



Transport  
Canada

Transports  
Canada

Rail Safety  
Enterprise Building  
14<sup>th</sup> Floor  
Ottawa, Ontario  
K1A 0N5

APR 16 2008

TSB2007T104734  
RDIMS# 3712559

Mr. Glen Wilson  
General Manager Strategy Planning & Regulatory Affairs  
Canadian Pacific Railway  
Gulf Canada Square  
401-9th Avenue S.W. Street, Suite 500  
Calgary, Alberta  
T2P 4Z4

Dear Mr. Wilson:

**Subject: Railway Police Complaints Procedures**

On Friday, June 22, 2007, Bill C-11, *An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts* received Royal Assent and came into force.

Subsection 44.1(1) of the revised *Railway Safety Act (RSA)* concerning procedures for dealing with complaints states the following:

“If one or more police constables are appointed with respect to a railway company, the railway company must

- (a) establish procedures for dealing with complaints concerning police constables;
- (b) designate one or more persons to be responsible for implementing the procedures; and
- (c) designate one or more persons to receive and deal with the complaints.”

Also, subsection 44.1(2) of the revised RSA concerning procedures to be filed with the Minister states the following:

“The railway company must file with the Minister a copy of its procedures for dealing with complaints and must implement any recommendations made by the Minister, including recommendations concerning how the procedures are to be made public.”

.../2

Therefore, as per subsection 44.1(2) of the revised RSA, Transport Canada requests that your company file with the Minister a copy of its procedures for dealing with complaints concerning police constables by **May 30, 2008**. When being filed, the procedures should be addressed to the Minister with a copy to the Director General, Rail Safety.

If you and/or your officials have any questions regarding this issue, please contact Don Pulciani, Director, Safety Policy and Regulatory Affairs, Rail Safety, either by telephone at (613) 990-8690 or by e-mail at [pulciad@tc.gc.ca](mailto:pulciad@tc.gc.ca).

Sincerely,



Luc Bourdon  
Director General,  
Rail Safety

c.c. Mr. Robert Smith, CPR  
Mr. Jim Cunningham, CPR  
Mr. Don Pulciani, TC, Rail Safety (ASRB)

AXE 3500-60-6



# CANADIAN PACIFIC

Police Service  
Headquarters  
Suite 915  
401 - 9 Ave S.W.  
Calgary, AB T2P 4Z4

May 1, 2008

TC file: TSB2007T104734  
RDIMS#3712559

The Honourable Lawrence Cannon  
Minister of Transport, Infrastructure and Communities  
Tower C, Place de Ville  
330 Sparks St  
Ottawa, Ontario  
K1A 0N5

RECEIVED  
MINISTER OF TRANSPORT

MAY 6 10 24 AM '08

Dear Minister Cannon:

**SUBJECT: RAILWAY POLICE COMPLAINTS PROCEDURES**

Subsection 44.1(1) of the revised *Railway Safety Act (RSA)* concerning procedures for dealing with complaints states the following:

- "If one or more police constables are appointed with respect to a railway company, the railway company must
- (a) establish procedures for dealing with complaints concerning police constables;
  - (b) designate one or more persons to be responsible for implementing the procedures; and
  - (c) designate one or more persons to receive and deal with the complaints."

Also, subsection 44.1(2) of the revised *RSA* concerning procedures to be filed with the Minister states the following:

"The railway company must file with the Minister a copy of its procedures for dealing with complaints and must implement any recommendations made by the Minister, including recommendations concerning how the procedures are to be made public."

The Canadian Pacific Police Service complaint procedure has been in place since 2002 and was last revised in September 2007. In reference to the above, please find enclosed with this letter, Canadian Pacific Police Service written directives 52.1 and 52.2 dealing with public complaints against police. We trust that this submission meets the filing requirement of subsection 44.1(2) of the *RSA*.

Communication Centre 24 hour: 1-800-716-9132  
Telephone: (403) 319-7013 Fax: (403) 319-7024

Sincerely,



Ivan McClelland  
Chief of Police

c.c. Mr. Luc Bourdon, Director General, Rail safety TC  
Mr. Jim Cunningham, CPR  
Mr. Robert Smith, CPR  
Mr. Don Pulciani, TC, Rail Safety (ASRB)





**Chapter 52 Professional Standards— Public Revision Date: 2007-09-20  
and Internal Complaints  
Organizational Integrity – Directive 52.1  
Procedure –Directive 52.2**

<b>Applicable CALEA Standards:</b>	<b>Distribution:</b>	System
52.1.1, 52.1.2, 52.1.3, 52.1.4 and 52.1.5	<b>Date Effective:</b>	2007-09-20
52.2.1, 52.2.2, 52.2.3, 52.2.1.4, 52.2.5,	<b>Re-Evaluation Date:</b>	2010-09
52.2.6, 52.2.7 and 52.2.8	<b>Originator:</b>	Inspector Ric Ladouceur
	<b>Total Pages:</b>	14

**PURPOSE:**

Written Directive 52.1 outlines the Service’s handling process for public and internal complaints and other allegations of misconduct.

**POLICY:**

The professional image of the Service to a large extent depends upon the personal integrity and conduct of each member and investigation of complaints against members is imperative to maintenance of professional conduct. The image of the Service may be determined by the quality of a fair and impartial investigation into allegations of misconduct against members.

The Service is committed to conducting complaint investigations that are complete, thorough, transparent and timely, to ensure that the public have full and complete access to the public complaints procedures and to ensure a fair and equitable resolution for all complaint investigation for both the public and the member involved.

**Chapter 52 Professional Standards – Public and Internal Complaints  
52.1 Organizational Integrity**

**52.1.1 Complaint Investigation**

All allegations of misconduct, including anonymous complaints, and violation of Service policy shall be investigated under the direction of the Professional Standards Unit.

PROOF: W=Written O=Observable I=Interview		
<b>Item:</b>	<b>Frequency &amp; #</b>	<b>Responsibility</b>
W/ CD-001E and AD-0055E	1 per Region Annually where occurred	Admin HQ





**Chapter 52 Professional Standards – Public and Internal Complaints**

**52.1 Organizational Integrity**

**52.1.2 Records – Maintenance and Security**

All member complaint investigations records shall be compiled in a case file and be held by the member conducting the investigation. When not in use the case file shall be secured in a cabinet or briefcase with access restricted to the member conducting the investigation.

At the conclusion of the investigation the completed case management file shall be forwarded to the Inspector of the Professional Standards Unit (PSU) for review unless the documentation in the file is required for any disciplinary process or criminal process resulting from the investigation. In these instances the file will be held by the investigator pending the disciplinary or legal process. At the conclusion of the disciplinary or criminal process the case file will be forwarded to the Inspector of the PSU for review.

Following the review by the PSU the file will be forwarded to HQ and be stored in a secure file cabinet with access restricted to the Chief, Superintendent Support, Inspector PSU and the HQ admin.

Any electronic documents relating to an investigation will be forwarded to the admin HQ and be placed on the Police Admin Confidential Document folder. All items will be purged from the investigators computer at the conclusion of the investigations.

PROOF: W=Written O=Observable I=Interview		
Item:	Frequency & #	Responsibility
W/ File Storage HQ – Photo of file Cabinet	1 Annually	Admin HQ

**Chapter 52 Professional Standards – Public and Internal Complaints**

**52.1 Organizational Integrity**

**52.1.3 Direct Access to the Chief**

The Inspector of the Professional Standards Unit (PSU) is responsible for oversight of all matters relating to breaches of the Code of Appearance and Conduct and internal or public complaint. On matters relating to breaches of the Code of Appearance and Conduct and Internal or Public complaints the Inspector PSU shall report directly to the Chief.





**Chapter 52 Professional Standards – Public and Internal Complaints**

**52.1 Organizational Integrity**

**52.1.3 Direct Access to the Chief**

PROOF: W=Written O=Observable I=Interview		
Item:	Frequency & #	Responsibility
W/Correspondence between Inspector PSU and Chief	1 sample annually if occurred	Admin HQ

**Chapter 52 Professional Standards – Public and Internal Complaints**

**52.1 Organizational Integrity**

**52.1.4 Public Complaint Process Information Available to the Public**

The Service makes available information on the Public Complaints process by ensuring that the complaint procedures brochures (CD-006E) is available at all Service Offices.

The procedure and forms are also available on the CPR Intranet.

PROOF: W=Written O=Observable I=Interview		
Item:	Frequency & #	Responsibility
W/Sample Brochure and Photos of Brochures at Offices	1 Annually	District Calea Member

**Chapter 52 Professional Standards – Public and Internal Complaints**

**52.1 Organizational Integrity**

**52.1.5 Annual Statistical Summary and Analysis**

The Inspector of the Professional Standards Unit will conduct an annual review of all complaints against members of the service and internal investigations against members. A report shall be prepared and include a statistical summary and analysis of complaint and will include findings and recommendations where appropriate, The report will be made available to members of the service and the public.

PROOF: W=Written O=Observable I=Interview		
Item:	Frequency & #	Responsibility
W/Copy of Review		





**Chapter 52 Professional Standards – Public and Internal Complaints**  
**52.2 Procedures**

**52.2.1 Complaint Investigation**

The following are authorized to conduct internal investigations relating to violations of the Service's *Code of Appearance and Conduct* outlined in written directive 26.1.1 and internal and public complaints outlined in written directive 52.2.9 A & B. These investigation will review all allegations and provide for the interview of witnesses and examination of fact to ascertain if there is any basis for the allegations. Information developed during this investigation may be used in the *Disciplinary Investigation Process* outlined in written directive 26.1.4.

**a. Staff Sergeant/Sergeants/Senior Investigators in Charge (SIIC)**

Staff Sergeant, Sergeants and SIICS may investigate minor breaches of the Code of Appearance and Conduct and minor public complaint for members as follows:

**Staff Sergeants**

- Sergeants
- SIICS
- Investigators
- Constables
- Civilians

**Sergeants**

- Constables
- Civilians

**SIICs**

- Investigators
- Special Agents
- Civilians

During these investigations the Staff Sergeant, Sergeants, and SIICs will report directly to the Inspector of the Professional Standards Unit who will oversee the investigation.

**b. Inspector Professional Standards Unit**

The Inspector of the Professional Standards Unit will investigate all minor breaches of the Code of Appearance and Conduct and minor public complaint for Staff Sergeants, Sergeants and SIICS and all major breaches of the Code of Appearance and Conduct and major public complaints.

In cases where a Superintendent is subject of the complaint the Chief may conduct the investigation or designate the Inspector of the Professional Standards Unit to conduct the investigation. In extreme cases the Chief may request the assistance of another police service to conduct the investigations.

The Inspector of the Professional Standards Unit will be responsible to oversee and review all investigations conducted by Sergeants and SIICS.







**Chapter 52 Professional Standards – Public and Internal Complaints**  
**52.2 Procedures**

**52.2.1 Complaint Investigation**

The Superintendent Support HQ will be responsible to oversee and review all investigations conducted by the Inspector of the Professional Standards Unit unless otherwise directed by the Chief.

PROOF: W=Written O=Observable I=Interview		
Item:	Frequency & #	Responsibility
W/ CD-001E and AD-0055E	1 per Region Annually where occurred	Admin HQ

**Chapter 52 Professional Standards – Public and Internal Complaints**  
**52.2 Procedures**

**52.2.2 Notification of Chief and Inspector Professional Standards**

All breaches of the code of appearance and conduct and public complaints will be reported to the Chief and the Inspector of the Professional Standards Unit (PSU) by the District Superintendent or Superintendent Support upon receipt of the complaint. The Chief will review the matter and determine who will conduct the investigation within the guidelines established in 52.1.1 items a. and b.

The Inspector of the PSU will log the complaint on an excel spreadsheet and issue a file number.

In the case of a public complaint the file number will be prefixed with PC followed by the year and a number. i.e. PC2006001

In the case of an internal complaint the file number will be prefixed with IC followed by the year and a number. i.e. IC2006001

PROOF: W=Written O=Observable I=Interview		
Item:	Frequency & #	Responsibility
W/ Documentation of Investigation Process – E-mail – Conference Call Minutes	1 Annually	Inspector PSU





**Chapter 52 Professional Standards – Public and Internal Complaints  
52.2 Procedures**

**52.2.3 Investigation Time Limits**

All investigations relating to breaches of the Code of Appearance and Conduct and public or internal complaints shall be completed within ninety (90) days from the date the allegation became known, unless an extension is requested from and authorized by the Chief.

PROOF: W=Written O=Observable I=Interview		
Item:	Frequency & #	Responsibility
W/ Sample Complaint Case File	1 Annually	Inspector PSU

**Chapter 52 Professional Standards – Public and Internal Complaints  
52.2 Procedures**

**52.2.4 Informing the Complainant**

The following are responsible to ensure that the complainant in any complaint is informed as follows:

**a. Receipt of the Complaint**

The Chief or his designate will be responsible to acknowledge receipt of the complaint in writing and if in the case of a public complaint forward a package containing the procedures and forms for submitting a complaint.

**b. Status Reports**

The member conducting the investigation will be responsible to periodically contact the complainant and inform them of the status of the investigation. All contact with the complainant will be documented in the case file for the incident.

**c. Notification of the Results of the Investigation**

At the conclusion of the investigation the Chief or his designate will provide the complainant the written results of the investigation.

PROOF: W=Written O=Observable I=Interview		
Item:	Frequency & #	Responsibility
W/ Documentation relating to notification	1 Annually	Admin HQ





**Chapter 52 Professional Standards – Public and Internal Complaints**  
**52.2 Procedures**

**52.2.5 Member Notification**

The Chief or his designate shall provide the member subject of the investigation a written statement of the allegation, periodic status reports, as required, and the end result of the investigation. Such notification shall also include any rights and responsibilities relative to the investigation.

(Exception) The subject officer will not be notified if the misconduct is of a criminal nature and the investigation could be compromised by notification.

PROOF: W=Written O=Observable I=Interview		
Item:	Frequency & #	Responsibility
W/ Documented Notification	1 Annually	Admin HQ

**Chapter 52 Professional Standards – Public and Internal Complaints**  
**52.2 Procedures**

**52.2.6 Tests**

During an investigation members will not:

- a. Submit to medical or laboratory examinations
- b. Submit to being photographed
- c. Participate in a line-up
- d. Submit financial disclosure statements, or
- e. Submit to a polygraph test or similar test

Except as authorized by a judicial order or other legal process or upon consent of the member.

PROOF: W=Written O=Observable I=Interview		
Item:	Frequency & #	Responsibility
W/ Documentation when used	1 Annually	Admin HQ





**Chapter 52 Professional Standards – Public and Internal Complaints  
52.2 Procedures**

**52.2.7 Suspension from Duty**

When a member is

- i. Suspected of or charged with a criminal offence,
- ii. Suspected of serious misconduct that would bring Service into disrepute or
- iii. For reason of physical or psychological fitness for duty

The Chief, or in the absence of the Chief, a senior officer (Superintendent or Inspector) may elect to remove the member from active service by suspending the member from duty or reassigning them to an administrative position.

All suspensions will be done in accordance with the collective agreements or other Canadian Pacific Railway policy and procedure.

Upon suspension the member will surrender issued firearms, ammunition, baton, capsicum spray, cap badge, breast badge, wallet badge, belt badge and warrant card.

When a suspension has been issued by a Superintendent or Inspector, the Chief or his designate shall be immediately notified. If the Chief or his designate confirms the suspension, a letter must be served on the member confirming the suspension and outlining the cause. If not confirmed, a letter revoking the suspension must be served on the member.

A confirmed suspension shall remain in effect until revoked by the Chief and written revocation is served on the member.

During the suspension the member shall not exercise any of the powers vested in them as police officers or wear or use clothing or equipment that was issued to them in that capacity.

PROOF: W=Written O=Observable I=Interview		
Item:	Frequency & #	Responsibility
W/ Record of Purging- Sample Redacted Files	1 Annually	Inspector PSU





**Chapter 52 Professional Standards – Public and Internal Complaints  
52.2 Procedures**

**52.2.8 Conclusion of Fact Investigation Report**

At the conclusion of any investigation of allegations against a member, a "conclusion of fact" report will be prepared by the investigating member and forwarded to the Inspector of the Professional Standards Unit and the Chief of Police.

The investigation may find as follows:

- i. The complaint is unfounded
- ii. There is no evidence to support the allegation
- iii. The conduct was proper and within Service Policy and Guidelines
- iv. The conduct violates Service policy, procedure or written directive or
- v. The conduct violates the law

Where findings conclude that the behaviour of the member was inappropriate the investigator may make a recommendation for changes to policy, procedures or training and/or refer the matter to the disciplinary system outlined in written directive 26.1.4 or criminal charge.

The Chief will then rule on the findings of the investigation and direct whatever action he deems necessary. The chief or his designate will then notify the complainant and the subject officer of the findings in accordance with written directives 52.2.4 and 53.2.5

PROOF: W=Written O=Observable I=Interview		
Item:	Frequency & #	Responsibility
W/ Sample report	1 Annually	Admin HQ

**Chapter 52 Professional Standards – Public and Internal Complaints  
52.2 Procedures**

**52.2.9A Public Complaint Procedures**

**Types of Complaints**

There are two different types of complaints that require investigation by the Professional Standard Unit. They relate to:

- i. Policies or Procedures of the Police Service.
- ii. The conduct of a Police Officer of the Service.





**Chapter 52 Professional Standards – Public and Internal Complaints  
52.2 Procedures**

**52.2.9A Public Complaint Procedures**

**Making a Complaint**

Anyone may initiate a complaint with the Service by:

- i. Sending in a written complaint to the Chief of Police or a District Officer.
- ii. By telephone to the CPRPS Communication Centre at 1-800-716-9132.
- iii. Attending any office of the CPRPS and completing a "COMPLAINT FORM" CD-001E in hard copy.

Any member who receives a complaint shall ensure that the form CD-001E is completed and forwarded through the chain of command.

The District Superintendent or Superintendent Support will be responsible to forward a copy of the CD-001E to HQ.

The complaint procedures brochures (CD-006E) must be available at all Service Offices

Members may obtain all forms relating to complaints against police in the Complaints Against Police subfolder of the Forms New subfolder in General Data folder on the Server.

**Processing a Complaint**

**Policy**

The Chief or his designate will review a complaint relating to the policy or procedures of the CPRPS and may alter the policy or take no further action. In this case no investigation is carried out and the complainant is notified in writing by HQ.

**Conduct**

The Chief will review the complaint and may find that the complaint is:

- i. Frivolous or in bad faith. In this case no investigation is carried out and the complainant is notified in writing by HQ.
- ii. Conduct that may constitute misconduct.

In cases where there may be misconduct the Chief will direct the Inspector of the Professional Standards Unit to arrange to have complaint investigated in accordance with written directive





**Chapter 52 Professional Standards - Public and Internal Complaints  
52.2 Procedures**

**52.2.9A Public Complaint Procedures**

52.1.1.

The member conducting an investigation will initiate case file management that includes the Complaint Investigation Checklist Form AD-055E.

**Note:** At any time during the process the complainant may decide to withdraw the complaint against the member. In this case the complainant must fill out the "Complaint Withdrawal" form CD-003E.

This form will be forwarded to the Chief or his designate. This does not necessarily mean the matter will be terminated. The investigation may continue at the discretion of the Chief.

PROOF: W=Written O=Observable I=Interview		
Item:	Frequency & #	Responsibility
N/A		

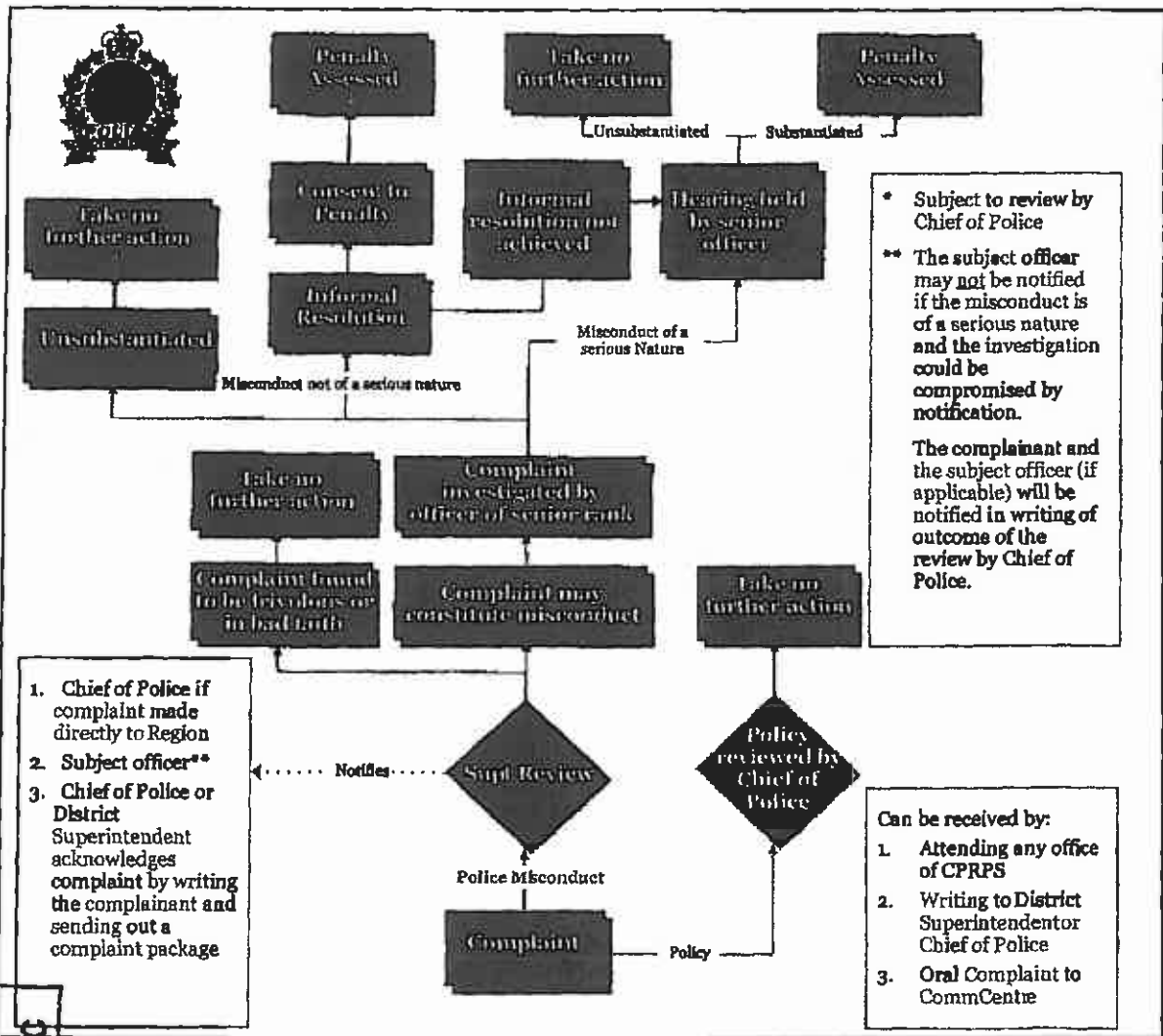
See Procedure on page 12





**Canadian Pacific Railway Police Service  
Policy Manual - Part 1 Policies**

**Canadian Pacific Railway Police Service  
Public Complaint Procedure**



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MAY 8 - 2008  
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# CANADIAN PACIFIC POLICE SERVICE

## SERVICE ORDER

Service Order Number: 09-02	Related Policy Number: 52.1., 52.2	Date Issued: 23rd July 2009	Date Effective: 23rd July 2009
Related Documents: Railway Safety Act Section 44.1(1)			
<b>Public Complaint Procedure</b>			

### 1. Objectives.

This Service Order amends policy number 52.1 and 52.2 to establish a standard procedure for the administration and investigation of public and internal complaints against members of CP Police Service

2. **Applicability.** This directive shall apply to all complaints, including those complaints made by anonymous complainants, received by any member of the service in relation to the policies and procedures of the Service or the conduct of any member of the Service.
3. **Policy.** Canadian Pacific Police Service is committed to conducting public complaint investigations that are thorough, transparent, timely and promote a fair and equitable resolution to the complaint.

### 4. Procedure.

#### 4.1. Receiving a complaint.

Anyone may initiate a complaint with the Service by:

- Submitting a written complaint to the Chief of Police or the subject officer's supervisor.
- Telephoning the CPPS Communication Centre at 1-800-716-9132 and making a verbal complaint.
- In person at any CPPS detachment or office.
- Electronically via email to the Communications Centre.

Any member receiving a complaint must complete Part One of the Public Complaint Form CD0001E and forward it to the Policy & Strategic Support Analyst HQ for processing. Any Control Room staff member receiving a complaint must document the nature of the complaint, date, time and location of the incident, subject officer if known and contact information including name, telephone number, mailing address and email address of the complainant. The information must be sent to the Policy & Strategic Support Analyst in an email for processing.

#### 4.2 Processing the complaint.

Upon Receipt of a complaint the Policy & Strategic Support Analyst or their designate will:

- Classify the complaint as a policy/procedure complaint or a member conduct complaint, and initiate a

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Page 1 of 3

Form AD-121E  
Rev.07/2009

complaint file relating to the incident and assign a file number using the prefix PC followed by the year and the sequential number for that year e.g. PC2009001.

- The complaint will be documented in the Complaints spread sheet and updated regularly.
- Review the allegation to determine if the complaint merits additional investigations or is frivolous or in bad faith and report such to the Chief of Police
- Acknowledge receipt of the complaint in writing to the complainant. If acknowledgement is made via Email, written acknowledgement will also be sent by mail and a copy of the acknowledgement letter placed in the complaint file.
- Notify the Chief of Police, Regional Superintendent, if applicable, and the district Inspector in writing, of the allegation.
- Provide the subject officer with written acknowledgement of the allegation. If the officer's conduct is criminal in nature and acknowledgement could compromise the investigation, the acknowledgement will be withheld.
- Following the assignment of an investigating officer by the Chief of Police, provide the investigation package which includes the current complaint form, a guide for officers investigating public complaints and chronology of investigation guide.
- Conduct a review of the progress of the investigation 30 days and, if necessary, 60 days after receipt of the complaint, with the investigating officer and arrange for a time extension for the investigation from the Chief of Police when needed.
- At the conclusion of the investigation, review the final report and confirm correct statutory authorities, penal code violations, policy or procedure infractions and make a written report to the Chief of Police.
- Distribute the Chief of Police's finding of the investigation to the Regional Superintendent, if applicable, and the District Inspector in writing.
- Notify the complainant, in writing, of the outcome of the investigation and action to be taken.
- Notify the subject officer(s), in writing, of the outcome of the investigation and, if applicable, what additional action will be taken in relation to the incident.
- Administrate the secure storage of completed complaint files and electronic documents.

##### 5. Complaint Investigation.

If the Chief of Police determines that an investigation is required, he or she will appoint an investigating officer. The investigating officer must not be the subject officer's line supervisor nor have any substantial relationship with the subject officer that may be construed as compromising the impartiality of the investigation. The investigating officer shall:

- For the purpose of public complaints report directly to the Chief of Police
- Conduct the complaint enquiry conforming to the file preparation standards of an external investigation
- Conduct or provide oversight to the investigation of the complaint following the Chief of Police's guidelines for officers investigating public complaints.
- Prepare a final report to the Chief of Police and the Policy & Strategic Support Analyst outlining:
  1. The exact nature of the allegation
  2. The details of the officers involved
  3. All the established facts relating to the incident(s) that gave rise to the complaint
  4. Copies of all reports, photographs and statements obtained during the course of the complaint
  5. The report will include a conclusion such as unsubstantiated, substantiated, not within policy guidelines etc., and must include supporting evidence and any statutory authority to cover the officer's actions.

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Page 2 of 3

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Rev.07/2009

The investigating officer will make no recommendations in respect of disciplinary action at any time during the course of the investigation or include such a recommendation within the final report.

#### 6. Guiding Principles.

The investigating officer will complete his investigation utilizing the following guidelines:

- A complaint investigation shall be conducted by a member of greater rank or grade than the subject officer(s)
- The complaint investigation shall include, but not be limited to, the review of policies and procedures, the review of reports and audio recording relating to the incident, inspection of the scene or other evidence and interviews of complainant, witnesses, member witnesses and subject member(s).
- Where practicable the investigation of public complaints will be completed within 90 days of the date of receipt of the complaint. Where the complexity of the case results in the investigation exceeding 90 days, the investigating officer will request an extension from the Chief of Police. In such cases the subject officer(s) and the complainant must be provided with periodic updates by the investigating officer.
- Hard copy case files and/or electronic case files and documentation will be held by the investigating officer and must be secured to restrict access when not in active use.
- All records relating to an investigation must be forwarded to the Policy & Strategic Support Analyst HQ at the conclusion of the investigation and secured.

#### 7. Chief's Discretion

The Chief of Police may, upon notification of a complaint or as the result of an incident involving members of CP Police Service, determine that an investigation by an external agency is appropriate. If, during the course of any internal complaint, it becomes apparent that a criminal act has been committed or is suspected of having been committed by a member of the CP Police Service, the Chief of Police shall determine if it is appropriate for CP Police to continue the investigation, or if the investigation should be handed over to an external agency.

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Form AD-121E  
Rev.07/2009



Transport  
Canada

Transports  
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Rail Safety  
Enterprise Building  
14<sup>th</sup> Floor  
Ottawa, Ontario  
K1A 0N5

APR 16 2008

TSB2007T104734  
RDIMS# 3712559

Mr. Paul C. Miller  
Vice President and Chief Safety Officer  
Canadian National Railway  
935 de la Gauchetiere Street West  
Montreal, Quebec  
H3B 2M9

Dear Mr. Miller:

**Subject: Railway Police Complaints Procedures**

On Friday, June 22, 2007, Bill C-11, *An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts* received Royal Assent and came into force.

Subsection 44.1(1) of the revised *Railway Safety Act (RSA)* concerning procedures for dealing with complaints states the following:

“If one or more police constables are appointed with respect to a railway company, the railway company must

- (a) establish procedures for dealing with complaints concerning police constables;
- (b) designate one or more persons to be responsible for implementing the procedures; and
- (c) designate one or more persons to receive and deal with the complaints.”

Also, subsection 44.1(2) of the revised RSA concerning procedures to be filed with the Minister states the following:

“The railway company must file with the Minister a copy of its procedures for dealing with complaints and must implement any recommendations made by the Minister, including recommendations concerning how the procedures are to be made public.”

.../2

Therefore, as per subsection 44.1(2) of the revised RSA, Transport Canada requests that your company file with the Minister a copy of its procedures for dealing with complaints concerning police constables by **May 30, 2008**. When being filed, the procedures should be addressed to the Minister with a copy to the Director General, Rail Safety.

If you and/or your officials have any questions regarding this issue, please contact Don Pulciani, Director, Safety Policy and Regulatory Affairs, Rail Safety, either by telephone at (613) 990-8690 or by e-mail at [pulciad@tc.gc.ca](mailto:pulciad@tc.gc.ca).

Sincerely,



Luc Bourdon  
Director General,  
Rail Safety

c.c. Mr. Don Watts, CN  
Mr. Serge Meloche, CN Police  
Mr. Don Pulciani, TC, Rail Safety (ASRB)



CN Police  
Serge Meloche  
Chief

Police du CN  
Serge Meloche  
Chef

Canadian National  
935 de La Gauchetière West, 11<sup>th</sup>  
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Téléphone: (514) 399-6220  
Télécopieur: (514) 399-8846

Our File: FZ 3461-3-8

20 May 2008

Honorable Lawrence Cannon  
House of Commons  
Ottawa, Ontario  
K1A 0A6

**Subject: Railway Safety Act – Procedures for dealing with complaints**

Mr. Cannon:

As set out in the Railway Safety Act, *Section 44.1 sub-section (1), Procedures for dealing with complaints*, please find attached a copy of CN Police Complaint Process Against a Member.

A copy of the complaint form is sent to any person that wishes to file a complaint against a CN Police Officer.

As Chief of Police, I will be receiving any and all complaints directed at my personnel. Police Inspectors strategically located across Canada supervise members of this service. The Inspectors are designated as responsible authority for implementing the procedures within their jurisdiction and are usually designated to investigate the complaint.

Should you or your office wish to have more details or seek clarification on our Complaint Process, please feel free to contact the undersigned.

Respectfully,

Serge Meloche  
Chief of CN Police

cc: Mr. Luc Bourdon, Director General- Rail Safety, Transport Canada  
cc: Mr. Paul Miller, Vice-president & Chief Safety Officer  
cc: Mr. John Dalzell, Vice-president – Risk Management  
cc: Mr. Jean Patenaude, Counsel Assistant General  
cc : Mr. Don Watts, Manager Sr., Regulatory Affairs

Att.



Office of the Chief of Police/Bureau du chef de Police

To Whom It May Concern:

À qui de droit,

**Subject: Complaint Process  
Against CN Police  
Member**

**Objet: Plainte à l'égard d'un  
Membre du Service de la  
Police du CN**

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The CN Police Service is subject to a Code of Ethics, which is directed to all its members.

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Le Service de la Police du CN est régi par un Code d'éthique qui s'adresse à tous ses membres.

The Code of Ethics establishes standards of professional conduct that all CN Police members are expected to uphold.

Ce Code détermine les normes de conduite auxquelles les policiers du Service de la Police du CN doivent se conformer.

To ensure the Code is respected, I, as Chief of Police will receive all complaints regarding police personnel. You may request the assistance of any of my staff to help you formulate your complaint by communicating with the District Inspector. You may mail it to:

Pour veiller au respect du Code d'éthique, je recevrai, à titre de chef, toute plainte formulée par quiconque contre un policier. Vous pouvez demander l'aide de tout membre de mon personnel dans la formulation de votre plainte en vous adressant à l'inspecteur de la division. Vous pouvez adresser votre plainte à:

Serge Meloche  
Chief of Police  
935 de La Gauchetière West  
11<sup>th</sup> Floor  
Montreal, QC  
H3B 2M9

Serge Meloche  
Chef, Police du CN  
935 de La Gauchetière ouest  
11e étage  
Montréal, Qc  
H3B 2M9



## CODE OF ETHICS

### *Chapter 4, Section 4.1.0/Police Instructional Manual*

The Officers are considered to be a reliable source of help in times of need, persons worthy of trust and protectors of public order on Company property. They are expected to display high ethical standards at all times.

The following Code of Ethics is to be observed by all CN Police personnel:

- 1) Must demonstrate honesty in all that is said, done or reported in the performance of their duties.
- 2) Must make themselves fully aware of their responsibilities, their authority to act, and the limitations on this authority.
- 3) Must apply and respect the law and Company regulations.
- 4) Must be seen and be impartial when dealing with the public.

**\*The masculine form is used merely to simplify the text; no discrimination is intended.**

## CODE D'ÉTHIQUE

### *Chapitre 4, Section 4.1.0/Manuel d'instructions de Police*

Les policiers sont considérés comme des personnes fiables et dignes de confiance qui peuvent prêter assistance au besoin, ainsi que protecteurs de l'ordre public sur la propriété de la Compagnie. Par conséquent, ils doivent respecter des normes éthiques élevées en tout temps.

Tout le personnel policier doit en conséquence respecter le code d'éthique ci-dessous:

- 1) Doit démontrer de l'honnêteté dans ses actions et ses paroles ainsi que dans les rapports qu'il rédige.
- 2) Prendre conscience des responsabilités qui leur incombent, de l'autorité dont ils sont investis et des limites de cette autorité.
- 3) Doit appliquer et respecter la loi ainsi que les règlements de la Compagnie.
- 4) Faire preuve d'impartialité dans leurs rapports avec le public.

**\*L'utilisation du masculin dans ce texte est effectuée sans discrimination et simplement dans le but d'alléger le texte.**

### CODE OF ETHICS (cont'd)

- 5) Must communicate and cooperate with other members of the CN Police Service, other employees of the Company and civil police services so as to provide protection as effectively as possible.
- 6) Must be alert and ready to offer assistance whenever a genuine need is observed.
- 7) Must respect the legal and civil rights of others at all times.
- 8) Must use only legal means to achieve desired objectives.
- 9) Should be calm and courteous, demonstrating the ability to serve with willingness and integrity.

### CODE D'ÉTHIQUE (suite)

- 5) Doit communiquer et coopérer avec les membres de la Police du CN, les autres membres du personnel de la Compagnie et ceux des autres corps policiers, de manière à s'assurer que la protection soit des plus efficace.
- 6) Se tenir en permanence prêt à porter secours quand son aide est réellement nécessaire.
- 7) Respecter en tout temps les droits légaux, civils ou autres des citoyens et citoyennes.
- 8) Employer des moyens légaux pour atteindre les buts fixés.
- 9) Être calme et courtois; faire preuve de compétence, de bonne volonté et d'intégrité dans l'exercice de ses fonctions.

**STANDARDS OF CONDUCT  
FOR MEMBERS OF THE CN  
POLICE SERVICE**

**1.0 OATH OF OFFICE**

1.1 As a member of the CN Police, I, ....., having been appointed a Constable to act on and along Canadian National Railways, under the provisions of the ***Railway Safety Act***, do swear that I am a Canadian citizen; that I will well and truly serve our Sovereign Lady the Queen in the said office of Constable, without favor or affection, malice or ill-will; that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace; and that, while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully according to the law. So help me God.

**NORMES DE COMPORTEMENT DES  
MEMBRES DU SERVICE DE LA  
POLICE DU CN**

**1.0 SERMENT D'ALLÉGEANCE**

1.1 En tant que membre du Service de la Police du CN, Je, ....., nommé agent de police sur le Canadien National et son parcours, sous l'autorité des dispositions de la ***Loi sur les chemins de fer***, jure que je suis un citoyen canadien; que je servirai bien et fidèlement notre souveraine la Reine, en ma qualité d'agent de police, sans faveur ni affection, sans malice, ni mauvais vouloir; que je ferai tout en mon pouvoir pour maintenir la paix et prévenir tous les attentats à la paix; et que, tant que je remplirai cette charge, je m'acquitterai, au mieux de mon habilité et de mes connaissances, des devoirs qu'elle comporte, d'une manière fidèle et conforme à la loi. Ainsi Dieu me soit en aide.

## **1.0 GENERAL**

1.1 A member of the Service holds an office with an inherent obligation of impartiality derived from the law itself. This implies that the Police independence requires an element of self-enforcement of ethical behaviour.

1.2 This Code applies to all members of the Service, either full-time, casual or term employees.

1.3 In order to promote the quality of the Service in its relation with the public, all members will promote, to the extent of their capabilities, the development of their profession through the exchange of knowledge and through participation in upgrading courses and training programs.

1.4 This Code is intended to ensure better protection of the public by developing high standards of public service and professional conscience within the CN Police Service and to ensure the respect of human rights and freedom.

## **1.0 GÉNÉRALITÉS**

1.1 Un membre du Service doit être impartial, de par ses fonctions. Cela signifie que l'autonomie de la Police doit comporter un élément d'auto application de l'éthique professionnelle.

1.2 Ce Code s'applique à tous les membres du Service, qu'ils soient employés à plein temps, occasionnels ou pour une durée déterminée.

1.3 Pour promouvoir la qualité du Service dans ses relations avec le public, tous les membres favoriseront, dans la mesure du possible, le perfectionnement de leur profession par le biais de l'échange de connaissances et la participation à des cours de recyclage de même qu'à des programmes de formation.

1.4 Ce Code a pour objectif de mieux protéger le public au moyen de normes élevées de service public et de conscience professionnelle au sein du Service de la Police du CN, et de veiller au respect des droits et libertés de la personne.

## PROCEDURE

### 2.0 COMPLAINT PROCESS

2.1 The Chief of Police has the responsibility to receive and examine any complaint formulated against a member of the Service.

2.2 An annual report is prepared containing the number and nature of the complaint(s) received with their findings.

2.3 Any person may submit a complaint relative to the conduct of a member in the exercise of his/her duties. The complaint must be submitted in writing.

2.4 The complaint must be submitted within two years of the date of the alleged incident except when the action constitutes a criminal act.

2.5 Any person requesting assistance in the formulation of a complaint must be assisted, upon request and provided with a "Complaint Process Against CN Police Member".

2.6 Any member to whom a citizen delivers a complaint process document must ensure that it is sent unopened to the office of the Chief of Police.

## PROCEDURE

### 2.0 COMPLAINT PROCESS (cont'd)

## PROCÉDURES

### 2.0 PROCESSUS DE PLAINTES

2.1 Le chef a la responsabilité de recevoir et d'examiner toute plainte formulée contre un membre du Service.

2.2 Un rapport annuel est préparé pour faire état du nombre et de la nature des plaintes reçues et faire état du suivi de chacune d'elles.

2.3 Quiconque peut déposer une plainte au chef concernant la conduite d'un membre dans l'exercice de ses fonctions. La plainte doit être présentée par écrit.

2.4 La plainte doit être déposée dans les deux années suivant la date de la présumée incident, sauf s'il s'agit d'un acte criminel.

2.5 Toute personne ayant besoin d'aide pour formuler une plainte doit recevoir l'assistance nécessaire sur demande et se voir fournir une "Plainte à l'égard d'un membre du Service de la Police du CN".

2.6 Tout membre à qui un citoyen remet une plainte doit s'assurer qu'elle est transmise, non décachetée au chef.

## PROCÉDURES

### 2.0 PROCESSUS DE PLAINTES (suite)

2.7 Upon receipt of the complaint, the Chief of Police will inform in writing the member(s) concerned and the District Inspector of the existence and nature of the complaint.

2.8 Where it is believed that the complaint may be settled informally and that the complainant and the member(s) concerned agreed, the Chief of Police may take the appropriate action to address and settle the issue. The result must be put in writing, signed by the complainant, the member(s) concerned and the Chief of Police.

2.9 As required, the Chief of Police may elect to have an investigation conducted.

### **3.0 INVESTIGATION**

3.1 The purpose of the investigation is to present all the facts surrounding the complaint.

3.2 The Chief of Police may at any time refuse to conduct or stop an investigation if he/she believes that:

a) the complaint is frivolous, false

### **3.0 INVESTIGATION** **(cont'd)**

or unfounded;

b) the complainant refuses to cooperate in the investigation

2.7 Après avoir reçu la plainte, le chef envoie un accusé de réception et informe par écrit le(s) membre(s) concerné(s) et l'inspecteur de division de l'existence et de la nature de la plainte.

2.8 Si le chef estime que la plainte peut être réglée de façon informelle et que le(la) plaignant(e) et le(s) membre(s) concerné(s) soit (sont) d'accord, il prend les mesures nécessaires en vue de régler la question. Les résultats de ce règlement doivent être consignés, signés par le(la) plaignant(e), le(s) membre(s) concerné(s) et le chef.

2.9 Le chef peut, au besoin, décider de faire mener une enquête.

### **3.0 ENQUÊTE**

3.1 Le but de l'enquête est de présenter au chef tous les faits entourant la plainte.

3.2 Le chef peut, en tout temps, refuser de mener une enquête ou interrompre celle-ci s'il estime que:

a) la plainte est frivole, fautive ou sans fondement

### **3.0 ENQUÊTE** **(suite)**

b) le plaignant refuse de

or;

collaborer à l'enquête; ou

c) the conduct of the investigation is unnecessary given the circumstances.

c) étant donné les circonstances, l'enquête ne s'avère pas nécessaire.

3.3 Should the Chief of Police elect to exercise an option as described under *section 3.2*, they will inform the complainant and the member(s) concerned in writing of his decision. The complainant will be advised of his option to submit their complaint to the President and CEO of CN.

3.3 Si le chef retient l'option qui précède, tel que décrit sous la section 3.2, il informe le plaignant et le(s) membre(s) concerné(s) de sa décision par écrit, en donnant ses raisons. Il informe également le plaignant qu'il peut présenter sa plainte au président-directeur général des Chemins de fer nationaux du Canada.

3.4 Depending on the circumstance, nature and the gravity of the action alleged by the complainant, the Chief of Police may elect to have the investigation conducted internally or by person(s) outside the Service. In either case, the complainant, the member(s) concerned and the District Inspector will be advised.

3.4 Selon les circonstances, la nature et la gravité de la présumée action, le chef peut choisir de faire mener l'enquête à l'interne ou par des gens ne faisant pas partie du Service. Dans chaque cas, le chef informe ensuite le plaignant, le(s) membre(s) concerné(s) et l'inspecteur de division.

3.5 Within sixty days of the decision to hold an investigation, the Chief of Police will inform the complainant, member(s) concerned and the District Inspector on the progress of the investigation unless it is felt that

3.5 Dans les soixante jours qui suivent sa décision de mener une enquête, le chef informe le plaignant, le(s) membre(s) concerné(s) et l'inspecteur de division des développements de l'enquête, à moins qu'il ne juge que cela risque de nuire à la bonne marche de l'enquête.

### **3.0 INVESTIGATION** **(cont'd)**

doing so would jeopardize the investigation.

### **3.0 ENQUÊTE** **(suite)**

3.6 Those identified by the Chief of Police to conduct the investigation must be given access to all documentation necessary for the conduct of the

3.6 Les membres ou personnes chargés de l'enquête par le Chef

investigation.

doivent avoir accès à tout document interne nécessaire dans le cadre de l'enquête.

3.7 Once a final decision is reached the complainant, the member(s) concerned and the District Inspector will be informed. If the complaint is rejected, the complainant must be informed that he/she may appeal the decision to the President and CEO of CN.

3.7 Une fois que la décision finale est prise par le chef concernant une plainte, le plaignant, le(s) membre(s) concerné(s) et l'inspecteur de division sont informés de sa décision. Si la plainte est rejetée, il doit également expliquer les raisons de ce rejet. Dans ce cas, le plaignant doit être informé qu'il peut en appeler au président-directeur général.

3.8 Even if the complaint is rejected, the Chief of Police may formulate comments to the members concerned with a view to improving his/her professional conduct in reference to the Code of Ethics of the Service.

3.8 Même si la plainte est rejetée, le chef peut formuler des commentaires aux membres concernés dans l'intention d'améliorer leur conduite professionnelle selon le Code de déontologie du Service.





Transport Canada  
Transports Canada

Access to Information and Privacy Division  
Division de l'accès à l'information et de la  
protection des renseignements personnels

Place de Ville, Tower C  
330 Sparks Street  
Ottawa, ON K1A 0N5

Fax: (613) 991-6594

Your File    Votre référence

Our File    Notre référence  
A-2011-00176 / CP

NOV 10 2011

Jesse Lobdell  
BC Civil Liberties Association  
Suite 550-1188 West Georgia Street  
Vancouver, British Columbia  
V6E 4A2

Dear Mr. Lobdell:

This letter is in response to your request under the *Access to Information Act* for documentation pertaining to all written records delineating the procedures for the railway complaint process which must be submitted, as designated in the Railway Safety Act, section 44.1.

I am pleased to enclose 32 pages of records which respond to this request.

Please be advised that you are entitled to complain to the Office of the Information Commissioner of Canada concerning the processing of your request within sixty days of your receipt of this notice. In the event that you decide to avail yourself of this right, your notice of complaint should be addressed to Office of the Information Commissioner of Canada, Place de Ville, Tower B, 112 Kent Street, 7th Floor, Ottawa, Ontario K1A 1H3.

Should you have any questions, you may contact Celine Paquette at (613) 993-5050 or via e-mail at [celine.paquette@tc.gc.ca](mailto:celine.paquette@tc.gc.ca).

Yours sincerely,

Réginald Laurent  
ATIP Coordinator

Enclosures: 32 pages