



January 17, 2010

Ian McPhail, Interim Chair
Commission for Public Complaints Against the RCMP
7337 137 Street, Suite 102
Surrey, BC V3W 1A4

VIA FAX: 604-501-4095

Dear Mr. McPhail:

RE: Complaint regarding kicking of Buddy Tavares and subsequent media releases

I am writing on behalf of the BC Civil Liberties Association to initiate a complaint under the *Royal Canadian Mounted Police Act* against the two relevant member(s) of the Kelowna RCMP detachment involved in the injury of Buddy Tavares. During the course of an arrest RCMP Constable Geoff Mantler kicked Mr. Tavares while he was on hands and knees. The BCCLA alleges that the incident involves unlawful use of force.

As well, the BCCLA seeks to initiate a conduct complaint against Kelowna RCMP Superintendent Bill McKinnon, Kelowna RCMP spokesman Constable Steve Holmes, and any other members involved in the release of information claiming that the arrest of Mr. Tavares was related to a “domestic violence situation”.

Alleged facts

As has been reported in the media, the BCCLA understands that Mr. Tavares faces no domestic violence related charges. Mr. Tavares and his family have claimed the allegations are without merit and the BCCLA has no information that would indicate that investigation of the allegations has taken place. Trudi Tavares, the ex-wife of Mr. Tavares, has stated in the media that the allegations have not come from her and are not accurate.

Reports on this story on Friday, January 14th by the Globe and Mail, The Province, the Georgia Straight and other media outlets focused on the claim of Mr. Tavares’ involvement in a “domestic violence situation”, drawing upon a 20-minute interview of Mr. Tavares released by Castanet News (castanet.net) wherein he responds to the allegation.

Basis for misconduct concerns

Given the potential impact on an individual’s reputation in his or her community, the RCMP should use extreme caution in releasing information to the media, especially if the information

has not been investigated and verified as best as possible and there is little or no public interest in releasing the information.

This caution about public release of information is especially important when the RCMP considers releasing information about members of the public who have filed complaints about allegations of RCMP misconduct or who are at the centre of allegations of RCMP misconduct. Casting aspersions on any person complaining about RCMP members could easily be seen to be a form of retribution for filing a complaint, or as a form of character smearing engaged in to improve public perceptions of the police version of events.

Commissioner Braidwood, in the public inquiry that investigated the death of Robert Dziekanski, addressed the issue of the RCMP releasing unsubstantiated information to the media.

Commissioner Braidwood noted that with regard to the RCMP, following the death of Mr. Dziekanski, the “desire for transparency and responsiveness came at a cost. The investigation was just getting off the ground, and these media relations officers were dealing with preliminary, unsubstantiated information. This led to [a media relations officer] disclosing factually inaccurate information...” Commissioner Braidwood notes that information the RCMP released to the media subsequent to Mr. Dziekanski’s death was “consistently self-serving – they painted Mr. Dziekanski in an unfairly negative, and the officers in an unfairly positive, light.”

The importance of accuracy and of the absolute appearance of unbiased investigation was not lost on Commissioner Braidwood. He stated that the appearance of bias, whether or not bias actually existed, “has the potential to lessen public respect for the RCMP as a national institution, which can only undermine the capacity of its officers to effectively police our communities.”

The BCCLA draws attention to the conclusions of Commissioner Braidwood because the Kelowna RCMP has already created the appearance of bias. Even if the claim that Mr. Tavares was involved in a “domestic violence situation” has merit, the release of seemingly self-serving information followed by a refusal to explain, substantiate or correct that information is precisely what Commissioner Braidwood believes undermines respect in the police.

Request for investigation of potential misconduct

The BCCLA would like two separate factual questions investigated:

1. First, was misconduct committed by releasing inaccurate, unverified or misleading information?
2. Second, was misconduct committed by releasing accurate information inappropriately or contrary to policy?

A transparent and independent investigation of this complaint is warranted in the public interest. To maintain and enhance the public's confidence in the RCMP, we request that your office monitor this investigation to the extent of your statutory authority.

Yours truly,



David Eby
Executive Director