

RCMP Act

Another issue that I would like to raise in connection with this Bill is the proposal in the complaint mechanism to have the force investigate itself. For example, we see in Section 45.36(4) that any complaint which is not disposed of informally is to be investigated by the force subject to Section 45.38. This Section states:

The Commissioner may make rules governing the procedures to be followed by the force in notifying persons under this Part and in investigating, disposing of or otherwise dealing with complaints under this Part.

It would seem to me that this tends to give quite a bit of authority to the Commissioner. I do not doubt for a moment that the Commissioner would be totally circumspect in discharging this duty if it is given to him. However, in my view we must be concerned about the public's perception of the police investigating themselves.

As many Members may know, Professor Allan Grant of Osgoode Hall Law School, a former professor of mine, has done considerable work in the area of the control of police behaviour. Professor Grant is a former police officer and is renowned throughout the world for his expertise in this particular area. He has developed a number of models involving the external and internal functions of investigation, adjudication and discipline. My own predisposition is toward an independent investigation with external adjudication and discipline. It would seem to me that this would make the process meet the twin tests of Caesar's wife which are to be not merely above reproach but also appearing to be above reproach. In fact, I have a number of questions regarding some of the details of this Bill which I am looking forward to raising in committee.

In connection with the need for independence, the Marin Commission offered as a recommendation the establishment of the office of police ombudsman. From the point of view of independence, I am attracted to that recommendation. As I indicated earlier, the fact that a 12-member commission is recommended in this legislation might cause some concern. It is my understanding that the reason the legislation was drafted in this manner was to placate the provinces which wanted

some representation on any body set up to deal with complaints. I think we should take a hard look at this justification to determine whether or not it is cost effective and in the public interest. After all, if we can get the job done with a minimum of resources, I think that Hon. Members opposite would agree that we should opt for this route.

I think there is a lot to commend the office of the ombudsman. First, the ombudsman derives his authority from and is answerable to Parliament. Second, he has powers to investigate all administrative but not legislative decisions. Finally, he has the power to criticize administrative decisions and recommend change. He does not have the authority, however, to reverse administrative decisions or to mete out discipline.

There are many other aspects of the public complaints commission about which I am concerned, but I note that time is running short. Another concern that was raised by a number of members of my caucus was the fact that a time limit was not put on dealing with a particular complaint. The legislation provides that a complainant is to be notified of the status of a particular complaint after 45 days, I believe, and to be advised of the status every month thereafter. However, there is no time limit with respect to how long it should take to investigate completely a complaint that is issued by a member of the public. As the old maxim states, justice delayed is justice denied. I am sure that an advisable and appropriate change to this legislation could result in a time limit being put on the investigation and disposition of a complaint made by a member of the public.

I would now like to deal for a few moments with the other major section of the Bill which contains provisions for revised discipline and grievance procedures and which formalizes rights for members of the force in these matters. I note that the time has expired for today and I look forward to continuing my remarks in the morning.

[*Translation*]

The Acting Speaker (Mr. Charest): It being six o'clock, the House stands adjourned until tomorrow at 11 a.m., pursuant to Standing Order 3(1).

The House adjourned at 6 p.m.