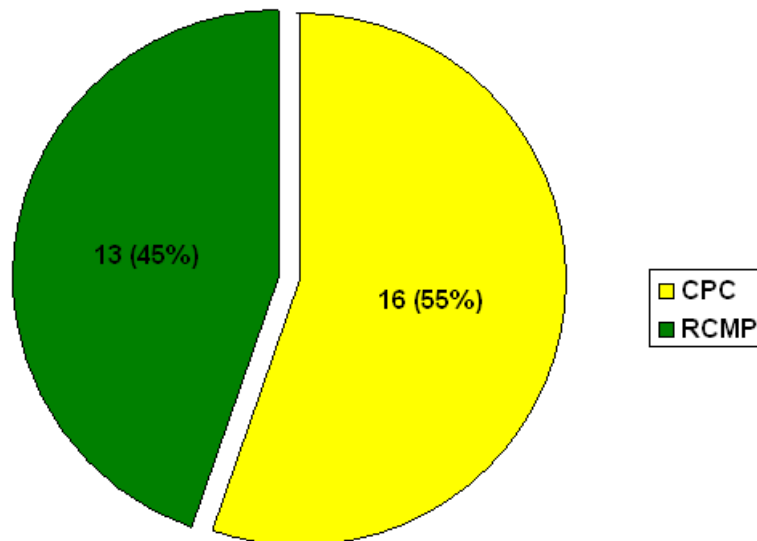
It is interesting to note that within “L” Division complaints involving “Irregularity in Procedure” allegations, on average, took the longest time (116 days) to issue dispositions.

M-YUKON
DIVISIONAL REPORT

Complaints Received

The Commission received 29 complaint dispositions from “M” Division of which 13 (45%) of the complaints were lodged with the RCMP and 16 (55%) were lodged with the Commission.

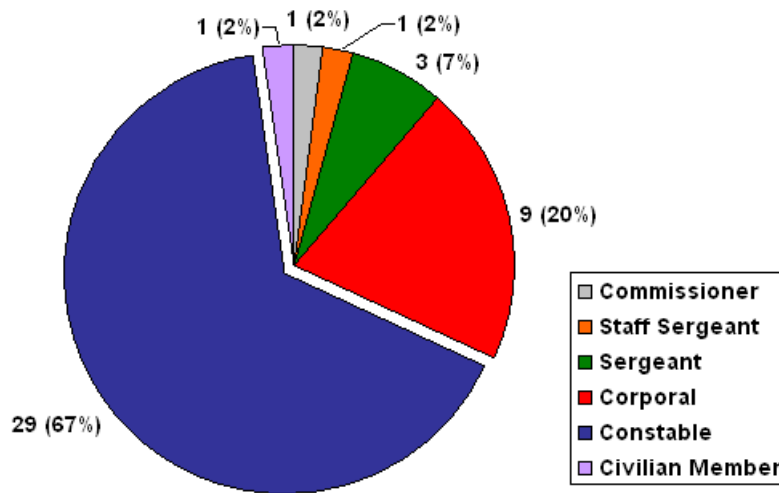
“M” Division: Number of Complaints Based on the Organization it Was Lodged With



The detachment that was identified the most often in complaint dispositions was the Whitehorse Headquarters Detachment (41%). It was found that in this detachment, eight (8) (67%) of the complaints were lodged with the Commission, while four (4) (33%) were lodged with the RCMP.

The average number of members named in the complaints for “M” Division was 1.6, with constables being the most frequently represented rank in the complaints (66%), followed by the rank of corporal (20%).

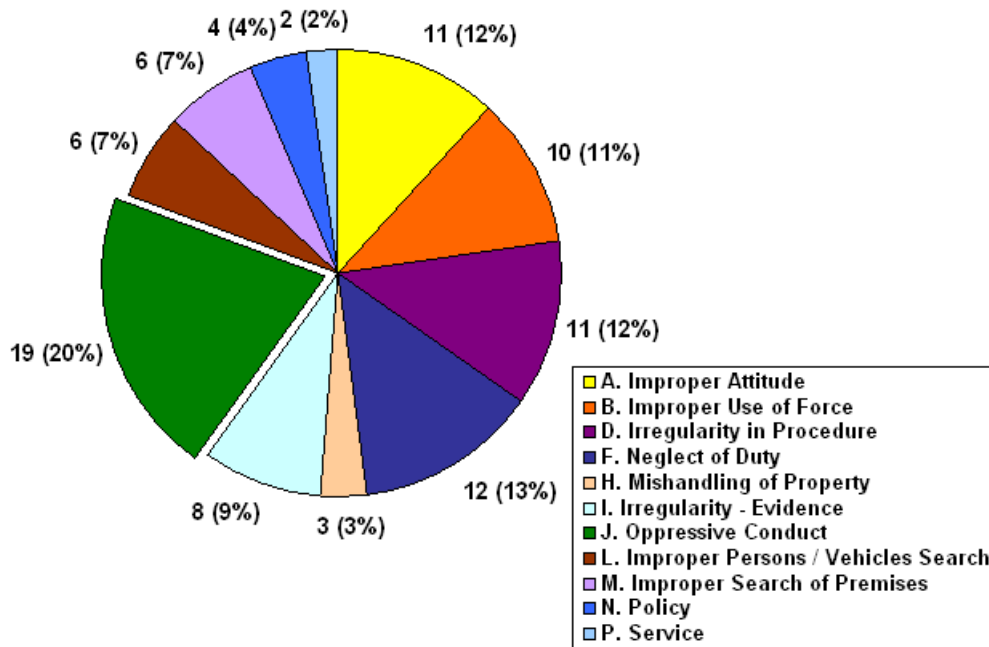
“M” Division: Number of Complaints by Member Rank



Allegations

A total of 92 allegations were made, which averaged about 3.2 allegations per complaint. It should be noted that 36 allegations were made from one complainant; another made 15 allegations. The most common allegations were “Oppressive Conduct” (20%) and “Neglect of Duty” (13%).

“M” Division: Allegations Breakdown



Allegations were further examined at the detachment level. For the Whitehorse Headquarters Detachment, the results indicate that most of the allegations related to “Neglect of Duty” (45%), followed by “Improper Attitude” (25%), and “Oppressive Conduct” (20%).

For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint. The most common issue identified in the complaints for “M” Division was “Attitude” (18%), followed by “Service” (13%), and “Criminal Investigation Quality (RCMP)” (10%).

“M” Division: Commission-Identified Issues

Issue	Number of Complaints	%
Abusive Language	1	1%
Alcohol or Drugs (not intoxication)	2	3%
Arrest	6	8%
Attitude	14	18%
Care in Custody	1	1%
Child Abuse Response	1	1%
Criminal Investigation Quality (RCMP)	8	10%
Detention	3	4%
Intoxication	4	5%
Lethal Weapons	1	1%
Medical Care	1	1%
Non-lethal weapons other than chemical irritants	1	1%
Non-spousal, Non-child Sexual Assault Response	1	1%
Note-taking Quality	1	1%
Police Physical Abuse	3	4%
Police Pursuit Driving	1	1%
Policy	1	1%
Property Mishandling	2	3%
Public Complaint Process Quality (RCMP)	1	1%
Release/Disclosure of Information	1	1%
Restraints	1	1%
Search	1	1%
Seizure	2	3%
Service	10	13%
Spousal Abuse Response	2	3%
Vehicular Incidents	6	8%
Youth Interaction With RCMP	1	1%
Total	77	

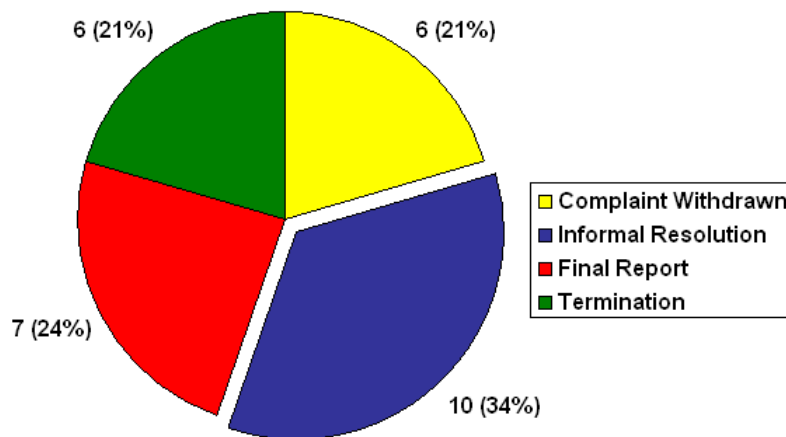
Trends in the issues were also identified by detachment. For the Whitehorse Headquarters Detachment, the most common issues were the same as those for the division: “Attitude” (23%), “Service” (19%), and “Criminal Investigation Quality (RCMP)” (19%).

Further, the results revealed trends in the issues for each allegation. For the purpose of this analysis, the common issues will be reported for the most frequently occurring allegations:

- The key issues in complaints involving allegations of “Oppressive Conduct” include “Service” (15%), “Seizure” (12%) and “Alcohol or Drugs (Not intoxication)” (11%).
- For complaints alleging “Neglect of Duty” the most common issue identified by the Commission was “Criminal Investigation Quality (RCMP)” (23%), followed by “Service” (19%), and “Spousal Abuse Response” (12%).

Disposition of Complaints¹⁰⁷

“M” Division: Number of Complaints by Disposition Type



Investigation and Final Report

Of the complaint dispositions the Commission received from “M” Division, seven (7) (24%) were formally investigated and a Final Report issued. At the detachment level, Final Reports accounted for one (1) of the 12 complaint dispositions received from the Whitehorse Detachment. These reports made determinations on 12 allegations, with the most likely being “Improper Use of Force”. None of the RCMP’s findings supported the complainant’s allegation(s).

Informal Resolutions

Complaints were informally resolved in 34% of the dispositions received from “M” Division; the primary mode of disposing of complaints in this division. In total, 11 allegations were informally resolved, and were most likely to be allegations of “Improper Attitude”.

At the detachment level, informal resolutions accounted for four (4) (33%) complaint dispositions from the Whitehorse Headquarters.

Withdrawals

In 21% of the cases, the complainant withdrew the complaint, which disposed of ten (10) allegations in total. The most likely allegation withdrawn was “Oppressive Conduct”.

¹⁰⁷ Within the Disposition of Complaints section, there is a further breakdown to identify in what manner allegations categories have been disposed. For each allegation category, the number of allegations disposed of through each disposition type was divided by the total number of those allegations. These numbers were then compared from one allegation category to the next with the goal of determining which allegation was **most likely** to be disposed of by a certain disposition type. Therefore, an allegation category was more likely to be disposed of in a certain manner if the percentage disposed of in this way was significantly higher than that of other allegations categories. “Most likely” does not mean most common.

At the detachment level, withdrawals accounted for five (5) (42%) complaint dispositions from the Whitehorse Headquarters being the most common disposition type.

*Terminations (Notice of Direction)*¹⁰⁸

In 2008, in 21% of all public complaints received from “M” Division, a Notice of Direction was issued, in which the termination paragraph (c) was specified. In total, 59 allegations were subject to termination paragraph (c); 36 of which were from the same complainant.

Service Standards: Complaint Processing Time¹⁰⁹

In 2008, “M” Division, on average, took 62 days to issue a disposition once a complaint was lodged. This is in comparison to the RCMP national average of 103 days and an improvement from an average of 99 days in 2007. The average number of days to issue a disposition was 39 for Commission-lodged complaints as opposed to 90 days for RCMP-lodged complaints. This is in contrast to 2007 when it took, on average, 139 days for Commission-lodged complaints and 77 days for RCMP-lodged complaints.

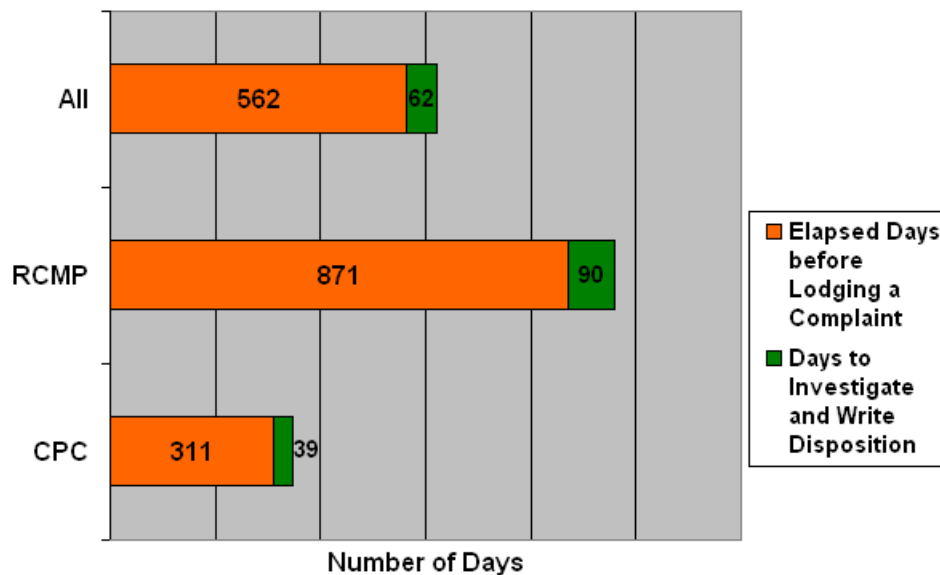
It typically took 562 days for a complainant to lodge the original complaint. On average, complainants waited 311 days after the incident took place before lodging a complaint with the Commission, while complaints lodged with the RCMP averaged 871 days after the incident.

¹⁰⁸ The RCMP may decide to terminate a complaint under three strict grounds provided for in paragraphs (a), (b) and (c) of subsection 45.36(5) of the *RCMP Act*. These paragraphs are:

- (a) the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided under any other Act of Parliament;
- (b) the complaint is trivial, frivolous, vexatious or made in bad faith; and
- (c) having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable.

¹⁰⁹ By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP. With respect to providing the Commission with a disposition, the date of the disposition is compared with the date the document was received at the Commission.

“M” Division: Complaint Timeline by the Organization the Complaint Was Lodged With



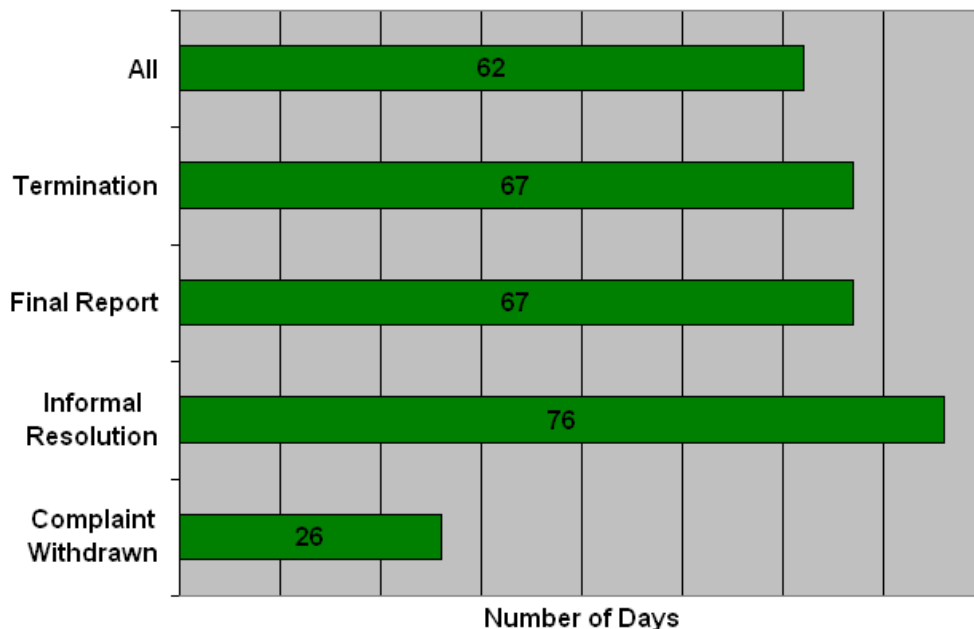
The average number of days for the Commission to receive the complaint disposition from this division was 13 for Commission-lodged complaints. Interestingly, this is the same average number of days for RCMP-lodged complaints. By comparison, in 2007, it took, on average, 56 days for Commission-lodged complaints and 38 days for RCMP-lodged complaints.

Complaint processing times were analyzed for the detachment with the most complaints. The Whitehorse Headquarters Detachment took 49 days to issue a disposition once a complaint was lodged. Typically, for these cases complainants waited 322 days after the incident date to lodge the original complaint.

Complaint timelines were also determined by disposition type:

- To issue a Final Report it took, on average, 67 days. For these cases, it generally took 1,556 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To issue a Notice of Direction it took, on average, 67 days. For these cases, it generally took 540 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To capture a withdrawal it took an average of 26 days. For these cases, it generally took 47 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To enter into an informal resolution it took, on average, 76 days. For these cases, it generally took 189 days for a complainant to lodge the original complaint that resulted in this type of disposition.

“M” Division: Number of Days to Issue the Disposition by Disposition Type



Complaint timelines were also determined by allegation type. For the most common types of allegations, timelines are reported:

- Allegations of “Oppressive Conduct”, on average, took 104 days for a disposition to be issued once a complaint was lodged. On average, complainants waited 380 days to lodge the original complaint for this type of allegation.
- Allegations of “Neglect of Duty” typically took, on average, 55 days for a disposition to be issued. Complainants waited, on average, 365 days after the incident date to file the original complaint for this type of allegation.

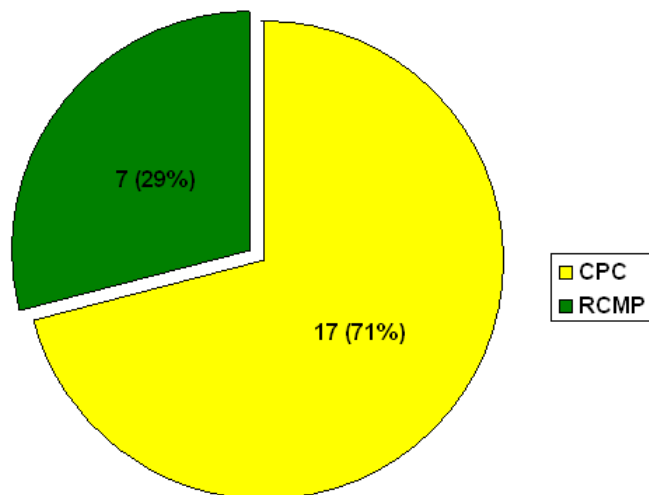
It is interesting to note that within “M” Division, complaints involving “Mishandling of Property” allegations, on average, took the longest time (114 days) to issue dispositions.

O-ONTARIO
DIVISIONAL REPORT

Complaints Received

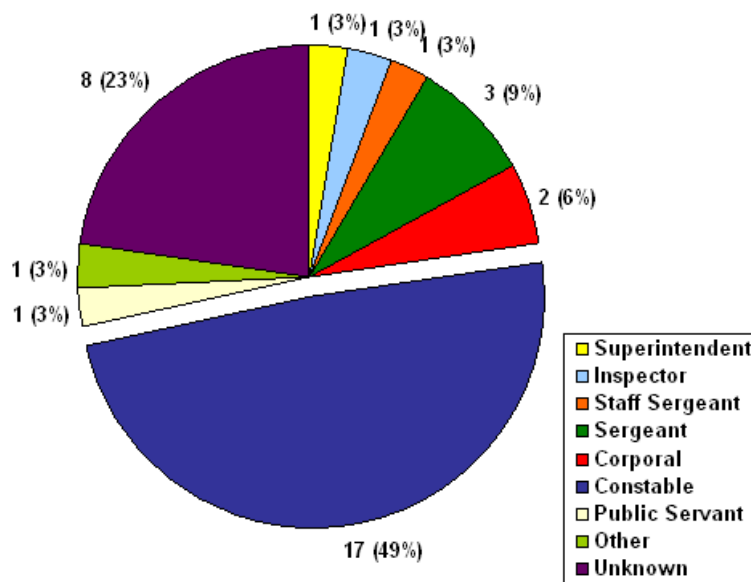
The Commission received 24 completed complaint dispositions of which 7 (29%) were lodged with the RCMP, while 17 (71%) were lodged with the Commission.

“O” Division: Number of Complaints Based on the Organization it Was Lodged With



The average number of members named in the complaints for “O” Division was 1.5; with constables being the most frequently represented in the complaints (49%). However, in eight (8) instances (23%) the subject member’s rank was not identified, which may account for more constables and/or corporals.

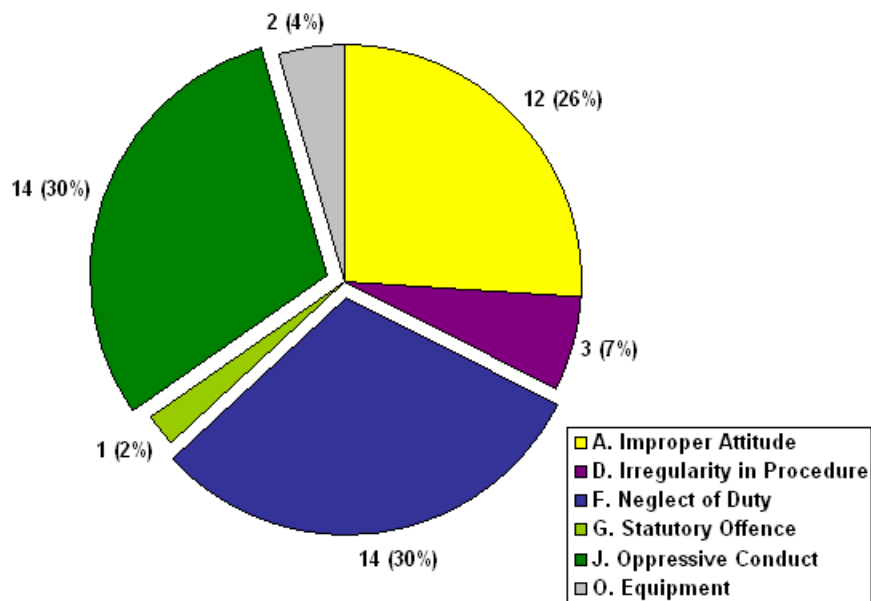
“O” Division: Number of Complaints by Member Rank



Allegations

A total of 46 allegations were made against members in “O” Division, which averaged about 1.9 allegations per complaint. Frequent allegations included “Neglect of Duty” (30%), “Oppressive Conduct” (30%), and “Improper Attitude” (26%).

“O” Division: Allegations Breakdown



For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint. The typical issues raised in the complaints for “O” Division were “Attitude” (26%), “Service” (17%), and “Criminal Investigation Quality (RCMP)” (11%).

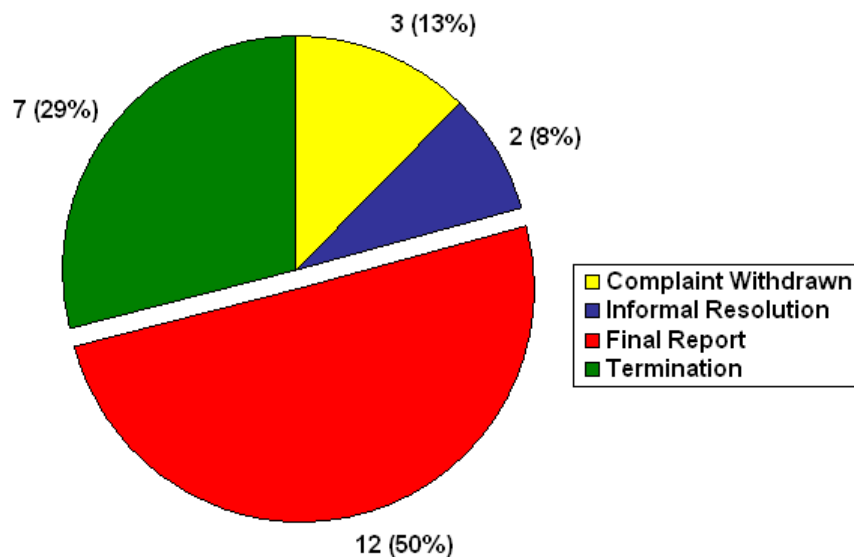
Further, the results revealed trends in the issues for each allegation. For the purpose of this analysis, the common issues will be reported for the three most frequently occurring allegations: The primary issue identified in complaints pertaining to “Neglect of Duty” included “Service” (36%) and “Criminal Investigation Quality (RCMP)” (24%). “Oppressive Conduct” allegations included issues related to “Attitude” (24%) and “Service” (11%). For complains involving allegations of “Improper Attitude” the main issues were “Attitude” (44%) and “Service” (15%).

“O” Division: Commission-Identified Issues

Issue	Number of Complaints	%
Aboriginal community	1	2%
Arrest	2	4%
Attitude	14	26%
Civil Disputes / No Child	1	2%
Conflict of Interest	4	7%
Criminal Investigation Quality (RCMP)	6	11%
Detention	1	2%
National Security	1	2%
Non-pursuit Police Driving	1	2%
Policy	2	4%
Property Mishandling	2	4%
Release / Disclosure of Information	4	7%
Right to Counsel	1	2%
Seizure	1	2%
Service	9	17%
Vehicular Incidents	3	6%
Witness Protection Program	1	2%
Total	54	

Disposition of Complaints¹¹⁰

“O” Division: Number of Complaints by Disposition Type



¹¹⁰ Within the Disposition of Complaints section, there is a further breakdown to identify in what manner allegations categories have been disposed. For each allegation category, the number of allegations disposed of through each disposition type was divided by the total number of those allegations. These numbers were then compared from one allegation category to the next with the goal of determining which allegation was **most likely** to be disposed of by a certain disposition type. Therefore, an allegation category was more likely to be disposed of in a certain manner if the percentage disposed of in this way was significantly higher than that of other allegations categories. “Most likely” does not mean most common.

Investigation and Final Report

Of the complaint dispositions the Commission received from “O” Division, 50% were formally investigated and a Final Report issued. These reports made determinations on 27 allegations, the most likely of which was “Oppressive Conduct”. The Final Reports did not support the complainant’s allegations in 96% of the cases. Only one (1) allegation was found to be supported and it was related to “Irregularity in Procedure”.

Informal Resolutions

Informal resolutions occurred in 8% of the cases. In total, three (3) allegations were informally resolved; two (2) of “Improper Attitude” and one (1) of “Oppressive Conduct”.

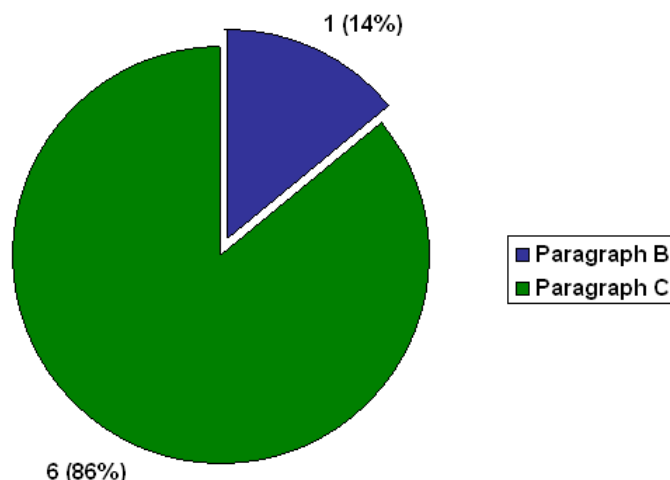
Withdrawals

In 13% of the cases received by the Commission, the complainant withdrew the complaint. In total, six (6) allegations were withdrawn with the most likely being “Improper Attitude”.

Terminations (Notice of Direction)¹¹¹

In 2008, 29% of all public complaints received from “O” Division were issued a Notice of Direction, addressing ten (10) allegations. The allegation most likely to be subject to a termination paragraph was “Neglect of Duty”. The most common termination paragraph invoked was (c).

“O” Division: Number of Terminated Complaint by Grounds Identified by subsection 45.36(5) of the RCMP Act



¹¹¹ The RCMP may decide to terminate a complaint under three strict grounds provided for in paragraphs (a), (b) and (c) of subsection 45.36(5) of the *RCMP Act*. These paragraphs are:

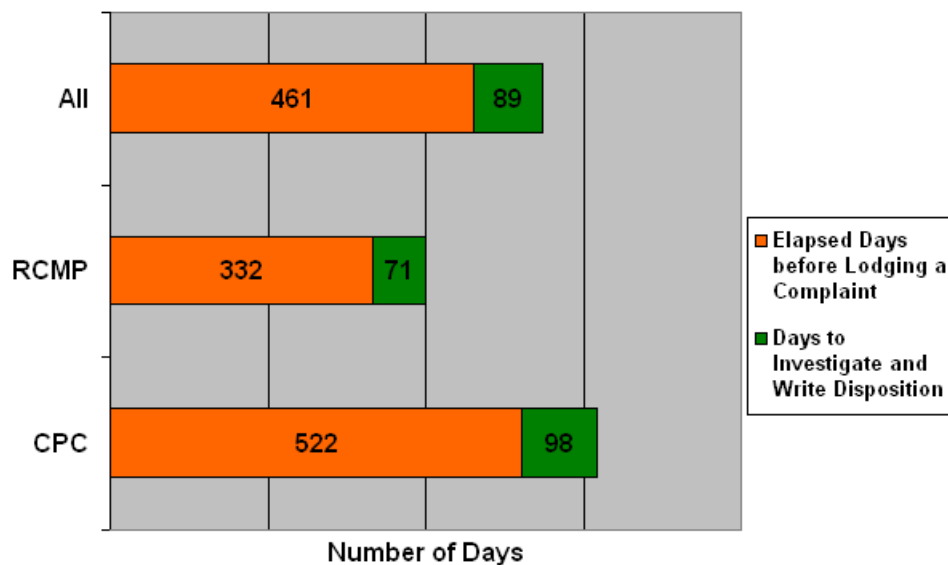
- (a) the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided under any other Act of Parliament;
- (b) the complaint is trivial, frivolous, vexatious or made in bad faith; and
- (c) having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable.

Service Standards: Complaint Processing Time¹¹²

On average, “O” Division took 89 days to issue a disposition once a complaint was lodged. This is an increase from 69 days in 2007 and is closer to the 2008 RCMP national average of 103 days. The average number of days to issue a disposition was 98 for Commission-lodged complaints as opposed to 71 days for RCMP-lodged complaints.

On average, it took 461 days for a complainant to lodge the original complaint. On average, complainants waited 522 days after the incident took place before lodging a complaint with the Commission, while complaints lodged with the RCMP averaged 332 days after the incident.¹¹³

“O” Division: Complaint Timeline Based on the Organization the Complaint Was Lodged With



The average number of days for the Commission to receive the complaint disposition from this Division was 16 for Commission-lodged complaints as opposed to the 21 days it took for RCMP-lodged complaints. This is in comparison to 2007, where it took, on average, 104 days for Commission-lodged complaints and 98 days for RCMP-lodged complaints.

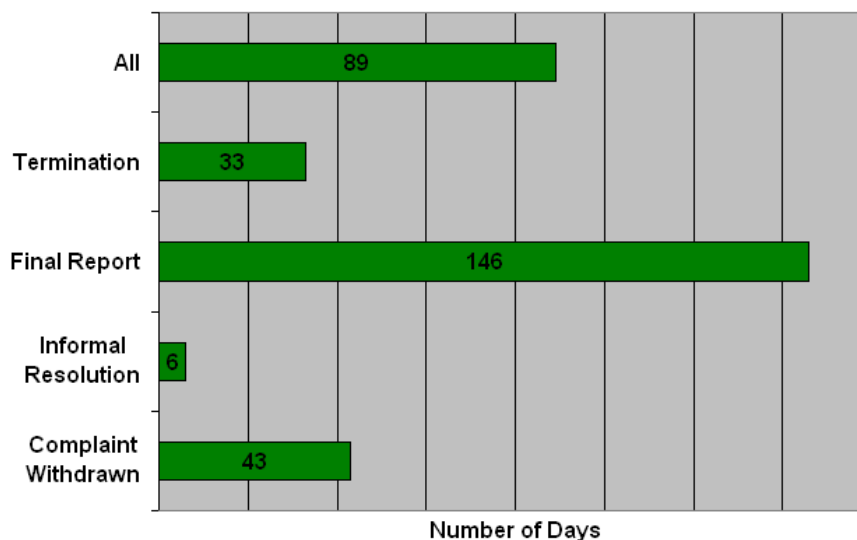
¹¹² By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP. With respect to providing the Commission with a disposition, the date of the disposition is compared with the date the document was received at the Commission.

¹¹³ While the reasons for this delay is not yet fully understood, some preliminary analysis of the data suggests that complainants wait extended periods of time to lodge complaints because: 1) the complainant may not have immediate access to the public complaint system; 2) the complaint may be historical in that an incident occurred many years (in some cases decades) before a formal complaint is lodged; and 3) alternate ways of resolving the complaint may have been attempted before a formal complaint was lodged.

Complaint timelines were also determined by disposition type:

- To issue a Final Report it took, on average, 146 days. For these cases, it generally took 518 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To issue a Notice of Direction it took, on average, 33 days. For these cases, it generally took 594 days for a complainant to lodge a complaint that resulted in this type of disposition.
- To capture a withdrawal it took, on average, 43 days. For these cases, it generally took 37 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To enter into an informal resolution it took, on average, six (6) days. For these cases, it generally took 191 days for a complainant to lodge the original complaint that resulted in this type of disposition.

“O” Division: Number of Days to Issue the Disposition by Disposition Type



Complaint timelines were also determined by allegation type. For the most common types of allegations, timelines are reported:

- Allegations of “Neglect of Duty”, on average, took 66 days for a disposition to be issued. Typically, for these cases complainants waited, on average, 546 days after the incident date to lodge the original complaint for this type of allegation.
- Allegations of “Oppressive Conduct”, on average, took 117 days for a disposition to be issued. Typically, for these cases complainants waited, on average, 630 days after the incident date to lodge the original complaint for this type of allegation.
- Allegations of “Improper Attitude” on average took 58 days for a disposition to be issued. Complainants, on average, lodged the original complaint 139 days after the incident date for this type of allegation.

It is interesting to note that within “O” Division complaints involving “Irregularity in Procedure” allegations, on average, took the longest time (196 days) to issue dispositions.

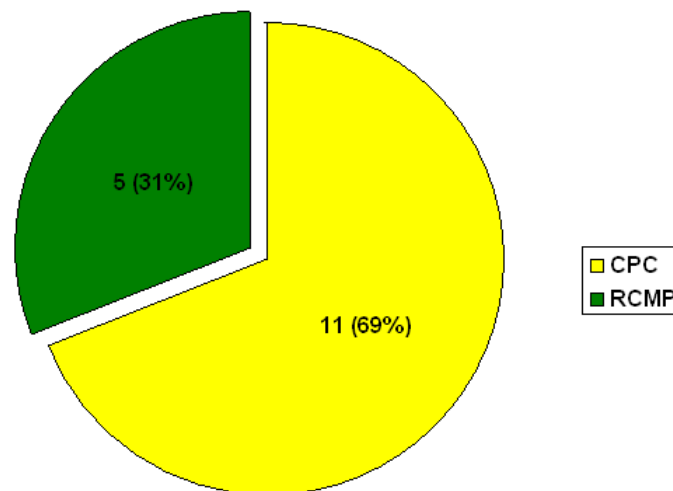
**V-NUNAVUT
DIVISIONAL REPORT**

Complaints Received

The Commission received 16 complaint dispositions from “V” Division of which 11 (69%) were lodged with the Commission, while 5 (31%) were lodged with the RCMP.

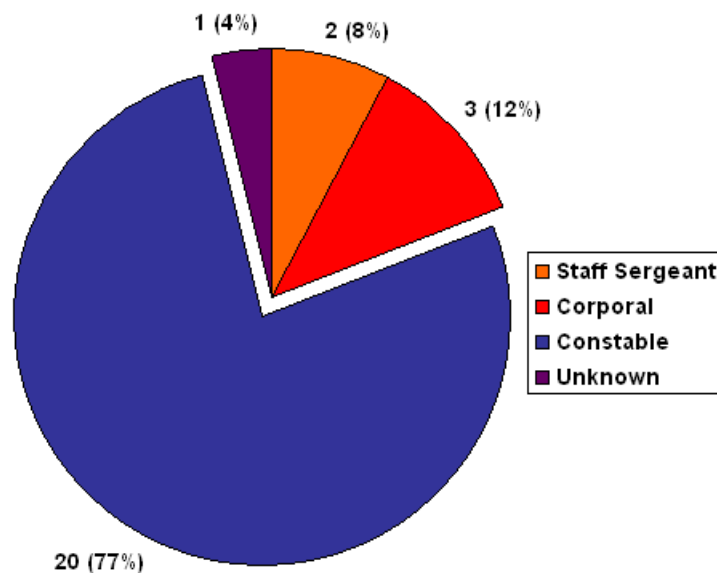
The complaint dispositions were further examined at the detachment level. The detachment that was most often mentioned in the complaint dispositions was the Iqaluit Detachment with five (5) complaints representing 31% of the total complaints. Four (4) of the complaints were lodged with the Commission (80%), while one (1) was lodged with the RCMP (20%).

“V” Division: Number of Complaints Based on the Organization it Was Lodged With



The average number of members named in the complaints for “V” Division was 1.6 with the rank of constable (77%) being the most common rank followed by the rank of corporal (12%).

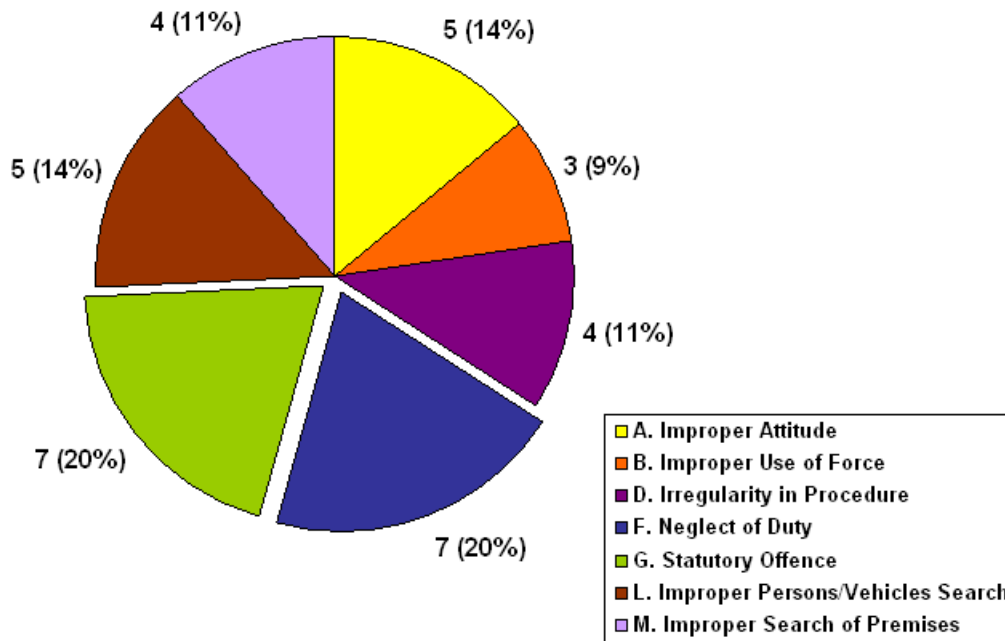
“V” Division: Number of Complaints by Member Rank



Allegations

A total of 35 allegations were made against members in “V” Division, which averaged about 2.2 allegations per complaint. The most common allegations were “Neglect of Duty” (20%) and “Statutory Offence” (20%). Allegations were also examined at the detachment level. For the Iqaluit Detachment, the results indicate that the most common allegation was “Neglect of Duty” (67%).

“V” Division: Allegations Breakdown



For every complaint disposition received, the Commission analyzed the reason and incident details in order to identify issues related to the nature of the complaint. The most common issue that the Commission identified in complaints from “V” Division was “Attitude” (14%), followed by “Arrest” (10%), “Service” (8%) and “Police Physical Abuse” (8%).

“V” Division: Commission-Identified Issues

Issue	Number of Complaints	%
Aboriginal community	1	2%
Alcohol or Drugs (not intoxication)	1	2%
Arrest	5	10%
Attitude	7	14%
Care in Custody	2	4%
Civil Disputes/No Child	1	2%
Criminal Investigation Quality (RCMP)	1	2%
Detention	4	8%
Entry of Premises	3	6%
Intoxication	3	6%
Medical Care	3	6%
Mental Illness	1	2%
Police Physical Abuse	4	8%
Property Mishandling	1	2%
Right to Counsel	1	2%
Search	3	6%
Seizure	1	2%
Service	4	8%
Spousal Abuse Response	1	2%
Vehicular Incidents	2	4%
Total	49	

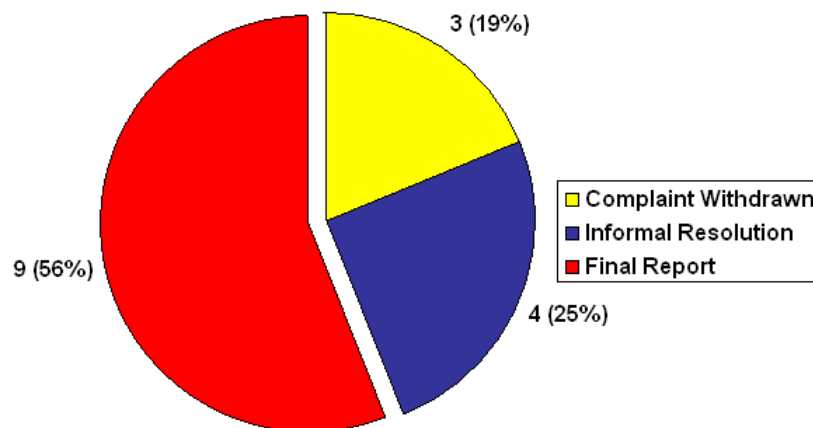
Trends in the issues were also identified by detachment. For the Iqaluit Detachment, the most common issue identified in the complaints was “Attitude” (25%).

Further, the results revealed trends in the issues for each allegation. For the purpose of this analysis, the common issues will be reported for the most frequently occurring allegations:

- For allegations of “Neglect of Duty” the key issues were “Detention” (20%), “Care in Custody” (12%), “Arrest” (12%) and “Service” (12%).
- For allegations of “Statutory Offence” the key issue was “Police Physical Abuse” (18%).

Disposition of Complaints¹¹⁴

“V” Division: Number of Complaints by Disposition Type



Investigation and Final Report

Of the complaint dispositions the Commission received, nine (9) (56%) were formally investigated and a Final Report issued. These reports made determinations on 27 allegations, the most likely of which were “Improper Persons/Vehicles Search” and “Statutory Offence”. The results show the RCMP supported the allegations in 33% of the time which is significantly higher than the force-wide average of 10%.

Informal Resolutions

Informal resolutions occurred in 25% of the cases, a decrease from 41% in 2007. This disposition type dealt with five (5) allegations. The allegation most likely to be informally resolved was “Improper Attitude”.

Withdrawals

In 19% of the cases, the complainant withdrew the complaint, which disposed of three (3) allegations. The most likely of these allegations was “Improper Attitude”.

Terminations (Notice of Direction)

In 2008, the Commission did not receive any Notices of Direction from “V” Division.

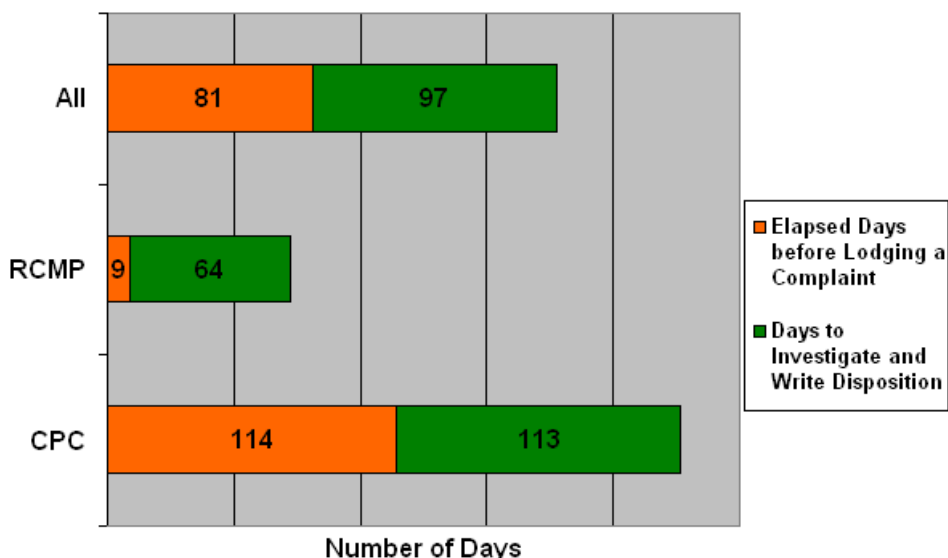
¹¹⁴ Within the Disposition of Complaints section, there is a further breakdown to identify in what manner allegations categories have been disposed. For each allegation category, the number of allegations disposed of through each disposition type was divided by the total number of those allegations. These numbers were then compared from one allegation category to the next with the goal of determining which allegation was *most likely* to be disposed of by a certain disposition type. Therefore, an allegation category was more likely to be disposed of in a certain manner if the percentage disposed of in this way was significantly higher than that of other allegations categories. “Most likely” does not mean most common.

Service Standards: Complaint Processing Time¹¹⁵

In 2008, “V” Division, on average, took 97 days to issue a disposition once a complaint was lodged, which is slightly less than the RCMP national average of 103 days. This is similar to “V” Division’s average of 92 days in 2007. The average number of days to issue a disposition was 113 for Commission-lodged complaints as opposed to 64 days for RCMP-lodged complaints.

Further, on average, it took 81 days for a complainant to lodge a complaint in 2008. On average, complainants waited 114¹¹⁶ days after the incident took place before lodging a complaint with the Commission, while complaints lodged with the RCMP averaged nine (9) days after the incident.

“V” Division: Complaint Timeline Based on the Organization the Complaint Was Lodged With



The average number of days for the Commission to receive the complaint disposition from this division was 74 for Commission-lodged complaints as opposed to the 116 days it took for RCMP-lodged complaints. This is in contrast to 2007, when it took, on average, 182 days for Commission-lodged complaints and 153 days for RCMP-lodged complaints.

¹¹⁵ By identifying the complaint date and comparing it to the disposition date, the Commission was able to determine how many days it took the RCMP to issue a disposition for each complaint. Similarly, by comparing the complaint date to the date the incident occurred, a timeline can be established to determine how many days elapsed before a complainant lodged a public complaint against the RCMP. With respect to providing the Commission with a disposition, the date of the disposition is compared with the date the document was received at the Commission.

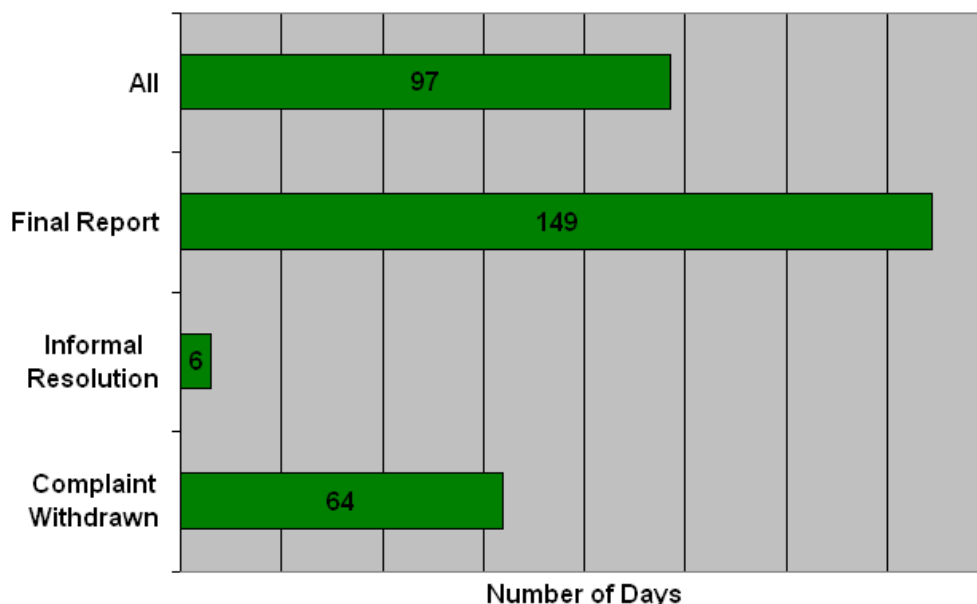
¹¹⁶ The range for this average was 0 to 366 days. While the reasons for this delay is not yet fully understood, some preliminary analysis of the data suggests that complainants wait extended periods of time to lodge complaints because: 1) the complainant may not have immediate access to the public complaint system; 2) the complaint may be historical in that an incident occurred many years (in some cases decades) before a formal complaint is lodged; and 3) alternate ways of resolving the complaint may have been attempted before a formal complaint was lodged.

Complaint processing times were analyzed for the Iqaluit Detachment. It took on average 134 days to issue a disposition once a complaint was lodged. Typically, complainants waited 116 days after the incident date to lodge the original complaint.

Complaint timelines were also determined by disposition type:

- To issue a Final Report it took, on average, 149 days. For these cases, it took, on average, 112 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To issue a withdrawal it took an average of 64 days to issue a disposition. For these cases, it took, on average, 91 days for a complainant to lodge the original complaint that resulted in this type of disposition.
- To enter into an informal resolution it took, on average, six (6) days. For these cases, it took, on average, four (4) days for a complainant to lodge the original complaint that resulted in this type of disposition.

“V” Division: Number of Days to Issue the Disposition by Disposition Type



Complaint timelines were also determined by allegation type. For the two most common types of allegations, timelines are reported.

- For allegations of “Neglect of Duty”, on average, it took 196 days for a disposition to be issued. Complainants, on average, lodged the original complaint 154 days after the incident date for this type of allegation.
- For allegations of “Statutory Offence”, it took, on average, 94 days for a disposition to be issued once a complaint was lodged. On average, complainants waited nine (9) days to lodge the original complaint with this type of allegation.