

Royal Canadian Mounted Police



Gendarmerie royale du Canada

N.D. Inkster
Commissioner Le Commissaire

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Att: Monique.

February 7, 1992

Mr. Fernand Simard
Acting Chairman
RCMP Public Complaints Commission
P.O. Box 3423
Station "D" [REDACTED]
Ottawa, Ontario
K1P 6L4

SVP, ne laisser
le message sur
la boîte vocale
[REDACTED]

Merci!

Dear Mr. Simard:

I acknowledge receipt of the interim report dated December 20, 1991, file references 2000-PCC-89234, 90G-1776 and materials relevant to the complaint of the Commission Chairman, in accordance with subsection 45.46(1) of the RCMP Act.

The conclusions have been examined and the following will constitute the notice required under subsection 45.46(2).

I concur with your findings number 1, 2, and 4.

I disagree with finding number 3 and related recommendations numbers 1 and 4. It is my opinion that the Public Complaints Commission does not have the mandate to examine generally how the RCMP operates. The interpretation of the Ministerial Directives in this case has no bearing upon the conduct of members. Rather, it relates to the relationship between the Commissioner, the Minister, and External Affairs. It is my view that this is outside the ambit of what was contemplated by the RCMP ACT.

If, however, this is an attempt to investigate the conduct of the Commissioner, without directly specifying this to be the case, it is the RCMP's position that the PCC cannot investigate the Commissioner since he is the individual who must respond to the interim report. I would like to remind the Commission that this issue is subject to an action initiated in the Federal Court.

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In addition, I disagree with findings 5a) through 5e) and related recommendations numbers 2 and 3. The policy pertaining to the methods of conducting investigations is clearly an internal management issue and collateral to the complaint. Nevertheless, I am satisfied that the current policy pertaining to investigations outside of Canada is appropriate.

I will not be contacting relevant Canadian authorities to have Mr. Olivier transferred to Canada as this is clearly not one of the responsibilities or duties of the Commissioner of the RCMP. I am of the opinion that this is a matter which rests with External Affairs and not the agency which was involved in the investigation.

As a final note, I take exception to the Commission's comments on page 143 of the interim report which describes the cooperation received from the RCMP as not fully satisfactory. Your report fails to acknowledge the RCMP's extensive cooperation in Thailand. Had it not been for the assistance provided by Staff Sergeant Kelly, the PCC investigators would not have been able to meet with Alain Olivier when they did, would not have received the extensive cooperation of the Royal Thai Police nor been accompanied to Chiang Mai by Staff Sergeant Kelly and shown by him where the events had transpired. It was also Staff Sergeant Kelly who made all of the arrangements for the Chiang Mai trip and assisted with other arrangements.

I thank you for your advice and I look forward to receiving your final report.

Sincerely,


N.D. Inkster