

*Government Orders*

Eventually they wound up at the RCMP Public Complaints Commission. The RCMP Public Complaints Commission expended a fair amount of resources to find witnesses that had moved to Ontario that were in the cells that night, got the stories from those individuals and convened a public hearing. The public hearing found that there were very serious concerns about the handling of the medical problem that evening, very serious concerns about what appeared to be an assault on the individual. As a result of the questions they came to a point where a report was written that was certainly not complimentary to the RCMP's handling of this problem.

This matter then proceeded from that hearing into a civil action. The civil action dragged on for another year and eventually the RCMP settled out of court for, I understand, \$20,000 and the legal costs and the issue was over.

If it had depended upon the regular mechanisms to handle this case, there would have been no satisfaction, no hearing of the main issues in this point, no hearing of the testimony of other witnesses to it. In fact, this would have simply been swept under the carpet and another case disposed of. The RCMP Public Complaints Commission prosecuted this through to the very end and laid the entire story open to the public. In the civil action the complainant settled out of court for \$20,000.

That has not been the only case. The officer involved was involved in a settlement by the RCMP with another complainant who wound up receiving a \$7,000 settlement out of court. There were charges laid against this officer previously in Ladysmith in the company of other officers in assaulting an individual.

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Once complaining, the individual found no satisfaction and in fact found himself in greater difficulty with the problem.

What I would suggest is that if it had not been for this effective agency, the RCMP Public Complaints Commission, that the serious case would have been simply swept under the carpet. Gibsons is an area where there have been a number of assaults by the RCMP. A number of complaints by individuals in the Gibsons area and the Sechelt peninsula have been reported to the RCMP Public Complaints Commission.

There is an incredible disincentive to do this. Let me give an example where an individual happens to be accused of impaired driving. The individual is stopped by the RCMP, an altercation results, the individual is injured in the altercation, the RCMP claims that it is justified use of force. He is taken down and charged with impaired driving but not allowed to use the breathalyser. That is the end of the evening, simply the charge results and things carry on. The minute the individual lays a complaint with the RCMP Public Complaints Commission, further charges result. This individual is then charged with attempting to assault a police officer and other charges. This is the history in many cases.

I would use one more example. An individual who is a passenger in a vehicle with two other people winds up in the ferry lot of the B.C. ferries in Langdale. The police arrive on the scene. The individual at this point has not done anything. They ask him to come out of the car and he says: "I have done nothing. Why should I do that?". They simply reach in, throw him out of the car and break his shoulder on the ground after jumping on him.

Again this individual makes a complaint to the RCMP Public Complaints Commission. At least they know they are going to get some satisfaction in an investigation of the events. This goes on and on. I do not know exactly how many cases I have in my files of these events but it is absolutely critical that this agency remains in place. If this is happening in one area, where there has obviously been a problem, then it is imperative to keep the RCMP Public Complaints Commission working and not roll it into the External Review Committee.

Hopefully, when the opportunity presents it, we will be making an amendment that will see a separation between the review committee and the Public Complaints Commission maintained and that in fact it will be strengthened. In the previous year's annual report, the RCMP Public Complaints Commission said that its hands had been tied by the legislation. It made 30 recommendations for changes to the legislation so that it could do an effective job.

The commissioner of the RCMP does not have to give the follow-up activity taken by the RCMP against an officer who is found to have used an inappropriate procedure. That is one of the examples where if something does occur in the way of discipline for an event, the officer and the incident is found to have erred. He made a mistake. If there is some kind of action taken on behalf of the RCMP, it should go in to the public domain. If it was anybody else who had made those kinds of errors,