

Military Police Complaints Commission

2008-09

Departmental Performance Report

The Honourable Peter G. MacKay
Minister of National Defence

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Chairperson's Message

I am pleased to present the Military Police Complaints Commission's (the Commission) *2008-09 Departmental Performance Report* (DPR).

The Commission was established by the Government of Canada by amendment in 1998 of the *National Defence Act*, Part IV of which sets out the full mandate of the Commission and how complaints are to be handled. The purpose of the Commission is to provide independent, civilian oversight of the Canadian Forces military police. 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."

The challenges – legislative, operational and administrative - to the successful discharge of that mandate have increased substantially, including those matters related to the nature, breadth and subject matter sensitivity of complaints.

The Commission identified, in its *2008-2009 Report on Plans and Priorities*, two priorities: to improve the effectiveness and efficiency of the complaints resolution process and to improve management accountability. Despite increased workload pressures, I am pleased to report that the Commission has been successful in addressing these priorities. In fact, the improvements to process enabled the completion of the work. In that regard, several significant, complex conduct investigations were concluded and the resulting Interim and Final Reports addressed both specific and systemic issues relating to such issues as military police assisting the mentally ill and active offers of police services provided in either official language.

The Commission has continued with its outreach program with visits to seven (7) Canadian Forces Bases during 2008-09. These visits have provided the Commission the opportunity to increase awareness of its mandate and its processes for identifying and reporting complaints and they provide an opportunity for members of the military police to familiarize themselves with the Commission's mandate and the complaints resolution process. The Commission benefits also in that it gains further insight into issues affecting military police in the performance of their policing duties.

People management excellence is at the root of successful results for the Commission. The Public Service Employee Survey (PSES) is an initiative used by the Commission to measure and benchmark the state of people management within its organization. The latest PSES was conducted in November-December 2008 and management is highly gratified by the contributions of staff to the survey and the very positive results in terms of staff satisfaction with the Commission's leadership and workplace.

By continuing to work in close collaboration with our partners, the Commission was able to identify additional opportunities to improve upon the investigative and reporting processes and ensuring that our recommendations are communicated as quickly as possible to those responsible for their implementation. I wish to recognize the efforts of

the Canadian Forces Provost Marshal, his professional standards staff and the broader military police community for their contributions to the work of the Commission and the performance of oversight.

The Commission continues to examine its existing policies, practices and procedures, creating new or adapting old, in order to strengthen its internal management and ensure its resources are being used optimally to achieve its oversight mandate. The responsibility to exercise sound stewardship of the public resources entrusted to it is a responsibility the Commission takes very seriously.

This report also reflects the exceptional efforts of Commission staff, their professionalism, determination and dedication. It was ultimately through their efforts that the accomplishments of the Commission have been achieved and I wish to thank them for their enthusiastic and positive responses to the many challenges faced and overcome throughout the year.

Peter A. Tinsley
Chairperson
September 14, 2009

SECTION I – DEPARTMENTAL OVERVIEW

1.1 Summary Information

Raison d’être

The Commission became operational on December 1, 1999. Its purpose is to provide independent, civilian oversight of the Canadian Forces military police. It is an independent commission, accountable to Parliament, through the Minister of National Defence.

Responsibilities

The Commission oversees and reviews complaints about the conduct of members of the military police in the performance of their policing duties and functions, and handles complaints of interference from members of the military police who believe that another member of the Canadian Forces (CF) or a senior official of the Department of National Defence (DND) has improperly interfered with, or attempted to influence, a police investigation. The role of the Commission is to provide for greater public accountability by the military police and the chain of command in relation to military police investigations.

The Commission receives and inquires into complaints independently and impartially and arrives at objective findings and recommendations based on the information provided by complainants, the subjects of the complaints, witnesses and others who may assist in uncovering the truth concerning the events being investigated. The Commission formulates recommendations based on the findings of its independent and impartial reviews and investigations of complaints. If the authority responsible for dealing with these recommendations does not act on them, the reasons for not acting must be provided to the Chairperson and the Minister of National Defence.

While the Chairperson’s recommendations may result in the censuring of the conduct of those who are the subject of a complaint, the recommendations are directed first and foremost at correcting any systemic problem that may have played a part in allowing the situation that gave rise to a complaint in the first instance.

The Commission is an organization that exhibits fairness and impartiality in the performance of its investigations and reviews, inspires trust in the results of its decision-making, and contributes to a climate of confidence in military policing.

Strategic Outcome and Program Activity Architecture

The Commission has one strategic outcome: a military police organization that performs its policing duties in a highly professional manner, free from interference and with the confidence and support of those it serves.

| | |
|--|--|
| Improving the effectiveness and efficiency of the complaints resolution program | Improving management accountability |
|--|--|

Priorities 2008-2009

Strategic Outcome

A military police organization that performs its policing duties in a highly professional manner, free from interference and with the confidence and support of those it serves.

Program Activity

Complaints Resolution

1.2 Performance Summary

Financial and Human Resources

| 2008-09 Financial Resources (\$ thousands) | | | |
|--|------------------|-------------------|-----------------|
| | Planned Spending | Total Authorities | Actual Spending |
| Operations | 3,431 | 3,678 | 3,385 |
| Public Interest Hearing | 0 | 1,204 | 482 |
| Total | 3,431 | 4,882 | 3,867 |
| 2008-09 Human Resources (FTEs) | | | |
| | Planned | Actual | Difference |
| Operations (Note) | 19 | 14 | 5 |
| Public Interest Hearing | 4 | 3 | 1 |
| Total | 23 | 17 | 6 |

Note: The Governor in Council appointees are not included as Full Time Equivalents (FTEs) as they are not appointed under the *Public Service Employment Act*.

The Commission received through Supplementary Estimates an additional \$1.2 million for the first year costs related both to the conduct of a Public Interest Hearing and to the response to mandate challenges in Federal Court raised by the Attorney General related to the Public Interest Hearing. Total funding authorized over the 3 year period for the response to the legislative challenges to the Commission's mandate, for the conduct of investigations, the Public Interest Hearings to be held and for the preparation and release of Interim and Final Reports was slightly less than \$5 million.

Strategic Outcome: A military police organization that performs its policing duties in a highly professional manner, free from interference and with the confidence and support of those it serves

| Performance Indicator | Target | 2008-09 Performance |
|--|---------------|----------------------------|
| 1. Improving the effectiveness and efficiency of the complaints resolution process | Ongoing | Successfully met |
| 2. Improving governance | New | Successfully met |

| Program Activity | 2007-08 Actual Spending (\$ thousands) | 2008-09 (\$ thousands) | | | | Alignment to Government of Canada Outcome |
|------------------------------|---|-------------------------------|-------------------------|--------------------------------------|------------------------------------|---|
| | | Main Estimates | Planned Spending | Total Authorities¹ | Actual Spending² | |
| Complaints Resolution | 2,909 | 3,431 | 3,431 | 4,882 | 3,867 | maintaining safe and secure communities in Canada and abroad |

Notes:

1. Includes \$1.204 million received in Supplementary Estimates for the costs of conducting the Public Interest Hearing and of responding to judicial challenges to the Commission's mandate in Federal Court.
2. Includes \$482 thousand spent on the Public Interest Hearing and the Federal Court costs.

Contribution of Priorities to Strategic Outcome

| Operational Priorities | Type | Performance Status | Linkage to Strategic Outcome |
|--|---------|--|--|
| <p>1. Improving the effectiveness and efficiency of the complaints resolution process</p> <p>The resolution of complaints in a timelier manner and the provision of meaningful recommendations increase the likelihood that the specific and systemic issues identified for change will be agreed upon and the improvements recommended will be implemented. The changes made will improve the quality of policing and contribute directly to maintaining the confidence and support of those the military police serve.</p> | Ongoing | <p>Successfully Met</p> <p>100% of the Final Reports' recommendations were accepted by the Canadian Forces Provost Marshal (CFPM).</p> | <p>Military police organization that performs its policing duties in a highly professional manner, free from interference and with the confidence and support of those it serves</p> <p>The Commission can do no better than to have 100% of its recommendations accepted. However, the Commission will continue work with its partners in DND and the CF to identify additional opportunities for collaboration that will further accelerate the complaints resolution process and contribute to the quality of recommendations made.</p> |
| Management Priorities | Type | Performance Status | Linkage to Strategic Outcome |
| <p>2. Improving governance</p> <p>One of the elements of improving governance is to attract and retain a high-quality workforce. By so doing, the Commission is able to conduct investigations of high quality efficiently and economically.</p> | Ongoing | <p>Successfully Met</p> <p>Staffing, contracting and service agreements with other government departments provided the Commission with a relatively stable, qualified, and experienced work force.</p> | <p>A military police organization that performs its policing duties in a highly professional manner, free from interference and with the confidence and support of those it serves</p> <p>The Commission, as a micro agency with only 19 full-time employees, each of whose roles and responsibilities are unique, has, is and will continue reviewing and strengthening staffing, succession planning, and knowledge retention practices. Failure to do so could compromise the continued effective delivery of Commission services.</p> |

Risk Analysis

Potential Erosion of the Commission's Legislative Mandate

The Commission has a mandate to examine complaints arising from the conduct of military police members in the exercise of policing duties or functions. To carry out this mandate, the Chairperson has the power to investigate, to cause the Commission to conduct an investigation, convene public hearings, report its findings and make recommendations based on those findings. In February 2007, the Commission received a complaint from Amnesty International Canada (AIC) and the British Columbia Civil Liberties Association (BCCLA) concerning the conduct of military police members in the handling of detainees in Afghanistan. Shortly thereafter, a Public Interest Investigation was initiated primarily due to the seriousness of the allegations, and the potential threat to public confidence in the military police. In March 2008, a Public Interest Hearing was launched into this complaint in which the Commission has the power to compel testimony and documentary evidence in order to conduct a complete investigation into the grave allegations raised in the complaint. The Attorney General of Canada responded by submitting a Notice of Application, calling into question the Commission's jurisdiction in this matter.

The Commission continued to pursue its mandate with regards to these complaints. It held a public Procedural Overview session in advance of the planned 2009 Public Interest Hearings in relation to the AIC and BCCLA complaints. The Attorney General of Canada again went to Federal Court, this time seeking an order staying the Public Interest Hearing until the final determination of the two applications for judicial review brought by the Attorney General. The motion for a stay was dismissed by the Federal Court.

As of the end of the fiscal year, the Government's legal challenges to the Commission's jurisdiction with respect to these complaints remain pending before the Federal Court.

Capacity - number and complexity of complaints and investigations

The Commission does not control the number, the complexity or the timing of the complaints it receives. Nor can the Commission determine in advance whether or not the Chairperson may find it necessary to exercise his discretionary authority and determine the need for a Public Interest Investigation or a Public Interest Hearing. The conduct of the current Public Interest Hearing and the activities related to properly addressing the Federal Court challenges placed a significant demand on the already scarce resources of the Commission. The Commission obtained the required additional resources through Supplementary Estimates.

Forecasting is not easy. Investigations can vary considerably in terms of complexity and size - while one investigation may be "local" and involve interviewing two or three people in a single location, another may be "national" and involve interviewing dozens of individuals who are deployed at several sites across the country and abroad. Similarly, while some relatively straightforward cases can be dealt with in a matter of weeks, other

investigations can involve reviewing thousands of pages of documentary evidence gathered over several years, extensive interview notes, tape and video recordings, and may take several months to complete.

The effectiveness and efficiency of the complaints resolution process depends to a large extent on how well the Commission manages its workload and applies its limited resources to resolving the cases on hand.

Reports of Public Interest Investigations, as well as summaries of complaints that have been investigated and reviewed by the Commission, are available on its website (in the process of being updated) at http://www.mpcc-cppm.gc.ca/300/300_e.aspx.

Co-operation and Collaboration

For the Commission to be successful, it requires the co-operation of others. In the majority of cases, the Commission must rely on voluntary cooperation to obtain documents and other evidence. The Chairperson cannot issue a final report in a given case until the appropriate authority within the military or defence hierarchy has provided a response to the Chairperson's interim report. In addition, the recommendations for improvements issued by the Commission in its interim and final reports are not binding on the CF or DND. The extent to which the Commission manages its relationship with the Chief of the Defence Staff (CDS), the Canadian Forces Provost Marshal (CFPM) and other stakeholders will have a significant impact on the overall success of the Commission.

During the year, the Commission and the Canadian Forces National Investigation Service acted upon a protocol developed in 2007. Addressing witness interviews and information sharing, the protocol enabled the completion of parallel investigations without the work of one either compromising or impeding the work of the other. In addition, the "work sharing" accelerated the issuance of the Commission's Interim Report. The protocol remains as a model for future cases.

Establishing and maintaining good working relationships with the CFPM, the CDS and other stakeholders within the Department will also help to ensure that the Commission's recommendations are quickly and completely implemented. For the third year in a row, 100% of the Commission's Final Report recommendations have been accepted by the CFPM.

Awareness

The military police force is a dynamic organization and, like any organization, its members move and change over time. Through its outreach program, the Commission annually visits CF bases across the country and engages new and existing members on its mandate and activities and addresses concerns about the complaints resolution process. By so doing, the Commission increases the likelihood that complaints will be identified, brought forward and successfully resolved.

Workforce

The Commission is a micro agency with an annual budget of approximately \$3.4 million with 19 full-time employees, 1 full-time Governor in Council (GiC) appointee, and several part-time GiC appointees. In 2008-09, 14 of the 19 full-time employee positions were staffed, the full-time GiC appointee position was fully staffed, and there were 3 part-time GiC appointees staffed totaling approximately 1 FTE.

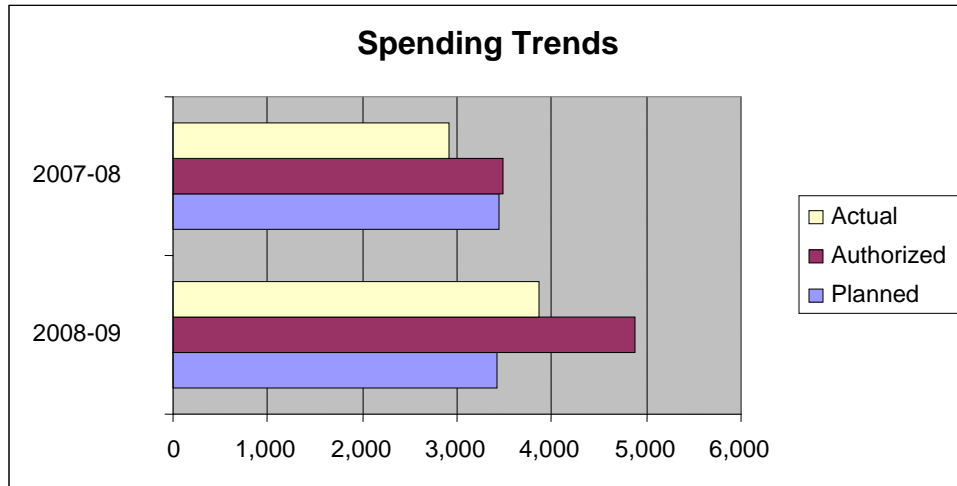
For the Public Interest Hearing, supplementary funding of \$1.2 million and four new positions were authorized for 2008-09. Of these four positions, three were staffed.

The roles performed and the responsibilities discharged by each employee are, for the most-part, unique. It is recognized that a stable and knowledgeable workforce is critical to the ongoing success of the Commission. To this end, the Commission initiated a review of opportunities to further strengthen staffing, succession planning, and knowledge retention practices to help lessen the impact of employee departure and allow for the continued effective delivery of the Commission services.

The Commission recognizes the importance of people management excellence in running a successful organization. The Public Service Employee Survey (PSES) is used by management to inform and improve its people management efforts. The results of the 2008 PSES were very positive for the Commission, both in terms of the staff participation and the high degree of staff satisfaction. With information from this survey, actions have been taken to address people management issues that matter most to employees and have the greatest impact on achieving results for the Commission.

Expenditure Profile

There is an increase of almost \$1 million in actual spending in 2008-09 over the two previous fiscal years. Almost the entire amount can be attributed to the costs of the Public Interest Hearing and the Federal Court challenges to the Commission's jurisdiction. The actual costs charged to the Hearing were \$481 thousand; the remainder of the costs were absorbed by the Commission. The spending trends set out below show the changes and identify the costs related to the Public Interest Hearing.



Voted and Statutory Items (\$ thousands)

| Vote or Statutory Item | Truncated Vote or Statutory Wording | 2006-07 | 2007-08 | 2008-09 | |
|------------------------|---|-----------------|-----------------|---------------|-----------------|
| | | Actual Spending | Actual Spending | Main Estimate | Actual Spending |
| 20 | Program expenditures | 2,629 | 2,726 | 3,150 | 3,627 |
| (S) | Contributions to employee benefit plans | 208 | 183 | 281 | 240 |
| | Total | 2,837 | 2,909 | 3,431 | 3,867 |

SECTION II – ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

2.1 Strategic Outcome: A military police organization that performs its policing duties in a highly professional manner, free from interference and with the confidence and support of those it serves.

Complaints Resolution

This activity focuses on successfully resolving complaints about the conduct of military police members as well as complaints of interference with military police investigations. There are two types of complaints – conduct complaints and interference complaints. A brief description of each follows:

Conduct Complaints Process

Conduct Complaint Filed

Anyone may make a conduct complaint regarding the military police in the performance of their duties or functions. Such complaints are first made to the Canadian Forces Provost Marshal (CFPM). Informal resolution is encouraged.

Complaint Investigated by the CFPM

Complainants can request that the Commission review the complaint if they are not satisfied with the results of the CFPM's investigation or disposition of the complaint.

Request for Review

Complainants can request that the Commission review the complaint if they are not satisfied with the results of the CFPM's investigation.

Commission Reviews Complaint

At a minimum, this process involves a review of documentation related to the CFPM's investigation. Most often, it also includes interviews with the complainant, the subject of the complaint, and witnesses, as well as reviews of relevant legislation and police policies and procedures.

Commission Releases Interim Report

The Interim Report is sent to the Minister of National Defence, the CDS and the CFPM.

Notice of Action

The Notice of Action is the official response by the Canadian Forces to the Interim Report and it outlines what action, if any, has been or will be taken in response to the Commission's recommendations.

Commission Releases Final Report

After considering the Notice of Action, the Commission issues a Final Report of findings and recommendations. The Final Report is provided to the Minister, the Deputy Minister, the CDS, the Judge Advocate General, the CFPM, the complainant and the subject(s) of the complaint, as well as anyone who has satisfied the Commission that they have a direct and substantive interest in the case.

Interference Complaints Process

Interference Complaint Filed

Members of the military police who conduct or supervise investigations may complain about interference in their investigations.

Commission Investigates

The Commission has sole jurisdiction over the investigation of interference complaints and therefore commences an investigation immediately upon receipt of the complaint.

Commission Releases Interim Report

The Interim Report includes a summary of the Commission's investigation, as well as its findings and recommendations. This report goes to the Minister of Defence; the CDS if the alleged interference was carried out by a member of the military or to the Deputy Minister if the subject of the complaint is a senior official of the Department; the Judge Advocate General; and the CFPM.

Notice of Action

This official response to the Interim Report indicates the actions, if any, that have been or will be taken to implement the Commission's recommendations.

The Commission Releases Final Report

Taking into account the response in the Notice of Action, the Commission prepares a Final Report of its findings and recommendations in the case. The Final Report is provided to the Minister; the Deputy Minister; the CDS; the Judge Advocate General; the CFPM; the complainant and the subject(s) of the complaint, as well as anyone who has satisfied the Commission that they have a direct and substantive interest in the case.

Conduct and Interference Complaints

The complaints resolution process results in Interim and Final Reports containing findings and recommendations. These recommendations identify opportunities for improvement, highlighting instances of individual or systemic problems where change is required. The recommendations, when implemented, will improve the quality of policing which, in turn, will contribute directly to maintaining the confidence and support of those the military police serve.

The Commission measures its performance against the achievement of its strategic outcome in two very critical areas – are complaints resolved in a fair and timely manner and are recommendations resulting from investigations implemented by the Department of National Defence and/or the Canadian Forces. The Commission is performing well in both areas. Through its investigations, the Commission strives to assure fairness to both complainants and subject members at every stage of the process. With regard to the acceptance and implementation of recommendations, it should be noted that the Notice of Action, the official response to the Interim Report, outlines what action, if any, has been or will be taken in response to the Commission's recommendations. Generally, prior to the issuance of the Final Report, the Commission follows up to determine whether or not its recommendations have been implemented. For 2008-09, 100% of the Commission's recommendations were accepted and implemented. This is the third year in a row that the Commission had 100% acceptance and implementation.

As for timeliness, the Commission continues to address targets and measures. It is very difficult to establish universal time-frames and standards when complaints vary substantially in complexity. But speed of service is very much a concern. Timing is a constant theme in the planning and execution of all investigations. Each of the phases in the complaints resolution process is "timed" and reported upon and adjustments are made should the targets established by the Chairperson for that particular complaint require modification. What remains to be done, however, is to develop universal targets and measures that reflect more correctly the complexity and size of the complaint being addressed, that can be measured against and that can produce meaningful results that can be acted upon. The Commission intends to work on these issues with Treasury Board in order to ensure full compliance with the Management, Resources and Results Structure (MRRS) policy.

2.1.1 Program Activity: Complaints Resolution

| Program Activity | | | | | |
|--------------------------------------|-------------------|-----------------|--------------------------------|--------|------------|
| 2008–09 Financial Resources (\$ 000) | | | 2008–09 Human Resources (FTEs) | | |
| Planned Spending | Total Authorities | Actual Spending | Planned | Actual | Difference |
| 3,431 | 4,882 | 3,867 | 23 | 17 | 6 |

| Expected Results | Performance Indicators | Targets | Performance Status | Performance Summary |
|---|--|--|---|--------------------------------|
| To successfully resolve complaints about the conduct of military police members, as well as complaints of interference with military police investigations, by overseeing and reviewing all complaints received. This program is necessary to help the military police be as effective and as professional as possible in their policing duties and functions | The recommendations resulting from investigations of conduct or interference complaints are accepted by the Department of National Defence and/or the Canadian Forces. | 70% of the recommendations accepted | Exceeded - 100% accepted | 26 recommendations accepted |
| | The investigations/ complaints resulting from investigations of conduct or interference complaints are resolved within targeted timeframes as established by the Commission Chairperson. | 70% resolved within adjusted time frames established by the Commission Chairperson | Exceeded - 100% resolved within time frames as adjusted due to complexity of the file | 17 out of 17 |
| | In 70% of the cases, individual members received remedial measures and/or improvements were made to military police policies and practices pursuant to investigations of conduct or interference complaints. | 70% of recommendations implemented | Exceeded - 100% implemented | 26 recommendations implemented |

2.2 Performance Analysis

2008-09 was an extremely busy year during which the Commission monitored the CFPM investigation of forty-two (42) complaints about military police conduct. The Commission also received eight (8) requests for review of the CFPM's handling of conduct complaints which required an independent investigation by the Commission. There were no interference complaints received during the year.

The Commission prepared seventeen (17) reports during the fiscal year, eight (8) final reports, which included two concluding reports, and nine (9) interim reports. There was a total of twenty-six (26) recommendations in these reports. One hundred percent (100%) of the Commission's recommendations were accepted by the CFPM or the CDS, as was the case in the two previous years.

In addition to its normal workload, the Commission was heavily involved in trying to resolve the complaints regarding the transfer of detainees by Military Police in Afghanistan. A Public Interest Investigation had been initiated in late February 2007 concerning this complaint. But following delays in obtaining relevant documents and information, in March 2008, the Chairperson directed that the investigation into the complaints lodged by AIC and BCCLA move to a public hearing process. The Attorney General of Canada proceeded to request a judicial review in Federal Court in respect to the Commission's jurisdiction. The same complainants filed a second complaint in respect of which the Commission issued a decision in September 2008 accepting the complaint. This decision has also been challenged in Federal Court.

Recognizing that the existing resources of the Commission would be insufficient to address not only the existing and projected workload of the Commission but also the costs of conducting the Public Interest Hearing and responding to the Federal Court challenges to the Commission's jurisdiction, the Commission submitted a comprehensive business case and a supplementary estimate submission to Treasury Board and received additional one-time funding of almost \$5 million over three years. Four new positions were created and three were staffed in 2008-09, on a temporary basis, to assist the Commission address the heavy workload associated with the conduct of the Hearing and Federal Court proceedings.

At the end of the fiscal year, the Federal Court had yet to rule on the applications for judicial review filed by the Attorney General of Canada.

Details and the current status of the Commission's Public Interest Hearing and the Federal Court proceedings can be found on the Commission's website at www.mpcc-cppm.gc.ca

While addressing its workload, the Commission had two priorities - improve the effectiveness and efficiency of the complaints resolution process and improve governance.

Priority 1 - improve the effectiveness and efficiency of the complaints resolution process

The Commission, just over two years ago, developed a new service standard and a new approach to investigations aimed at improving the quality of investigations and at reducing the time required to resolve a complaint. Like the previous year, the Commission managed its investigations carefully and refinements and adjustments were made in real-time as the investigation proceeded. The quality of the investigations remains high, as evidenced by the 100% acceptance and implementation of the Commission recommendations. Although costs and timeframes are monitored throughout the investigation and report writing stages of the complaints resolution process, precise targets remain difficult to set, given the variety in size and complexity of complaints received.

Increase transparency of Commission operations

To be truly effective, the Commission must ensure that its mandate and mission are well known among its stakeholders: the military police, the Canadian Forces and Canadian citizens in general. As well, the Commission must also ensure that its stakeholders are aware of how the complaints resolution process works and the fairness that the Commission brings to the overall process. In this regard, through an outreach program, the Commission visited seven Canadian Forces bases across Canada and dialogued with key stakeholders on the Commission's mandate and activities. Concerns about the complaints resolution process were addressed as well. The Commission representatives also gained a further appreciation of the environment in which the military police member operates. The Commission expanded the information on its website while adhering to the policies of Treasury Board regarding "Common Look and Feel."

The Commission, after serious consideration, decided to postpone its planned review of the communications program. The additional workload resulting from the Public Interest Hearing made such a review too challenging.

Enhance working relationships with stakeholders

The Commission requires the cooperation of others to be successful - a final report can not be issued until the military or defence hierarchy has provided a response to the Commission's interim report and recommendations for improvements. The fact that 100% of its recommendations were accepted and implemented indicates that the working relationships are productive, positive and well established.

The Commission and the Canadian Forces National Investigation Service (CFNIS) successfully completed an initiative for parallel investigations on the basis of an

innovative protocol established in 2007 to ensure effective coordination of these two investigations including interviewing witnesses and sharing information. This protocol enabled the Commission to make meaningful progress on its Public Interest Investigation into the complaint of Professor Attaran, without compromising or impeding the CFNIS Criminal/Disciplinary investigation. As a result of this protocol, the Commission was able to complete its Interim Report in this case three months after the conclusion of the CFNIS investigation, months earlier than would otherwise have been possible. It is intended that the protocol will become a standard for use in the future.

Improve operational capacities

This planning element is a constant. Because the Commission does not control the number, the complexity or the timing of the complaints it receives, it must be able to increase its operational capacities with very little advance notice and without losing control over the costs of investigations. The outsourcing of investigation will continue as it enables the Commission to obtain a better match between investigation requirements and investigator skill sets. The existing billing practices and a fee structure established for investigators minimize costs and prevent downtime. The Commission will review the results of the soon to be released internal report of an audit conducted in 2008-09 by the Office of the Comptroller General of procurement practices and contracting to identify and adopt relevant best practices. The Commission receives a variety of corporate services from external suppliers. The Commission will continue to review these agreements/contracts at the time of their renewal to ensure that efficiencies and costs savings are being achieved.

Priority 2 – improving governance

The Commission needs to find ways to work more efficiently, in compliance with the requirements of both the Commission and the central agencies, while ensuring that its resources are applied in a manner to achieve the best results.

Attract and maintain a high quality workforce

One of the key essentials to the success of the Commission is the quality of its workforce. In a micro agency, where frequent turnover is an operational reality, the ability to attract and retain quality employees is paramount. The Commission is in the process of creating a culture of continuous learning and creating a workload that is both challenging and rewarding. In this regard, the Chairperson hosted a well received awards and recognition ceremony at which a number of employees were publicly recognized for a range of contributions such as leadership, initiative, service and work process improvement, quality control, team work, and contributions to positive workplace morale. By efforts such as this, the Commission hopes to extend the time that an individual tends to remain in micro agencies.

During the past year, the human resource management plans stressed the development and implementation of individual workplans; however, the ongoing workload as well as

the additional workload resulting from the Public Interest Hearing put the majority of these plans on hold. With the resourcing related to the hearing now in place, the Commission intends to proceed with these plans.

Another facet of the Commission's human resource planning is that it has become more proactive; succession planning is identifying potential turnover in advance. Departures now are being managed to the greatest extent possible to allow for a proper handover of responsibilities and to provide for on-the-job training, where required.

The Commission continued to use service partners to supplement its own internal resources. Services were provided as agreed upon and the costs for these services were reasonable.

Adhere to the legislative and policy requirements of the Commission and the central agencies

The focus on compliance with the requirements of the Commission and the central agencies continued. A comprehensive review of staffing actions was undertaken to confirm if they had been carried out in compliance with government policy and standards. The review was started late in the fiscal year and, although not yet finalized, the results when available will be used to further improve staffing in particular and human resource management overall.

The Commission conducted an additional internal review of its practices and standards associated with the management of its operational files. As a result of this review, further refinements were made to the Commission's structured evidence and document management system to reinforce robust management, tracking and protection of the extraordinarily complex, highly sensitive and voluminous information supporting its investigations and hearings.

A formal audit of the management of information technology, originally scheduled for fiscal year 2008-09, was delayed until the first quarter of 2009-10. The results, when available, will be used to further improve information technology management within the Commission.

The Office of the Comptroller General performed a Small Department and Agencies horizontal audit of contracting for professional, technical and temporary help services in 2008-09. The Commission participated in this audit and will be reviewing the observations and recommendations and preparing an action plan to address the issues requiring change.

The Commission experienced a significant increase in the number (from 5 to 21) and complexity of new requests made under the *Access to Information Act* and *Privacy Act* over the past two years. In order to assist in mitigating the time-consuming and resource-intensive process of responding to these requests, the Commission refined its

administrative procedures, which have enabled it to meet the thirty-day response time limit for the majority of these requests.

Improve management practices and update policy suites

During the course of the year, the Commission developed a risk management framework based on the ten integrated elements of the Management Accountability Framework (MAF). Using the criteria within MAF, the Commission was able to determine its management and operational status against the expectations for good public service management. The gaps between the expectation and the reality indicated to the Commission where it was at risk – this led to the development of the Corporate Risk Profile. It is recognized that the profile is a work-in-progress and requires further refinement and consultation with others, including the Office of the Comptroller General.

The Commission intends to seek further collaboration and assistance from Treasury Board with its performance measurement framework. As mentioned previously, establishing targets for complaints that are so diverse and unpredictable remains a challenge.

The increased workload during the fiscal year slowed down the Commission in its review of its policy suite over the planning period. The Commission's policy suite is a combination of those policies developed by the Commission, as well as those policies that are used unchanged as issued by Treasury Board. The work will be resumed in 2009-10.

2.3 Lessons Learned

The Commission continues to learn from its experiences. And these experiences illustrate that the Commission must be capable of timely, well analysed and appropriate responses to operational demands for change. The changing case load and the calling of the Public Interest Hearing provide ample illustration.

The simple, straight-forward investigations are no longer the norm. As an example, during the year, the Commission significantly advanced an extremely complex and costly national investigation involving the integrated examination of numerous complaints from multiple individuals on common issues covering a period of years. This required the rigorous management and coordination of investigative resources to analyze thousands of pages of evidence, to interview many witnesses, to gather other relevant information and to develop meaningful findings and recommendations. Cases of this size led to the review of and improvements in the Commission's structured evidence and document management system.

When the Chairperson, in March 2008, directed that the investigation into the complaints lodged by Amnesty International Canada and British Columbia Civil Liberties

Association move to a public hearing process, followed by the Attorney General of Canada requesting a judicial review in Federal Court, the Commission found itself in a funding crisis. Financial authorities had already been established for 2008-09 and, with the ongoing workload, there would not be sufficient funding to conduct the Public Interest Hearing and address the Federal Court challenges.

Very quickly, the Commission developed a successful business case for approximately \$5 million in one-time funding, to be expended over three years, to support the increased financial and operational requirements arising from the conduct of the high-profile Public Interest Hearings and the Federal Court challenges to the Commission's jurisdiction. Once the business case was approved, a Treasury Board Submission was prepared, based on the business case, requesting the funding. The Submission was approved and the Commission proceeded to add five new personnel to assist the Commission on a temporary basis with the Public Interest Hearings and the Federal Court proceedings.

The Commission needs to continue to use operational and strategic staffing information in its planning processes. A stable workforce makes a positive contribution to the quality of investigations conducted, reports released and recommendation made.

2.4 Benefits for Canadians

The Commission was established to provide independent, civilian oversight of the Canadian Forces' military police. By its efforts, the Commission contributes to the professionalism of the military police, helping to ensure that they continue to enjoy the confidence of the Canadian Forces, the Department of National Defence and of all Canadian citizens.

Specific details regarding the efforts of the Commission and the impacts of those efforts on the military police, the Canadian Forces, the Department of National Defence and the lives of Canadians can be found on the Commission's website at www.mpcc-cppm.gc.ca

SECTION III – SUPPLEMENTARY INFORMATION

3.1 Financial Highlights

The financial highlights presented within this DPR are intended to serve as a general overview of MPCC's financial position and operations. The Agency's financial statements can be found on MPCC's website at:

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

In examining the financial position and operations of the Commission, the most notable change over the previous year is the increase in financial activity due to the additional funding received for the Public Interest Hearing. Traditionally, the Commission is authorized to spend approximately \$3.4 million, spends approximately \$2.9 million and returns approximately \$500 thousand to the Consolidated Revenue Fund. In 2008-09, the Commission was authorized to spend \$4.9 million, spent \$3.9 million and returned \$1 million to the Consolidated Revenue Fund. The increases are due almost entirely to the Public Interest Hearing. The supplementary funding received for the Public Interest Hearing was \$1.2 million for the first year. The additional spending attributable to the Public Interest Hearing was slightly in excess of \$1 million with approximately \$500 thousand charged directly to the hearing.

The tables below illustrate the increases over the previous year.

For the Period ending March 31

Condensed Statement of Financial Position

| | (\$ thousands) | Percentage variance | 2009 | 2008 |
|--------------|-------------------|---------------------|------------|------------|
| Assets | Total Assets | - 31 % | 180 | 260 |
| Liabilities | Total Liabilities | +29 % | 824 | 638 |
| Equity | Total Equity | - 70 % | (644) | (378) |
| TOTAL | | - 31 % | 180 | 260 |

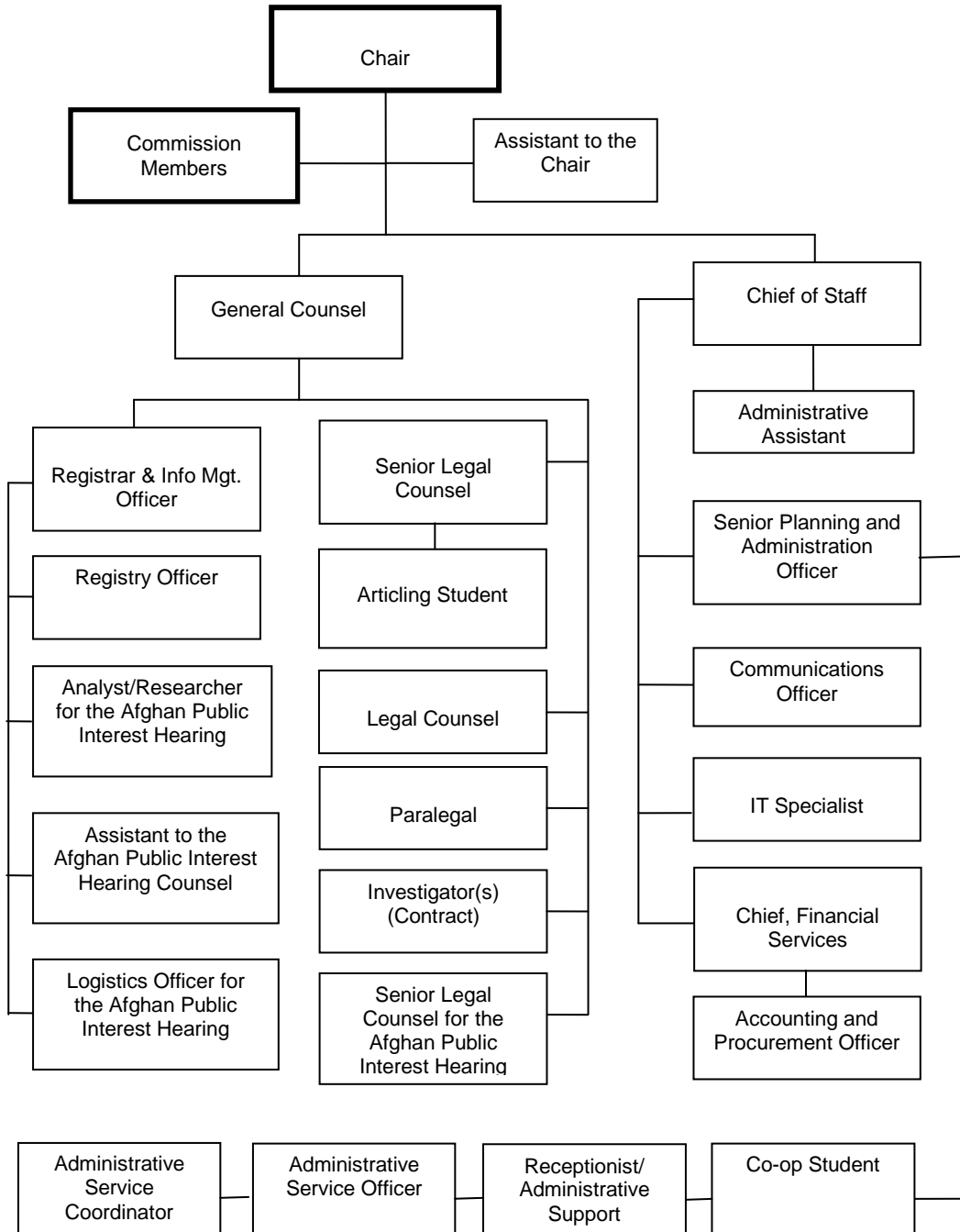
For the period ending March 31

Condensed Statement of Operations

| | (\$ thousands) | Percentage variance | 2009 | 2008 |
|--------------------------------|----------------|---------------------|--------------|--------------|
| Expenses | Total Expenses | 33 % | 4,072 | 3,064 |
| Revenues | Total Revenues | | - | - |
| NET COSTS OF OPERATIONS | | 33 % | 4,072 | 3,064 |

3.2 Organizational Information

The following organizational chart represents the Commission in relation to the restructuring of its program activities.



How to reach the Commission

- Call our information line:
(613) 947-5625 or toll free at 1-800-632-0566
- 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
- Visit our website:
www.mpcc-cppm.gc.ca
- Media inquiries:
(613) 947-5668 or e-mail media@mpcc-cppm.gc.ca