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—
Chair

The Honourable Shawn Murphy

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• (1530)

[English]

The Chair (Hon. Shawn Murphy (Charlottetown, Lib.)): At this point in time I'd like to call the meeting to order and to extend to everyone here a very warm welcome. *Bienvenu à tous.*

Before we start the meeting, I want to point out to the members of the committee and all public present that we're joined today by nine members of the Malawi Public Accounts Committee. We have their chair, Mr. Respicius Placid Dzanjalimodzi, and they're here on a tour of Canada and the United States dealing with governance and oversight. I'm going to be meeting with them tomorrow.

Mr. Dzanjalimodzi, perhaps I'll ask you and the members of the delegation from Malawi to stand up.

[Applause]

The Chair: On behalf of this committee, I want to extend to you all a very warm welcome to Canada and a warm welcome to this meeting.

Today we're dealing with the continuation of our hearings under chapter 9, "Pension and Insurance Administration—Royal Canadian Mounted Police", pursuant to the November 2006 *Report of the Auditor General of Canada*.

The witnesses before us today are Acting Commissioner Beverley Busson; the assistant commissioner, community, contract and aboriginal policing services, Mr. Darrell LaFosse; and as an individual, Garry Loeppky.

I want to welcome each and every one of you to the committee. We'll swear the witnesses in before we get the opening statements.

Mr. John Williams (Edmonton—St. Albert, CPC): Mr. Chairman, I have a motion I'd like to deal with. We'll do the swearing in first and then I'll deal—

The Chair: We'll do the swearing in and then we'll go to the motion, Mr. Williams.

Mr. Garry Loeppky (As an Individual): I, Gary James Loeppky, do swear that the evidence I shall give on this examination shall be the truth, the whole truth, and nothing but the truth, so help me God.

Commissioner Beverley Busson (Commissioner, Royal Canadian Mounted Police): I, Beverley Ann Busson, do swear that the evidence I shall give on this examination shall be the truth, the whole truth, and nothing but the truth, so help me God.

Assistant Commissioner Darrell LaFosse (Assistant Commissioner, Community, Contract and Aboriginal Policing Services,

Royal Canadian Mounted Police): I, Darrell John LaFosse, do swear that evidence I shall give on the examination shall be the truth, the whole truth, and nothing but the truth, so help me God.

The Chair: Thank you very much.

Now, Mr. Williams, you want to table a motion?

Mr. John Williams: Yes, thank you, Mr. Chairman.

I think all of the members of this committee are quite frustrated because we can't really understand the allegations being made, the defence being made, and allegations of crimes committed and not committed and so on.

I thought, Mr. Chairman, to try to enlighten the committee, that we should ask Superintendent Macaulay and Staff Sergeant Frizzell to prepare a presentation for this committee, and we give them an hour to an hour and a half to make that presentation, so that the people who spent 14 or 16 months on this case, who feel that there are problems still to be resolved, can tell us what their concerns are. So we ask them to do that forthwith—so in the next couple of weeks or a week, whenever it's ready—and we set the time aside and we hear from them, and they can present to us what it is we're trying to discuss.

Therefore, I would move, Mr. Chairman, that this committee request Superintendent Macaulay and Staff Sergeant Frizzell to prepare a presentation for the committee, assisted by the RCMP officialdom, and to make this presentation to us at their earliest convenience.

The Chair: I'll take your motion on notice, Mr. Williams, and we'll put it on the agenda for Monday.

Mr. John Williams: Is there unanimous consent to deal with it now?

The Chair: Does Mr. Williams have unanimous consent to deal with the motion at present?

Some hon. members: Agreed.

The Chair: I take it, if Mr. Williams has unanimous consent to move the motion, Mr. Williams most likely has unanimous consent to have the motion approved. I will deal with it now because I assume everyone is in favour.

(Motion agreed to)

The Chair: Ms. Sgro.

•(1535)

Hon. Judy Sgro (York West, Lib.): Speaking to that motion, because it's an important part of the work we're doing, can we arrange to have that as soon as possible? We could have that in full context as we hear the other witnesses, and if that requires—I hate to say it—an additional meeting in order for us to accomplish that, I think it would be important to do that.

Mr. John Williams: In response to that, I did actually say “as soon as possible”, and I would take that to mean that the chair, whenever he is ready, may actually call a special meeting for this to happen. But I'll leave that at the discretion of the chair and the steering committee. But yes, I think as soon as possible, without putting a specific date on it.

The Chair: We will look after that request and deal with the individuals involved.

I should point out that we have this on the agenda for Monday, but then we're moving to hear from the Auditor General herself on her report, so there will be a week off.

Thank you very much, Mr. Williams, and thank you, Ms. Sgro.

Back to the witnesses, does anyone here have an opening statement they want to present?

Commissioner Busson.

[*Translation*]

Commr Beverley Busson: Thank you and good afternoon.

[*English*]

Thank you, Mr. Chair. I'm pleased to be here today to assist this committee in its ongoing effort to bring clarity to issues related to the administration of the RCMP pension and insurance plans.

I would like to start by expressing how disappointed I am that these events have unfolded in such a way that the RCMP now finds itself before this committee. I'm even more distressed when I see employees of this respected Canadian institution sitting side by side in this very public forum disputing what has occurred. This is not the way we do things in the RCMP. We're a family of more than 26,000 skilled professionals who resolve problems for Canadians every day. We've been doing this for 135 years.

What is occurring before this committee does not reflect the values and behaviour of the RCMP as a whole. It is a conflict between a number of people involved in the management of a very specific issue.

It's painfully obvious to even the most casual observer of these hearings that the standard of excellence for which the RCMP is renowned has not been met in this case. I find this unacceptable. It erodes the trust that is the cornerstone of the RCMP tradition.

I believe that hard-working men and women of the RCMP and all Canadians deserve to know the truth. I'm committed to you to getting to all the answers. This is critical if we are to maintain the respect and confidence of those we serve.

I want the members of this committee to know that I fully support your efforts to get to the truth. I am also committed to supporting Mr. David Brown in his independent ministerial inquiry.

In conjunction with the external reviews, we, the RCMP, have a responsibility to complete a thorough self-examination to identify the problems and find solutions to these issues if we are to move forward and ensure that this doesn't happen again. We owe this to our employees and we owe it to Canadians.

I've already set in motion a number of initiatives to take action on what has been identified. You are likely aware that both a code of conduct and a statutory investigation are ongoing. These are processes that stem from my concern surrounding some of the allegations raised before this committee.

I have met with individuals who testified before this committee to listen and hear their concerns. I've already taken action in dealing with some of them, and I will continue to do so until they're resolved.

I've also directed that an employee outreach initiative be developed to provide employees with a channel to report their past and present concerns or complaints to the office of the ethics adviser. Internal communication was disseminated to all employees to reinforce the mechanisms and rights available to RCMP employees concerning whistle-blowing and protection.

Finally, a team has been formed to support the ministerial inquiry conducted by Mr. Brown.

Mr. Chair, I would like to address the commitment that I made to the committee on February 21. I agreed to provide you with a written summary of the circumstances surrounding the alleged dismissal of Staff Sergeant Frizzell. The committee was kind enough to give me until Thursday, March 1, to fulfill this undertaking. I asked Barbara George, in her role as deputy commissioner, human resources, to develop a reply.

On March 1 I met with Barb George, who brought Department of Justice representatives with her, to review this reply. I felt that the draft reply did not provide the necessary detail. As a result, I instructed Deputy Commissioner George to prepare a more complete response immediately.

Later that same morning I was presented with another draft. It was still not to my satisfaction, as it had little or no factual information other than that Assistant Commissioner Gork would be called to appear before this committee to address his role in Frizzell's situation.

After reviewing a third draft, I confirmed with Deputy Commissioner George that the final version was a complete report of the facts to her knowledge. She informed me that it was complete, and I signed it.

Since that time a number of revelations were brought to my attention. They caused me to order a code of conduct investigation on March 29, which largely centres around the circumstances of Staff Sergeant Frizzell's removal and the letter to this committee that was prepared for my signature. I'm as anxious as you are to get to the bottom of this matter.

I know now that my letter of March 1 was not a full summary of the details surrounding the removal of Staff Sergeant Frizzell. This specific issue is now the subject of a code of conduct investigation that will establish conclusively what happened.

Let me be clear. I do take advice from the Department of Justice legal adviser. I'm accountable for my own decisions. I am in charge of the RCMP, not the Department of Justice.

• (1540)

I have committed to support Mr. Brown in his independent ministerial inquiry and have taken action in this regard. I look forward to his report to the Minister of Public Safety and the President of the Treasury Board. I expect this will address all matters relating to the administration of the pension and insurance plans, including the circumstances around the dismissal of Staff Sergeant Frizzell.

During the committee hearings on April 23, a motion was passed to request that the RCMP provide the committee with a detailed organizational chart covering the period of 1997 to 2007, along with a brief description of the responsibilities of the people involved, all the hierarchical links that bind them. Mr. Chair, I have received this request and have directed that these documents be prepared for delivery to the committee.

This organization, as can be appreciated, is constantly evolving. During the period of 1997 to 2007, the structure of the senior levels of the RCMP underwent numerous changes, both operationally and administratively. Organizational charts and reporting structures were modified with these changes. I'm told that it will take a week to prepare the proper documentation and we'll have that information available.

In the interest of helping the committee better understand how the RCMP is structured, I have brought with me today the current RCMP organizational chart and a chart that reflects the structure that was in place in 2003 when the pension and insurance issues came to light. I had hoped to have these translated for you today. However, it was not possible given the short time, but I will provide them to you as soon as possible in the translated form. I believe this latter document will provide the committee the information it needs to better understand the roles and responsibilities of those who have testified before this committee.

Mr. Chair, I'd be happy to table these documents, and I believe the clerk has them. I commit to delivering a full package to the committee as soon as possible.

In conclusion, I would like to say that I am proud of the job that our employees are doing every day across this country. As Canada's national police force, we enforce the law, prevent crime, and protect Canadians.

Thank you.

The Chair: Thank you.

Before we start, Commissioner Busson, there's something I'm not clear on. The summary surrounding the dismissal of Staff Sergeant Frizzell that you were to prepare and provide the committee, has that been provided?

Commr Beverley Busson: Yes, sir, it has, in a letter.

The Chair: But that letter, I understand, was just a brief e-mail with the attached order.

Commr Beverley Busson: No. It was a letter, a full letter, signed by me, dated March 1, with an order attached. It was on my letterhead, and it was a two-page letter.

The Chair: I've seen the order, but I don't recall seeing the letter.

Can anyone else enlighten me?

Mr. Brian Fitzpatrick (Prince Albert, CPC): Maybe we can get copies to the members.

The Chair: You're saying it was a two-page letter. I did see the order, and I distinctly—

Commr Beverley Busson: I have a copy of the letter with me.

The Chair: Perhaps to clarify that, I'm going to get the clerk to get it from you, and he will make copies of it.

Commr Beverley Busson: My executive officer has it, if I could locate him in the room.

The Chair: We may have it here. I've just never seen it, that's all.

Can you just give us a minute before we continue?

Okay, then. Thank you very much.

We'll get you a copy of that.

We're going to start with the first round. I understand they don't have opening statements.... They do? They do. We were told no before, but if you do, please go ahead.

• (1545)

A/Commr Darrell LaFosse: Thank you very much, Mr. Chair.

Good afternoon, ladies and gentlemen.

By way of introduction, I am currently privileged to be the assistant commissioner in charge of provincial and territorial policing, or community, contract and aboriginal policing—CCAPS, as we call it. I am posted here in Ottawa at our national headquarters.

I understand that I am here to possibly bring some clarity around the matter of Staff Sergeant Mike Frizzell's transfer from his temporary duty back to his original duties within my area of responsibility.

By way of context, I have to go back to 1995 when I first met Staff Sergeant Frizzell. At that time, we were both posted to E Division, British Columbia. Staff Frizzell was as a constable at the Nanaimo detachment, I believe, and I was a newly commissioned officer at our divisional headquarters. Including my regular duties as the executive officer to the deputy commissioner, Pacific region, I was asked to participate in a project that saw me collaborate with four other members, including Staff Sergeant Frizzell.

Over the years between my departure from British Columbia in 1997 for Nova Scotia and his arrival in Ottawa in 2003, we would run into each other periodically. But we did not work together.

While in my current role, I learned that Staff Sergeant Frizzell had competed for and won a promotional transfer from British Columbia to sergeant in the operational policy section in my area. I was pleased because I was aware of his abilities and knew that he would be a good fit for the operations in that section.

After his arrival in December 2003, I received a telephone call from Assistant Commissioner Dave Gork, indicating that he had been tasked with finding resources for an investigation and asked if I could contribute one regular member to the team. I spoke with my management staff and Sergeant—his rank at the time—Frizzell's name surfaced, as he was fresh from the field and had the recency and skills to fit the requirement. Sergeant Frizzell was assigned to the investigational team during April 2004. I was never given details of the investigation, nor was I particularly interested.

Please understand that regular members, by their very nature, are moved from task to task as the need arises. His move to this project was perfectly natural.

On June 15, 2005, I received a penned note from then Assistant Commissioner George. I do not have a copy of that note but recall that it confused me considerably. I must point out that upon reading the document, even partway through, it was evident to me that she was upset with Sergeant Frizzell and wanted his actions on the investigation addressed. I cannot be more specific on the contents of the note, simply because I dismissed any possibility of my involvement or contact with Sergeant Frizzell, because he didn't work in my area any longer.

Assistant Commissioner George's note prompted me to immediately write the following e-mail:

Subject: Your penned note.

Pls give me a call on your note...Mike has not worked here in over a year, matter of fact we are staffing his position.

I signed it "Darrell (Still Confused)".

As a result of my e-mail, Assistant Commissioner George called me. It was a very short phone call lasting no more than a minute. It was clear to me that she was very upset with the actions of Sergeant Frizzell and in fact wanted him removed from his assigned duties.

I quickly told her that he was not my responsibility, and she should call either Assistant Commissioner Rogerson or Assistant Commissioner Gork.

We ended the call, and subsequent to my original e-mail, she sent me an e-mail stating that she now understood and would communicate with Assistant Commissioner Rogerson.

I then composed a short message to her asking the following: "Want your note back?" She responded with words to this effect: no, please don't leave the note lying around, and she would compose another note to Assistant Commissioner Rogerson.

From that telephone call, I walked into the office of Chief Superintendent Macaulay, who works in my shop, and said the words to this effect: You won't believe who just called; Barb wants Mike removed. I don't recall Chief Superintendent Macaulay's reaction or the discussion that followed.

I ask that the committee members understand that at the time, the telephone call had no bearing whatsoever on my operations and in fact only touched on a member who at one time had worked in my area. Any discipline or guidance would not have been my responsibility, and in fact I had no reason to question the legitimacy of her concerns.

In short, once I pointed Assistant Commissioner George in the right direction to the appropriate supervisor, I completely dismissed the note or telephone call.

• (1550)

In closing, I must point out that my total contact with Deputy Commissioner George on this matter did not last longer than one minute. I simply pointed her in the appropriate direction to voice her concerns. At the time, it seemed a simple question of her believing that Staff Sergeant Frizzell was still my responsibility. When I explained that fact to her, she accepted the answer and I believe telephoned either Assistant Commissioner Rogerson or Gork. I had no idea, then or now, whether her concerns were founded or not.

Thank you very much.

The Chair: Thank you very much, Assistant Commissioner LaFosse.

I understand, Mr. Loeppky, you have a brief opening statement.

Mr. Garry Loeppky: Thank you, Mr. Chair.

I apologize that it's not before this committee. I sent it in about a week ago, so it's obviously in the system. But my comments are brief.

I appear before you today as a retired member of the Royal Canadian Mounted Police. I would like to provide a very brief overview of my service in the RCMP for the benefit of the committee members, so that my role is clearly understood. I joined the RCMP in 1972 and spent the first 18 years in various assignments in British Columbia. I was then transferred to Ottawa as one of the security officers responsible for the protection of the Governor General.

Following a variety of other assignments in Ottawa, I was transferred to New Brunswick, as the officer in charge of criminal operations, in 1996. I then became the commanding officer in charge of New Brunswick until 1999, when I was moved back to Ottawa in charge of human resources, a position I held until the fall of 2000.

In October 2000 I was appointed to the position of deputy commissioner responsible for operations. This included six unique operational areas, which were as follows: community, contract and aboriginal policing—that's one unit—criminal intelligence; Criminal Intelligence Service Canada; federal policing; protective operations; and technical operations.

In addition to internal responsibilities I represented the force on numerous national and international organizations, such as the Canadian Association of Chiefs of Police, the International Association of Chiefs of Police, and intergovernmental committees focusing on public safety.

I retired from the RCMP, my last day of work being June 17, 2005, and I currently live in British Columbia.

Thank you.

The Chair: Thank you, Mr. Loeppky.

Now we're going to go to the list.

Mr. John Williams: Mr. Chairman, I believe Mr. Loepky said that he submitted his statement in writing a week ago to the clerk. I wonder why we don't have it. And of course there's a letter dated March 1 from the commissioner, and we're just now getting that. I wonder if perhaps you would check to make sure our administration is up to speed.

The Chair: Mr. Williams, I believe, first of all, that the letter has been circulated before. Everyone has it. It is difficult to keep track, and we talked about this before.

Mr. John Williams: Yes. Well, we have a clerk for these things.

The Chair: We're developing a binder.

As to the opening statement of Mr. Loepky, perhaps I'll ask the clerk.

The Clerk of the Committee (Mr. Georges Etoka): One page was given out.

The Chair: Was it given out recently? Just now?

The Clerk: Yes.

The Chair: It was just now.

Mr. John Williams: We normally get these ahead of time.

The Chair: You're quite right; it should have been gotten ahead of time.

Mr. John Williams: It has no name—nothing—on it. We should have had this properly distributed.

The Chair: Your point is well taken.

We're going to start a round of seven minutes. Mr. Wrzesnewskij.

Mr. Borys Wrzesnewskij (Etobicoke Centre, Lib.): Thank you, Mr. Chair.

Thank you, Commissioner, retired officer Garry Loepky, and Assistant Commissioner Darrell LaFosse.

Assistant Commissioner LaFosse, in your opening statement you basically answered a few of the questions I had been intending to put to you. You were unequivocal that although your communication was short—you specified it was about a minute—it was absolutely clear what the communications intent from Deputy Commissioner George to you was. The error she committed was assuming that you were responsible for Staff Sergeant Frizzell.

My question then becomes this. You made a very clear statement, and in my questioning of Deputy Commissioner George I clearly asked questions surrounding the removal of Mr. Frizzell, to which she replied unequivocally. She made it absolutely clear she had nothing whatsoever to do with the removal of Mr. Frizzell and then afterwards, in her testimony, went even further in saying that she had heard something about its having to do with health reasons. Did you hear, watch, or perhaps read the transcripts of that public accounts committee meeting? What was your reaction? What did you say after seeing Deputy Commissioner George's statements when she was asked these questions?

• (1555)

A/Commr Darrell LaFosse: Yes, I did have occasion to read what's referred to as the blues, and that particular portion was sitting on my desk a morning or two after the original testimony. I read that portion of the testimony, and shortly after that I bumped into Chief

Superintendent Fraser Macaulay. And my question to him, rhetorically, was, "Why would she lie?"

Mr. Borys Wrzesnewskij: Thank you.

Assistant Commissioner LaFosse, could you table the e-mails you referenced? And thank you so much for that testimony.

Was there something else you wished to add?

A/Commr Darrell LaFosse: No, not at all. The only e-mails I have are my e-mails to Deputy Commissioner George. I do not have her responses. I've learned of those responses through the internal investigation that's being conducted. But I do have my e-mail messages.

Mr. Borys Wrzesnewskij: Thank you.

It couldn't be clearer, so I guess I'll move on to Mr. Loepky.

Mr. Loepky, discussing the hiring of Mr. Jim Ewanovich with former Commissioner Zaccardelli, did you discuss his being hired and any of the issues? He was, from what I understand at that time, a found harasser. Is that an issue that was discussed with the former commissioner?

Mr. Garry Loepky: Yes, that was an issue following the selection process. I believe it was during the updating of the security clearance that Mr. Ewanovich made a comment to an individual. That was brought to our attention and an investigation was undertaken. It was subsequently brought to the attention of the commissioner, who ultimately made the decision with respect to that complaint, and Mr. Ewanovich was hired subsequent to that.

Mr. Borys Wrzesnewskij: In his testimony he stated it was a friendly comment. I don't remember the exact wording, but to the effect that, "I've noticed you've lost some weight". Was that a correct recollection on his part? Is that what you found in your investigation?

Mr. Garry Loepky: That is precisely what occurred. He made a remark about losing weight, I understand, about an individual he had met previously during his service in the RCMP. An investigation was undertaken that lasted some months, and ultimately the individual that the remark had been made to was away on sick leave. So it carried on certainly for longer than we expected.

Mr. Borys Wrzesnewskij: Thank you.

When did you first become aware of the serious allegations around the pension and insurance funds?

Mr. Garry Loepky: The first time I became aware was on June 24 at a morning meeting. We had—

Mr. Borys Wrzesnewskij: In which year?

Mr. Garry Loepky: I'm sorry, June 24, 2003, during the meetings we held every morning.

Mr. Ewanovich reported at a meeting that there would be an audit of the pension fund issue. That was the extent of it. These are brief comments—we're doing this in our area, that in our area. He mentioned the pension fund, and I became aware an audit was going to be conducted.

•(1600)

Mr. Borys Wrzesnewskyj: Did you have any discussions that fall with Mr. Zaccardelli surrounding the audit findings just prior to their being concluded or after their being concluded, and did you raise the issue of beginning a criminal investigation at that time?

Mr. Garry Loeppky: My next involvement was on October 31. There was a senior management team meeting in the Château Cartier. I observed Brian Aiken, who was in charge of our audit unit, meet with the commissioner. They had a discussion. The commissioner mentioned to me that there were serious issues with the pension matter, internal matters, and he subsequently convened the senior executive. The commissioner at that point said he had received the results of the audit that had been done by Mr. Aiken and that Jim Ewanovich would be stepping down. At that point, Mr. Ewanovich himself said words to the effect that "This happened under my watch. I accepted responsibility, and I will be stepping down." And he left the room.

Mr. Borys Wrzesnewskyj: So there was no discussion at that time of beginning a criminal investigation, during your set committee meetings or privately?

Mr. Garry Loeppky: No, I hadn't seen a copy of the audit report at that point.

Mr. Borys Wrzesnewskyj: The following March you initiated the Ottawa Police Service investigation. What prompted that? Can you provide us with some dates and relate to us the circumstances surrounding your making that decision?

Mr. Garry Loeppky: On March 4, Assistant Commissioner Dave Gork, who was the appropriate officer at headquarters for internal matters, was in my office with respect to a meeting on the sex offender registry. At the conclusion of the meeting, he mentioned that there were internal issues around the pension investigation. He mentioned it in passing.

Later that day, he and Assistant Commissioner Killam, who was in charge of technical operations, came to my office. It was probably about 7 o'clock. Assistant Commissioner Killam indicated that there were some significant concerns and issues, and it was my understanding that those had been relayed to him by Chief Superintendent Fraser Macaulay.

He outlined that there were issues around contracting that appeared to be criminal in nature. They were very serious and beyond any internal matter. It was my assessment at that point that we needed to proceed with a criminal investigation, which would be conducted by an outside organization.

The commissioner of the day, Commissioner Zaccardelli, was out of the country at that point. He was in the U.S., and it was a Friday.

During the weekend, I met with him and we talked. I proposed that we needed to do a criminal investigation, given the information that had been relayed to me, and he agreed.

On March 8, I contacted Chief Vince Bevan of the Ottawa Police Service. I gave him a very high-level overview of what some of the issues were. I didn't have details; I just knew that it was serious and had to do with contracting and contract issues around the pension fund that were potentially criminal in nature. I requested that they

undertake an independent investigation and appoint whoever they thought could lead that investigation from their department.

At that time, I pointed out that if they so wished, we had space available at technical operations, which was a building removed from our headquarters. It was vacant space and an option that could be undertaken.

I further advised that Assistant Commissioner Dave Gork would be the administrative contact point for the investigation. He would not be involved in any operational issues, but he would provide logistical support. If they needed some more space, computers, or resources, they would go to him.

That was the extent of my involvement in the investigation.

•(1605)

The Chair: Thank you very much, Mr. Wrzesnewskyj.

Thank you, retired officer Loeppky.

Monsieur Laforest, you have seven minutes.

[*Translation*]

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Thank you, Mr. Chairman.

Good afternoon.

Mrs. Busson, you said a while ago that the fact that the Standing Committee on Public Accounts has been receiving contradictory testimony for about a month or a month and a half, from the beginning in fact, is absolutely unacceptable. I fully agree with you. It is very difficult for us to see where all this is going. We keep hearing contradictory testimony at nearly each meeting, which makes our job even more difficult, which is to get to the truth of this matter. There's no smoke without fire. I think this saying is especially appropriate in this case.

How can such a situation happen in an organization like the RCMP?

I am wondering what were the motives of those persons who came to tell us that they had discovered quite inappropriate behavior at the RCMP concerning both the management of human resources and the transfer of moneys between the pension and insurance funds.

Is there a process at the RCMP to allow people to really express their opinion to the appropriate persons?

At our last meeting, Mrs. McClellan, the ex-Minister for Public Safety, told us that people can address their complaints to the RCMP Public Complaints Commission. However, I believe that the Commission is open only to members of the public.

Is there a forum, based on the code of conduct, that would allow anybody to complain in an appropriate manner about situations that are ethically unacceptable?

You probably have a long experience since you are now the acting commissioner. Based on your experience, can you tell us if there is at the RCMP a system to make sure that the truth comes out in an appropriate and democratic manner in order to ensure the protection of the public?

[English]

Commr Beverley Busson: There are actually two parts to your question that have to do with timelines, past and present. Being put in place as we speak through the proposed public servants protection act is a very robust and formal system to allow people to come forward.

The prior Royal Canadian Mounted Police Act stated that every member who finds a wrongdoing or a misconduct issue, whether it involves a peer or a supervisor, etc., has the responsibility to come forward to their supervisor. I believe the issue in that situation in the past was that the system was not as robust as it should have been in certain circumstances. In some cases, the issues were not managed properly.

One of the things that I did in the meantime was ask the ethics adviser to put out a note to everyone with my endorsement, saying that if there are any lingering issues, either past or present, that need to be dealt with, they should be, and we are anxious to do that.

Also, we are off the mark already. We have named people to be the designated officer for the new public servants protection act. I have issued communications to make sure people understand that this leadership is anxious to manage conflict properly.

There will always be conflict in organizations such as the RCMP, where there are a lot of type A personalities, a lot of very assertive people. But these conflicts need to be managed properly.

[Translation]

Mr. Jean-Yves Laforest: Obviously, from the testimony that we have heard so far, there seems to be at least a few people, such as Mr. Macaulay and Mrs. Revine, who have suffered consequences from their testimony. We know that there is a system of division representatives in the RCMP and that the officers are not unionized. Is there someone, among the division representatives, who tried to give you information? Have those persons being able to keep their positions of division representatives? In other words, have they been penalized for expressing the views of the members who had elected them?

• (1610)

[English]

Commr Beverley Busson: Give information to me? I'm sorry, I don't quite understand.

[Translation]

Mr. Jean-Yves Laforest: During this process, some division representatives wrote to you, as well as to Mr. Zaccardelli and to other deputy commissioners. Have those representatives been penalized in the sense that they had to stop representing the members who had elected them?

[English]

Commr Beverley Busson: I'm not sure I understand your question, but if you're referring to Ms. Revine and Fraser Macaulay and the people who have brought this issue to light, I believe you're absolutely right that they have suffered for what they have done. I am actively trying to deal with those issues individually and personally with those people and any other people who have felt misused by management under those kinds of circumstances.

I hope that answers your question.

[Translation]

Mr. Jean-Yves Laforest: I can give you the example of Mr. Lewis who was forced to wait a year or two after his retirement to reveal those things publicly because he did not have the feeling—that is my understanding of what he told us—that he had been heard correctly by the management of the RCMP. However, he had provided information to his supervisors, to the people he reported to, the same information that we have heard. It seems that he was not given the opportunity to say what he had to say about what he had discovered.

[English]

Commr Beverley Busson: Yes, I agree.

[Translation]

The Chair: Thank you very much, Mr. Laforest.

[English]

Thank you very much, Commissioner Busson.

Mr. Williams, you have seven minutes.

Mr. John Williams: Thank you, Mr. Chairman.

Commissioner Busson, your letter of March 1, 2007, I think you said in your opening statement, is not a full statement of the facts and you've now started a code of conduct investigation. But I presume that you do intend to table a complete letter in due course at an early date.

Commr Beverley Busson: I am anxious to do that.

Mr. John Williams: Okay.

Mr. Chairman, I believe the assistant law clerk will confirm, because the commissioner is under oath, that this letter that she will send to us will be deemed to be part of that oath. Perhaps the assistant law clerk could confirm this for us.

The Chair: I'll ask the law clerk to speak to that issue, Mr. Williams.

Mr. Tardi.

Mr. Gregory Tardi (Procedural Clerk): Mr. Chairman, my understanding of a witness oath before this committee is that it's a full envelope and that it includes both the verbal testimony presented *viva voce* to the committee and any document that originates from the witness that is addressed to the committee or to anyone else. In other words, the witness is asserting that everything that the witness says and has written and is presenting to the committee is true.

Mr. John Williams: Thank you.

Assistant Commissioner LaFosse, you are under oath and you made a clear and unequivocal statement that Ms. Barbara George had communicated to you her desire to have Staff Sergeant Frizzell removed from the case. This was before any action had been taken. Do you stand by that remark?

A/Commr Darrell LaFosse: Absolutely, sir.

Mr. John Williams: I believe you said also that when you read the blues from this meeting, you had said to Superintendent Macaulay words to the effect, "Why would she lie?" You made that statement based on the fact of your own personal knowledge that she had contacted you specifically and directly before the removal of Staff Sergeant Frizzell. Is that correct?

•(1615)

A/Commr Darrell LaFosse: That's right, sir. It was based on my contact with her, the penned note and the phone call—that's it. That's what I based that remark on.

Mr. John Williams: Thank you very much.

I know this investigation has given you all a great deal of grief, and indeed all of us a great deal of grief, including the 26,000 members of the force.

Commissioner, have you talked to Superintendent Macaulay and Staff Sergeant Frizzell to get their version of the facts on this case?

Commr Beverley Busson: Yes, I have.

Mr. John Williams: Therefore, you're taking this matter seriously. You're reporting all the facts to the investigator appointed by Minister Day?

Commr Beverley Busson: Absolutely.

Mr. John Williams: And you feel that you will assert to them that they follow and investigate everything that you're prepared to give to them?

Commr Beverley Busson: Absolutely.

Mr. John Williams: This may be a surprise to some people. I have been advised that there were some people in the NCPC who were being paid by Great-West Life. Are you aware of that?

Commr Beverley Busson: No, I'm not aware of that.

Mr. John Williams: Mr. Chairman, I have some information given to me verbally; I don't have it verified. This is a problem with this investigation. We hear information coming from all different sources. That's why I thought it might be best that these two gentlemen give a full presentation to us.

We have allegations such as people working in the NCPC being paid by Great-West Life, which was the underwriter, and there was some discussion around who was actually administering, who was paying for the administering, and so on. This case has more and more tentacles going all over the place. Therefore, I would ask, Mr. Chairman, that the commissioner investigate this matter and write to the clerk, write to this committee, confirming whether my information is indeed correct.

The Chair: Could I get a point of clarification? Is it your allegation that these people, under the employ of the Royal Canadian Mounted Police, were paid in addition by the underwriter, or were they full-time employees of the underwriter working within the premises of the Royal Canadian Mounted Police?

Mr. John Williams: I'm not exactly sure, Mr. Chairman, but the information I have is that they were paid by Great-West Life and they were working in NCPC. I'm not exactly sure that they were actually running the administration of the insurance, but theoretically that's why they were there and that is why they were being paid, because Great-West Life had taken over the administration.

You may recall that, early on in our proceedings, Staff Sergeant Frizzell had talked about how there was this idea that we'd get Great-West Life to do the administration so we wouldn't have to go out to contract and convince the Treasury Board; we could bypass the sole-source contracting, and so on. This is a whole murky area that I don't understand, Mr. Chairman.

The commissioner has different information from what I have. That's why I'm asking the commissioner if she can investigate this matter and write to you confirming whether the information I have is true or otherwise, because this is why we can't do a proper job here. These are some of the concerns that I have.

The Chair: Just to finalize this, do you agree to that, Commissioner Busson?

Commr Beverley Busson: Could I seek a clarification? I've written down here that the honourable member would like me to investigate whether members of the NCPC were part of or paid for by Great-West Life.

Mr. John Williams: That's correct, that people who were working in that office, regardless of what they were doing—one would assume they're part of the insurance, but I have no guarantee that they were—were actually being paid by Great-West Life as employees of them.

Commr Beverley Busson: I will investigate that.

The Chair: Thank you very much.

Mr. John Williams: Other information I have is that when Great-West Life was asked if they would actually take over the administration of the plan, they said, well, we'll have to think about it; of course, there has to be an analysis done. When they did the analysis, they sent the pension plan a bill, the better part of a quarter of a million dollars, to cover off the expense of doing the analysis of whether or not they wanted the contract.

You can see how murky it becomes, Commissioner.

This is why I think this is not the proper forum, Mr. Chairman. These are allegations that are out there floating around. I would hope that the investigator would take this information and report on it specifically when he tables his report in the middle of June. We need to have the answer to these kinds of allegations that are floating out there.

I don't have any other questions. Does somebody want to take—

•(1620)

The Chair: We're going to get a response from Commissioner Busson.

Commr Beverley Busson: If I might, Mr. Chairman, I'm just looking for clarification of whether or not the honourable member would like me to investigate that as well, or whether that was just a...?

Mr. John Williams: Yes, you can investigate that too, because these are the allegations that need to be clarified. There's no end to this rope. These are a couple of allegations that I've had given to me. Unfortunately, I don't have anything with which I could substantiate it. I don't have any documentation, but I've been informed that this is the case.

Commr Beverley Busson: Could I ask you to repeat the second rumour or allegation that you've put?

Mr. John Williams: The allegation I had was that when Great-West Life were asked if they would run the administration of the insurance program, they said, well, we have to consider this; we have to investigate it and see what it's going to cost and analyze it, and so on. When it all wrapped up, they were paid the better part of a quarter of a million dollars for their investigation as to whether or not they would actually do this administration of the plan, in addition to being the underwriter.

Commr Beverley Busson: I will investigate that, and if it would be helpful to the committee, I will also signify whether or not those two allegations were the subject of any of the other inquiries—the Auditor General's inquiry or any of the other inquiries that have looked at this.

Mr. John Williams: Thank you.

The Chair: Thank you, Mr. Williams.

Thank you, Commissioner Busson.

Just before we move to Mr. Christopherson, I will point out to Mr. Williams and the commissioner that this issue may be covered in paragraph 9.34 of the original Auditor General's report. And perhaps I'll just take a minute and read it:

The Director of the National Compensation Policy Centre (NCPC) instructed the insurance carrier, Great-West Life, to begin preparing for outsourcing the administration of the RCMP employee insurance plans. This preparatory work was performed by Great-West Life without a contract—contrary to contracting regulations. After working on the project for several months, the RCMP requirements changed and Great-West Life determined that it could not provide all the required services within the specified delivery date. It was persuaded to act as a go-between for payments to another firm, Morneau Sobeco, which took on the job of administering the insurance plans for the RCMP. The RCMP then paid Morneau Sobeco for the firm's own requirements definition phase of the contract, indicating that the contractor started again from the very beginning.

So in other words, they paid for it twice. That may be covered.

Anyway, we're going to move to Mr. Christopherson.

Mr. David Christopherson (Hamilton Centre, NDP): Thank you very much, Chair.

And thank you all for your comments and for being here today.

Commissioner, I have a hypothetical question, but I'm not going to pretend it's not about the David Brown investigation. It is, but I want to put it in a hypothetical sense, and maybe you'll see why in a moment.

One of the difficulties this committee has—certainly the majority have—with the investigator process rather than a public inquiry is that there is no ability to subpoena anyone, there is no ability to subpoena documents, notwithstanding the fact that it's all being done in the backroom—reports to the minister, not Parliament.

But I wanted to ask you this, purely from an investigative point of view—and there is more investigative talent in this room right now probably than anywhere else in the nation. So my question would be this. If you're doing a simple investigation, usually you need to find out what the two sides have to say and then you sort out, finding out if they disagree, where and why and is somebody lying to you. If

only one person volunteers to come in to meet with an investigator of any sort and you ask the other party to come in and give their side of it, and they won't do it, and they won't give you any documents pertaining to the information you want, how does an investigator then give a fulsome report at the end of that process, if they haven't been able to meet with both sides of whatever issue they're investigating? How do you do that, and can you?

Commr Beverley Busson: I think your hypothetical describes a situation where it would be difficult to assure yourself you had the whole case, if people didn't cooperate.

Mr. David Christopherson: Right. Thank you.

That, I think, points out the problem we have with that. And I say that to you, Chair. It just reinforces that you cannot get to the truth if you cannot get to the facts. And without the legal ability to call in those facts, people can just say they don't want to meet with the investigator.

Anyway, I just wanted to get that out of the way. I want to move on.

I appreciate that you're working with the investigator, as you should. It would be improper for you to do anything else. It's just a shame that you're spending all that time and effort on a hamster wheel in a cage, because that's not going to get us to the end of this.

Changes, shift of gears: is it your understanding that Staff Sergeant Frizzell was removed?

• (1625)

Commr Beverley Busson: My understanding, from what I know so far, is that Staff Sergeant Frizzell was removed.

Mr. David Christopherson: Okay.

I'll ask you, then, what you would say to Mr. Roy, who was the head of the investigation, who does not agree that there was a removal. In fact, he says he wouldn't use the word "removal".

Now, your deputy gave testimony—and I'm reading a direct quote—this is your deputy: "I'm being careful with regard to the privacy concerns here, but I understood it was for health reasons" that Sergeant Frizzell left.

Mr. John Williams: Have we got that deputy as Deputy George? There are many deputies.

Mr. David Christopherson: Yes, good point, thank you. Deputy George had said that because of health reasons....

And I'll tell you, after that we had Staff Sergeant Frizzell come up, and he said yes, he was off, but it was after all this happened. That wasn't why he left the site.

Mr. Roy has said that as far as he was concerned, the investigation was completed. The quotes are here. The investigation was completed, and the reason Staff Sergeant Frizzell was no longer doing that work was that the work was finished.

So I have some concerns. Who would brief you, Commissioner, and give you that version?

Commr Beverley Busson: As we moved through this, I stated that for a lot of these circumstances I'm looking forward to our own code of conduct investigation to get to the bottom of it, but if you would allow me to speculate from what I know now, I attached a copy of an order from Mr. Gork that I think.... The language I would use in relation to that order from Mr. Gork is that he was removed.

Mr. David Christopherson: Is that the one that's right here, from Superintendent Doug Lang? It's the one that has the order. He was acting on behalf of....

Commr Beverley Busson: It says "written order" and is dated June 20, 2005?

Mr. David Christopherson: Yes, and it says right here, in written order number 3, "that you report for duty in person by 15h00". It doesn't say anything about health. It wouldn't say removed, but it doesn't indicate anything at all about there being health concerns, and yet Deputy Commissioner George twice gave evidence that it was for health reasons.

Then just to complicate things further, Commissioner, we had the accusation against Staff Sergeant Frizzell that it was because of his interrogation techniques, that he had witnesses fleeing out of a room crying and screaming, and that this was part of the reason—which Inspector Roy then included in his final answer. But the first time he was asked, it was just very straight up: he stopped working there because the investigation was completed. And yet, Commissioner, you're using the word "removed".

With the greatest respect, ma'am—and I mean this sincerely, with the greatest respect—I appreciate that you have some investigation going on to get to the bottom of this, but the reason we're in this public domain, ma'am, is that the internal processes within the RCMP failed Canadians, and so that's not going to be sufficient. I'm sure it will be helpful, and I'm sure you have the finest officers on it; I have no doubt. Nonetheless, it's a question of some of these internal things. You used the word "conclusively", I believe. With the greatest respect, Commissioner, it will not be conclusive if it's done internally.

Commr Beverley Busson: With all due respect, Mr. Christopherson, the past processes failed Canadians; I agree with you. I believe the process we have in place with our code of conduct, which I will be happy to bring to this committee as part of our effort to show the transparency and the energy with which we are moving forward, will assure you that there will be a conclusive answer to this file.

Mr. David Christopherson: I appreciate that, ma'am; I truly do. But I have to tell you that we're spending a lot of money and time, there's an investigator who's spending money and time, now you're spending money and time, and goodness knows who else or what other arms of government are spending money and time.

Again, Chair, it would make so much sense for all involved if the minister would step up and announce a public inquiry and stop all these other expenditures and get us on one course that Canadians can have faith in, that they trust, and that they know will give us back the RCMP we love.

Do I have any time left?

The Chair: No, that's it.

I understand Mr. Loepky has a comment. I'll allow him to make a comment, and then we'll move on to Ms. Sgro.

Mr. Garry Loepky: Yes, I may be able to provide a bit of clarification. I cannot with respect to the removal order. That took place after I left.

But I can tell you this. Approximately on May 23 I received a call from Assistant Commissioner Dave Gork in Lyons, who asked if I would meet with Mike Frizzell. His words were that he was creating problems for Paul Roy and he had lost focus in the investigation.

As a result of that, on May 27 at 1 o'clock, I met with Paul Roy in my office to get a briefing on what the issue was before I met with Mr. Frizzell. He started the meeting with a high-level overview of where they were at with the investigation. He said that the Ottawa Police Service was dealing directly with the Crown, and that Chief Bevan would be presenting the results of the investigation to the senior management within the next month. I asked again about the reporting relationship with Dave. He felt that was excellent, that there had been no interference.

I asked him what the specific issue was with Staff Sergeant Frizzell, and he indicated that Staff Sergeant Frizzell was concerned that the RCMP wouldn't deal with the situation, and that in his view there were leads that could still be pursued. Inspector Roy told me that it had started out as a three-month investigation but it had taken over a year, that in his view Staff Sergeant Frizzell was inflexible, and that the Crown had reviewed the material and a forensic audit had been done. Inspector Roy was of the view that it was time to conclude the file and move forward, and that the internal matters were outside of his mandate. And he felt that they had gone as far as possible on the investigation.

One hour later, I met with Staff Sergeant Frizzell, and he told me he was concerned about the scope of the investigation and that more needed to be done. I advised him that decisions needed to be taken by the investigative team and by the lead investigator as to when a file is concluded. That is why we brought in an outside police force with an inspector in charge. I also indicated that Chief Bevan would review the report and would report back to the RCMP, likely the commissioner.

Mr. Frizzell had some concerns about the competency of Mr. Roy. We didn't get into the specifics of that. I simply responded that the OPS was asked to lead the file, and I trusted Chief Bevan's judgment to appoint somebody who could do that investigation. I said, "If there is something major that you uncover, then I have every confidence that it'll be addressed, either through Chief Bevan or through the Crown or whatever." And I encouraged him to stay focused and continue on with his career.

I think, before this committee, Staff Sergeant Frizzell himself said that there are times when investigators lose focus in a complex investigation, and there was obviously a disagreement between the two with respect to that issue. But I was not involved in any discussions with either of them together in a room.

● (1630)

Mr. David Christopherson: Could I ask the indulgence of the committee for 30 seconds, just to read three sentences, to keep it joined to this, rather than disjointed in Hansard?

The Chair: Go ahead, Mr. Christopherson.

Mr. David Christopherson: This is from April 18. It's Mr. Roy. The sentence is this: "There were some conflicts during the course of the investigation that Staff Sergeant Frizzell was involved with. However, they were manageable, from my perspective, and it was reported to me that we could go along right to the end."

In the next sentence, the question was from you, Chair: "The suggestion that Staff Sergeant Frizzell was removed from this investigation based on your instructions is not a correct suggestion?" This was to Inspector Roy.

The Inspector responded, "I don't agree with the term 'removed'. He was not removed. He was returned to his own unit once the criminal investigation was over."

Thank you.

The Chair: Thank you, Mr. Christopherson.

Mrs. Sgro, seven minutes.

Hon. Judy Sgro: My colleague will take the first half-minute.

Mr. Borys Wrzesnewskyj: Thank you.

Mr. Chair, I'd like to give notice of my intent to table two reports before the committee, one citing Deputy Commissioner George with contempt of Parliament, and the other with perjury. I would just like, as I said, to give notice that I will be proceeding with those.

Thank you.

The Chair: Mr. Wrzesnewskyj, I don't know where you're going. An MP can't table a report. It's the committee that tables a report. Where are you coming from with this issue?

Mr. Borys Wrzesnewskyj: I had inquired to find out whether or not it is possible for a member of Parliament, in committee, to table a report. If it needs to be worded as a motion or a request, I'm willing to do that as well.

• (1635)

The Chair: You can table a motion or a document, but it's not a report.

This sounds to me as if it's a serious issue. I would prefer that you prepare it in writing, prepare it in both official languages, and bring it before the committee so that—

Mr. Borys Wrzesnewskyj: I will do so. Thank you, Chair.

The Chair: Mr. Williams.

Mr. John Williams: These are serious comments made by Mr. Wrzesnewskyj. I think this matter should be dealt with by the steering committee in private, and Mr. Wrzesnewskyj may be invited to make his presentation, along with anybody else, but let's do these things professionally. The steering committee may want to bring a report to this committee after they have deliberated in private. But I do not want, and I don't think this committee wants, to start debating these kinds of issues in public.

The Chair: I agree, Mr. Williams.

Mr. David Christopherson: We're not done. Those are conclusions and they may be actions, but it's way too premature. I'm disappointed that somebody would inject that sort of thing at this stage. It's way too premature.

The Chair: We're certainly not going to start that debate right now, at this hour, Mr. Christopherson. I think we'll move on.

Mr. Brian Fitzpatrick: I do want to make a point so that it's on the record here.

We're here listening to witnesses. We have a number of meetings left. I'm not sure, at the end of the day, what we're going to do, but boy, principles of natural justice say that the people who are sitting here listening to the evidence of the witnesses and stuff should wait until the conclusion of our proceedings before we rush to make motions on things. It just doesn't fit in with a fair process.

That's my point.

The Chair: Ms. Sgro, you have seven minutes.

Hon. Judy Sgro: Thank you very much.

Mr. Loeppky, were you aware of the fact that both Commissioner Barbara George and Rosalie Burton were persons of interest?

Mr. Garry Loeppky: No.

Hon. Judy Sgro: Did you have anything else to add to Mr. Christopherson's question at the end? It appeared as if you wanted to add something to it. I wanted to make sure that I gave you full opportunity.

Mr. Garry Loeppky: Thank you.

I was just going to conclude by saying that during my discussions with Inspector Roy and Staff Sergeant Frizzell, we did not discuss his removal, as it has been called in this committee, at all.

With Roy, what I talked about was that the file would be concluding soon, but there was no discussion beyond that.

Hon. Judy Sgro: Okay.

Commissioner Busson, referring to the written order from Superintendent Doug Lang to Staff Sergeant Frizzell, I'll just read the paragraph that says:

You have been previously advised by Inspector Paul Roy of Ottawa Police Services to cease and desist any and all investigative activities relative to the Project Probit investigation. This investigative team has now been dismantled. We have now been made aware that despite the instructions that you have already received, that you continue to conduct further inquiries relative to this investigation for which you have no mandate or authority.

Given the fact that the investigation had to do with members' own pension plans—it's not as if this was a drug investigation or something completely detached from the RCMP—when you first looked at this written order, did it not give you pause for concern about why an officer who has an excellent record would be feeling so very strongly about this issue? Do you not think that Sergeant Frizzell was justified in wanting to continue on?

Commr Beverley Busson: I've been trying very hard to remain objective about this, and that's why I've ordered a code of conduct, because there are a number of issues within the order and the circumstances around Mr. Frizzell's termination, removal, or whatever we want to call it, that beg to be looked into further. And I appreciate your focus on that.

Hon. Judy Sgro: Are you or were you a member of the pension committee?

Commr Beverley Busson: No.

Hon. Judy Sgro: At no time?

Commr Beverley Busson: No, I was serving in British Columbia at the time and was not.

Hon. Judy Sgro: Are you aware of allegations that minutes of the pension advisory committee were altered or changed to not reflect the substance of a meeting that was dealing with the administration fund?

Commr Beverley Busson: Yes, I am, and that has been passed to the inquiry.

Hon. Judy Sgro: Did Mr. Ewanovich, in his position, have the authority to start bypassing and going around Treasury Board guidelines when it came to making changes to how the insurance administration fund was being altered? Did he have authority at his level?

•(1640)

Commr Beverley Busson: Not at all. I don't know of anybody in our organization who has authority to go around Treasury Board guidelines.

Hon. Judy Sgro: But for him to do that, he would have to have had discussions. How many levels are above Mr. Ewanovich in your organization?

Commr Beverley Busson: The commissioner is above him.

Hon. Judy Sgro: After Mr. Ewanovich, it's Commissioner Zaccardelli.

Commr Beverley Busson: That's right.

Hon. Judy Sgro: No one would have the ability to go around Treasury Board guidelines on their own, so Mr. Ewanovich had to have been in collusion or something with someone else to decide that they were going to start going around the Treasury Board guidelines. He wouldn't have just decided to do this on his own.

Commr Beverley Busson: I believe the audit report and a number of other inquiries into that found that people who worked with him—Mr. Dominic Crupi, etc.—facilitated that to happen.

Hon. Judy Sgro: On the issue in and around Mr. Crupi, I found it quite astounding that people who were negligent in their duties in one form or the other were able to be suspended with pay. Is that the normal course of action for people who are looking at some disciplinary action? Do they all get suspended with pay?

Commr Beverley Busson: It's a very controversial issue within the RCMP. People feel that if you're under investigation...there's a fine line between being under investigation and the evidence being so unequivocal in the first instance that you would be suspended without pay. In a lot of cases, at the end of the investigation you look back and think, yes, you were absolutely right, this person was guilty of what they were alleged to have done, but it takes the investigation for that to be found.

So in situations like that, it's not unusual in the RCMP for people to be suspended with pay. People get suspended without pay for kinds of criminal activity that are obvious, abhorrent, and beyond what any taxpayer would be able to tolerate in the situation. I'm talking about child molesting and those kinds of things.

Hon. Judy Sgro: Thanks very much.

The Chair: Thank you very much, Ms. Sgro.

Mr. Sweet, you have seven minutes.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Thank you, Mr. Chairman.

Assistant Commissioner LaFosse, you've worked with Chief Superintendent Macaulay, and certainly you know the reputation of Staff Sergeant Frizzell. Deputy Commissioner George had made several statements regarding their capacity.

My first question is, would Chief Superintendent Macaulay be the one who would withhold evidence regarding something that would be inappropriate or criminal for one year?

A/Commr Darrell LaFosse: In my view, no, absolutely not.

Mr. David Sweet: As for Staff Sergeant Frizzell, Barbara George said that he was a person who was investigating without understanding the intricacies of the matters being investigated and that he was using highly inappropriate interview tactics. Would that be something that you would know to be characteristic of Staff Sergeant Frizzell?

A/Commr Darrell LaFosse: My work with Staff Sergeant Frizzell was on a project that was dealing with the mission vision values of the organization in 1995. It wasn't in an investigative capacity, so it would be unfair to comment.

I know Staff Sergeant Frizzell personally. I hold him in high regard, and I'd have no difficulty today in assigning him to another investigation if I were so inclined.

Mr. David Sweet: Okay, thank you.

Maybe I will ask one more question.

We actually had the tape played of a phone message that he had left. It was kind of a baited message on a voice mail in order to extract information, and of course, he was involved in an investigation. Would you call that kind of tactic inappropriate for an investigating officer?

A/Commr Darrell LaFosse: That tape is the only portion that I'm aware of in that entire investigation, so I want to temper that by saying that is the only portion.

To me, listening to it or reading it, that is a tactic that any investigator would use. I'm a cop. I'm a police officer, and those types of tactics, to me, would be acceptable.

Again, that's the only portion that I'm aware of.

Mr. David Sweet: So with everything that you've witnessed or heard, these two fine gentlemen are professionals.

A/Commr Darrell LaFosse: Yes, sir, absolutely.

Mr. David Sweet: Commissioner Busson, is there anything you have unearthed at all to substantiate the claim that Chief Superintendent Macaulay purposely withheld evidence regarding the pension or insurance money?

•(1645)

Commr Beverley Busson: No, and I'll volunteer that I don't know Fraser personally, but he had worked in British Columbia before, and when I worked there he was very highly regarded for when he had worked there. It came as a surprise to me as well.

Mr. David Sweet: Could you tell me, are you aware of even one negative stroke on Sergeant Frizzell's personnel record?

Commr Beverley Busson: I haven't seen his personnel record.

Mr. David Sweet: Okay. I will leave that there.

Commr Beverley Busson: But if you're asking whether I am aware of any, the answer is no.

Mr. David Sweet: Thank you.

Mr. Loeppky, Sergeant Frizzell testified in front of this committee that he was going to see you and was concerned about the conversation, but then when he saw you, he mentioned, he gave you a review of what he had discovered in his investigation. And here's what he said you relayed to him: "You guys have found lots; now they'll have to do something." Then he said to you: "Who's 'they'? You're the second most powerful man in the RCMP—who is 'they'?"

Could you elaborate on what you meant by that during that conversation?

Mr. Garry Loeppky: Absolutely. We met in my office for probably 20 to 30 minutes. We did not get into the complexities of the investigation. That was not my role. I was there to try to speak with him with respect to the conflict that was obviously taking place.

I talked about why we had an independent organization leading the investigation and I talked about the importance of getting the file concluded. But I also mentioned.... I understand what he said—I've seen the blues—and certainly, in my notes, I reflect that I did say, "If there's something major, obviously it will be looked at; I have confidence in the investigation that Ottawa is doing." That was my point.

Did I use the exact words that he's saying? I don't recall those. I know what I wrote down, and we did talk about the importance of staying focused, the importance of having the investigation done properly and thoroughly, and if there were outstanding issues, I said, "I have confidence they'll be addressed."

Mr. David Sweet: For how long did you say this conversation took place?

Mr. Garry Loeppky: Well, I met with Paul Roy at 1 o'clock and I met with Mr. Frizzell at 2 o'clock. I don't have my notes with me to see when my next entry was, but it was probably 15 to 20 minutes, maybe.

Mr. David Sweet: That was 15 to 20 minutes with Staff Sergeant Frizzell alone?

Mr. Garry Loeppky: Yes, I would think so.

Mr. David Sweet: In your discussion, did you have any concern about his behaviour when he was debriefing you on the investigation?

Mr. Garry Loeppky: No, I can't say that I did. I can say that in my view he was apprehensive, and that was to be expected, given that he was meeting with the deputy commissioner on an issue that he felt was important.

Mr. David Sweet: There's just one last thing. You are saying you didn't get into any detail on the investigation; that this comment that Sergeant Frizzell made...? It's pretty specific, that "You guys have found lots"; it's an indication that obviously you'd viewed some

volume of evidence and were assessing it; that you'd found lots, and now we could finally do something.

So you did not discuss at all the body of evidence that he had unearthed?

Mr. Garry Loeppky: He mentioned that he was in charge of one of the areas of the investigation and he talked about some of the high-level issues. But this was a year-long investigation or an 11-month investigation that he had been involved in. We didn't get into the details of that investigation, except that I assured him that if I felt there were things that needed to be looked at, or if they were uncovered, then I was confident they'd be addressed.

Mr. David Sweet: Well, let me ask you directly. Are you satisfied today—now, looking back in retrospect—number one, that the Ottawa investigation was thoroughly objective, and number two, that it went far enough?

• (1650)

Mr. Garry Loeppky: I did not see the report, nor was I present when it was tabled to the senior executive, so I have never seen the report that was done by the Ottawa Police Service. I can only go by the comments of Chief Bevan, who I believe appeared here and was confident that the investigation was done properly, and of Inspector Roy, who commented along the same lines.

Mr. David Sweet: Mr. Chairman, Mr. Loeppky has mentioned something about a briefing document, and I've heard over and over again from testimony that there's a 47-page criminal briefing document. Has it been tabled? Have we asked for that document? Can we get that document forthwith?

It was an executive summary from the Ottawa Police Service on the investigation. Apparently it's 47 pages.

The Chair: Mr. Sweet, I can follow up on that. I don't believe we can, it being a criminal matter, but I will bring it up.

Mr. Tardi, do you have any comment on that?

Mr. Gregory Tardi: I'm sorry, Mr. Chairman, this is a document I have not seen. I don't know where it is.

The Chair: No, obviously you haven't seen it.

Mr. Williams.

Mr. John Williams: I'm quite sure, Mr. Chairman, that we have not requested it; therefore I will request that it be obtained by the clerk and translated and distributed. I believe it's 51 pages, but 47 or 51 is neither here nor there. That's the executive summary; it goes to thousands of pages for the whole case, but it's the executive summary.

Mr. Chairman, I would ask that before the document is translated and before it's distributed, you discuss it with the clerk, in case there are names in there that should be... We have to be concerned about privacy. So whatever the advice of our clerk is about information that should not be in the public domain, we accept that instruction.

The Chair: If there are any references to people who were not charged—or were charged—we'll certainly be careful of that. We'll also get the legal counsel involved.

We're going to move on to the second round, which is four minutes.

Before I do that, I just have one question of you, Assistant Commissioner LaFosse.

On the testimony of Chief Superintendent Fraser Macaulay, the evidence was that he was sent on a secondment to the Department of National Defence. He was there in what I think he classified as the penalty box and Commissioner Zaccardelli classified as a promotion. We'll not get into that right now, but there was some evidence to the effect that he wanted to come back, and some evidence also that you may have wanted to have him back under your department.

My question is twofold. Is that correct? And if you did, were you prohibited from bringing him back?

A/Commr Darrell LaFosse: No, Mr. Chair, I wasn't prohibited from bringing him back. The circumstances were that I received a phone call from Deputy Commissioner Barb George. Officer staffing were aware that I had a vacancy at an EX-2, chief superintendent, level. Fraser was offered up to me at that point in time.

I accepted that, but the individual who was occupying the EX-2 position stayed on for a number of months, so Fraser wasn't able to come over into that position. When the position did become vacant—and I had been inquiring, because I knew the individual was leaving.... When the position did become vacant, I inquired as to Chief Superintendent Macaulay's availability and received him, quite luckily so.

The Chair: Thank you very much.

Monsieur Rodriguez, you have four minutes.

[Translation]

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Thank you, Mr. Chairman.

Thank you, commissioner and gentlemen, for being here today.

It is sometimes very difficult to make sense of all the information that we have received, of the discussions and the contradictory testimony.

Commissioner, in light of all the new information that has been received and of everything that has been said, repeated and contradicted, has your opinion of this whole matter changed since you appeared before the committee? Do you think you have a better understanding of what happened?

[English]

Commr Beverley Busson: Yes, I have. I believe the issue has become an issue of conflict between individuals and about people having been treated badly.

In my own opinion, if that's what you're asking, I believe the management of that issue could have been done in a much more robust and facilitative fashion.

When I first came to this new position and was briefed around the issues, I had a certain opinion about what was happening. Since I've heard people's testimony before the committee, I've come to a different conclusion. As I said, I believe it's an issue of poorly managed conflict.

As I said before, most organizations have conflict at one time or another, but these need to be facilitated in the right and proper forum

when people find issues that need to be dealt with. That's a very healthy thing, but if it's not dealt with properly, it becomes quite unhealthy quite quickly.

• (1655)

[Translation]

Mr. Pablo Rodriguez: There is a matter, or a conflict—one might say that—that is of particular interest to me: the case of Mr. Macaulay.

In answer to one of my questions on April 16, he said this:

My punitive assignment was a two-year secondment to the Department of National Defence. Let me add that this in no way reflects upon the Department of National Defence, but for me, being removed from my position was a punishment and a clear message to others.

The same day, Mr. Zaccardelli stated that his secondment had been decided for his own good, for his benefit.

What is your own opinion about this?

[English]

Commr Beverley Busson: I think those kinds of things are in the mind of the perceiver. I've talked to Chief Superintendent Macaulay about it as well, and he becomes very emotional around that issue. I believe he believes it was a punishment. I think at the time it would have been difficult for him to see it any other way.

If the perception of the commissioner was that it was for development, I don't know what the commissioner was thinking. But I believe that Fraser had a valid perception and every right to feel that he was being punished. And certainly his reaction to it tells me that he believed he was being punished.

[Translation]

Mr. Pablo Rodriguez: This question is for Mr. LaFosse.

The same day, Mr. McCaulay said:

I came back under Assistant Commissioner Darrell LaFosse, who was looking for someone to come back.

This refers to his return from National Defense.

Then he added this:

But just on that point, I have to make it very clear that he was ready to take me before I ever left, and he was told, no, you can't have him, and I was sent to DND. On two further occasions, he kept trying to get me to come back; we had discussions about my coming back.

Is it true?

[English]

A/Commr Darrell LaFosse: Yes, sir. As I explained, the first call was to fill a vacant position, or a position that was to become vacant. There was a passage of time, because the individual who was leaving didn't leave when she thought she was going to leave. When she did leave, that's when I got Fraser.

So there was a period of time, but it was because there wasn't a position available in my area.

The Chair: Thank you very much, Mr. Rodriguez.

Thank you, Deputy Commissioner LaFosse.

Mr. Fitzpatrick, you have five minutes.

Mr. Brian Fitzpatrick: I want to move right in on a high-level forensic audit that was conducted by KPMG subsequent to the Ottawa investigation.

I've read that report. If it's reasonably accurate at all, this thing outlines activities that are clearly unlawful, deceitful. The scheming and the detailed planning of the unlawful behaviour and the execution of this behaviour is exotic to the extreme. If it's accurate, the public interest was not served by these contracting procedures, and certainly the interests of the RCMP were not being served well.

Commissioner, have you seen and reviewed this KPMG forensic audit?

Commr Beverley Busson: I understand it exists. I haven't specifically reviewed it in the extreme. My background isn't in commercial crime or any of those areas. It is a matter for further review in our inquiry, and I am specifically asking for those kinds of—

Mr. Brian Fitzpatrick: Okay. I looked at this thing, and it should lead to something. Is there any action being taken on this report?

Commr Beverley Busson: All of these reports are being reviewed for their validity vis-à-vis the context.

Mr. Brian Fitzpatrick: Chair, while I'm at it, we have a session that's devoted to this audit and the contracting, which I think Fraser Macaulay rightfully brought to the attention of the authorities, he and Staff Sergeant Frizzell. I think it's absolutely imperative that we have the manager of this KPMG audit at that meeting. He's like the Auditor General on things, and we have to have that person here when we do that.

I have a question for Mr. Loeppky. We heard Mr. Roy, the inspector on this thing, acknowledge that he had worked very closely with Barbara George and Rosalie Burton; that he had been seconded from the Ottawa police department into the RCMP and worked pretty closely with these people.

Now, I'm looking back here, and a lot of people are asking this question. There were 15 people involved in the investigation on an ongoing basis. Two of them are from the Ottawa police department, one of whom is the chief, and he has a lot of things to do, so he won't have his hands on this thing. The other one is Mr. Roy. Everybody else is RCMP, and it's on RCMP property, and so on.

Is this what you would call an independent investigation, from an outward appearance?

• (1700)

Mr. Garry Loeppky: Let me respond to, I think, two questions that you asked. The first question is whether I was aware that Inspector Roy had been seconded to the RCMP earlier on in his career. Is that correct, sir?

Mr. Brian Fitzpatrick: Yes, if you want to answer that.

Mr. Garry Loeppky: I was not aware of that until I read the transcript of the proceedings where it was disclosed earlier, several meeting ago. That's the response to the first one.

With respect to the second one, the independence of the investigation, when I contacted Chief Vince Bevan on March 8, we talked about location. I offered up tech ops, and we talked about the independence. We came to the understanding that if there was a

good accountability framework, in that Inspector Roy would run the investigation totally independently, then we would take that approach, but we would run that. He did not have space for—

Mr. Brian Fitzpatrick: But you'd agree that the appearance of this doesn't look good to the average bystander: 15 people involved, 13 of them are RCMP, and one who was supposed to be the lead investigator had worked heavily within the RCMP with some of the people who were under investigation.

Mr. Garry Loeppky: Well, if I can continue, during the investigation, Chief Bevan and I spoke about it several times. In October, we did kind of a check to see how was it going. Is there a conflict? Are there issues? He called me back on October 14 and said no, things were running fine, but they would continue to monitor it.

In previous testimony by Assistant Commissioner Gork, Roy, and Chief Bevan, they've all spoken about the total independence of the investigative team.

With respect to the composition of the team, I believe that if there's the appropriate accountability framework and reporting structure in place, then it can function very well. I go back to a file in the Toronto Police Service, where it was headed up by a member of the RCMP, with primarily Toronto Police Service investigators, and my discussions with that individual are that there were no issues.

Now, the perception is there, I agree, and it's something that certainly needs to be addressed. But in this case, it was not brought to my attention, nor was it raised by anyone else that there was an issue around that.

The Chair: Thank you, retired officer Loeppky.

[*Translation*]

Mr. Laforest, you have four minutes.

Mr. Jean-Yves Laforest: I will share my time with Mr. Lussier.

Commissioner Busson, after the criminal investigation of the Ottawa Police Service, the RCMP started some internal disciplinary investigations relating to allegations of misconduct. However, no disciplinary measure was ever taken because there was a limitation rule of one year.

Since we have started this review, I have met several persons of my riding who have the feeling—this is similar to the Gomery Commission—that some people have behaved inappropriately, have put money in their pockets or allowed others to put money in their pockets, but have not been punished, especially because of the limitation rule of one year.

Do you believe that the limitation rule of one year in the Royal Canadian Mounted Police Act should be changed? It seems clear to me that some people who were recognized as really deserving to be sanctioned did not have to face any consequences because of that rule.

[English]

Commr Beverley Busson: I, first of all, want to repeat that, to my knowledge, there was no money stuffed in people's pockets, and I think it's important to say that. From what I understand of the truth, there was money used for other purposes and wrongly spent, and golf games taken, and those kinds of things. We've discussed all of that.

The limitation act that applies to the RCMP has been problematic. The act was written in a day when I think it envisioned code of conduct issues such as rude members doing traffic stops, perhaps assaulting or seen to be using excessive force with an arrest, etc. The act was certainly not written to deal with this kind of situation, nor could anyone ever have envisioned that we would be in this state.

So the short answer is yes, I would like to see the RCMP Act changed.

One of the things that happened with regard to the statute of limitations as it applies to the RCMP Act specifically is that we had a ruling called Thériault that actually brought that year to a very succinct and narrow definition. That decision was made after this investigation and a number of other investigations that had been problematic for us—this isn't the only one—were in vigour. So we are doing what we can to deal with that issue.

In that regard, I have also asked for a review of that whole issue with regard to the one-year limitation as it applies to this case, to have that reviewed by, I believe, a subject matter expert in the area, and to assure me again that either formal or informal discipline is precluded in this case.

• (1705)

[Translation]

Mr. Jean-Yves Laforest: I am ready to believe you, Mrs. Busson, when you say that no one put money in their pockets but I also think that we have not yet reached the end of this matter. In any case, we have received documents saying that there had been favoritism, that contracts had been given to persons for reasons that are difficult to explain. It is in that sense that I said that we might presume that some people put money in their pockets, even though we still do not have any evidence of that.

Mr. Lussier, you have the floor.

Mr. Marcel Lussier (Brossard—La Prairie, BQ): Madam commissioner, are the managers and the commissioner obliged to contribute to the pension fund?

[English]

Commr Beverley Busson: Absolutely.

[Translation]

Mr. Marcel Lussier: How much was taken from the pension fund? One million dollars, two million dollars, six million dollars?

[English]

Commr Beverley Busson: My understanding is that at this date the amount still outstanding is around \$200,000.

[Translation]

Mr. Marcel Lussier: To your knowledge, has this amount been covered by insurance?

[English]

Commr Beverley Busson: I'm sorry; I don't understand your question.

[Translation]

Mr. Marcel Lussier: Has the amount of \$200,000 that was missing from the pension fund been reimbursed by another group of Great-West Life?

[English]

Commr Beverley Busson: I'm not sure exactly what you're getting at. I'm not trying to be obstructionist, but I don't understand your question and I don't want to give you a wrong answer. I apologize.

The Chair: We're going to move on, then.

Mr. Poilievre, you have four minutes.

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Thank you for being with us, Commissioner Busson.

It seems to me that you have a big job ahead of you. You have a big mess to clean up. I have talked to a lot of the whistle-blowers who've been involved in this sordid affair, and they see some hope in your leadership. They have told me that they believe your heart is in the right place and that you're determined to put this organization back on its rightful course. So I'd like to get into the specifics of where we go from here to ensure that the RCMP is set back on its proper course.

Let me start with the independent investigation that the government has called. What disciplinary measures have you planned and publicized, amongst people working in your organization, for officials who refuse to cooperate with the investigation?

Commr Beverley Busson: There hasn't been anyone, as of yet, who has refused to cooperate. I am actually looking into the issue of whether I can order someone to cooperate or not under these circumstances. If I can, I certainly will.

Mr. Pierre Poilievre: So you're looking at ways you can order people to cooperate with the investigation. Are you considering informing your employees of the consequences of failure to cooperate with this investigation?

• (1710)

Commr Beverley Busson: I believe that the vast majority—and I'm not going to be tempted to say “all”—of the people involved in this whole issue are anxious to get to the truth, whatever that is. I don't envision that there will be—

Mr. Pierre Poilievre: That's not really my question. There have been questions about whether or not people will cooperate with this investigator. I'm asking whether you are going to put in place consequences for those employees who refuse to cooperate with the investigation.

Commr Beverley Busson: It depends on whether or not they are legally allowed not to cooperate. At that point in time, we'll have to look at whether or not... If they're legally allowed not to cooperate, it's difficult to talk about consequences.

Mr. Pierre Poilievre: They would certainly be undermining their responsibility to your organization if they failed to cooperate with a ministerial investigation into a potential corruption scandal, would they not? It would seem that they would have a legal obligation to cooperate, and if not, a moral obligation, which I'm asking that you would enforce with consequences.

Commr Beverley Busson: I think each situation, if and when it arises, would beg a decision and a determination on the facts and the reasons for that person not to cooperate. If a person was obstructing justice, then certainly that would be a proper response. If a person had a viable and legal reason not to cooperate, it's difficult to make a *carte blanche* issue around it.

We are encouraging people to cooperate and facilitating that cooperation as best we can, because I'm very anxious to get to the bottom of all of this.

Mr. Pierre Poilievre: Well, I think what the Canadian people want to know is that if individuals in your organization try to obstruct this independent investigation from getting to the bottom of this matter, those individuals will face serious consequences.

I'll leave you with that message. I know you're not willing to be any more specific right now, but that's what I want to tell you.

Commr Beverley Busson: With your question framed that way, absolutely; they would be dealt with.

Mr. Pierre Poilievre: The government has introduced whistleblower protections that apply to the RCMP. How do you intend to implement those in a manner that is independent, so that when people come forward with accusations of wrongdoing they can have them investigated without being punished?

Commr Beverley Busson: Of course, it's all very new to us. Our ethics adviser is building a fulsome business plan as we speak. We've already designated the executive and the designated officer called for within the act, and the ethics adviser is now putting together a business plan to make sure we have a full process in place, with a design that will make it work.

Mr. Pierre Poilievre: I will just conclude, because I see that this is my last intervention.

You mentioned in response to the member's question about people putting money in their pocket.... I think if you read this KPMG audit, you will find without question that there are individuals who put money in their own pockets at the expense of the pension program that was meant to support the retirement of your members. Instead, it went into the pockets of some very well-favoured insiders, and that's unfortunate.

Your job, and I and I think all of us believe you're up to it, is to restore the public perception that we see on top of your letterhead, that your organization is guided by integrity, honesty, professionalism, compassion, respect, and accountability. We believe that you're up to that job, and we're here to work with you to make sure that happens.

Commr Beverley Busson: Thank you.

The Chair: Thank you, Mr. Poilievre, and thank you, Commissioner Busson.

Mr. Christopherson, you have four minutes.

Mr. David Christopherson: Thank you very much, Chair.

To pick up where we just left off, Commissioner, you're one of the few people in a democratic society who actually have true power, absolute power such that you can command things to be done, and I appreciate that if you have any ability whatsoever, your clever legal people will help you to find a way to ensure that the pressure that needs to be there is on current sworn officers. You may not, but I suspect that if there is any way, you will.

But I'm concerned about how you would extend that power to people who are retired from the RCMP or people who are persons of interest in this investigation who have nothing to do with the RCMP. Do you have any power such that you can command them to appear before this investigator and tell the truth?

Commr Beverley Busson: No, I don't.

Mr. David Christopherson: No, I didn't think so. I appreciate that. Thanks.

I would like to quickly ask Assistant Commissioner LaFosse his opinion.

When you found out that Chief Superintendent Macaulay was being seconded to DND, what was your personal reaction or thoughts about whether this was a good thing or a bad thing for him?

• (1715)

A/Commr Darrell LaFosse: Sir, I really knew nothing about what happened to Chief Superintendent Macaulay prior to the phone call that he was available to come to work in my area.

Mr. David Christopherson: Fair enough.

Commissioner, this is another one of my hypotheticals that are really about this. I'm up front about that.

Hypothetically, if you determined that it was in the best interests of justice that an internal audit be conducted within the RCMP and that a criminal investigation begin, is there anything to stop you from having both of them work in parallel at the same time?

Commr Beverley Busson: Usually in situations like that we prefer to do the criminal first, so that people can be interviewed, know what's at risk, and have their story told. The other way, people are a little awkward about giving up information, feeling that they may be held responsible in another way. But there is no reason they can't both be done conjointly. From a Criminal Code perspective, in our own code of conduct we often do those two things in parallel.

Mr. David Christopherson: Right. That's interesting. We can't do anything about trying to get inside the former commissioner's head, but it's interesting that he, in this case, decided it was in the best interests to go the other way. But that's for Mr. Zaccardelli to speak to.

Mr. Loeppky, given some of the questions that have been raised about arm's length and concerns about the way this ultimately turned out, would you act differently in terms of bringing in the Ottawa Police Service and the way the whole thing was done? Would you do it differently now, based on what you now know?

Mr. Garry Loeppky: You'd need to consider all the options, and one of the options.... For example, when an OPP investigation was done that I ordered, probably in about 2001, the OPP led that investigation, but we paid all the accommodation expenses, all of the salaries. So you'd have to ask yourself whether that is independence as well.

Mr. David Christopherson: Fair enough, but in this case, sir, if you had the luxury of knowing what you now know when you were designing this at the beginning, would you do it differently?

Mr. Garry Loeppky: I think in hindsight, perhaps if we had a better balance of officers doing the investigation—a better balance.

Mr. David Christopherson: Do you think there needs to be a better process to find out when there might be...? Especially when you're bringing in another police service to investigate a police service, do you not think now that maybe there needs to be a protocol to find out whether or not there were previous existing relationships that could taint the review?

Secondly, do you not think that maybe a little more emphasis on keeping the physical arm's length would be a priority also?

Mr. Garry Loeppky: Clearly, I think you need to have an assurance that there is no conflict and no perception of conflict, as there could be in this case, with Inspector Roy having worked at the RCMP before.

With respect to the location, I think if the proper accountability and reporting structures are in place, then the space becomes somewhat irrelevant, as long as everybody's comfortable in that environment.

The Chair: Mr. Wrzesnewskyj, you have four minutes.

Mr. Borys Wrzesnewskyj: Thank you, Chair.

Commissioner Busson, when did you informally or formally first hear about this particular scandal?

Commr Beverley Busson: I was in Ottawa at the same meeting ex-Deputy Commissioner Loeppky was at when the commissioner spoke with Jim Ewanovich about stepping down from his role because of the pension investigation.

Up to that point in time, I was blissfully unaware that there had been this kind of controversy and those kinds of things going on. I was quite aghast and very surprised about it, having not heard previously that this issue was under audit investigation, and about the other things that were happening.

Mr. Borys Wrzesnewskyj: You're a member of the senior executive committee. I assume it was raised at that senior executive committee?

Commr Beverley Busson: It was actually at the senior management team meeting. The senior management team are all the commanding officers and the deputies of the regions. That's where it came up.

• (1720)

Mr. Borys Wrzesnewskyj: Did anyone challenge or question Commissioner Zaccardelli on the processes that had been put in place and were being put in place?

Commr Beverley Busson: At that period of time, I'm not sure whether anyone did or not, but certainly I wasn't aware of any controversy around that. So if people did, I didn't know about it.

Mr. Borys Wrzesnewskyj: How many officers are there above the chief superintendent level in the RCMP, just approximately? Is it 100, more than 100?

Commr Beverley Busson: There are approximately 50.

Mr. Borys Wrzesnewskyj: Looking forward to the issues of accountability and governance, why would it take a divisional representative to bring all of this forward? You have some 50 officers above the level of chief superintendent, but it was a divisional rep who kept at this, and that's why it's seeing the light of day today. What does that speak to in terms of the inner workings, the structures, and the inner culture within the RCMP?

Commr Beverley Busson: From my own perspective, that matter was in the hands of Deputy Commissioner George, and I understood that she was managing it. I had at that point no information that she wasn't. In hindsight, I believe that was the different case.

Mr. Borys Wrzesnewskyj: But why a divisional representative, and after a great length of time and having worked on it adamantly? It almost seems to appear that in terms of governance there are some issues that need addressing.

When you sat down with Minister Stockwell Day and you discussed this investigation, will it encompass these very important questions of governance, the internal mechanisms, the internal culture that we have at the present time within the RCMP?

Commr Beverley Busson: I didn't discuss—

The Chair: Do you have a point of order, Mr. Williams?

Mr. John Williams: Is this a relevant question for the commissioner or more for the minister?

The Chair: Well, we don't intend to call the minister on this issue, Mr. Williams.

Mr. Borys Wrzesnewskyj: Perhaps the minister should be called before the committee at a certain point.

Mr. John Williams: If you read the terms of reference on the investigation, the minister has made it public. I didn't even know the Commissioner of the RCMP was involved in discussions with the minister regarding the terms of reference.

I think you've been giving the questions a fair degree of latitude, Mr. Chairman, at this late stage, but I still wonder, is it appropriate for that question to be answered by the Commissioner of the RCMP?

Mr. Borys Wrzesnewskyj: Yes, have you discussed the terms of reference?

The Chair: I'll allow it. Go ahead, Mr. Wrzesnewskyj. That's it, though; that's your final question.

Mr. Borys Wrzesnewskyj: Have you discussed the terms of reference? You called it several times an "independent ministerial investigation", which seems to be a bit of a misnomer in some ways. But did you discuss the terms of reference?

Commr Beverley Busson: I did not discuss the terms of reference. I understood that the minister was looking at ways of getting to the bottom of this, as I was, and I advised him that whatever was decided, we were anxious to cooperate.

Mr. Borys Wrzesnewskyj: Thank you.

The Chair: Thank you, Mr. Wrzesnewskyj.

Thank you, Commissioner Busson.

Mr. Lake, you have four minutes.

Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC): Thank you, Mr. Chair.

Mr. Loepky, Mr. Roy was the lead investigator on this case, and he testified before us on April 18 that he'd worked for the RCMP, as has been mentioned, for one year under Barb George. He also testified that he worked closely with Rosalie Burton. Was this known at the time that he was placed as lead investigator on this investigation?

Mr. Garry Loepky: No.

Mr. Mike Lake: If it had been known, what impact would it have had?

Mr. Garry Loepky: I would have discussed the potential for conflict with Chief Bevan.

Mr. Mike Lake: Should he have brought that up at the time it was being discussed that he would be the lead investigator?

Mr. Garry Loepky: When I spoke to Chief Bevan on March 8, my only direction was that Assistant Commissioner Dave Gork would be the logistics coordinator from an RCMP perspective. Chief Bevan's comment was that he and Sue—I presume that was Deputy Chief Sue O'Sullivan—would be meeting with Dave to get the investigation in motion. At no time did we discuss who would be the lead investigator that he would identify.

• (1725)

Mr. Mike Lake: There's already an inappropriateness, perhaps, to this, but going further down the road, Staff Sergeant Frizzell starts to discover that Ms. George and Ms. Burton may have been involved in this, and he brings this up to Mr. Roy.

Based on your experience, when Mr. Roy was approached by Mr. Frizzell and started to discover these things, what should he have done? What would protocol dictate?

Mr. Garry Loepky: I can't speak for what was on Mr. Roy's mind, but I would have anticipated that if it were brought to his attention, he would have raised with his chain of command—and that would have been the Ottawa Police Service—the fact of the issue having been raised with him.

Mr. Mike Lake: Okay. Is it fair to say that he should have probably stepped down from the investigation at that point? Someone he had worked for a few years earlier and someone he worked closely with were now under investigation. Should he not have stepped down at that point?

Mr. Garry Loepky: I think you have to understand what the circumstances were around his secondment. Ultimately it would be the chief's decision.

Mr. Mike Lake: Regardless of the secondment, though.... It shouldn't matter why he was there. He had worked for Ms. George; he worked closely with Ms. Burton. Obviously Staff Sergeant Frizzell was very clear that there was an investigation that was

involving them. The circumstances of the secondment seem irrelevant to me.

Mr. Garry Loepky: I think certainly the perception could be that he should have been removed, but if they had confidence in his independence to do that investigation, then that's a decision they would make on their own.

Mr. Mike Lake: Mr. LaFosse, we've heard the word "fulsome" here a lot over the last few days. In the interest of fulsome, I just want to know, after hearing what you've heard today and during our hearings here, whether there's anything else you think we should know. Do you have anything you might want to add?

A/Commr Darrell LaFosse: There's nothing from my perspective, simply because, as I've indicated, it was a sliver of time as far as my contact with this is concerned. It rests with the committee—whatever direction the committee wants to go and whoever you would like to call—but from my perspective, I've divulged everything that I'm aware of in this entire affair.

Mr. Mike Lake: Mr. Loepky, is there anything regarding this investigation that maybe you haven't said that you think would be important for us to know?

Mr. Garry Loepky: I haven't had the benefit of reading the KPMG report, so I can't give you a comprehensive answer. What I can say is that there was an internal audit, there was a criminal investigation, there was an internal investigation, followed by the Auditor General. I would expect that among those four forums they would get to the bottom of the issues that were there to investigate.

But having said that, I haven't seen the KPMG report, so my answer can only go as far as that.

Mr. Mike Lake: Thank you.

The Chair: Thank you very much, Mr. Lake.

Mr. John Williams: On a point of order, Mr. Chair, in my opening remarks regarding the motion we adopted at this committee that Superintendent Macaulay and Staff Sergeant Frizzell make a presentation to us, I think I asked and got confirmation from the commissioner that they have access to all the files. Can I get the commissioner's assurance that they would have access to the files in order to make that presentation to the committee?

Commr Beverley Busson: Anything that's humanly or legally possible will be done for this presentation.

Mr. John Williams: Thank you.

The Chair: On a point of order, Mr. Wrzesnewskyj.

Mr. Borys Wrzesnewskyj: For further clarity, just before the conclusion of our last meeting, I had requested that Assistant Commissioner Bruce Rogerson and Chief Superintendent Doug Lang appear on Monday. They're referenced in the documents that were tabled a while ago, the e-mail exchange. They probably would not have to appear for very long before the committee. As Mr. Lake was trying to give an opportunity for full information and disclosure, I noticed that Chief Superintendent Doug Lang was not on the list for Monday. I would like this committee to confirm that Chief Superintendent Doug Lang will be there as well, especially considering that Deputy Commissioner Barb George will be appearing before us and that it's relevant to her testimony.

• (1730)

Mr. John Williams: Mr. Chairman, I appreciate Mr. Wrzesnews-kyj's desire, but for him to ask for confirmation of the committee to do this...he does not run the committee. He can ask the committee for these people to come forward.

Terminology is quite important. Words have been used in this committee that are an embarrassment to some of us today. Therefore, I would ask that all members be quite clear. If he wants somebody to come forward, he can ask, but certainly not command, that this committee provide these things.

The Chair: Let me point out that on Monday, April 30, we have the following individuals scheduled. This is pursuant to a motion made by Mr. Christopherson and passed by the committee: Barbara George, Rosalie Burton, Paul Roy, Mike Frizzell, Fraser Macaulay, and Denise Revine.

If he wants, and if he gets unanimous consent, Mr. Wrzesnews-kyj can make a motion to the committee, which other people have done in the past. That's the only method available to him at this point in time.

So Mr. Wrzesnews-kyj, the floor is yours.

Mr. Borys Wrzesnews-kyj: Yes. I move that Assistant Commissioner Bruce Rogerson and Chief Superintendent Doug Lang appear before the committee, as witnesses, on April 30, 2007.

The Chair: Before this goes any further at all, does—

Mr. David Christopherson: Mr. Chair, before we vote, may I ask a question of the mover?

The Chair: Well, we're not voting. The first issue is whether he has unanimous consent to move the motion.

Mr. David Christopherson: I know. I'm asking if I can ask a question of him before you call for that.

The Chair: Go ahead, Mr. Christopherson.

Mr. David Christopherson: Does it directly tie into what we're doing on Monday?

Mr. Borys Wrzesnews-kyj: Exactly.

The Chair: You all know the procedure of the committee.

Does Mr. Wrzesnews-kyj have unanimous consent to move the motion to this committee?

Mr. Fitzpatrick.

Mr. Brian Fitzpatrick: Are you having a polled vote on it?

The Chair: Well, it has to be unanimous.

Mr. Brian Fitzpatrick: Okay. Well, silence is acceptance.

The Chair: Thank you very much.

Mr. Wrzesnews-kyj, so that there is clarity, we will ask you to read your motion.

Mr. Borys Wrzesnews-kyj: An e-mail exchange between Assistant Commissioner Bruce Rogerson and Chief Superintendent Doug Lang was tabled in committee, as a document, stating the following: "...I have an electronic copy of the written order we served on Frizzell at the request of A/Commr Gork and D/Commr George ... it says it all." And "Barb George called Darrell LaFosse,

then me and, then, Dave Gork, surrounding Mike Frizzell's harassing behaviour and he needed to be dealt with swiftly."

Due to the conflicting testimony provided before this committee, I request that Assistant Commissioner Bruce Rogerson and Chief Superintendent Doug Lang appear before the committee on April 30, 2007.

The Chair: Thank you very much. As you can tell from the noise in the background, we're under very tight constraints. I will allow three or four one-minute interventions, if people want to intervene.

Mr. Williams.

Mr. John Williams: I'm confused, Mr. Chairman. Therefore, I would ask the mover to recommend that this go to the steering committee to be decided. I'm not opposed to it, but we have other witnesses coming, we have e-mails that he's quoting and we're back to this confusion again. I think the steering committee can do some organization. It can take his concerns into consideration and do it.

The steering committee can meet tomorrow morning if it wants and decide the best order for these witnesses to appear. That sounds okay, but I'm not prepared to analyze who's coming when and who said what and who wrote an e-mail to somebody else. What is the best order?

The Chair: Point of order.

Mr. Borys Wrzesnews-kyj: This committee, on this particular investigation, has used this process to call former ministers before the committee. I consider that a friendly amendment to one of my motions that brought the witnesses who came forward.

The decision to bring the whistle-blowers and the witnesses before this committee was decided by the committee when Mr. Poilievre made what I considered a friendly amendment to bring former ministers. It was decided by this committee, so it's par for the course, and it's important that these individuals have the opportunity to appear for the very clarity that we're trying to find.

Mr. John Williams: I don't disagree. It's a case of getting the proper order. Let's give it a little thought. We have the bells ringing. We're out of here in five minutes. We have to decide.

The Chair: Mr. Christopherson, for one minute.

Mr. David Christopherson: I understand Mr. Williams's concern, but I think to be fair we haven't denied anybody and I think we've tried as much as possible to work as a team in a non-partisan way. Unless somebody is abusing it or not thinking it through and bringing in people who are out of context to what we're going to talk about, it seems to me now is not the time to shift gears. It's for Monday.

I've asked Mr. Wrzesnews-kyj whether or not it applied directly to what we're going to do on Monday. He said yes. He's an honourable member, so I'm going to support this.

• (1735)

The Chair: Mr. Sweet, for one minute.

Mr. David Sweet: How many witnesses do we have on Monday?

The Chair: Six.

Mr. David Sweet: We have six with these added, or six already?

The Chair: We have six already, so eight.

Mr. David Sweet: We will have eight witnesses for two hours. That's my concern, not the witnesses but the volume and the complexity of trying to question.

The Chair: Mr. Laforest has one minute.

[*Translation*]

Mr. Jean-Yves Laforest: Mr. Chairman, I fail to understand Mr. Williams' position. Mr. Wrzesnewskyj needed unanimous consent to move his motion. So, had he voted against unanimous consent, the motion would not have been moved.

I call for the vote. If he disagrees, he will vote no, that's all.

[*English*]

The Chair: I'm going to hear from Mrs. Sgro for up to one minute, then I'm going to call the motion.

Hon. Judy Sgro: My colleague did introduce a request at our last meeting, on Monday, to have these two appear before the committee.

What he's saying is that the only difference is that today he's asking specifically if they could come on Monday because they're tied in to the witness and the relevance of that. That's the only reason, I understand. He's being specific about Monday and he's also indicating that they just have to confirm an e-mail they received confirming the details of Mr. LaFosse's testimony.

Mr. John Williams: We cannot have somebody saying I want a witness here for five minutes because he wants to ask one question, because everybody may want to ask questions.

This committee is run by the steering committee, and it makes the decisions about who comes and when.

The Chair: I'm going to call the question.

(Motion agreed to)

The Chair: The meeting is adjourned.

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