

*RCMP Act*

The study by the Senate committee focused on three or four specific areas; the public complaints procedure, discipline, discharge and demotion, and the procedure for dealing with grievances within the RCMP. In my initial remarks I would like to deal with the question of the public complaints procedure. Before doing that, however, I will note that the existing procedures in the provinces for dealing with complaints about improper conduct and wrongdoing on the part of members of the RCMP and of other police forces within their jurisdictions are very inadequate. The Supreme Court of Canada recently ruled in the Putman decision, which originated in the Province of Alberta, that provincial Government had no power whatsoever to impinge on the internal management of the RCMP. Those provincial Governments which attempted to bring RCMP members employed under contract with the province within the scope of their police complaint and discipline legislation, were denied the right to do so. That left a hiatus in the law because, on the one hand, the provinces had no power to deal with the complaints of the public and, on the other, at this point, there is no complaints procedure of any substance directly under the jurisdiction of the RCMP itself.

Constitutionally there are serious problems with respect to this question, but, as well, there are serious concerns with respect to the existing powers of provincial police commissions to review complaints by the public. The Attorney General of British Columbia argued that he wanted the provincial Government and the provincial police commission to have control over the complaints procedure. If that were implemented, many of us would argue that that procedure is very defective. In fact, in an annual report submitted about three or four years ago to the Government of British Columbia the former ombudsman of that province said, "Sometimes I wonder if the appeal procedure provided for in the Police Act was designed to discourage complaints". Indeed, that has, unfortunately, been the experience of too many complainants under the B.C. police procedure.

I am very pleased to be able to report to the House that the enlightened administration in the Attorney General's Department in the Province of Manitoba, under an NDP administration, has brought forward model legislation in the important area of complaints procedure for the police in that province as well as with regard to grievance and consideration of discharge and demotion. That legislation could well serve as a model to the federal Government. I certainly intend to bring the provisions of that Bill to the attention of the legislative committee which will be studying this particular Bill.

I suggest that we call witnesses from the Police Commission of the Province of Manitoba to indicate to the committee what their experience has been with that excellent legislation.

● (1130)

As well, the City of Toronto had a specific provision for a complaints procedure. I know that the Minister of Indian Affairs and Northern Development (Mr. Crombie) would be familiar with that. It is a procedure which, again, has been strongly commended by those who are active in this field since

it does provide for independent investigation and an independent review process. I believe that the provincial legislation which authorized that independent complaints procedure in Toronto expired at the end of 1974. However, it certainly is another model which we will want to examine closely in determining what improvements might be made to this federal legislation which does fall short in a number of important aspects that I will deal with shortly.

In terms of the public complaints procedure, I have indicated that through the appearance before the Senate committee of the Attorney General of British Columbia and by way of written submission from Attorneys General from a number of other provinces, Attorneys General have expressed serious concern that in view of the fact that they pay the bill and that in eight of the ten provinces the RCMP is the contract police force, they should have a far greater role to play in the process of review of complaints by the public.

I do not concur in the suggestion of those who state that there should be no national standard and no national complaints procedure. I believe that the RCMP is a national police force and that the standards which are applicable should be national standards. However, I do believe that a number of representations made by provincial Attorneys General should be given very serious and careful consideration. Rather than delegating powers from the federal Government to the provincial Government to deal with complaints, they recommend the involvement of the provincial nominees or appointees in that process. I am pleased to note that this Bill, unlike the predecessor Bill, does make provision for consultation with the provinces on the appointment of eight of the 12 members of the Public Complaints Commission. Of course, that reflects the eight provinces which contract with the federal Government for the services of the RCMP. That is an important appointment process and I know it will be welcomed by provincial Attorneys General.

There are other possible improvements to the process. Yesterday in his remarks to the House the Solicitor General indicated that when dealing with a complaint from a particular province, the provincial nominee from that province would have the right to sit and adjudicate on that complaint, in some cases as the sole adjudicator. I do not read this Bill that way and would want to consider carefully whether that should be the case. For example, when a complaint comes from Alberta, should it be the Alberta nominee on that Public Complaints Commission, at least at the first instance, who hears that particular complaint? It may very well be that there will be a final review by the full commission but it would help to facilitate uniform standards within provinces if complaints from particular provinces were dealt with initially by the nominee from that province.

In other circumstances—particularly dealing with very serious complaints—it may very well be that the entire commission or a sub-committee of the Commission that comprises not only provincial nominees but federal nominees would want to look into those complaints.