



November 16, 2011

Commission for Public Complaints against the RCMP
7337 137 Street
Suite 102
Surrey, British Columbia V3W 1A4

VIA FAX: 604-501-4095

Dear Sirs/Mesdames:

Re: Request for public interest investigation into RCMP's key policies affecting women

I am writing on behalf of the B.C. Civil Liberties Association (BCCLA) to request that the Commission for Public Complaints Against the RCMP initiate a formal investigation into the RCMP's interactions with female civilian and police staff, and the impact that a failure by the RCMP to adequately recruit and retain female police and civilian staff has on RCMP policies generally. We understand that a similar request may have been made by the RCMP.

Our organization has been increasingly troubled by what appear to be systemic issues involving the RCMP and its female staff in British Columbia in particular, and likely across Canada. We identify the following incidents as indicating a potentially serious and systemic issue of discrimination against women who work inside the RCMP, which we believe may be leading to a shortage of female officers and staff within the force, and thereby compounding the issue:

- A series of allegations over the last week involving high profile female RCMP staff members suggesting that male officers and staff enjoy an environment of impunity with respect to sexual harassment and assault, and which could deter women from considering the RCMP as an employment option, or from continuing in employment with the RCMP;
- The 2006 case of *Sulz v. Attorney General et al.*, where the Court awarded RCMP officer Nancy Sulz \$950,000 in damages against the RCMP for the negligent infliction of mental suffering, emotional harm, and long-term disability as a result of the harassment she was subjected to by her Staff Sergeant;¹
- The allegations of misconduct of RCMP officers providing security during the 2010 Vancouver Olympic Games, including three cases involving male officers making inappropriate sexual advances towards

¹ *Sulz v. Attorney General et al*, 2006 BCSC 99 (CanLII), <http://canlii.ca/t/1mff5>

their female counterparts, and one officer “lifting up a woman’s skirt to expose her buttocks;”²

- Allegations made this year by Constable Susan Gastaldo that a supervising officer engaged in inappropriate “sexual contact” with her as part of a series of allegations in her Statement of Claim filed in B.C. Supreme Court (all allegations remain unproven at this stage);³
- The police-involved shooting death of Mr. Kevin St. Arnaud, in which the female officer’s account of the incident was ignored, and the male officer’s account – which was contradicted by independent witnesses and physical evidence – preferred, causing the female officer to leave the force, and which may be indicative of a larger issue of discrimination within the force; and,
- A shortage of female officers on staff which has caused unacceptable policies that permit male officers to strip search and monitor female prisoners, which has led to incidents like the Kamloops Jail incident where male officers and city staff allegedly watched on jail surveillance cameras while two female inmates had sex in city cells.

The culture of silence within policing gives greater credibility to the few female officers who do speak out, and suggests a much wider problem than may be illustrated by a small number of public cases

Many male and female police officers adhere to a widely recognized and documented “blue code of silence” or “blue line” which mandates officers to adhere to a notion of “solidarity” with other brother and sister officers and therefore not speak out publicly about issues within the force.^{4,5} For example, in August, 2006, the Canadian Association of Police Boards thought the issue serious enough to host author and former police officer Michael Quinn to speak on his book *Walking with the Devil: The Police Code of Silence* concerning the reticence of police officers to testify against other officers. These issues of institutional silence are surely compounded for female officers who, we note, are already outnumbered within the RCMP, and who, we now understand, allege serious issues of systemic harassment within the RCMP even before coming forward with allegations against fellow officers.

² “Booze, fighting sent Olympic officers home”, 6 July 2010, CTVBC Online: http://www.cp24.com/servlet/an/local/CTVNews/20100705/bc_ISU_complaints_100705?hub=EdmontonHome

³ “RCMP officer alleges sex coercion by superior”, August 31 2011, CBC Online: <http://www.cbc.ca/news/canada/british-columbia/story/2011/08/30/bc-rcmp-lawsuit-sex-assault.html>

⁴ Westmarland, Louise, “Police Ethics and Integrity: Breaking the Blue Code of Silence” *Policing & Society*, Vol 15(2), Jun 2005, 145-165.

⁵ Skonick, Jerome, “Corruption and the blue code of silence,” *Police Practice and Research* Volume: 3, Issue: 1, Publisher: Routledge, Pages: 7-19.

We submit then, respectfully, that the allegations brought forward by female officers concerning incidents internal to the RCMP should be given significant weight. These officers are speaking out on an issue that could incriminate other officers, their colleagues, in an environment that actively culturally discourages such activity. The pressure not to speak out and not to complain, is significant, and exceeds that found in non-police workplaces. Given this context, that multiple female officers have spoken out on the issue of sexual harassment internal to the RCMP should indicate not only a high level of credibility, but also that the issue is systemic, and likely exists on a much larger scale than reported.

In addition, in our experience, when individuals settle civil claims against the RCMP, including allegations of sexual assault or sexual harassment, lawyers for the RCMP ask for so-called “gag” provisions that restrict the ability of the claimant receiving the settlement from speaking about the incident(s) that caused the litigation in the first place. We ask that your office require the RCMP to disclose all settlement agreements reached with female RCMP civilian and police staff, and that the RCMP waive these silencing provisions for the purposes of your investigation, allowing you to contact and interview these women. For every case that has actually become public, there may be many more that have been filed, or perhaps were not even filed, that were settled out of court by the RCMP.

Beyond sexual harassment, other examples of discrimination against women, in particular whether female staff and female officer accounts of events are disproportionately disregarded, should be examined by the CPC Sexual discrimination within the RCMP should also be examined. In one of the most notorious incidents in recent memory involving the RCMP, the shooting death of Kevin St. Arnaud was witnessed by a female RCMP officer, Cst. Colleen Erickson. Her version of events differed significantly from the version of events by the shooting (male) officer, but was largely consistent with the version of events put forward by a civilian witness and physical evidence at the scene. Despite this, her account was ignored by the RCMP in preference to the shooting officer’s account. She was, ultimately, ordered not to speak to the media and resigned from the force.

In particular, while at the time you were not asked to consider that Constable Erickson’s gender may have been a factor in the RCMP approach to her evidence, in your final investigation report you did find that: “[The Investigator] failed to apprehend the importance of the contradictory evidence regarding Constable Sheremetta’s shooting position.” You also found that: “[The Investigator] failed to re-interview Constable Sheremetta once he discovered the discrepancy between

Constable Sheremetta's and Constable Erickson's versions of the shooting."⁶

We urge you to re-examine this case, and others like it where a female officer may have provided a different version of events, through the lens of how the RCMP treats female officers in day-to-day issues, and in particular we urge you to contact Constable Erickson to investigate her experience within the RCMP, and why she left the police force.

A shortage of female officers within the RCMP, in particular in rural jurisdictions, is leading to unacceptable policies that, in turn, discriminate against women who are in the care and custody of the RCMP

The inability of the RCMP to recruit, train and retain sufficient numbers of female officers has led to *ad hoc* policies that in turn violate the rights of the women the RCMP arrest and detain in RCMP holding facilities, particularly in rural areas. Our office has been advised by the RCMP that it is their position and current policy that it is acceptable, when no female officer or staff member is available, for a male officer to strip search a female prisoner regardless of age, and also for males to monitor female prisoners in cells. This policy is, hopefully, not the preferred policy of any agency interested in this file, including our office, your office, and the RCMP. Given that nobody prefers such an invasive, potentially liability incurring, and discriminatory policy where men search and monitor women and girls in their most vulnerable moments, the reasons for its implementation must at least be pressing and substantial, even if those reasons can never be sufficient to justify this approach.

Fortunately, the provenance of this distasteful approach is obvious, and can be remedied: there is a shortage of female RCMP officers force-wide. Our office submits that one of the possible reasons for this shortage of female police officers and staff is a poisoned atmosphere for female employees of the RCMP.

The most graphic and disturbing allegation we are aware of with respect to this shortage of female officers and the resulting policy of males guarding and searching female prisoners relates to the August 2010 incident at the Kamloops Jail, where RCMP members and male staff allegedly watched on a monitor while female prisoners had sex in one of the holding cells.

⁶ *Chair Initiated Complaint into the Shooting Death of Kevin St. Arnaud in Vanderhoof, British Columbia and into the Adequacy of the Subsequent RCMP Investigation, Appendix G*, Accessed online on 14 November 2011 at http://www.cpc-cpp.gc.ca/prt/rep/rev/chair-pre/stArnaud/appg_12-eng.aspx

We understand that this matter is still under active investigation and three members have been suspended.⁷

Request for a public interest investigation

The Commission for Public Complaints Against the RCMP is in a unique position to investigate the conditions of employment for women within the RCMP, including issues of sexual harassment or discrimination in treatment of their work or their accounts of particular events. Your office could easily solicit this type of evidence from female police officers within the RCMP through a public interest investigation. Many tools, including:

- targeted interviews of female officers, and in particular those who have left the force before retirement age;
- reviews of settlement agreements reached between the RCMP and female employees, and interviews with those who have filed claims against the RCMP or received settlements;
- surveys of female and male RCMP officers;
- random interviews of individual female RCMP officers where confidentiality is assured; and,
- file reviews of complaints filed by female officers for trends and common issues, including such common elements as involvement of a particular male employee, geographic commonalities, and detachment responses;

could be used to determine the extent of the sexual harassment and poisoned work culture for women within the force.

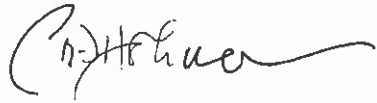
We urge you to appoint a retired judge to conduct this investigation, and for that judge to be provided the necessary staff and resources to complete this investigation in a timely way through your powers under s. 45.31 of the RCMP Act. We understand that the RCMP will be supportive of and cooperative with any investigation your office will undertake; however, we are extremely concerned with the timelines of a number of investigations you have already taken on, and your office's failure to provide effective oversight of RCMP complaints investigations through timely investigations and reports due either to a lack of resources, or your unwillingness to pressure the RCMP for meaningful and prompt cooperation. We have urged the federal government to provide you with the resources necessary to conduct such an independent investigation, with

⁷ "RCMP probing Kamloops jail incident", 27 August 2010, CBC Online: <http://www.cbc.ca/news/canada/british-columbia/story/2010/08/27/bc-kamloops-rcmp-jail-incident.html>

appropriately strict timelines, to avoid the issues we have identified with other cases.

The knock-on effects of failing to recruit, train, and retain talented female police officers is felt throughout communities policed by the RCMP, through a lack of adequate positive female role models within police forces for young women in contact with the law, a lack of female officers for female complainants to approach with concerns about sexual assaults and other sensitive allegations, and policies that disproportionately affect the privacy and personal integrity of female prisoners, whose only justification is a shortage of female officers. We urge you to move on this investigation urgently and immediately.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. Holmes', with a long, sweeping horizontal line extending to the right.

Robert Holmes, Q.C.
President

cc. Supt. Mark Fleming, BCCLA RCMP Liason, via e-mail



November 16, 2011

Rona Ambrose, Minister for Status of Women
Room 163 East Block
Ottawa, ON K1A 0A6
VIA FAX: 613-996-0785

Vic Towes, Minister of Public Safety
House of Commons
Ottawa, ON K1A 0A6
VIA FAX: 613-995-1049

Dear Ministers Ambrose and Towes:

Re: Request for public interest investigation into RCMP's key policies affecting women

I am writing on behalf of the B.C. Civil Liberties Association (BCCLA) to request that you provide adequate resources for the Commission for Public Complaints Against the RCMP to initiate a formal investigation into the RCMP's interactions with female civilian and police staff, and to investigate the impact that a failure by the RCMP to adequately recruit and retain female police and civilian staff has on RCMP policies generally.

In our experience, the Commission for Public Complaints Against the RCMP does not have adequate resources to complete an investigation of this type, and will need special project funding commitments in order to do a thorough job. Further, the special expertise and independence of a retired judge to evaluate competing claims and apply Canadian law is required in this case to restore public confidence in the RCMP's internal human resource policies and practices in relation to women, and to let women know that the RCMP is a safe and appropriate employer for female recruits.

The knock-on effects of failing to recruit, train, and retain talented female police officers is felt throughout communities policed by the RCMP, through a lack of adequate positive female role models within police forces for young women in contact with the law, a lack of female officers for female complainants to approach with concerns about sexual assaults and other sensitive allegations, and policies involving male officers and staff guarding female prisoners and searching female detainees that disproportionately and unnecessarily affect the privacy and personal integrity of female prisoners. The only justification for these policies is a shortage of female officers.

The issues here are very serious. Both our organization and the RCMP have requested a public interest investigation into these matters and RCMP policies in relation to women given the following history, which we believe may point to a broader issue, and which we note are only the cases which have become public. Please see our attached press release backgrounder for details.

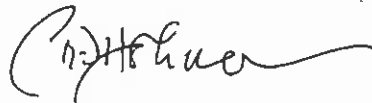
The Commission for Public Complaints Against the RCMP is in a unique position to investigate the conditions of employment for women within the RCMP, including issues of sexual harassment or discrimination in treatment of their work or their accounts of particular events. Their powers allow them to engage in investigative techniques that could include:

- targeted interviews of female officers, and in particular those who have left the force before retirement age;
- reviews of settlement agreements reached between the RCMP and female employees, and interviews with those who have filed claims against the RCMP or received settlements;
- surveys of female and male RCMP officers;
- random interviews of individual female RCMP officers where confidentiality is assured; and,
- file reviews of complaints filed by female officers for trends and common issues, including such common elements as involvement of a particular male employee, geographic commonalities, and detachment responses.

However, as we have noted, they do not have the resources to be able to conduct such an investigation in a timely and thorough manner, which is exactly what is required to respond to this issue and preserve public confidence.

We urge you to provide the resources necessary to the CPC to appoint a retired judge to conduct this investigation, and for that judge to be provided the necessary staff and resources to complete this investigation in a timely way.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. Holmes', with a stylized flourish extending from the end.

Robert Holmes, Q.C.
President