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Chair

Mr. Pat O'Brien

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Thursday, May 12, 2005

• (0920)

[English]

The Chair (Mr. Pat O'Brien (London—Fanshawe, Lib.)): We have a quorum. I'm happy to call to order the 36th meeting of the House of Commons Standing Committee on National Defence and Veterans Affairs.

Colleagues, before we go to our witnesses, the much anticipated naval inquiry report is quite voluminous. You'll see three of the binders behind me. Frankly, it was quite a complicated process to get that. It wasn't a simple matter to get it or to distribute it, but the clerk is now in the process of getting the report. It was much more difficult than any of us thought it might be, but she is in the process of getting it. It's a huge report. It's being printed and will be distributed.

The Clerk of the Committee: I was told that I'll have it tomorrow. As soon as I have it, I'll distribute it to the members' offices.

The Chair: We're looking at a pretty unusual situation, but you will be getting it.

Hon. Bill Blaikie (Elmwood—Transcona, NDP): We could download it from the website.

The Chair: Well, that's true. Any of us could have actually done that, as far as that goes, but it's neither here nor there. We'll have it in your hands as soon as the clerk can get it.

Let's go to our witnesses.

We have Mr. Henry Kostuck, interim chairperson of the Military Police Complaints Commission, who asked to appear before the committee.

We're happy to welcome you, sir.

We also have Johanne Gauthier, general counsel and secretary to the commission.

Welcome to you both.

Did you want to make some opening comments for ten minutes or so, Mr. Kostuck? Then we'll see what questions the members have.

Thank you.

Mr. Henry Kostuck (Interim Chairperson, Military Police Complaints Commission): Thank you, Mr. Chairman.

First of all, thank you for the opportunity to come before you to try to dispel some of the assertions that were made before you by the former ombudsman of the Canadian Forces. Thank you for the invitation.

As you said, Ms. Gauthier is here. Ms. Gauthier has been working for the commission since 2001. The commission itself was established in 1999, as you know.

I was appointed as a part-time member of the commission in December 2002. I'm therefore relatively new to the commission. In January of this year I was appointed the acting chair of the commission until such time as a permanent chair is appointed.

As I understand it, the process is under way to select a new chair. We expect that a new chair shall be appointed in the next little while.

I would hope that you would accept that Ms. Gauthier will intervene from time to time, if I get into any hot water.

The Chair: By all means; we would be happy to have that.

[Translation]

Mr. Henry Kostuck: Ms. Gauthier, who is a lawyer, has been working for the Commission since 2001. Prior to that time, she worked for the RCMP. Therefore, she is well acquainted with the work of police officers and how they deal with complaints.

[English]

Our commission, the Military Police Complaints Commission, as I said, was established in 1999. It is similar to other commissions that have been established in other countries and in most provinces in Canada. It's an oversight body that is intended not to interfere with the workings of the chief of police and in this case the provost marshal.

We work in concert with the provost marshal to resolve complaints that deal with the on-duty conduct of members of the military police. What our legislation has that's unique is the power and the responsibility to deal with complaints of interference from the chain of command in regard to the military police officers' investigations. That is a very important aspect of the legislation.

When I was appointed the part-time chair, I was a little confused about which organization sits where—where the Military Police Complaints Commission sits, what the ombudsman's role is, and what the grievance board actually does. But I quickly learned these roles. I don't profess to know their roles too well, but I have a decent knowledge of ours.

Complaints are processed in accordance with the legislation. The legislation dictates that the provost marshal deals with complaints against members of the military police in the first instance. While the chair may jump in at any time during that process to take over an investigation, the provost marshal is usually allowed to process, investigate, and respond to complaints in the first instance.

When the investigation of the complaint is concluded by the provost marshal, he or she writes to the complainant and informs the commission of the results of the investigations. As a matter of fact, she informs the commission at the outset that a complaint has been received. In the response to the complainant, the chair must inform the complainant that, if he or she is not satisfied with the disposition of a complaint, he or she may come to the commission for a review. At this point, the commission will become involved in a paper review. If this is not adequate, if we find that the investigation should be enlarged, then the chair of the commission has the authority to act as he or she sees fit. The chair can conduct a further investigation in the public interest. The chair can also call for public hearings into a complaint.

When it comes to an interference complaint—and this is something that is not well known—the military police officers have the right to complain if they feel that a supervisor and/or the chain of command have interfered with their investigation. We're not talking about preventing a supervisor from giving advice and/or direction to improve the investigation. We're talking about interfering. We can get into long debates about what interference consists of.

The chair may state that given the circumstances the provost marshal should go ahead and do the investigation. It's an option the chair has.

● (0925)

As I said, our commission is independent. It's an external oversight, and it's a quasi-judicial body. It respects the role of the chief of police. The commission does not for a moment attempt to take over the running of a police force. That is the responsibility of the chief of police.

As a layperson, I would see us as being good advisers to the chief of police. We provide responses to complaints in a fashion that enables the chief of police, or in this case the provost marshal, to do all kinds of improvements within the organization.

The Canadian Forces Grievance Board and the ombudsman handle other matters. As I said, I'm not too familiar with their work, but as I understand it, the ombudsman was established as a type of sounding board and mediator.

We see no overlap in jurisdictions. We see ourselves as unique and rendering a service that the public deeply appreciates and wants.

We've been criticized for being an expensive organization. We have been, but we were trying to get established over the last five years. The former chair delved into the unknown. She based herself on the experiences of other similar organizations, where the experience has been that for every 100 police officers, you can expect 10 complaints against police officers in a given year. The military police force is comprised of about 1,200 military police officers spread out across the world. Given that number and the experience of other oversight bodies, it originally concluded that perhaps 120 complaints would come to the commission yearly. Given the circumstances that led to the creation of the complaints commission, it was fully expected that there would be a great number of interference complaints coming forth, as well as complaints against the military police.

The former chair set out to establish the commission, and that was costly. The investigations that we are called upon to conduct will sometimes take us great distances, and that's expensive. Over the last five years, the commission has come up with 551 findings and has presented the military with 150 recommendations, of which 70% were accepted by the military.

In our view, that is an excellent record. This has led to vast improvements in training policies and procedures. It has helped to deal with systemic issues that existed. For example, the military police policies on technical procedures and surveillance have been modified, and we take the credit for having influenced the military to do that.

The handling of civil matters often comes up in domestic circumstances. Domestic investigations are usually considered to be the most dangerous situations for police to go into. You never know what to expect at a domestic situation, and some of our recommendations have helped the military to produce or amend policies in regard to jurisdiction in so-called civil matters.

● (0930)

As a result of some of our recommendations, a policy was created in the military to provide police officers with greater discretion in decisions to lay charges. Prior to that, there was zero tolerance regarding the laying of charges. Over the years, we have seen a vast improvement in the quality of investigations being carried out by the Office of the Provost Marshall with regard to complaints against the military police.

We have been criticized for being expensive, but in 2004-2005 we expect to return 25% of our budget to the treasury. We have provided you with a table of expenditures we accrued over the last five years. We've shown for you the amounts allotted to the commission, the amounts spent, and the amounts returned to the treasury.

For the year ending March 31, we expect to return to the treasury 25% of our budget. For the following year, we expect our budget to be similar to this year's, perhaps even lower.

This is a vast country. We have police officers spread out all over the world, and there's quite a turnover of personnel within the military. Military police officers get transferred around. Investigations are usually carried out a year or two after the fact, and by that time it's likely that some of the principals will have been transferred. Witnesses might be spread out all over the country. Hence, there is quite a bit of travel time.

I understand that the former ombudsman has talked about the need for additional powers, expressing the view that this commission does not have adequate powers to deal with its mandate. That's debatable. I don't know if we're prepared to talk about it. But I consider myself a lay person who provides the chief of police with the best advice. We do well-researched reports. We have an excellent staff who go to extremes to provide the best possible information for the chief of police.

Thank you. We're prepared to answer any questions you may have.

● (0935)

The Chair: Thank you, Mr. Kostuck.

We are not operating with our normal contingent of members, so I'll take the chairman's prerogative and give all the members an opportunity to ask any questions they might have.

Let me give the first opportunity to Mr. Blaikie.

Hon. Bill Blaikie: Thank you, Mr. Chairman.

This is the first time I've ever led off the questioning. I'm used to being in the caboose.

I take it your appearance originates from unhappiness on your part with something that the ombudsman said, but I didn't feel that you got to the heart of the matter. Could you tell us what he said that you don't like? You mentioned you were here to dispel things, but unless I was dozing, I didn't get what it was you were dispelling.

Mr. Henry Kostuck: Thank you for the question.

Well, he said that we were inefficient, that we're costly, and that we didn't have enough power and should be moulded under the umbrella of the ombudsman's office.

I think we have been very efficient. We have been somewhat costly; however, we have consistently, year after year, returned moneys to treasury. We have conducted an audit of our operations. As a result of that audit, we have reduced staff drastically. Our budget has been reduced drastically, and we will continue to man the ship in the most effective way.

So I think, in that way, I am contradicting the former ombudsman. I don't know if I've answered your question.

• (0940)

Hon. Bill Blaikie: I'm not trying to be difficult here, because I don't come to this with a preconceived conviction that the former ombudsman was right or that you're right or that you're both wrong or anything. You said you don't know very much about what the ombudsman does and don't know what the grievance board does, but you're convinced that he's wrong when he says that your commission can be rolled into the work of the ombudsman. How do you know that if you don't know what the ombudsman does?

Mr. Henry Kostuck: May I ask Ms. Gauthier to perhaps speak to that?

Ms. Johanne Gauthier (General Counsel and Secretary to the Commission, Military Police Complaints Commission): Our mandate is focused on military policing, so we deal with conduct complaints against military police and interference complaints filed by military police.

The ombudsman, from what we know, was established to be a sounding board and a mediator. His mandate is towards the Canadian Forces in general. Our mandate is focused on military police.

The MPCC was created in 1998 but came into force in 1999 as a result of the Somalia commission of Inquiry. The model it used is based on other civilian oversight models in Canada. Most provinces, except two, have their own police commissions, and there's the RCMP's public complaints commission too. So it's a well-known model for civilian oversight over law enforcement.

Hon. Bill Blaikie: Your very specific mandate applies when members of the armed forces, or the Canadian public if they happen to be on a base somewhere, feel that they have been mistreated in

some way by the provosts—or meatheads, as we used to call them when I was in the militia. Is that what you do?

Ms. Johanne Gauthier: Yes.

Hon. Bill Blaikie: So if a military policeman had a complaint about the treatment he or she was receiving from a commanding officer or something like that, that would be different. That's something the ombudsman would deal with. In other words, if it's a personnel matter within the military—it doesn't matter whether it's military police or naval, air, whatever—that's a matter for the ombudsman, or for the grievance, depending on the nature of the situation. I don't completely understand the difference myself between what's grievable and what's ombudsmanable.

In this case you're talking about when people have complaints about how they have been treated by the police.

Ms. Johanne Gauthier: Yes.

Hon. Bill Blaikie: On the face of it, this seems to me to be different from what the ombudsman does. I don't completely understand the former ombudsman's argument in this regard, but I didn't feel that you had addressed it directly. You started out by saying that you were going to but then didn't. I just felt that you should have an opportunity to do that, seeing as how it's the genesis of your appearance before the committee.

I would also say that the RCMP complaints commission and other complaints commissions across the country, which are provincial in nature, are not necessarily perfect models. There have been a lot of complaints about the complaints commissions, particularly, for instance, with the RCMP complaints commission after APEC, when the commissioner herself, Shirley Heafey, said that they really didn't have the mandate she felt they needed to look into things.

I wonder if you've ever felt that this model is inadequate. Have there been things you felt you should have been able to look into or pounce upon that you found were outside your mandate?

Mr. Henry Kostuck: Thus far, no.

• (0945)

Hon. Bill Blaikie: Of course, military police aren't called in to deal with protesters yet so maybe that's the difference. You haven't pepper-sprayed anybody that we know about.

Mr. Henry Kostuck: Of course that was a unique sort of investigation.

I don't know if we've satisfied you with what we've said. Personally, I feel that the mandate is so clear for the Military Police Complaints Commission that it should be a separate entity. If you wish to amalgamate that with another organization and retain the same mandate and have the same people run two or three different organizations simultaneously, so be it, but we are called upon just to deal with complaints regarding the performance of 1,200 people, or thereabouts, within the military and not the whole of the Canadian Forces. As I understand it, the grievance board and the ombudsman do work on behalf of the whole of the Canadian Forces.

The Chair: Okay. Thanks, Mr. Blaikie.

I would just like clarification of one thing that Mr. Blaikie raised. If a military policeman has what he or she perceives as a problem with superiors and so on, he or she goes to the ombudsman. Is that correct?

Mr. Henry Kostuck: If the military police officer feels that a superior has interfered—not just that he's not happy with him, but that the superior officer has interfered with an investigation, the conduct of an investigation—then that police officer may come to us and complain.

If he is not satisfied—

The Chair: That's not what I understood Mr. Blaikie to say. I don't want to speak for him, but as chairman, I want to get this clear. That's not what I'm asking.

If such persons feel that they have a complaint about their employment situation—let's put it that way—do they go to the ombudsman with that complaint?

Mr. Henry Kostuck: Yes, they would.

The Chair: All right. Thank you.

You had finished, Mr. Blaikie, so let's go to Mr. Bagnell now.

Hon. Larry Bagnell (Yukon, Lib.): Thank you very much.

Thank you for coming. I apologize for the rudeness of some members keeping you waiting.

First of all, I'd like to ask a question that's off topic, but I'm interested because you compared to other police forces and oversight. I'm curious as to the number of complaints related to military police compared to other police forces in Canada, percentage-wise. Are there more complaints against the military police or fewer than other police forces in Canada?

Mr. Henry Kostuck: Our experience has been that there are approximately half as many within the military police as there are in civilian police forces—half as many. That either speaks highly of the military police or is perhaps because people don't know we exist. I don't know which.

Hon. Larry Bagnell: That's great. It's a good commendation of the military police and the way they operate.

I had the same sentiments as Mr. Blaikie, and I'd like to go back to his question again, just so you could follow up. Maybe Ms. Gauthier could answer this time.

I did take a little offence to the ombudsman making comments on your area without you having a chance to defend yourself, so I'm

delighted that you're here, but you have to be blunt in your defence in relation to what he said. So maybe Ms. Gauthier could once again make any further comments on what they might have suggested. I think they were suggesting that they could do your operation much more cheaply, roll it into theirs. I would somewhat suspect that you're very specialized, so you'd be more competent to deal with them because you have the specific types of complaints and skills to deal with them.

I would also wonder what the troops would think. People are very sensitive in Canada about police not acting appropriately, so they want good oversight mechanisms. If that were simply an ombudsman, I'm not sure that would be as focused as your group and as appropriate as your group.

I don't know if he was saying that with the number of cases they were doing compared to the number of yours, they could do it more cheaply, but maybe they have some cases that are very easy to deal with and not as complicated as yours, which would result in them doing more cases per officer per dollar than you do. I'm not sure if that's the point he was making.

Maybe you could elaborate again on the rationale as to why we should keep it separate and why it's effective being this way.

● (0950)

Ms. Johanne Gauthier: Well, as I've said, there's one territory and one province that don't have a civilian oversight body: P.E.I. and the Yukon. It would be a first in Canada if a military police organization were subject to an ombudsman model for civilian oversight. Police officers, as you know, have extraordinary powers to arrest, to search and so on, so you need a civilian oversight body to make sure those powers are exercised properly. That's why we have all those civilian agencies in Canada.

With respect to the ombudsman, he's an entity within the Canadian Forces or the Department of National Defence. We're totally separate, totally independent. With that come reporting requirements. We have over a hundred reports to file to Parliament and central agencies every year, like any other big department. With respect to the ombudsman, those reports would be handled by the Department of National Defence—for instance, the report on plans and priorities, departmental reports, official languages, to name a few. The commission has to produce and file those reports. So when you look at the number of staff, although we are only 13, there are a number of employees involved supporting the corporate side of the commission.

I don't know if that answers some of your questions.

Hon. Larry Bagnell: That's good.

In relation to interference, in the civilian world would that be similar, in some cases, to obstruction of justice? And in that respect, are the sanctions available to you just as stringent in dealing with people trying to intervene in police investigations?

Mr. Henry Kostuck: Well, first of all, the commission does not have any power to issue sanctions. We can only make recommendations to the chief of police and/or the chief of staff.

Hon. Larry Bagnell: The military police?

Mr. Henry Kostuck: Yes.

We do not impose any sanctions. We do not have that authority. As you may well know, just the very existence of an oversight body is not necessarily that welcome by the police in general. Suffice it to say the chief of police should welcome the recommendations made to him, but we do not have power to impose sanctions.

Hon. Larry Bagnell: Are they public, the recommendations you make to the chief of police?

Mr. Henry Kostuck: They go directly to the individuals involved, and I suppose they're accessible by way of access to information.

Ms. Johanne Gauthier: Subject to the Privacy Act.

Mr. Henry Kostuck: Subject to privacy issues, yes.

Hon. Larry Bagnell: Would the military police be investigating what would normally be criminal charges in the civilian world?

Mr. Henry Kostuck: On base, yes.

Hon. Larry Bagnell: So if a superior in the forces, as I said, tried to interfere with the obstruction of justice, your recommendations on that would go to only the individual and the chief of police?

• (0955)

Mr. Henry Kostuck: I just want to be sure that I understand your question. Do you mean if, let's say, the chief of police were to interfere with the ongoing criminal investigation?

Hon. Larry Bagnell: Or a general.

Mr. Henry Kostuck: It would go to the individuals involved and to the minister, as well as to the Chief of Defence Staff, yes. On receipt of our recommendations, if the provost marshal is the person to whom the complaint was made, then the Chief of Defence Staff would be required to respond to the commission's recommendations. The commission would in turn provide all parties involved with a final report from the commission, a copy of which would go to the minister.

Hon. Larry Bagnell: Does the volunteer commission, the per diem commission members, hire the staff?

Mr. Henry Kostuck: No. As a general rule, the part-time members of the commission do not have any involvement in the management of the commission. The chair and the senior staff manage it.

Hon. Larry Bagnell: Is the chair a full time employee?

Mr. Henry Kostuck: Normally, yes.

Hon. Larry Bagnell: Who selects the chair?

Ms. Johanne Gauthier: The Governor in Council.

Can I make a correction? I said there were two provinces that don't have civilian oversight, and I made a mistake. P.E.I. has no model of its own, but the other entity in that position is Alberta, not the Yukon. They have local police commissions, but they don't have one for the province.

The Chair: Thank you.

In the spirit of our rules, under these unusual circumstances, after each government member, I'm going to give Mr. Blaikie a chance.

Anything now, Bill? No?

Okay, Mr. Martin.

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Thank you.

[*Translation*]

Thank you very much, Mr. Kostuck and Ms. Gauthier, for attending this meeting.

[*English*]

Did Judge Lamer's study recommend that the MPCC be subsumed in the office of the ombudsman?

Ms. Johanne Gauthier: No.

Hon. Keith Martin: Is this the model used in other militaries to ensure civilian oversight, or is there another system? Do we have a different MCPP from those of our allies?

Mr. Henry Kostuck: I don't know that I can answer your question. The U.S. has an inspector general who deals with these matters, but their organization is made up of serving members of the military. I can't go beyond that.

Hon. Keith Martin: The IG's role is quite broad; it's an intriguing office with a number of interesting roles that we don't have.

There are 46 complaints—\$3.6 million. This works out to \$78,000 per complaint. What is the average cost to process a complaint? How long does it take? In some of my conversations with people in the forces, it was suggested, as a constructive criticism, that many of the complaints could be resolved through an informal dispute mechanism, a triage system. The first level of intervention would be an informal dispute mechanism designed to resolve it quickly, effectively, and inexpensively. Is this something you would entertain?

Mr. Henry Kostuck: We would welcome it. There is a provision for informal resolution by the provost marshal's office. There are many exceptions having to do with what can be treated at that level. So the opportunity is there for the provost marshal to use the system. We as a commission are often referred to as the alternate dispute resolution process. We don't have the power of the provost marshal. Bear in mind, by this time a lot of work will have been done by the provost marshal. By the time we get involved, we're almost compelled to restrict ourselves to, first, a paper review, and then, if there are still questions, a further investigation.

• (1000)

Hon. Keith Martin: On the constructive solution that was offered, in your experience, is that a rational approach to take?

One would look at a complaint, triage it, and hive it off as to whether it was something that required the formal mechanism that you now have for something complex and difficult. Perhaps for a majority of those complaints, one would be able to deal with them through informal mechanisms, such as the mechanisms that you have on the conduct side. Is that something one could employ? In your experience, would it be useful? Are you restricted from doing that?

Ms. Johanne Gauthier: We're not restricted per se. The provost marshal has an obligation in the statute to consider informal resolution, but it's subject to the conduct complaints that she cannot resolve informally. There's a whole list of those complaints in regulations. It's so broad that many complaints cannot be resolved informally.

With respect to the commission, we don't have the same explicit authority in the statute. However, we have a provision that says the complaints commission should process the complaints as informally and expeditiously as it can.

We used the informal resolutions a few times in the past for a few specific cases, but we have several issues to address with the military in this regard. There was some discussion on whether or not the commission should do informal resolution.

Hon. Keith Martin: I know that you've done a very good job of cutting costs. In fact, we could learn a few lessons. It's certainly appreciated on the part of the taxpayers.

I think that all of us are trying to bore down to the central issue that the ombudsman and my colleagues, Mr. Bagnell and Mr. Blaikie, brought up. In other words, the question is do we need an MPCC, or can the role of the MPCC be subsumed under the ombudsman? I think that's the crux of the matter that we're trying to answer. Can your role be subsumed under the ombudsman, where you'd still be able to carry out the role in the way that you do with the civilian oversight mechanism? Can that be done under the ombudsman? Would it be better or would it be worse?

Mr. Henry Kostuck: I would suggest that anything is possible. Certainly it would be something that could be considered. As an individual, I have no concern with that, providing there's a proper delineation of responsibilities and authorities.

Hon. Keith Martin: We're only trying to give you a rebuttal mechanism. It would be great if we had you and an ombudsman here. We could go ten rounds, back and forth.

Ms. Johanne Gauthier: The ombudsman's office, in my view, would need to be established in a statute.

Hon. Keith Martin: That's an excellent point.

Ms. Johanne Gauthier: It's not the case now. We are in the National Defence Act, part IV.

The Chair: As I recall, the ombudsman has called for that repeatedly.

If I can interject for a minute, I think that future versions of this committee are going to have to grapple with the questions that Mr. Martin, Mr. Blaikie, and all of us are raising. What's necessary? How can we achieve what we're trying to achieve in this regard in the most cost-efficient and sensible way? Do we need all the groups that are currently in existence, or can we somehow streamline it?

I think that's going to be in the defence review. Whenever that seriously gets under way, it would probably be a good time to look at that.

Is that all you had, Mr. Martin?

• (1005)

Hon. Keith Martin: I have one small thing. What's the average length of time to process a complaint?

Ms. Johanne Gauthier: It's difficult to answer. We've had cases that took more than a year to process and others that were done in a few months. I don't think that we ever did the—

Hon. Keith Martin: That gives me a ballpark figure.

Merci.

The Chair: Thank you, Mr. Martin.

We'll now go to Mrs. Longfield, please.

Hon. Judi Longfield (Whitby—Oshawa, Lib.): A lot of my questions have already been asked.

You said there had previously been an approach of zero tolerance and you are now given greater discretion. Can you give me an example of a case where it was zero tolerance and now there's some discretion?

Ms. Johanne Gauthier: In the past, if the military police, or the NIS, the National Investigation Service branch, during the investigation of the elements of an offence, had the evidence, they would lay charges against the military member, the Canadian Forces member. They didn't look at whether there was a reasonable prospect of conviction or whether it was in the public interest to lay charges, and all those considerations. As soon as they had the elements of the offence, they had to lay charges.

Hon. Judi Longfield: So if someone had possession of a small amount of drugs, for example, there is discretion whether to lay a charge or not to lay a charge, or on a theft, on an assault, and all those kinds of things?

Ms. Johanne Gauthier: They use discretion now. They don't charge the Canadian Forces members for—

Hon. Judi Longfield: You suggested that the reason there might be fewer complaints filed is that folks might not actually know that you exist. Generally, my view is that if people are unhappy with something that has happened, the grapevine will let them know there's a body they can go to.

Have you ever had cases that were actually referred to you by the ombudsman, people who had gone to the ombudsman and were told, "That's a case for the Military Police Complaints Commission", and were referred directly?

Ms. Johanne Gauthier: I think we had a few cases that came to us through the ombudsman's office.

We had cases where we didn't have jurisdiction, and we referred them to the ombudsman too.

Mr. Henry Kostuck: Another point to consider is that it's not easy for the average person to come and complain about the actions of a police officer. It's very difficult. It sometimes takes a lot of courage.

Hon. Judi Longfield: Would you think it's more difficult in the military setting than it would be in a civilian setting?

Mr. Henry Kostuck: Perhaps, because in most instances they're pretty close to the community—they live in that community—while in the general civilian field, police officers come and go and they almost continuously deal with strangers.

Hon. Judi Longfield: Could you offer any assistance in promoting your services and making it known that there is a complaint mechanism and what kind of protection you provide those who might make that kind of complaint?

Mr. Henry Kostuck: We have an outreach program. We visit bases. We have gone to the military police training facilities and talked about the existence of the commission.

I think you had a second question.

Hon. Judi Longfield: The police know that you're there. I'm more concerned about the members of the forces. Is there a mechanism to help protect them if they do actually lodge a complaint?

• (1010)

Mr. Henry Kostuck: As to protection per se, there is not, but I would expect that the management of the forces know it would be frowned upon to retaliate against anyone who lodges a complaint. We have not experienced that.

Ms. Johanne Gauthier: It's one of Justice Lamer's recommendations, to have an anti-reprisal provision built into the system.

Hon. Judi Longfield: Are you making any moves towards building that into the system?

Ms. Johanne Gauthier: It's a recommendation.

Hon. Judi Longfield: Have you acted on the recommendation in any way?

Ms. Johanne Gauthier: The former minister endorsed Chief Justice Lamer's report, so—

Hon. Judi Longfield: But we're still waiting.

Ms. Johanne Gauthier: We're still waiting.

Hon. Judi Longfield: You indicated that your reviews were largely paper reviews. Did I misunderstand?

Mr. Henry Kostuck: It always commences with a paper review, and that invariably leads to either a public interest investigation or a hearing, but the majority of complaints are resolved by paper reviews.

Now, when I say that, invariably there are always telephone calls made and interviews conducted with individuals, either in person or over the phone, to further the review.

Hon. Judi Longfield: The reason I asked that is that as one of the responses to the question of why it was so costly you indicated it was because there was a fair amount of travel. Then I heard that most of it was done through a paper review. I'm wondering, if it's largely a paper review, then how is the cost of travel so large?

Mr. Henry Kostuck: Travel is a big component. I don't have the figures here, but as I say, it always commences with the paper review.

Hon. Judi Longfield: I wouldn't mind having a breakdown on that, partly because you indicate that the complaints were down and that you've cut positions by 47%. I see perhaps a 25% reduction in overall cost. I guess I'd like a breakdown of costs.

Frequently we're told that when there's any kind of an organization, the bulk of the costs are staff costs and those kinds of things. It doesn't seem to be the same here. If you cut staff by 47%, it doesn't reduce your budget more.

Mr. Henry Kostuck: Bear in mind that when you compare us to the ombudsman's office, we pay for our facilities, which we rent. I understand the ombudsman does not. There are many expenditures in the ombudsman's office, and in the grievance board also, which are borne by the forces. In our situation, because we are totally an external organization, independent of the Canadian Forces, we pay for all of these services.

Hon. Judi Longfield: Would you see a conflict if it were taken over by the ombudsman or someone else in terms of who's providing the fixed costs?

Mr. Henry Kostuck: Under the existing conditions the ombudsman operates with, the perception that we're independent might disappear, and that could be injurious to the process.

Hon. Judi Longfield: Thank you, Mr. Chair.

The Chair: Thank you.

We'll finish up with Mr. Rota, please.

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): I have a couple of brief questions.

How do you make your presence known? Following on Ms. Longfield's questions, you have someone out in the forces; they join up. Do they get a package telling them, okay, if you have problems with the police or part of the package, this is the number you call—1-800-whatever? Is there some kind of campaign or promotion for your service out there so that people know that you exist?

[Translation]

You may answer in French, if you wish.

Ms. Johanne Gauthier: Shortly after the Commission was established, even before I came on board, officials began working very hard to make military police officers aware not only of their rights, but also of their obligations. Over the past year or so, Commission representative have visited the large bases and met with military police officers. The Commission is now expanding its outreach program

[English]

outreach.

[Translation]

Today, when we visit a base, we meet not only with military police, but also with the people who form the chain of command, as well as with

[English]

family resource centre

[Translation]

on the base. In short, we have expanded our target audience.

•(1015)

Mr. Anthony Rota: When the people who can use your services experience a problem, how do they know that they can come to you and request assistance?

Ms. Johanne Gauthier: If they contact representatives of the military police detachment, the latter are obligated to receive the complaint. They can refer these individuals to us and contact the office of the Judge Advocate General. There are several ways that a person can file a complaint.

Mr. Anthony Rota: When persons contact you because they are not satisfied with the disposition of the complaint, are they given a 1-800 number to call, an address to which they can send a letter or a document such as this, so that they know what further steps to take?

Ms. Johanne Gauthier: I can't really tell you what actually happens in the field. I do know, however, that they are obligated to receive the complaint. That requirement is even set out in the legislation.

Mr. Anthony Rota: I'd now like to broach the subject of funding.

[English]

I don't know if I should continue in English.... So 25% of your budget goes back to the Treasury Board or to the issuing organization, whoever it may be. How do you establish that amount initially? I guess my question is how do you establish it, and how does it compare to other boards? I know Mr. Martin talked about \$78,000 per case. How does that compare to other boards, say, in the civilian world, relative to operations?

Ms. Johanne Gauthier: Civilian boards, *vous voulez dire...*

[Translation]

Mr. Anthony Rota: Other systems or other services.

Ms. Johanne Gauthier: Other civilian oversight boards? As I was saying, these types of organizations can be found virtually everywhere in Canada. However, each one is slightly different from the other. For example, some are much more integrated into the department with which they are associated.

In view of its responsibility to investigate complaints of interference, the Commission operates in a truly independent manner. We may be called upon to investigate a complaint involving a senior DND official. For that reason, it was initially decided that it would be inappropriate to call upon the department's own services. This all ties in with the perception of the Commission's independence and impartiality.

Therefore, it's difficult to compare us with other organizations because our obligations are different. Take, for example, the Commission for Public Complaints Against the RCMP. The legislation governing this body is very similar to our legislation. However, many of the services it receives, including financial and IT services, are provided by the Department of the Solicitor General or, more specifically, since changes were made, by Public Safety and

Emergency Preparedness Canada. That Commission's mandate is to investigate the RCMP, not senior departmental officials. That is not a problem, because the RCMP and the Commission report to the same department. It's different in the case of our Military Police Complaints Commission, given that pursuant to our mandate, we can be called upon to investigate DND civilian personnel.

This is one factor that must be taken into consideration when comparing figures. Our services may certainly appear to be more expensive. However, we do not receive any services from DND.

Mr. Anthony Rota: Thank you very much.

[English]

The Chair: Okay, thank you, Mr. Rota.

Mr. Bagnell, do you have more questions?

•(1020)

Hon. Larry Bagnell: Yes, I have just two questions.

I suppose if we're looking at, as the chairman said, the different ways our different bodies have of dealing with complaints, we could also look at the other way, giving the ombudsman's work to your organization—especially in that you're independent—and broaden your scope.

I'm curious as to what the troops feel about having recourse to you so that the police don't have unbridled and unchecked powers. I suppose that the troops also feel it's good that you're independent from the military so that they know they will get a fair hearing from you, whereas you've said that the ombudsman is actually more inside the system. So I assume that the troops are happy you exist and are separate from the military structure.

[Translation]

Ms. Johanne Gauthier: We have received every indication that they are.

[English]

I don't think it has ever been a question as to whether or not the commission was independent and impartial.

Mr. Henry Kostuck: I think it's particularly important for the public at large to know that we are independent. Perceptions are very important.

Hon. Larry Bagnell: The military public.

Mr. Henry Kostuck: And the public at large also, yes.

Hon. Larry Bagnell: Before the ombudsman did an analysis of your organization and presented it to us, did he come to talk to you to get clarification and an understanding of how you worked and why it may take so much time for so many processes and so many resources for those processes? Did he come to talk to you about that so he could understand it better before he made his presentation to us?

Mr. Henry Kostuck: No, he did not.

The Chair: To judge by the questions here today, there's going to be some future work for the next committee. They will need to look at the different mandates and how we can best use them to serve the people.

You gave us a different perspective, and we appreciate that, Mr. Kostuck and Madam Gauthier. Thank you for being here. Perhaps we'll have you back in future as we pursue this work further.

If you have any final thoughts, we'd be pleased to hear them.

Mr. Henry Kostuck: Mr. Chair, we commend you for all the work that you're doing to improve the lot of the Canadian Forces and

the veterans. God knows, we're truly indebted to them. Thank you for allowing us to come here and speak to you.

The Chair: Thank you for your good work.

Colleagues, thank you. We'll see what next week brings.

The meeting is adjourned.

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