

RCMP EXTERNAL REVIEW COMMITTEE

**2010-2011
Estimates**

Report on Plans and Priorities

Approved

The Honourable Vic Toews, P.C., Q.C., M.P.
Minister of Public Safety
(Public Safety and Emergency Preparedness)

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Chair's Message

The RCMP External Review Committee (ERC) is an integral component of the *RCMP Act*. The *Act* is the legislative basis for the administration of the Royal Canadian Mounted Police employment dispute process and the structure for the resolution of RCMP member relations issues. The ERC provides the RCMP Commissioner with legally sound recommendations that account for the realities of a national police force and that respect the expectations of Canadians.

The ERC's aim is to positively influence the manner in which the RCMP addresses its employment and labour relations issues. The ERC pursues this through the independent and impartial review of cases that are referred to it, and by outreach initiatives and information dissemination. The ERC is aware of the transitional change agenda that the RCMP has begun following reviews by parliamentary committees and a federal task force. The ERC continues to support the building of a stronger, more accountable and modern RCMP.

Together with enthusiastic support and commitment of ERC staff, I am eager to contribute to the betterment of Canada's federal police force.

Sincerely,

Catherine Ebbs
Chair

February 3, 2010

Section I: Departmental Overview

Raison d'être and Responsibilities

The [RCMP External Review Committee](#) (ERC) is an independent and impartial agency that aims to promote fair and equitable labour relations within the RCMP, in accordance with applicable principles of law. To this end the ERC conducts an independent review of appeals in disciplinary, and discharge and demotion matters, as well as certain categories of grievances that are referred to it pursuant to s. 33 of the *RCMP Act* and s. 36 of the *RCMP Regulations*.

The ERC reports directly to Parliament through the Minister of Public Safety. The ERC has a single member, the Chair, who is appointed by an Order in Council, and is supported by an Executive Director and a very small staff. The ERC's jurisdiction is restricted to employment and labour matters that relate to regular members and civilian members of the RCMP only. Public servants employed by the RCMP have separate labour relations processes. The role of the ERC in the Force's labour/management resolution process is a crucial one. Over the years, the RCMP has made changes in a variety of areas based on recommendations made by the ERC.

As one of two oversight/review bodies over the RCMP, the ERC plays an important role in maintaining public confidence in the RCMP and ensures that it respects the law and human rights.

The ERC is within the portfolio of the Public Safety Canada whose Minister is the appropriate Minister responsible for the purposes of the *Financial Administration Act*. The ERC's mandate is simply put: the independent and impartial review of grievances and appeals that involve the discipline, demotion or discharge of RCMP members. Upon completing its review of a case, the ERC presents findings and recommendations to the Commissioner of the RCMP for a final decision. The Commissioner is not bound by the recommendations of the ERC, but the Commissioner must provide reasons when there is disagreement with the recommendations of the ERC. In carrying out its mandate, the ERC ensures that its recommendations are solidly grounded in law and that members of the RCMP are treated in a fair and equitable manner, in keeping with the public interest.

Strategic Outcome and Program Activity Architecture (PAA)

Strategic Outcome

The RCMP External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.

Program Activity Architecture

Title	Description
SO - Strategic Outcome	The RCMP External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.
PA-1 - Independent and impartial case review	Independent, timely, fair and impartial case review leading to the provision of quality findings and recommendations in all cases referred to the Committee.
PA-2 - Outreach and information dissemination	Outreach to Canadians and members of the RCMP along with dissemination of information on the role of the Committee and its findings and recommendations, as well as on relevant legal principles.

Internal Services

In fiscal year 2009-10, the Program Activity 'Internal Services' was appended to the ERC's Program Activity Architecture. As a result of its experience in attempting to meet the reporting requirements, the ERC determined that the uniquely small size of the organization made the reporting of this Program Activity particularly inaccurate. The related expenditures cannot be reliably apportioned between program activities without an inordinate expenditure of resources. This justification was provided to Treasury Board who in turn agreed with the ERC's assertion. As such, the ERC has been granted an exemption until the end of the 2010-11 fiscal year from reporting on financial commitments to Internal Services as a separate Program Activity.

Planning Summary

Financial Resources (\$ thousands)

2010-11	2011-12	2012-13
1,811	1,456	932

Human Resources (Full-Time Equivalent - FTE)

2010-11	2011-12	2012-13
8	8*	6

* Two of the 8 FTE's will be available for only 9/12th's of FY 2011-12.

Planning Summary Table

Strategic Outcome: The RCMP External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.					
Performance Indicators			Targets		
Issuance of findings and recommendations to the RCMP Commissioner and the parties			100%		
Information to the public and the RCMP			100%		
Program Activity *	Forecast Spending 2009-10 (\$thousands)	Planned Spending (\$thousands)			Alignment to Government of Canada Outcomes
		2010-11	2011-12	2012-13	
Independent and impartial case review	1,559	1,449	1,165	746	<p>The Strategic Outcome of the RCMP External Review Committee supports all government outcomes:</p> <p>1. Economic Affairs</p> <ul style="list-style-type: none"> - Income security and employment for Canadians; - Strong economic growth; - A fair and secure marketplace. <p>2. Social Affairs</p> <ul style="list-style-type: none"> - Healthy Canadians; - Safe and secure communities; - A diverse society that promotes linguistic duality and social inclusion; - A vibrant Canadian culture and heritage. <p>3. International Affairs</p> <ul style="list-style-type: none"> - A safe and secure world through international cooperation. <p>4. Government Affairs</p> <ul style="list-style-type: none"> - Public Service Excellence
Outreach and information dissemination	390	362	291	186	
Total Planned Spending	1,949	1,811	1,456	932	

* For program activity descriptions, please access the Main Estimates online at <http://www.tbs-sct.gc.ca/est-pre/estime.asp>. The ERC has been exempted to report on Internal Services expenditures for fiscal years 2009-2010 to 2010-11.

Contribution of Priorities to Strategic Outcome

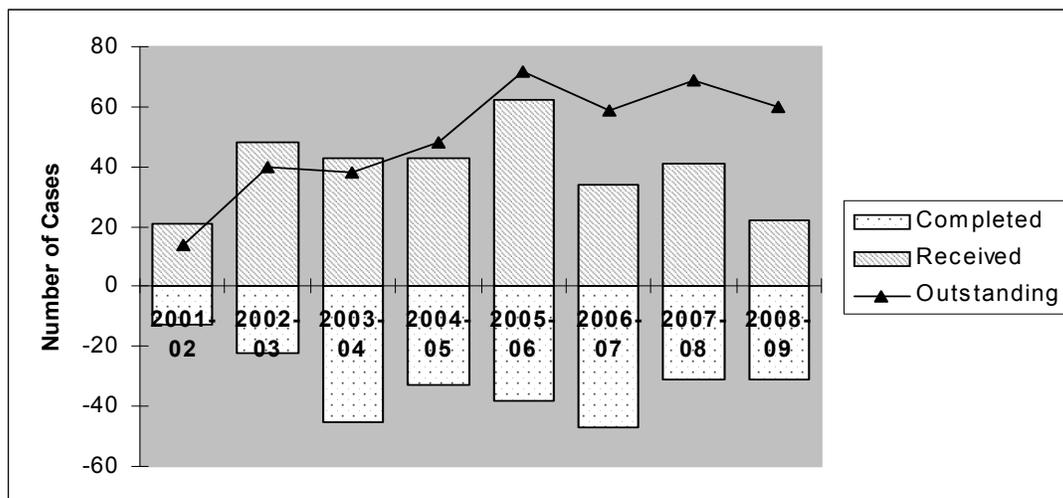
Operational Priorities	Type	Link to Strategic Outcome	Description
1. Continue to deliver on statutory mandate	Ongoing	The RCMP External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.	Why is this a priority? <ul style="list-style-type: none"> Contributes to the ERC's overriding priority to review cases and make sound recommendations to the RCMP Commissioner in an expeditious manner.
			Plans for meeting the priority: <ul style="list-style-type: none"> Longer-term strategic planning and streamlining of processes is planned for the future to continue to improve on service delivery.
2. Raise awareness through Outreach	Ongoing	The RCMP External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.	Why is this a priority? <ul style="list-style-type: none"> Educational role the ERC plays contributes in a proactive way to a better understanding of grievance administration and discipline, and discharge and demotion appeals.
			Plans for meeting the priority: <ul style="list-style-type: none"> Provides key stakeholders with information on process, findings and recommendations of the ERC; Provides training where possible on labour relations; and, Engages the RCMP to further develop its governance framework.
Management Priorities	Type	Link to Strategic Outcome	Description
3. Continue to improve on the corporate management framework and infrastructure	Ongoing	The RCMP External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.	Why is this a priority? <ul style="list-style-type: none"> ERC remains committed to meeting government-wide management and accountability priorities.
			Plans for meeting the priority: <ul style="list-style-type: none"> Stabilize corporate management framework and infrastructure based on available resources; and, Continue to develop MOUs for IM/IT, HR, and transactional financial support.
4. Continue to invest in our people	Ongoing	The RCMP External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.	Why is this a priority? <ul style="list-style-type: none"> ERC places a priority on integrating the vision and intent of Public Service Renewal into its day-to-day activities.
			Plans for meeting the priority: <ul style="list-style-type: none"> Provides time and resources towards training and education that enhance existing skills and contribute toward current capacity building, and longer term career objectives of staff.

Risk Analysis

Temporary funding was secured in 2006-07 from the Treasury Board Management Reserve to help alleviate the critical backlog of cases before the ERC. This funding envelope closes in 2011-12. A second amount was secured from the Management Reserve in 2007-08 to accommodate and address corporate management pressures. This second funding envelope closed at the end of the 2008 calendar year. A third temporary funding envelope has been secured starting in 2009-10. It also closes in 2011-12. Due to the volume of pending cases and the time necessary to review these complex cases, work will have to continue past 2012. As of yet, the ERC has not secured the additional funding required to keep up with its current caseload on an ongoing basis. Should permanent additional funding not be made available to the ERC, the ability of the ERC to respond to its main priorities, such as reviewing case files or responding to requests for information will suffer, and productivity may be affected on an organization-wide level.

Given the nature and unpredictability of the labour issues within the RCMP, the ERC has no control over the number of cases that are referred to it from year to year. Similarly, there can be great variance in the level of complexity of the cases it receives. Despite this, the ERC has attempted to estimate the reasonable amount of time required, on average, to process each type of case brought before it. For grievances, the ERC targets for approximately three months for the completion of the grievance review. For disciplinary, and discharge and demotion cases, the time frame is approximately six months.

In recent years, the ERC's caseload has varied somewhat as follows:



The ERC received a record number of cases in 2005-06, the consequence of large policing events that occurred in the previous years. On average, the ERC has received 39 new files each year since 2001-02. While the average number of cases that the ERC received in the last three

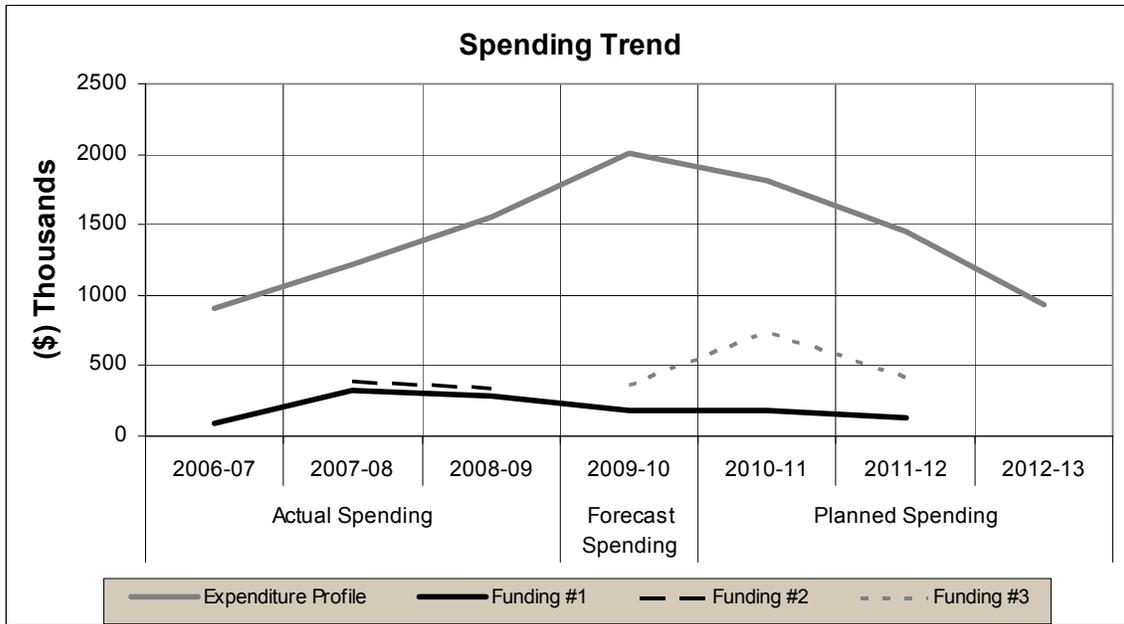
years has been 32, the ERC is aware of a number of large policing events that could result in another spike in future years. Additionally, the membership of the RCMP has grown steadily to meet Canadians' expectation for safe and secure communities. One of the government's priorities since 2007, to significantly increase the size of the RCMP, has been successful. As a result, an increase is expected in the use of the grievance review and disciplinary appeal processes.

In addition to case reviews, the ERC workload also includes significant reporting and corporate requirements that come from Central Agencies. Given its small size and budget, the ERC is unable to employ staff with expertise in the variety of required reports, solely tasked to these reports. Therefore the ERC frequently re-assigns operational staff to work on unrelated corporate reports. These added reporting pressures have at times, contributed to delays in the case review process.

Outreach is also an important task of the ERC staff. This is done through the ERC website, its quarterly publication, *Communiqué*, responses to requests for information, and delivering training. Each year, the ERC receives a number of requests for information; some of these are simple, but others can be quite complicated and time-consuming. In 2008-09 for example, the ERC received 112 requests for information, with an average response time of three days. Without adequate resources to respond to an increasing workload, ERC clients and stakeholders (i.e. the RCMP Commissioner and members) will not receive the high level of service that they have come to expect from the ERC.

Spending Profile

In the following table, the grey line represents the ERC's overall expenditure profile. The dotted black line represents the first Management Reserve funding envelope secured in 2006-07 to address the critical backlog of cases at the ERC, which closes in 2011-12. The black line represents the second funding envelope from the Treasury Board Management Reserve secured in 2007-08 to accommodate corporate management pressures, which closed at the end of the 2008 calendar year. The dotted grey line represents the third temporary funding envelope, secured in the 2009-10 fiscal year, which also closes in 2011-12. The priority for 2010-11 will be to secure funding for 2012-13 onwards to accommodate the continuing effort on the part of the ERC to stay current with the rate of cases referred to the ERC and to reduce the waiting time for clients to an acceptable level.



Voted and Statutory Items

(\$ thousands)

Vote Number or Statutory Item(s)	Truncated Vote or Statutory Wording	2009-10 Main Estimates	2010-2011 Main Estimates
65	Operating expenditures	953	1,594
(S)	Contributions to employee benefit plans	121	217
	Total	1,074	1,811

Section II: Analysis of Program Activities by Strategic Outcome

Strategic Outcome

The RCMP External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the RCMP.

Program Activity by Strategic Outcome

In order to work towards achieving its strategic outcome, the ERC carries on two program activities: **Program Activity 1**- Independent and impartial case review; and **Program Activity 2** Outreach and information dissemination.

In fiscal year 2009-10, the **Program Activity Internal Services** was appended to the ERC's Program Activity Architecture. As a result of its experience in attempting to meet the reporting requirements, the ERC determined that the uniquely small size of the organization made the reporting of this Program Activity particularly inaccurate. The related expenditures cannot be reliably apportioned between program activities without an inordinate expenditure of resources. This justification was provided to Treasury Board who in turn agreed with the ERC's assertion. As such, the ERC has been granted an exemption until the end of the 2010-11 fiscal year from reporting on financial commitments to Internal Services as a separate Program Activity.

Program Activity 1: Independent and impartial case review					
Human Resources (FTEs) and Planned Spending (\$ thousands)					
2010-11		2011-12		2012-13	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
5.6	1,449	5.6	1,165	4.2	746
Program Activity Expected Results		Performance Indicators		Targets	
Parties and RCMP Commissioner are provided with an independent review of the dispute to facilitate transparent and accountable dispute resolution.		Percentage of cases where findings and recommendations are issued.		100%	
A body of findings and recommendations is created to assist RCMP Level I Adjudicators, concerned parties, RCMP Commissioner and staff representatives to interpret legislation, regulations and policy.		Number of times legislative, regulatory or policy interpretative guidance provided in findings and recommendations.		As required	
Identification of areas for legislative, regulatory or policy change/clarification.		Number of recommendations for change/ clarification provided in findings and recommendations.		As required	

The ERC can dispose of matters referred to it by the RCMP Commissioner either on the basis of the material in the record or following a hearing. In conducting its review of the matters referred to it, the ERC attempts to achieve timeliness and quality in its recommendations, and a balance amongst the many complex and different interests involved. It strives to ensure that the principles of administrative and labour law are respected and the remedial approach indicated by the *RCMP Act* is followed. In each case, the ERC must consider the public interest and ensure that members of the RCMP are treated in a fair and equitable manner.

The ERC's focus on effectiveness and efficiency in both its case review process and management functions will assist it to achieve this result. The statutory mandate of the ERC in the *RCMP Act* is case review. It is in this respect that Program Activity 1 supports Priority 1.

Benefits for Canadians

Canadians are served through the ERC's contribution to fair, transparent and accountable labour relations processes within the RCMP. They are assured that RCMP members are treated by Canada's national police force as would be expected by Canadians whose tax revenues support it.

Program Activity 2: Outreach and information dissemination					
Human Resources (FTEs) and Planned Spending (\$ thousands)					
2010-11		2011-12		2012-13	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
2.4	362	2.4	291	1.8	186
Program Activity Expected Results		Performance Indicators		Targets	
Make available information to the public on labour relations issues within the RCMP to support accountability and transparency.		Subscription levels for quarterly <i>Communiqué</i> ; subscription levels for annual report; Website traffic; volume of requests for information.		Ongoing	
Increase awareness of labour relations issues and resolutions within RCMP Policy.		Website access statistics; subscription and distribution data; number of requests for information; number of outreach events.		Ongoing	

The ERC ensures that its findings and recommendations in each case are clearly explained for the concerned parties and the RCMP Commissioner. Summaries of the findings and recommendations in each case, as well as articles of interest on the role of the ERC, relevant legal principles and information on related issues, are distributed widely. Communication and outreach tools include: a quarterly publication (*Communiqué*), including the most recent case

summaries, updates, and legal principles; a Website with timely inclusion of publications and case summaries; the annual report and other government accountability documents; and presentations, meetings, training and other outreach activities.

The ERC strives to make information available in a timely and accessible manner, with the objective of influencing in a positive way the RCMP labour relations environment, and contributing knowledge and ideas to the disciplines of administrative, employment, and labour law.

Part of the ERC's work is dedicated to Program Activity 2, and in this way it supports Priority 3.

Benefits for Canadians

Canadians are served through the ERC's contribution to fair, transparent and accountable labour relations processes within the RCMP. They are assured that RCMP members are treated by Canada's national police force as would be expected by Canadians whose tax revenues support it.

Planning Highlights

Operating Environment

The strategic outcome of the ERC is to “*aim to positively influence the manner in which labour relations issues are addressed within the RCMP*”. The ERC is an independent arms-length agency created under the *RCMP Act*. The focus of the ERC's work is the impartial, independent and timely review of RCMP labour relations cases referred to it and the timely issuance of recommendations to the Commissioner of the RCMP.

As a very small agency, the ERC has one member who is both the Chair and Chief Executive Officer. She has been appointed by the Governor in Council for a term of three years, starting November 1, 2008. Under the *Act*, anyone who sits on the ERC cannot be a member or former member of the RCMP.

By law, the ERC's case review process starts when the Commissioner refers a case to it. The ERC itself cannot initiate a review without a referral from the Commissioner. The cases that must be referred are described in the *RCMP Act* and include disciplinary appeals, discharge and demotion appeals and certain categories of grievances. When the ERC conducts a case review, it examines the entire record including: the original documents, the decision made, and the submissions of the parties. Where the review involves the appeal of a disciplinary, or discharge or demotion decision, the transcript of the Adjudication Board hearing is also before the ERC, as well as any exhibits entered at the hearing. The ERC reviews all the evidence, legal issues, relevant legislation and judicial decisions in making its recommendation. After consideration of all the issues, the ERC provides findings and recommendations to the RCMP Commissioner, who is the final decision-maker. If the RCMP Commissioner decides not to follow the ERC recommendations, the law requires that the Commissioner provide reasons for not doing so.

The expeditious handling of cases referred to the ERC is fundamental to maintaining its integrity and credibility in carrying out its statutory mandate. The ERC routinely deals with, and must respond to, significant fluctuations in workload, as it has no control over the number of cases that are referred to it. The ERC has adopted a number of case management practices to ensure that its review process is as expeditious as possible and to enhance the quality of its findings and recommendations. The ERC utilizes part of its term funding to ensure that one staff member is dedicated to the pre-screening process to identify and respond to issues earlier in the process. It continues to monitor internal practices to ensure more timely issuance of recommendations to the RCMP Commissioner and the parties.

The ERC is committed to continuing with its quality case reviews and to expanding its ability to undertake reviews. Enhancing the case review process and developing a more robust infrastructure to support the ERC in meeting standards of excellence in its mandate of labour relations oversight and review is an on-going priority.

The ERC also performs an important outreach function. As part of this outreach function, the ERC issues a quarterly publication (*Communiqué*) which provides updates of findings and recommendations issued by the Chair, updates of decisions rendered by the Commissioner, and summaries of applicable Federal Court cases. The *Communiqué* also includes articles of interest which have been very well received for their educational role. These articles respond to trends and developments in labour relations that have particular interest to the members.

ERC staff meet with various RCMP stakeholders, including the Professional Standards and External Review Directorate, Offices for the Coordination of Grievances, Level I Grievance Adjudicators and Adjudication Board members for disciplinary matters. The ERC also participates in the annual meetings and orientation seminars held by members of the RCMP Staff Relations Representatives Program. ERC staff also inform themselves of the work done by members of the RCMP through visits to RCMP detachments and training centres, and have also engaged in training and orientation sessions with the RCMP.

The ERC is dedicated to continually improving its corporate management framework and infrastructure which supports its legislative mandate, ensures accountability and sets out a shared vision of expected results. Initiatives are undertaken on an ongoing basis to enhance the ERC's practices, policies, frameworks and systems. Over the last several years, the ERC has experienced an increased workload stemming not only from a general increase in cases, but also due to a growing number of reporting and corporate requirements coming from Central Agencies. Even though the ERC is a very small agency, it must deal with added reporting pressures, yet it remains fully committed to implementing government priorities.

The priorities for the ERC's program activities in this planning period are described in more detail below. These include delivering on the statutory mandate; raising awareness through outreach; enhancement of its corporate management framework and infrastructure; and an ongoing investment in our people.

Planning Highlights by Priority

1. Continue to deliver on statutory mandate

The ERC's overriding priority continues to be to review cases and make sound recommendations to the RCMP Commissioner in an expeditious manner. Within this context, the ERC strives for continuous improvement in its service delivery. It continues to examine ways to streamline its processes and improve effectiveness in this area. The complexity of cases and resource issues related to the current volume of workload, continue to make it challenging to address case backlog. Longer term strategic planning and the streamlining of processes are planned to continue in the future.

The ERC must balance the dual role of exercising due diligence and meeting corporate demands without compromising its statutory requirement to review cases and to provide recommendations to the RCMP Commissioner. The ERC continues to receive a significant number of often, very complex files. It continues to experience an increasing workload stemming from a growing number of reporting and corporate requirements from Central Agencies. The ERC is fully committed to delivering on its mandate, while ensuring it is compliant with federal government policies and legislation.

2. Raise awareness through outreach

Outreach activities remain a priority for 2010-2011. Outreach activities provide a number of important benefits to the RCMP, its members, stakeholders and the public. The educational role the ERC plays in this regard contributes in a proactive way to a better understanding of grievance administration and to discipline, and discharge and demotion appeals. The ERC uses its publication (*Communiqué*), its Website and Request for Information process to ensure that RCMP members have access to information on the process for presenting grievances and appeals, as well as similar past cases. To the extent that resources allow, ERC staff will also provide general information on its mandate directly at the detachment level via in-person visits.

The ERC will continue to provide key stakeholders (i.e. RCMP Adjudication Boards, Level I Adjudicators, Offices for the Coordination of Grievances; Member Representatives; Appropriate Officer Representatives, Staff Relations Representatives) with information on the process, findings and recommendations, including information which offers a precedential value and updates regarding applicable case law. In addition, the ERC will continue to provide formal training to these groups, when requested, and as resources allow. The ERC offers readily available insight into the RCMP grievance process, disciplinary appeals, and appeals of discharge and demotion through its Website and provides a universally accessible point for information.

The ERC will also continue to engage the RCMP and other stakeholders on the issue of the strengthening of the Force's governance framework, particularly as it relates to the ERC's mandate.

3. Enhancement of the corporate management framework and infrastructure

The ERC remains committed to meeting government-wide management and accountability priorities. A Performance and Accountability Framework has been in operation since the 2007-08 fiscal year.

The priority for 2010-11 will be to continue to stabilize the corporate management framework and infrastructure based on the resources available and to pursue stability in the available resources. Future steps will be undertaken to ensure that it has a renewed Memorandum of Understanding in place for Human Resources (HR), Information Management and Technology (IM/IT) and transactional financial support. The ERC will also ensure that it continues to work towards processes and systems that fully comply with government-wide policy. For example, compliance with the Management of Information Technology Security Policy (MITS) was assessed in 2008-09 to ensure that the ERC has the appropriate action plan in place to preserve the confidentiality, integrity, availability, intended use and value of electronically-stored, processed or transmitted information.

4. Continue to invest in our people

HR Modernization has changed the way government hires, manages and supports its public service employees. The ERC places a priority on integrating the vision and intent of HR Modernization into its day-to-day activities. The ERC has updated its Strategic HR Plan, first established in 2006 and it plans a full-scale review in order to make enhancements to take effect for three years beginning in 2010-2011. In 2010-11, the ERC will continue to provide time and resources towards training and education that enhance existing skills and contribute toward the current capacity building that has already started, and longer term career objectives of staff. The ERC will also continue to hold regular staff meetings and ensure multiple approaches to encourage collegiality, dialogue and discussion. It will consult staff and seek their input on workplace policies and practices. An ongoing priority for the ERC will be to ensure that indeterminate and temporary positions within the ERC are filled. Last but not least, the ERC will work with central agencies to ensure a higher level of knowledge about staffing and staffing strategies at all levels of the organization.

Section III - Supplementary Information

References

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