

Military Police Complaints Commission

2011-12

Report on Plans and Priorities

**Honourable Peter Gordon MacKay, P.C., M.P.
Minister of National Defence**

TABLE OF CONTENTS

Chairperson’s Message	1
SECTION I: DEPARTMENTAL OVERVIEW	3
1.1 Summary Information	5
Raison d’être	5
Responsibilities	5
Contribution to the Federal Sustainable Development Strategy (FSDS).....	6
Strategic Outcome.....	7
Program Activity Architecture.....	7
1.2 Planning Summary	8
SECTION II: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME	17
2.1 Strategic Outcome.....	19
SECTION III: SUPPLEMENTARY INFORMATION.....	25
3.1 Financial Highlights.....	27
Supplementary Information Table	28
SECTION IV: OTHER ITEMS OF INTEREST	29
4.1 Organization Chart.....	31
4.2 How to Reach Us	32

Chairperson's Message

I am pleased to present the *2011-12 Report on Plans and Priorities* of the Military Police Complaints Commission (the Commission). This Report highlights the Commission's plans over the next three years as it fulfills its mandate to provide independent civilian oversight of the Canadian Forces Military Police. This mandate includes: providing for greater public accountability by the Military Police and the chain of command in relation to Military Police investigations; promoting and ensuring the highest standards of conduct of the Military Police in the performance of policing duties; and discouraging interference in any Military Police investigations.

I was honoured to have been appointed as Chairperson on May 14, 2010. While 2010 was an extremely challenging year in which the Commission balanced the extraordinary demands of the nearly-completed Afghanistan Public Interest Hearing with complex individual cases and other activities, it is expected that 2011-12 will bring its own share of challenges. In addition to continuing to manage an unpredictable and complex operational caseload, the Commission anticipates the opportunity to contribute to the second independent five year review of the *National Defence Act*. The Commission's comments and recommendations include the areas of scope of oversight, access to sensitive information under the *Canada Evidence Act*, and fair and efficient procedures.

In the coming year, we will continue to meet our corporate responsibilities associated with government accountability and to ensure the continued openness and transparency of our operations. We will also carry out further outreach initiatives to the Military Police community at Canadian Forces bases as well as through specific courses at the Military Police Academy. Such interactions remain a valuable opportunity to share information and reinforce our understanding of the many demands on military police members.

We look forward to continuing to work collaboratively with the Canadian Forces Provost Marshal (CFPM), the Deputy Provost Marshal Professional Standards (DPM PS), other senior Military Police professionals, the Military Police community, and partners and stakeholders in the coming year.

I would also like to recognize the dedication of Commission staff to the effectiveness of Commission operations. They have consistently produced high quality results under sometimes extremely demanding circumstances and I look forward to their continued contributions in 2011-12.

Glenn Stannard
Chairperson

Section I: Departmental Overview

1.1 Summary Information

Raison d'être

The Military Police Complaints Commission (the Commission) was established by the Government of Canada to provide independent civilian oversight of the Canadian Forces Military Police, effective December 1, 1999. This was achieved through an amendment to the *National Defence Act (NDA)* creating a new Part IV which sets out the mandate of the Commission and how complaints are to be handled. As stated in Issue Paper No. 8, which accompanied the Bill that created the Commission, its role is “to provide for greater public accountability by the military police and the chain of command in relation to military police investigations.”

Responsibilities

The Commission's mandate is to monitor, review and investigate complaints concerning Military Police conduct and investigate allegations of interference in Military Police investigations. The Commission reports its findings and makes recommendations directly to the Military Police and national defence leadership. The Commission's mission is to ensure the highest standards of conduct of Military Police in the performance of policing duties and to discourage interference in Military Police investigations.

The Commission fulfills its mandate and mission by exercising the following responsibilities:

- Monitoring investigations by the Canadian Forces Provost Marshal (CFPM) of Military Police conduct complaints;
- Reviewing the disposition of those complaints at the request of the complainant;
- Investigating complaints of interference; and,
- Conducting public interest investigations and hearings.

A description of the conduct and interference complaints processes, as well as considerations associated with conducting public interest investigations and hearings, is contained within section 2.1.1 of this Report entitled Program Activity – Complaints Resolution.

In fulfilling its responsibilities, the Commission has a crucially important collaborative working relationship with the CFPM and the Deputy Provost Marshal, Professional Standards (DPM PS). The CFPM provides direction to all Military Police Branch members with regards to police policy and procedures, professional standards, security, equipment and training as well as Military Police Branch traditions and activities. The DPM PS reports directly to the CFPM and oversees the evaluation of Military Police functions to ensure consistency with jurisprudence and accepted Canadian policing standards, manages public complaint and internal military police misconduct investigations, administers the Military Police credentials review board and ensures

adherence to the military police professional code of conduct.

The CFPM is responsible for dealing with complaints about Military Police conduct in the first instance and the Commission has the authority to monitor the steps taken by the CFPM and to conduct its own reviews and investigations, as required. The Commission has the exclusive authority to deal with interference complaints. The Commission recommendations for improvements in its interim and final reports include changes to policies, procedures, training or tools to address individual deficiencies. Such recommendations, when implemented, support the Military Police in maintaining the highest standards of professional conduct and in assuring the integrity of Military Police investigations.

Fostering quality and a mutually respectful working relationship between the Commission and the CFPM facilitates the conduct of complaint investigations and the likelihood that recommendations will be accepted and implemented. It is noteworthy that for the fifth year in a row, 100% of the Commission's recommendations have been accepted.

The Commission is a micro-agency headquartered in Ottawa. It currently has 22 full time employees (FTEs) and an operating budget of \$3.5 million.

The Commission is one of eight distinct but related organizations in the National Defence Portfolio. While it reports to Parliament through the Minister of National Defence, the Commission is both administratively and legally independent from the Department of National Defence (DND) and the Canadian Forces (CF). It is not subject to direction from the Minister in respect of its operational mandate. The Commission is part of the federal public administration and is fully subject to federal legislation and policies, such as the *Financial Administration Act*, the *Official Languages Act*, the *Access to Information and Privacy Acts*, and the *Public Service Employment Act*.

Contribution to the Federal Sustainable Development Strategy (FSDS)

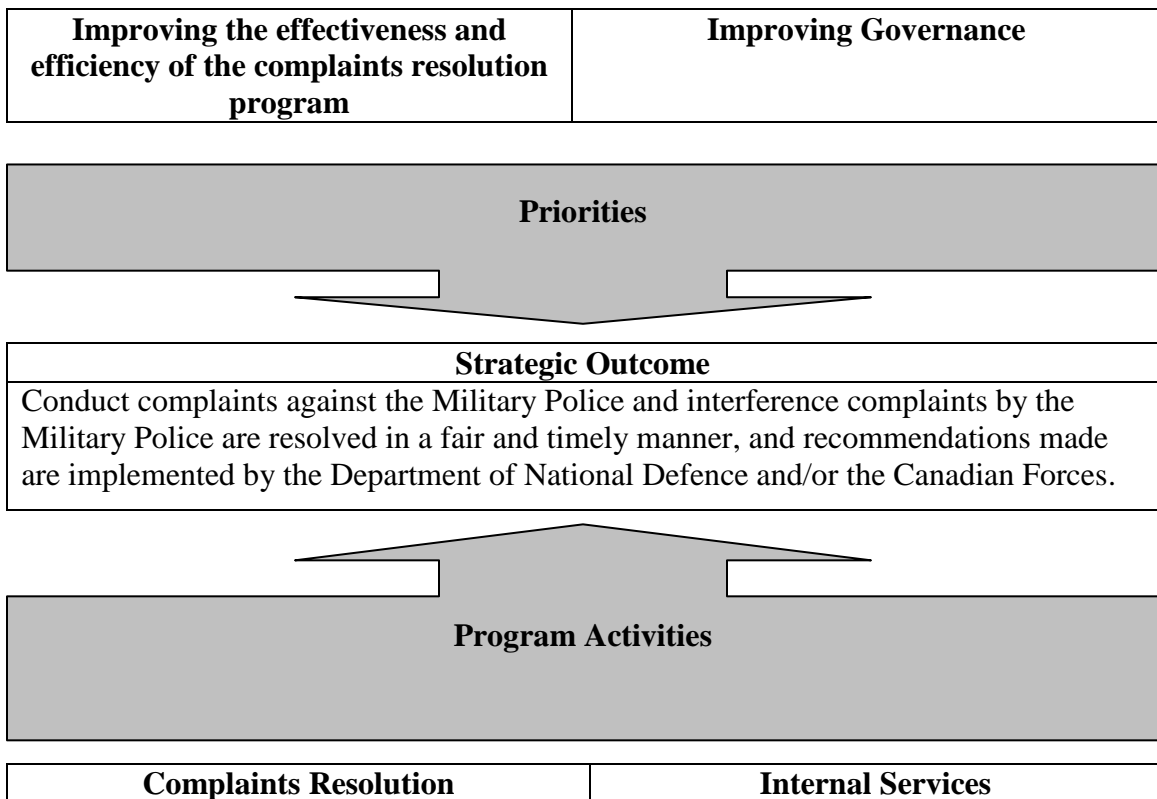
The MPCC has taken several steps to plan and implement strategies for the Federal Sustainable Development Strategy (FSDS). As such the MPCC has implemented strategy toward “greening” the MPCC by incorporating facets of the FSDS and the policy on green procurement in its frameworks, such as the Financial Framework and Assets Management Framework. In addition, the MPCC staff responsible for procurement have received training on green procurement and all MPCC personnel possess an understanding of the strategies related to the FSDS and its supporting policies. Other activities to support the strategies include the surplus of Information Technology (IT) equipment, surplus of furniture, reduction of fax machine and printers to focus on scanning and email electronic documents, purchase of recycling paper and other eco-friendly office supplies and equipment.

Strategic Outcome

In fulfilling its mandate, the Commission will continue to be guided by the following strategic outcome: Conduct complaints against the Military Police and interference complaints by the Military Police are resolved in a fair and timely manner, and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.

Program Activity Architecture

The relationship of the program activities, the priorities and the strategic outcome is illustrated in the diagram below.



1.2 Planning Summary

Financial Resources (\$ millions)

The financial resources table below provides a summary of the total planned spending for the Military Police Complaints Commission for the next three fiscal years.

2011-12	2012-13	2013-14
\$3.5	\$3.5	\$3.5

The total planned spending is allocated in the table below to better disclose how the monies are planned to be disbursed.

	2011-12	2012-13	2013-14
Ongoing Program	\$3.5	\$3.5	\$3.5
Expenses related to the Public Interest Hearing and Legal Proceedings regarding the transfer of detainees in Afghanistan	\$0.0	\$0.0	\$0.0

Human Resources (FTEs)

The human resources table below provides a summary of the total planned human resources for the Military Police Complaints Commission for the next three fiscal years

2011-12	2012-13	2013-14
22	22	22

The total planned FTEs are allocated in the table below to better disclose where the FTEs are planned to be utilized.

	2011-12	2012-13	2013-14
Ongoing Program	22	22	22
FTEs related to the Public Interest Hearing and Legal Proceedings regarding the transfer of detainees in Afghanistan	0	0	0

Strategic Outcome: Conduct complaints against the Military Police and interference complaints by the Military Police are resolved in a fair and timely manner, and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.

Performance Indicators		Targets			
Percentage of recommendations resulting from investigations of conduct or interference complaints accepted by the Department of National Defence and/or the Canadian Forces		70%			
Percentage of investigations of conduct or interference complaints resolved within targeted timeframes as established by the Commission Chairperson		70%			
Percentage of individual members received remedial measures and/or improvements were made to Military Police policies and procedures pursuant to investigations of conduct or interference complaints		70%			
Number of presentations given on the mandate, role and responsibilities of the Commission		10			
Program Activity	Forecast Spending * 2010– 11 (\$ millions)	Planned Spending (\$ millions)			Alignment to Government of Canada Outcomes
		2011-12	2012-13	2013-14	
Complaints Resolution Program	2.4	2.1	2.1	2.1	Safe and Secure Canada
Internal Services	2.3	1.4	1.4	1.4	
Total	4.7	3.5	3.5	3.5	

* This includes ongoing program funding, including the carry-forward, as well as the additional funding received for expenses related to the Public Interest Hearing and Legal Proceedings into complaints regarding the transfer of detainees in Afghanistan.

The decrease in funding, in the planning years, is due to the end of the three year funding period (2008-09 to 2010-11) for the Public Interest Hearing and Legal Proceedings regarding the transfer of detainees in Afghanistan.

The priorities remain unchanged from the previous year. Continuing to provide the complaints resolution program effectively will result in investigations that confirm the correctness of Military Police conduct or provide recommendations, accepted and implemented by the Department of National Defence and/or the Canadian Forces, for

improvements. Such recommendations can include opportunities to improve Military Police conduct by addressing the needs of individual cases or broader systemic issues, such as the need for new or enhanced policies, procedures, training or supervision. An effective complaints resolution process and the implementation of recommendations for improvements where required, will contribute to promoting and ensuring the highest standards of professional conduct by the Military Police.

Contribution of Priorities to Strategic Outcomes

Operational Priorities	Type	Links to Strategic Outcome	Description
Improving the effectiveness and efficiency of complaints resolution	Ongoing	Conduct complaints against the Military Police and interference complaints by the Military Police are resolved in a fair and timely manner and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.	<p>The Commission has no control over the complaints received and the resulting volume, complexity and size of the investigations that ensue. As a result, the Commission must continue to refine the planning and conduct of its investigations. Timely, well-completed investigations will result, where required, in meaningful recommendations for changes in Military Police conduct (including addressing systemic issues) that are accepted and implemented.</p> <p>As well, the Commission will continue to work with the Chief of Defence Staff, the Canadian Forces Provost Marshal, Deputy Provost Marshal Professional Standards and other senior military police staff, partners and stakeholders to foster an environment that supports the acceptance and implementation of recommendations.</p> <p>In order to promote a greater appreciation and understanding of its mandate and the complaints resolution process, the Commission</p>

Operational Priorities	Type	Links to Strategic Outcome	Description
			<p>will continue its outreach program at Canadian Forces bases. These base visits allow stakeholders to gain a further appreciation of the Commission and how it operates, and they allow the Commission to further expand its knowledge of the many challenges faced by the Military Police.</p> <p>The Commission will also continue its presentations to participants at the Qualifying Level 5 training course at the Military Police Training Academy in Borden, Ontario which it delivered for the first time in 2010-11.</p>
Management Priorities			
Improving Governance	Ongoing	Conduct complaints against the Military Police and interference complaints by the Military Police are resolved in a fair and timely manner, and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.	<p>The Commission will continue to ensure the sound stewardship of the resources entrusted to it.</p> <p>Planning and reporting will continue to be aligned with the Program Activity Architecture.</p>

Risk Analysis

Capacity and Timeliness

The Commission continues to manage an unpredictable and diverse caseload of conduct and interference complaints involving increasingly complex and often unique issues. The investigations of these cases demand lengthy, workload and resource-intensive research, data gathering and detailed analysis of voluminous oral and written evidence from Canadian and often international sources.

Such activities impact the duration of investigations, the resources and time required to prepare interim and final reports, and the overall cost. When investigations result in a decision to hold public hearings, the process is even further complicated and costly including detailed logistical issues. The Commission will continue to follow its critical path in the conduct of investigations while remaining open to possible refinements to the critical path to accommodate unique circumstances. It will also examine case management, administrative and other options, such as procedural streamlining and possible technology applications, in order to ensure available resources continue to be optimized.

Resources

The Commission is not resourced to conduct large public interest hearings. Prior to 2008-09, the Commission had one public interest hearing which cost approximately \$100 thousand and was paid for out of the existing resource base. However, the estimated cost of the public interest hearing regarding the handling of Afghanistan detainees was beyond the existing resource level of the Commission. As a result, the Commission sought and obtained additional funds over the three year period ending in 2010-11 to cover the one-time costs of the public interest hearing as well as the resulting Federal Court challenges.

Collaboration

The Commission will continue to have ongoing discussions with the Canadian Forces Provost Marshal, the Deputy Provost Marshal Professional Standards and other senior military police staff in order to examine, address and resolve issues and to even further strengthen the complaints resolution process. Recommendations contained in the Commission interim and final reports of investigations are not binding on the Canadian Forces and DND. The Commission will continue to foster productive working relationships in order to facilitate the conduct of investigations and increase the likelihood that recommendations will be accepted and implemented.

The Commission will also continue to cultivate its mutually beneficial working relationships with other government departments and agencies and intra-government affiliations in order to identify and achieve practical solutions to common operational and administrative issues. The Commission will continue its professional involvement in

organizations such as the Ontario Association of Chiefs of Police, the Canadian Bar Association, and the Canadian Association for Civilian Oversight of Law Enforcement.

Legislative Initiatives

The MPCC will continue its efforts to seek inclusion in the *Canada Evidence Act* Schedule of Designated Entities to address its ongoing challenge of receiving sensitive information in order to fulfill its mandate where required.

In light of Bill C-41 an *Act to amend the National Defence Act and to make other consequential amendments to other Acts*, the Commission continues to monitor and comment on the Bill to address some of the Commission's concerns.

Lastly, it is anticipated that the 5-year review of the *National Defence Act* will commence in the near future and that the Commission will be provided an opportunity to provide recommendations for improvements to Part IV of the NDA. The Commission would propose to contribute constructive comments and recommendations in the areas of:

- the scope of oversight;
- the Commission's access to information; and
- fair and efficient procedures.

Human Resource Planning

The Commission's effectiveness continues to depend, in large part, on its knowledgeable and stable workforce. However, like all small agencies, it is difficult to retain employees when the size and flatness of the organization impact the number of available opportunities for advancement. The Commission will continue to stress effective human resource planning, anticipating potential staff turnover and developing staffing strategies to help ensure that knowledge is retained (through e.g. employee learning plans) and that vacancies are appropriately filled, as quickly as possible.

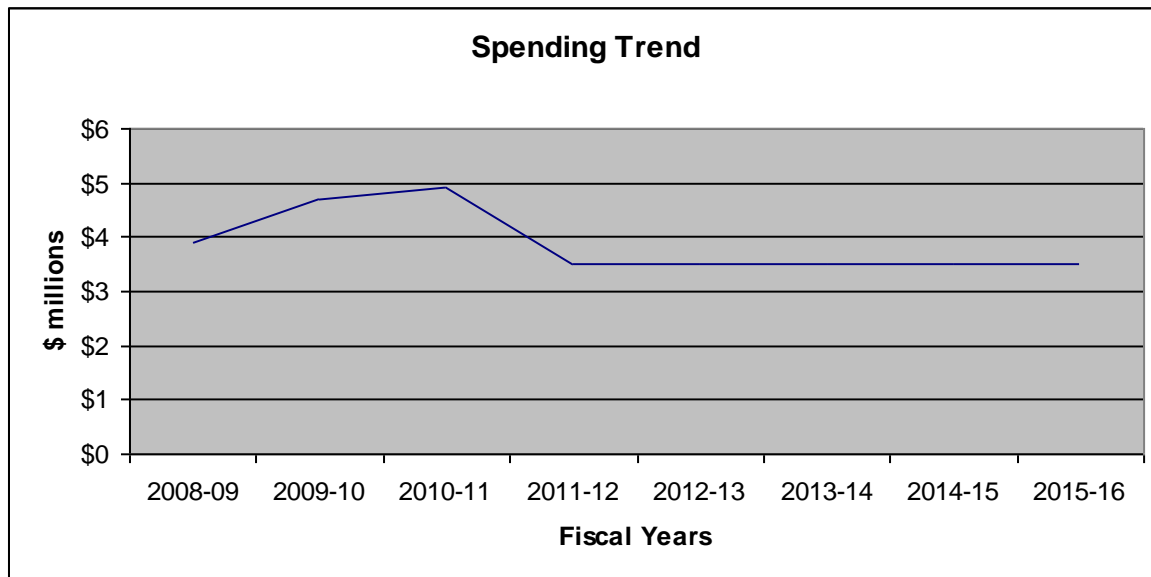
The Commission's Human Resource Plan was updated in 2010-11 to ensure its alignment with the priorities of Public Service renewal. Initiatives were also taken to automate various human resources processes and systems consistent with government-wide priorities. The Commission will continue to explore other opportunities to even further strengthen its management of human resources and reinforce a positive and productive working environment.

Expenditure Profile

The financial resources of the Commission have increased for the three year period ending 2010-11. As mentioned earlier, the Commission sought and received additional funding to address the Afghanistan public interest hearing and the related Federal Court applications.

The Departmental Spending Trend chart below illustrates the Commission spending trend from 2008-09 to 2015-16. For the 2008-09 to 2010-11 periods, the total spending includes actual spending during the period from all parliamentary appropriations, including the carry-forward adjustments. For the periods from 2011-12 until 2015-16, the total spending corresponds to the planned spending. The increase in 2008-09 until 2010-11 is due to the increased funding received for conducting the public interest hearing and for responding to the Federal Court applications and the decrease in 2011-12 going forward represents the sunset of the aforementioned approved funding.

Departmental Spending Trend



2011-12 Allocation of Funding by Program Activities

The funding will be for complaints resolution program activity as well as for internal services.

Estimates by Vote

For information on our organizational votes and/or statutory expenditures, please see the 2011-12 Main Estimates publication. An electronic version of the Main Estimates is available at <http://www.tbs-sct.gc.ca/est-pre/20112012/me-bpd/toc-tdm-eng.asp>.

Section II: Analysis of Program Activities by Strategic Outcome

2.1 Strategic Outcome

Conduct complaints against the Military Police and interference complaints by the Military Police are resolved in a fair and timely manner and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.

The following section explains:

- the complaints resolution program activity and the expected results of this activity;
- how the Commission plans on meeting the expected results and the financial and non-financial resources that will be dedicated to the program activity;
- internal services activities; and
- benefits for Canadians from the Commission's program activities.

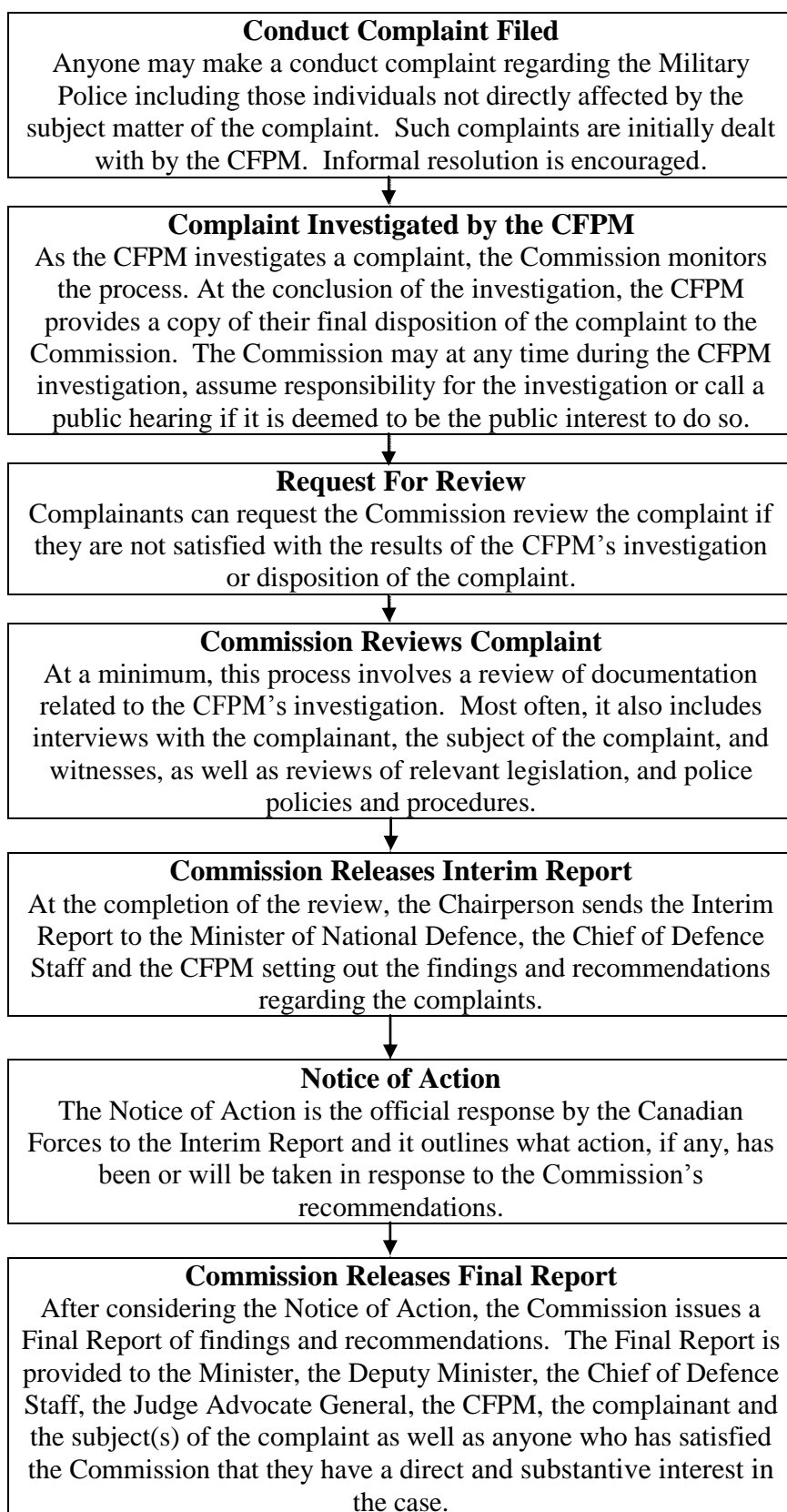
2.1.1 Program Activity – Complaints Resolution

Program Activity 1: Complaints Resolution					
Human Resources (FTEs) and Planned Spending (\$ millions)					
2011–12		2012–13		2013–14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
10	2.4	10	2.1	10	2.1

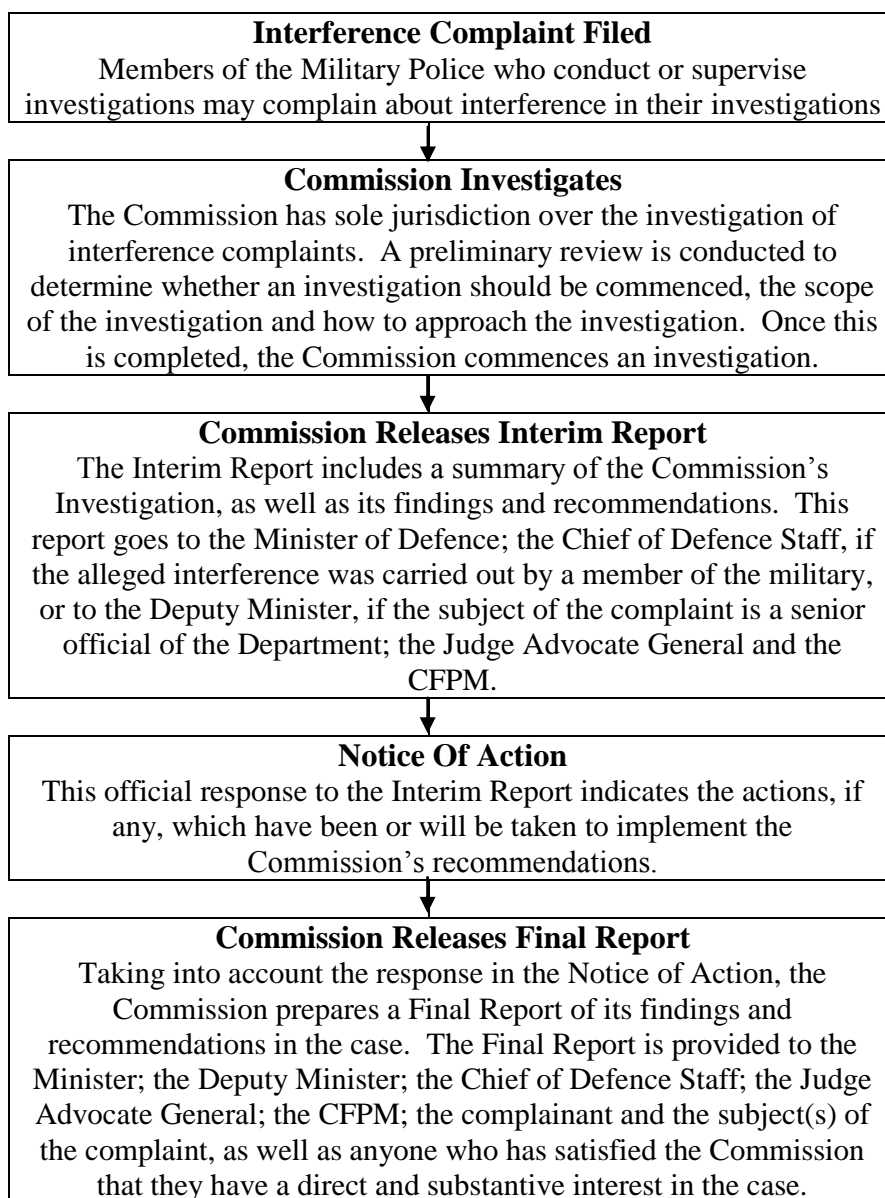
Program Activity Expected Results	Performance Indicators	Targets
Recommendations resulting from investigations of conduct or interference complaints are accepted by the Department of National Defence and/or the Canadian Forces	% of recommendations implemented	70%
Investigations of conduct or interference complaints are resolved within targeted time frames as established by the Commission Chairperson	% of investigations resolved within time frames	70%
Individual members receive remedial measures and/or improvements are made to Military Police policies and practices pursuant to investigations of conduct or interference complaints	% of individual members receiving remedial measures and/or improvements being made to policies and practices	70%
Presentations given on the mandate, role and responsibilities of the Commission	number of presentations given	10

The complaints resolution process includes research, monitoring, planning, conducting investigations and reporting of results.

Complaints about Military Police Conduct



Complaints about Interference in Military Police Investigations



Public Interest Investigations and Hearings

At any time when it is in the public interest, the Chairperson may initiate an investigation into a complaint about police conduct or interference in a police investigation. If warranted, the Chairperson may decide to hold a public hearing. In exercising this statutory discretion, the Chairperson considers a number of factors including, among others:

- Does the complaint involve allegations of especially serious conduct?

- Do the issues have the potential to affect confidence in Military Police or the complaints process?
- Does the complaint involve or raise questions about the integrity of senior military or DND officials, including senior Military Police?
- Are the issues involved likely to have a significant impact on Military Police practices and procedures?
- Has the case attracted substantial public concern?

Planning Highlights

In order to achieve the intended results, the Commission plans to undertake the following:

- **Plan, Conduct and Report the Results of its Investigations:** The Commission will continue to complete its investigations in accordance with the critical path developed specifically for each investigation. Ongoing refinements to the critical path will be made, as needed, to reflect the complexities, demands and implications of extremely large mega-cases.
- **Operate Effectively:** The Commission will continue to ensure its performance targets accurately reflect the changing scope, size and complexity of the investigations undertaken. Setting the appropriate targets remains a challenge due to the significant differences among investigations.
- **Cost Control:** The Commission will continue to look at the complaints resolution process to identify opportunities for cost savings. Outsourcing of investigative services and expanding its roster of investigators, as needed, will enable the Commission to better match investigator skill sets with investigative requirements. Potential options to enhance investigative capacity will also be examined in order to further reinforce organizational sustainability.
- **Increase Transparency of Commission Operations:** The Commission will continue its outreach program and expand the number of stakeholders who are informed about the purpose, objectivity and fairness of the conduct and interference complaints resolution processes.
- **Cooperation:** The Commission requires cooperation and collaboration with others to be successful. This includes ensuring a productive working relationship with the CFPM, DPM PS and other CF/DND representatives that facilitates the conduct of investigations and increases the likelihood that recommendations will be accepted and implemented. It also includes cultivating mutually beneficial working relationships with other government departments and agencies, professional associations and intra-government affiliations to identify and achieve practical solutions to common operational and administrative issues.

2.1.2 Program Activity – Internal Services

Program Activity 2: Internal Services					
Human Resources (FTEs) and Planned Spending (\$ millions)					
2011–12		2012–13		2013–14	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
12	2.0	12	2.0	12	2.0

Program Activity Expected Results	Performance Indicators	Targets
IT Modernization	% of IT Modernization implemented	100%
Planned management reviews are completed	# of management reviews completed	2 per year
Review and update of the policy suite completed	% of policy suite reviewed and updated	100%
Human resource strategy and learning plans	Number of employees with learning plans	100%

In order to fully support the complaints resolution program, the Commission plans to undertake the following:

- **Outsourcing:** The Commission will continue to access private and government resources for the cost-effective delivery of human resource, access to information and privacy, records management and informatics and web services.
- **Evergreening Program:** The Commission’s Evergreening Program for all Commission assets including information technology will continue to be managed and maintained to ensure that these assets are acquired and retired on a planned basis to streamline its investment requirements from year to year. The MPCC has developed and implement an Investment Plan along with implementing strategies for the Federal Sustainable Development Strategy and the policy of green procurement.
- **Human Resources:** The MPCC has updated its HR plan to reflect current HR requirements following the policy suite renewal, MAF assessment and other central agency reports. The Commission will consult with HR specialists and central agencies to implement the HR Framework – Plans & Strategies.
- **Risk Management and Management Reviews:** The Commission will continue to maintain its risk management framework and will conduct internal management reviews based on the high risk elements identified in the risk management framework and other frameworks.

Benefits for Canadians

The Commission's strategic outcome is: Conduct complaints against the Military Police and interference complaints by the Military Police are resolved in a fair and timely manner, and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.

Program activities by the Commission in support of this strategic outcome provide important benefits to Canadians as well as being consistent with, and complementary to, the Government of Canada's outcome of a safe and secure Canada. The police play a critical role in any democratic society. For Canadians, the important social value of the Commission is not only its transparent and accountable oversight of, and investigations into, Military Police conduct or interference complaints. The Commission serves the public interest by helping to maintain Canadians' confidence in the professionalism and integrity of Canadian Military Policing. Public trust and confidence are essential to the effectiveness of policing in any context, including, and perhaps even more so, in the military context.

Section III: Supplementary Information

3.1 Financial Highlights

The future oriented financial highlights presented within the RPP are intended to serve as a general overview of MPCC's financial position and operations. These future oriented financial highlights are prepared on an accrual basis to strengthen accountability and improve transparency and financial management.

Future-oriented financial statements can be found on the MPCC website:

<http://www.mpcc-cppm.gc.ca/300/300-eng.aspx>

Future Oriented Statement of Operations (Unaudited)
For the Year Ended March 31
(000's)

	<u>2011</u>	<u>2012</u>
Operating Expenses		
Professional and special services	2,531	1,080
Salaries and employee benefits	1,568	1,960
Accommodation	240	240
Transportation and telecommunications	188	92
Utilities, materials and supplies	56	27
Amortization of tangible capital assets	57	68
Information	43	21
Rentals	27	13
Other	11	6
	<u>4,722</u>	<u>3,508</u>

Supplementary Information Table

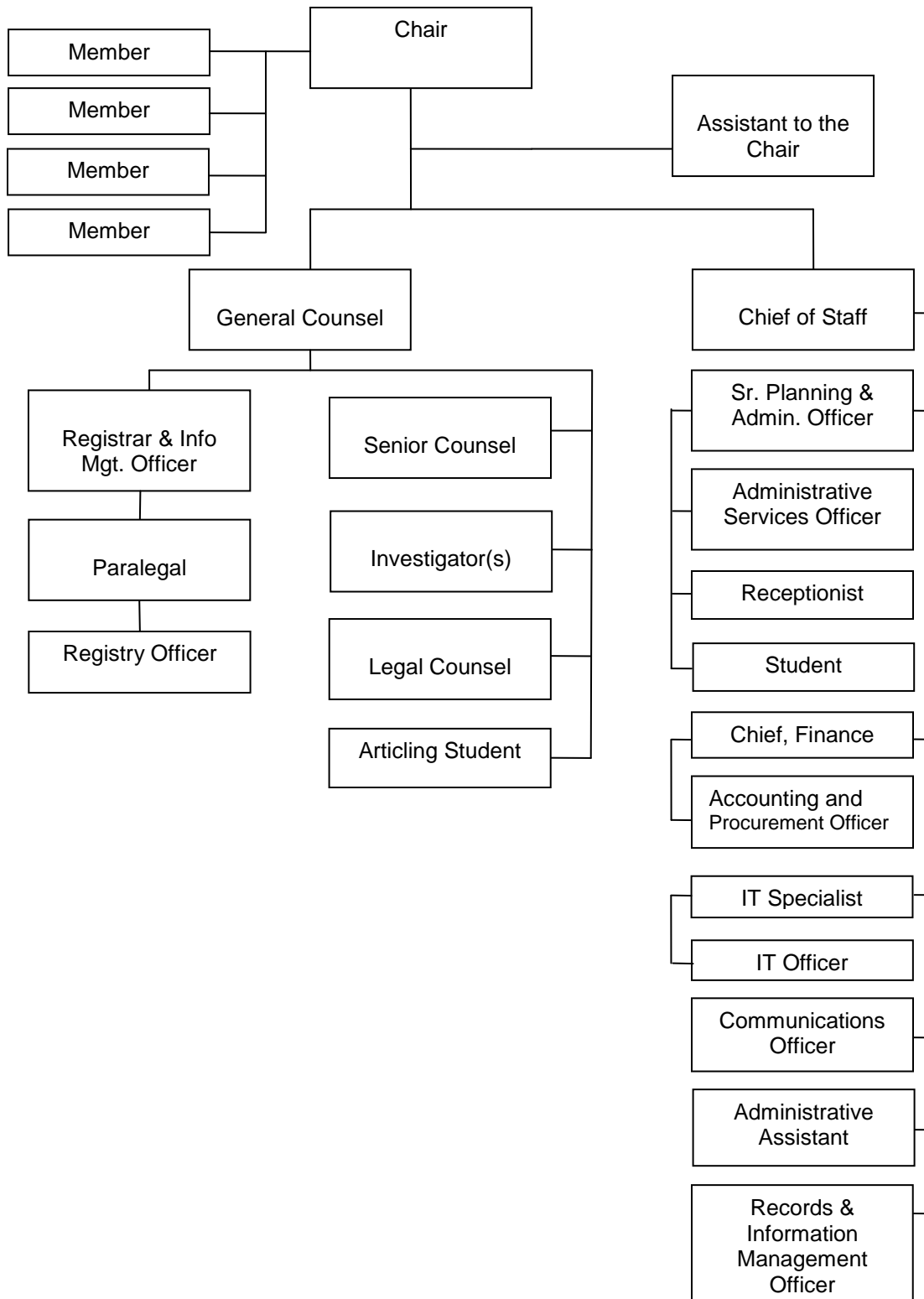
Green Procurement Reporting For Departments and Agencies Not Bound by the Federal Sustainable Development Act

<http://www.tbs-sct.gc.ca/rpp/2011-2012/info/info-eng.asp>

Section IV: Other Items of Interest

4.1 Organization Chart

ORGANIZATIONAL INFORMATION



4.2 How to Reach Us

- Call our information line:
 - 613-947-5625 or toll-free at 1-800-632-0566 to speak to an intake officer
- Send us a fax:
 - 613-947-5713 or toll-free at 1-877-947-5713
- Send us a letter:
 - Military Police Complaints Commission
270 Albert Street, 10th floor
Ottawa, ON K1P 5G8
 - Visit us at the above address for a private consultation – appointments are recommended
- E-mail us:
 - commission@mpcc-cppm.gc.ca
Note: Please do not send confidential information via e-mail; we cannot guarantee the security of electronic communications at this time
- Visit our website:
 - www.mpcc-cppm.gc.ca
- Media inquiries:
 - 613-947-5625 or e-mail [media@ mpcc-cppm.gc.ca](mailto:media@mpcc-cppm.gc.ca)