

PRESENTATION BY Shirley Heafey, Commissioner For Public
Complaints Against The RCMP
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BEFORE TURNING TO THE TOPIC NEXT TO MY NAME IN THE PROGRAMME,
I'D LIKE TO START WITH A FEW PERSONAL NOTES.

AVANT D'ABORDER LE SUJET DONT IL EST QUESTION AUJOURD'HUI,
J'AIMERAIS D'ABORD VOUS FAIRE PART DE QUELQUES NOUVELLES.

LE 19 OCTOBRE 2005, MON DEUXIÈME MANDAT À TITRE DE PRÉSIDENTE
DE LA COMMISSION DES PLAINTES DU PUBLIC CONTRE LA GRC VIENDRA
À ÉCHÉANCE.

AU DÉBUT DE 2005, ALORS QUE J'ALLAIS BIENTÔT AVOIR 60 ANS, J'AI FAIT
LE POINT ET DÉCIDÉ QU'IL ÉTAIT TEMPS DE PASSER À AUTRE CHOSE. J'AI
CHOISI DE NE PAS RECEVOIR UN NOUVEAU MANDAT. AINSI, IL Y A
QUELQUES MOIS, J'AI INFORMÉ LA VICE PREMIÈRE-MINISTRE DE MA
DÉCISION.

CETTE DÉCISION N'A PAS ÉTÉ FACILE.

LES HUIT ANNÉES QUE J'AI PASSÉES À LA COMMISSION M'ONT PERMIS DE SERVIR MON PAYS ET D'APPLIQUER DES PRINCIPES TRÈS IMPORTANTS.

J'EN SUIS TRÈS RECONNAISSANTE.

JE ME COMPTE CHANCEUSE D'AVOIR RENCONTRÉ DES GENS D'UN BOUT À L'AUTRE DU PAYS – DES MEMBRES DE LA GRC, DES PLAIGNANTS, D'AUTRES INTERVENANTS – DES PERSONNES FORMIDABLES QUI ONT SUSCITÉ MON ENTHOUSIASME ET ONT ÉTÉ UNE VÉRITABLE SOURCE D'INSPIRATION.

J'AI TANT APPRIS DEPUIS LE DÉBUT DE MA FONCTION.

PEU DE GENS ONT RENCONTRÉ L'OCCASION M'A ÉTÉ DONNÉE. J'AI CHANGÉ BIEN DES CANADIENS PARTOUT AU PAYS. CES MEMBRES DE LA GRC QUI CROYAIENT AVOIR PRIS LA BONNE DÉCISION, JE LES AI APPUYÉS. CES PLAIGNANTS QUI ÉTAIENT CONVAINCUS D'AVOIR REÇU UN MAUVAIS TRAITEMENT, JE LES AI ÉCOUTÉS ET AIDÉS.

JE ME SUIS PRONONCÉE SUR LES POURSUITES POLICIÈRES – LES DANGERS QU'ELLES COMPORTENT POUR LES POLICIERS ET LES MEMBRES DU PUBLIC.

I'VE WRITTEN ABOUT DEATHS IN CUSTODY – HOW THEY CAN BE PREVENTED – AND POLICE TREATMENT OF PEOPLE IN A MENTAL HEALTH CRISIS – HOW THEY CAN DO IT BETTER.

AND SOME OF MY IDEAS HAVE TAKEN ROOT. I'M VERY PROUD OF THAT.

BUT, OF COURSE, I DIDN'T DO ANY OF THIS ALONE.

I'VE HAD THE SUPPORT AND ASSISTANCE OF SOME TRULY EXCEPTIONAL PEOPLE AT THE COMMISSION. PEOPLE WHO CARE. PEOPLE WHO HAVE DEMONSTRATED REMARKABLE DETERMINATION AND WHO HAVE WORKED SO HARD TO DO THE JOB ENTRUSTED TO THE COMMISSION.

WE HAVEN'T DONE THAT JOB PERFECTLY, BUT WE'VE DONE IT WELL AND WE'VE ALWAYS TRIED VERY HARD.

I WANT TO SAY THANK YOU TO ALL THOSE WHO HAVE MADE MY LIFE SO MUCH RICHER OVER THE PAST EIGHT YEARS – THAT'S THE STAFF OF THE COMMISSION, AND ALL THE PEOPLE I'VE MET ON MY TRAVELS – AND THAT MEANS MANY OF YOU HERE TODAY.

THANK YOU.

NOW THAT I'VE SAID ALL THAT, I DON'T WANT TO MISLEAD YOU INTO THINKING IT WAS ALL EASY.

CIVILIAN REVIEW AGENCIES DON'T GET AN EASY RIDE. SOMETIMES, TO SOME, WE LOOK LIKE PEOPLE WHO ARE AGAINST THE FORCES OF LAW AND ORDER. WE'RE NOT.

SOMETIMES, TO SOME, WE LOOK LIKE APOLOGISTS FOR THE POLICE. WE'RE NOT.

SOMETIMES, TO SOME, WE LOOK LIKE A PROBLEM TO THE GOVERNMENT OF THE DAY BECAUSE WE GENERATE A QUESTION IN PARLIAMENT OR A LEGISLATURE. WE'RE NOT.

GRANTED, ON ANY GIVEN DAY, WE'RE GOING TO BE UNPOPULAR WITH SOMEONE. BECAUSE IT'S NOT OUR JOB TO BE POPULAR.

IT REALLY COMES DOWN TO LEADERSHIP AND I ENCOURAGE YOU TO KEEP THAT IN MIND. HERE I'M TALKING DIRECTLY TO THE CIVILIAN REVIEW COMMUNITY. WHETHER WE MAKE THE DECISION, OR RECOMMEND IT, WE ARE OBLIGED TO MAKE DIFFICULT DECISIONS AND RECOMMENDATIONS.

I REMEMBER SOME OF MINE WELL.

WHEN I DECIDED ON A COURSE OF ACTION IN RESPECT OF THE INCIDENTS AT THE 1997 APEC CONFERENCE IN VANCOUVER, I KNEW THE ACTIONS OF THE PRIME MINISTER WHO APPOINTED ME WOULD BE CHALLENGED.

THREE MONTHS INTO MY APPOINTMENT AND I WAS TAKING ON THE PRIME MINISTER OF CANADA. I HAD SOME SLEEPLESS NIGHTS OVER THAT ONE.

IN SPITE OF MEDIA SPECULATION, THERE NEVER WAS ANY INTERFERENCE WITH MY DECISIONS BY THE PRIME MINISTER OF THE DAY, M. CHRETIEN, OR ANYONE ELSE.

WHEN I DECIDED TO COMMENCE A PUBLIC INTEREST INVESTIGATION INTO ALLEGATIONS OF COVER-UP BY THE RCMP IN RELATION TO ALLEGED SEXUAL AND PHYSICAL ABUSE OF BOYS AT THE KINGSCLEAR YOUTH TRAINING FACILITY IN NEW BRUNSWICK– EVENTS THAT ALLEGEDLY OCCURRED MANY YEARS AGO – I KNEW THE CURRENT RCMP COMMISSIONER WAS THE SUBJECT OF ALLEGATIONS OF COVER-UP AS THE ONE RESPONSIBLE AT THE TIME FOR THE INVESTIGATION INTO THESE ALLEGATIONS.

NOT EASY. BUT NOT SO BAD EITHER. COMMISSIONER ZACCARDELLI PROMISED HIS FULL CO-OPERATION AND IN A VERY SHORT TIME I HAD SUBSTANTIALLY ALL AVAILABLE RCMP DOCUMENTATION RELATING TO THE INVESTIGATION INTO THESE ALLEGED INCIDENTS.

SO SOMETIMES, WE GET CO-OPERATION AND THAT'S GOOD. SOMETIMES, WE GET OPPOSITION, AND WE HAVE TO FIGHT. SOMETIMES, WORST OF ALL, WE GET INDIFFERENCE FROM THE PUBLIC WE SERVE.

NOW THAT'S A CHALLENGE.

AS I SAID, I'VE LEARNED A LOT OVER THESE PAST EIGHT YEARS.

AND I WANT TO TRY AND MAKE WHAT I'VE LEARNED RELEVANT TO THE SUBJECT NEXT TO MY NAME ON THE AGENDA: CIVILIAN REVIEW OF THE NATIONAL SECURITY ACTIVITIES OF THE RCMP.

LET'S LOOK AT THE SUBHEADINGS IN THE PROGRAMME. QUOTE: ARE THE POWERS PROVIDED TO THE COMMISSION ADEQUATE TO MEET THE MANDATE ENTRUSTED TO IT BY PARLIAMENT, THAT IS, TO CARRY OUT EFFECTIVE CIVILIAN REVIEW OF THE NATIONAL SECURITY ACTIVITIES OF THE RCMP? ENDQUOTE.

NO. OBVIOUS. NOT MUCH TO DISCUSS

QUOTE: RECENT EVENTS HAVE INCREASED PUBLIC CONCERN THAT THERE IS NO EFFECTIVE CIVILIAN REVIEW OF THE NATIONAL SECURITY ACTIVITIES PERFORMED BY THE RCMP. ENDQUOTE.

MR. ARAR DIDN'T COMPLAIN TO THE COMMISSION – I KNOW THAT HE DIDN'T THINK THE COMMISSION PROCESS WAS EFFECTIVE.

IN THE CIRCUMSTANCES, I COMPLAINED IN HIS PLACE.

TURNS OUT, MR. ARAR WAS RIGHT. BECAUSE IT INVOLVED MATTERS OF NATIONAL SECURITY, MY COMPLAINT ABOUT HIS ISSUES YIELDED NOTHING. I GOT A LETTER FROM THE RCMP ASSURING ME THAT THEY DID NOTHING WRONG. I SUPPOSE I WAS TO TAKE THEIR WORD FOR IT BECAUSE NO SUPPORTING EVIDENCE WAS PROVIDED.

FORTUNATELY, THE GOVERNMENT OF CANADA DECIDED TO APPOINT MR. JUSTICE O'CONNOR TO INQUIRE INTO THE CIRCUMSTANCES OF MR. ARAR'S DETENTION AND DEPORTATION TO SYRIA. PART OF JUSTICE O'CONNOR'S MANDATE WAS TO MAKE RECOMMENDATIONS ABOUT THE BEST WAY TO ENSURE EFFECTIVE, INDEPENDENT CIVILIAN REVIEW OF THE NATIONAL SECURITY ACTIVITIES OF THE RCMP.

JE CITE : IL NE FAIT AUCUN DOUTE QUE NOUS DEVONS EFFECTUER UN EXAMEN CIVIL. FIN DE LA CITATION

IL ME SEMBLE QUE OUI. EN 1981, LE RAPPORT DE LA COMMISSION MACDONALD, QUI SE FAISAIT L'ÉCHO DES CONCLUSIONS DE LA COMMISSION MARIN, A CONCLU QU'IL FALLAIT CRÉER UN MÉCANISME D'EXAMEN CIVIL INDÉPENDANT AFIN D'ASSURER UNE RESPONSABILISATION EFFICACE DE LA PART DE LA GRC.

LA CRÉATION DE CE MÉCANISME A PRIS DU TEMPS – CINQ PROJETS DE LOI DIFFÉRENTS ONT ÉTÉ ÉTABLIS AU COURS DES CINQ ANNÉES SUIVANT CETTE PROPOSITION – MAIS, EN 1986, LE PARLEMENT A AUSSI DIT : IL NE FAIT AUCUN DOUTE QUE NOUS DEVONS EFFECTUER UN EXAMEN CIVIL DE LA CONDUITE DE LA GRC.

VOILÀ DÉJÀ 17 ANS QU'ON S'EST PRONONCÉ SUR CETTE QUESTION ET, FRANCHEMENT, JE NE DEVRAIS PAS AVOIR À SOULEVER LE BESOIN D'UN EXAMEN CIVIL EFFICACE DE LA CONDUITE DE LA GRC ET, SURTOUT D'UN EXAMEN CIVIL DES ACTIVITÉS DE LA GRC LIÉES À LA SÉCURITÉ NATIONALE.

THE RCMP WILL TELL US NOTHING ABOUT MATTERS INVOLVING NATIONAL SECURITY SO, DESPITE THE CLEAR MANDATE GIVEN BY PARLIAMENT, THERE IS NO EFFECTIVE CIVILIAN REVIEW OF THE NATIONAL SECURITY ACTIVITIES OF THE RCMP.

THE *RCMP ACT* GIVES ME JURISDICTION OVER COMPLAINTS ABOUT THE CONDUCT OF A MEMBER OF THE RCMP ENGAGED IN ANY DUTY OR FUNCTION UNDER THE *RCMP ACT*. THERE'S NO LIMITATION – THERE'S NO EXCLUSION IN RELATION TO NATIONAL SECURITY ACTIVITIES.

SO, IT'S CLEAR THAT THE COMMISSION HAS THE MANDATE BUT THE RCMP WON'T PROVIDE THE INFORMATION NECESSARY TO ALLOW US TO DISCHARGE THAT MANDATE? WHY IS THAT?

THE ANSWER LIES, IN PART, IN AN "US AGAINST THEM" MENTALITY THAT IS A NATURAL REACTION FROM ANY PERSON OR ORGANIZATION SUBJECT TO REVIEW. THE RCMP RESISTS REVIEW BECAUSE IT APPEAR TO THINK, AS CIVILIANS, WE CAN'T KNOW OR UNDERSTAND THEIR WORK.

BUT THAT APPROACH IS FLAWED. AND AGAIN, IT HAS A LOT TO DO WITH LEADERSHIP AND THE NEED FOR LEADERS TO AVOID TUNNEL VISION.

THE RCMP, THE COMMISSION FOR PUBLIC COMPLAINTS AGAINST THE RCMP AND THE CANADIAN PUBLIC SHARE MANY VALUES.

IN THIS RESPECT, THERE IS NO “US AGAINST THEM.”

ALL OF US BELIEVE IN THE RULE OF LAW AND RESPECT FOR HUMAN DIGNITY. WE SHARE ALL THE FUNDAMENTAL CANADIAN VALUES.

WHAT WE DON'T SHARE IS PERSPECTIVE.

A MEMBER OF THE RCMP BRINGS A POLICE PERSPECTIVE TO ISSUES INVOLVING LAW ENFORCEMENT. THAT PERSPECTIVE IS ACQUIRED AND DEVELOPS EVERY DAY WHEN THEY PUT ON A GUN TO GO TO WORK, WHEN THEY HELP A MEMBER OF THE PUBLIC IN A BAD SITUATION OR WHEN THEY LOSE A COLLEAGUE.

I DON'T HAVE THE SAME PERSPECTIVE. I'M A LAWYER AND A CIVILIAN. I HAVE NEVER BEEN TO THE SCENE OF A FATAL ACCIDENT. I HAVE NEVER GONE TO A HOUSE IN RESPONSE TO A REPORT OF DOMESTIC VIOLENCE. I HAVE NEVER TRIED TO FIND A MISSING CHILD, OR A MURDERER. I DON'T KNOW WHAT ANY OF THAT FEELS LIKE.

MY PERSPECTIVE IS DIFFERENT. NOT BETTER, JUST DIFFERENT.

THE RCMP PERSPECTIVE – AND I KNOW IT’S AS INDIVIDUAL AS EVERY MEMBER OF THE RCMP – IS DIFFERENT. AGAIN, NOT BETTER, JUST DIFFERENT.

AND ENTITLED TO RESPECT. AS IS MINE. AS IS THE PERSPECTIVE OF EVERY CANADIAN CITIZEN WHO HAS, BY WAY OF THE SOCIAL CONTRACT, EMPOWERED MEMBERS OF THE RCMP TO PRESERVE THE PEACE AND APPREHEND CRIMINALS.

WE CANADIANS HAVE EMPOWERED OUR POLICE TO DETAIN PEOPLE AND USE LETHAL FORCE WHERE NECESSARY, AND WE’RE DAMN GLAD THEY’RE THERE TO DO IT.

THINKING ABOUT AND RESPECTING COMPETING PERSPECTIVES – THAT’S THE JOB OF CIVILIAN REVIEW.

TO ENSURE THAT THE WORK OF OUR POLICE SERVICES IS CARRIED OUT IN A WAY THAT RESPECTS THE FUNDAMENTAL CANADIAN VALUES THAT WE ALL SHARE.

ON THE BIG ISSUES – THE RULE OF LAW, RESPECT FOR HUMAN DIGNITY – THERE IS NO “US AGAINST THEM” – WE’RE ALL ONE.

BUT BECAUSE OF OUR DISTINCT PERSPECTIVES, WE DIFFER ON HOW TO MAKE THESE VALUES COME ALIVE ON AN URBAN STREETCORNER OR ON A REMOTE RESERVATION IN SASKATCHEWAN AND THIS OPENS THE DOOR TO AN ISSUE THAT HAS BEEN A PRIORITY FOR THE COMMISSION AND FOR ME PERSONALLY.

IT'S NO SECRET THAT OUR ABORIGINAL COMMUNITIES FEEL LEFT OUT – FEEL THAT THEIR HUMAN DIGNITY IS NOT RESPECTED – BY SOCIETY AS A WHOLE AND POLICE IN PARTICULAR. AND THEY ARE RIGHT.

ALMOST EVERY DAY, I OPEN A NEWSPAPER AND THERE IS SOME INCIDENT INVOLVING A MEMBER OF A NATIVE COMMUNITY WHOSE DIGNITY AND HUMANITY HAVE BEEN DIMINISHED IN SOME WAY. NOT NECESSARILY ALWAYS BY POLICE. SOMETIMES IT'S JUDGES OR GOVERNMENTS. SOMETIMES IT'S YOU AND I BECAUSE WE READ THESE THINGS AND FORGET ABOUT IT.

WE – THE CIVILIAN REVIEW AGENCIES – OWE A DUTY TO THE ABORIGINAL COMMUNITY TO ADDRESS THESE CONCERNS AND TO ENSURE THAT THEIR PERSPECTIVE IS NOT LOST.

WE CAN'T DEAL WITH ALL THE BIG ISSUES ALONE – BUT SHOULD BE PART OF THE SOLUTION. WE HAVE A ROLE TO PLAY IN ENSURING THAT THE DAILY WORK OF OUR POLICE SERVICES – THE INNUMERABLE AND ORDINARY CONTACTS BETWEEN POLICE AND ABORIGINALS – IS CARRIED OUT WITH PROPER RESPECT.

WE HAVE A ROLE TO PLAY IN ENSURING THAT POLICE SERVICES ARE OPEN TO THE CONCERNS OF THE ABORIGINAL COMMUNITIES. IT HAS BEEN OFTEN SUGGESTED, FOR EXAMPLE, THAT CRIMES AGAINST NATIVES ARE NOT GIVEN THE SAME PRIORITY AS CRIMES AGAINST THE REST OF THE POPULATION.

IN MY VIEW, IT'S TRUE. AS CANADIANS, WE DON'T LIKE TO THINK THAT'S TRUE. IT OFFENDS THE WAY WE SEE OURSELVES. BUT LET'S STOP KIDDING OURSELVES, AND FACE REALITY.

WARREN GOULDING, IN HIS BOOK “JUST ANOTHER INDIAN: A SERIAL KILLER AND CANADA'S INDIFFERENCE” ADDRESSES THAT VERY ISSUE.

IN HIS BOOK – AND IT'S A BOOK THAT SHOULD BE REQUIRED READING FOR EVERYONE IN THIS ROOM, HE ARGUES THAT THE DISAPPEARANCE OF THREE ABORIGINAL WOMEN – VICTIMS OF A SERIAL KILLER – WAS

INVESTIGATED POORLY BECAUSE, BASED ON RACIST STEREOTYPES, THE DISAPPEARANCES WERE NOT TAKEN VERY SERIOUSLY.

THAT TYPE OF THINKING HAS GOT TO STOP AND WE, THE CIVILIAN REVIEW AGENCIES, HAVE AN IMPORTANT ROLE TO PLAY. IF ONLY WE PAY ATTENTION.

WE NEED A LOT OF PARTNERS BEFORE WE CAN MAKE A DIFFERENCE – POLICE, GOVERNMENT AT ALL LEVELS, THE NATIVE COMMUNITY ITSELF – BUT WE MUST ALWAYS BEAR IN MIND THAT WE HAVE A ROLE.

A ROLE AS CHAMPIONS. IN THAT ROLE WE HAVE TO WORK AT DEVELOPING AN UNDERSTANDING OF THE ABORIGINAL PERSPECTIVE TO ENSURE THAT IT IS GIVEN THE RESPECT IT DESERVES.

WE HAVE TO CONSIDER BOTH THE POLICE PERSPECTIVE AND THE ABORIGINAL PERSPECTIVE, AS WELL AS OUR OWN AS CIVILIANS, WHEN WE LOOK AT THE CONDUCT OF THE POLICE TO ENSURE THAT THE WORK OF THE POLICE – THE THINGS THEY DO EVERY DAY AS THEY GO ABOUT THE BUSINESS OF PROTECTING US – REFLECTS OUR SHARED CANADIAN VALUES.

WE OWE A DUTY TO ALL CANADIANS WHEN WE REVIEW THE WORK OF THE POLICE, BUT I BELIEVE WE MUST BE PARTICULARLY SENSITIVE AND AWARE WHEN LOOKING AT THE IMPACT OF POLICING ON VULNERABLE COMMUNITIES WITHIN THE POPULATION.

I MAKE SPECIAL MENTION OF THE CONCERNS OF THE ABORIGINAL COMMUNITY FOR TWO REASONS: FIRST, THE COMMISSION HAS ALWAYS TRIED TO GIVE PRIORITY TO MATTERS INVOLVING POLICE/ABORIGINAL RELATIONS.

SECONDLY, MY THINKING ABOUT THE CIVILIAN REVIEW OF THE NATIONAL SECURITY ACTIVITIES OF THE RCMP HAS BEEN MUCH AFFECTED BY MY VIEWS ON RELATIONS BETWEEN POLICE AND VULNERABLE COMMUNITIES.

AND THE SMALL PART OF THE POPULATION THAT IS TARGETED IN NATIONAL SECURITY INVESTIGATIONS IS A VULNERABLE GROUP OF PEOPLE.

AND THAT POPULATION, BASED ON THE EXPERIENCE OF MY COMMISSION, IS NOT INCLINED TO COMPLAIN. MANY PEOPLE TARGETED BY NATIONAL SECURITY INVESTIGATIONS ARE NEWCOMERS TO OUR COUNTRY AND,

WHERE THEY COME FROM, YOU DON'T COMPLAIN ABOUT THE AUTHORITIES OR DRAW UNNECESSARY ATTENTION TO YOURSELF.

THAT TELLS ME THAT AN AUDIT POWER IS ABSOLUTELY NECESSARY TO THE EFFECTIVE REVIEW OF THE NATIONAL SECURITY ACTIVITIES OF THE RCMP. I HAVE DEFINED AN AUDIT POWER AS A POWER TO SELECT AND REVIEW FILES WHERE NO COMPLAINT HAS BEEN MADE AND WHERE THE REVIEW IS NOT DEPENDENT ON ANY SUGGESTION OF MISCONDUCT. A COMPLAINT-DRIVEN PROCESS IS SIMPLY NOT ADEQUATE TO THE TASK WHEN THE TARGETS ARE VULNERABLE AND THE ACTIVITIES THEMSELVES ARE HIGHLY SECRETIVE.

IN ORDER TO BETTER INFORM MY SUBMISSIONS TO MR. JUSTICE O'CONNOR, I RECENTLY TRAVELLED TO THE UNITED KINGDOM TO MEET WITH NUALA O'LOAN AND HER STAFF IN BELFAST AND NEIL HARDWICK AND JOHN WADHAM AND THEIR STAFF IN LONDON. I ALSO MET WITH REPRESENTATIVES OF POLICE SERVICES IN THOSE CITIES.

TO PUT IT MILDLY, BOTH THE POLICE OMBUDSMAN OF NORTHERN IRELAND AND THE INDEPENDENT POLICE COMPLAINTS COMMISSION FOR ENGLAND AND WALES, HAVE SWEEPING POWERS. I CAME AWAY WITH THE VIEW THAT THE POLICING CONTEXT IN CANADA IS SIGNIFICANTLY

DIFFERENT SO WE DO NOT NEED THE SAME POWERS. BUT WE DO NEED AN AUDIT POWER IF WE ARE TO BE EFFECTIVE.

WE OFTEN TALK ABOUT ACHIEVING THE PROPER BALANCE BETWEEN HUMAN RIGHTS AND CIVIL LIBERTIES AND NATIONAL SECURITY. WHEN PARLIAMENT PASSES LEGISLATION LIKE THE *ANTI-TERRORISM ACT*, IT IS SETTING OUT ITS UNDERSTANDING OF THE PROPER BALANCE.

BUT ONCE THE LEGISLATION HAS BEEN PASSED, PARLIAMENT ENTRUSTS ITS JUDGES, BUREAUCRATS, SPIES AND POLICE TO IMPLEMENT ITS VISION IN THE COURTS, ON THE STREETS, AT BORDER CROSSINGS AND AIRPORTS.

GIVEN THE HUMAN DIMENSION, HOW FAITHFULLY DO THESE AGENTS OF THE STATE IMPLEMENT PARLIAMENT'S VISION?

WHEN THAT VISION IS IMPLEMENTED, ARE HUMAN AND LEGAL RIGHTS UNDERMINED BECAUSE OF A MISTAKEN APPRECIATION OF THE LAW OR A MISGUIDED ENTHUSIASM FOR ABSOLUTE NATIONAL SECURITY?

NOUS NE SOMMES PAS SANS SAVOIR QUE LES TRIBUNAUX NE PEUVENT, À EUX SEULS, PRATIQUER UN EXAMEN CIVIL EFFICACE DE LA POLICE. ILS PEUVENT SEULEMENT EXERCER LEUR AUTORITÉ DE CONTRÔLE

LORSQU'UN MANDAT EST DEMANDÉ, LORSQU'UNE ACCUSATION EST POURSUIVIE OU, PLUS RAREMENT, LORSQU'UN PROCÈS CIVIL S'ENGAGE.

DE PLUS, LA SOMME CONSIDÉRABLE QU'IL EN COÛTE POUR S'ADRESSER À UN TRIBUNAL LORSQUE LE TORT DONT IL EST QUESTION – PAR EXEMPLE, UNE COURTE DÉTENTION ILLÉGALE DANS LA RUE – PEUT NE PAS JUSTIFIER DES DOMMAGES-INTÉRÊTS IMPORTANTS.

LES FONCTIONS D'UN TRIBUNAL SONT D'AUTANT PLUS LIMITÉES ET AMBIGUËS LORSQU'ON TRAITE DE QUESTIONS TOUCHANT LA SÉCURITÉ NATIONALE.

BECAUSE OF THE SECRECY.

AND BECAUSE PREVENTION OF A CATASTROPHE LIKE 9/11, NOT PROSECUTION OF AN OFFENCE, IS THE REAL AIM OF THE ANTI-TERRORISM COMMUNITY.

IL FAUT CRÉER UN MÉCANISME D'EXAMEN CIVIL EFFICACE POUR VEILLER À CE QUE LA POLICE, PLUS PARTICULIÈREMENT LA GRC, SOIT TENUE RESPONSABLE COMME IL SE DOIT DE LEURS ACTIVITÉS LIÉES À LA SÉCURITÉ NATIONALE.

J'AI MENTIONNÉ QU'IL EST ESSENTIEL D'ÉTABLIR UN POUVOIR DE VÉRIFICATION DANS LE CADRE D'UN MÉCANISME D'EXAMEN CIVIL EN CE QUI CONCERNE LES ACTIVITÉS LIÉES À LA SÉCURITÉ NATIONALE.

IL EXISTE UN AUTRE ÉLÉMENT FONDAMENTAL : UN ACCÈS SANS ENTRAVES À L'INFORMATION.

COMME CELUI DONT DISPOSE LE JUGE O'CONNOR À LA COMMISSION ARAR.

TOUT CE QUI EST MOINDRE EST INACCEPTABLE.

INFORMATION IS THE LIFEblood OF A REVIEW PROCESS AND, IN MY EXPERIENCE, WITHHOLDING INFORMATION IS THE PREFERRED STRATEGY WHEN THE OBJECT IS TO RESIST THE CIVILIAN REVIEW PROCESS.

POLICE FORCES LIKE THE RCMP HAVE TO ACCEPT THAT THE INFORMATION IN THEIR POSSESSION IS HELD IN TRUST FOR THE PEOPLE OF CANADA AND THEY HAVE TO ACCOUNT FOR THEIR USE OF THAT INFORMATION.

THAT DOESN'T MEAN THAT THE TARGET OF AN INVESTIGATION, THE COMPLAINANT OR THE PUBLIC WILL GET ACCESS TO THAT INFORMATION

– TRUE NATIONAL SECURITY ACTIVITIES HAVE TO BE UNDERTAKEN IN THE STRICTEST SECRECY AND THAT GOES WITHOUT SAYING – BUT THE REVIEW AGENCY, JUST LIKE JUSTICE O’CONNOR, MUST SEE EVERYTHING.

I’LL ILLUSTRATE THIS POINT, AND FINISH OFF, BY TELLING YOU ABOUT A FILE WE HAVE AT THE COMMISSION: A COMPLAINANT ALLEGES THAT THE DOOR TO A FAMILY HOME WAS BROKEN DOWN IN THE MIDDLE OF THE NIGHT – THAT RUBBER BULLETS SHATTERED GLASS ACROSS A BED THAT WAS NORMALLY OCCUPIED AT THAT HOUR – THAT POLICE OFFICERS, MASKED AND ARMED, BURST INTO A HOME – THAT FAMILY PHOTO ALBUMS AND VIDEOTAPES WERE SEIZED AND STUDIED – THAT THERE WAS A DETENTION WITHOUT CHARGES.

ULTIMATELY, WE NOW KNOW, CHARGES WERE NEVER LAID.

IN OUR ATTEMPTS TO INVESTIGATE THE CIRCUMSTANCES OF THIS COMPLAINT, WE HAVE BEEN GIVEN NOTHING OF SUBSTANCE BECAUSE, WE’RE TOLD, MATTERS OF NATIONAL SECURITY ARE INVOLVED.

THIS IS A FAMILY THAT CLAIMS IT WAS SERIOUSLY TRAUMATIZED BY THIS INCIDENT. WAS THE RCMP JUSTIFIED IN WHAT IT DID? I DON’T KNOW. MAYBE YES, MAYBE NO. PARLIAMENT TELLS ME TO MAKE FINDINGS AND RECOMMENDATIONS IN RELATION TO SUCH COMPLAINTS.

IN THIS CASE AS IN MANY OTHERS, I CAN'T. I CAN'T DO THE JOB
PARLIAMENT GAVE ME.

MORE IMPORTANTLY, I HAVE NO REASON TO THINK THAT YOU'LL EVER
HEAR THE END OF THIS PARTICULAR STORY. I'LL NEVER BE ABLE TO
TELL YOU THAT EVERYTHING THE RCMP DID WAS WARRANTED – OR
THAT THE RCMP SERIOUSLY VIOLATED THE RIGHTS OF THIS
COMPLAINANT.

AND YOU KNOW WHAT? AS CANADIANS, YOU REALLY NEED TO HEAR
THE END OF THIS STORY FROM AN INDEPENDENT CIVILIAN LIKE ME.

