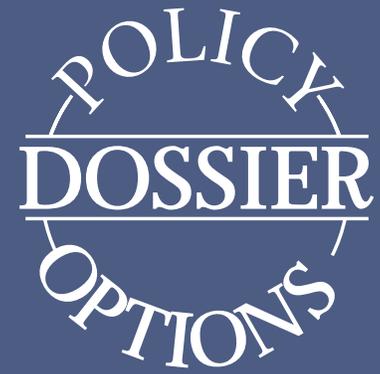


REFORMING SECURITY MANAGEMENT: PROSPECTS FOR THE RCMP

Christian Leuprecht



According to Christian Leuprecht, the root cause of the RCMP's problems is structural. Many of the structures, he says, are reminiscent of a nineteenth-century paramilitary organization far from the sort of administrative and governance structures one might expect to find in a liberal democracy's national police service at the dawn of the twenty-first century. Paying particular attention to lessons that might be learned from its national defence counterpart, the author assesses the prospects for security-sector reform and changing civil-security sector relations.

Selon Christian Leuprecht, la cause profonde des difficultés actuelles de la GRC est d'ordre structurel : plusieurs des structures de la gendarmerie royale relèvent en effet d'une organisation paramilitaire du XIX^e siècle, dit-il, bien éloignées des structures administratives et de gouvernance qui devraient fonder les services nationaux de police d'une démocratie libérale du début de XXI^e siècle. S'intéressant aux leçons à tirer du fonctionnement du ministère de la Défense nationale, l'auteur évalue les possibilités de réformer le secteur de la sécurité et de modifier ses relations avec la société civile.

When waves of trouble wash over a public-sector organization, it is always politically and organizationally most expedient to find a scapegoat. The reason is very simple: Rather than facing up to problems that confront the entire organization, it is always easier to blame a single individual, replace him/her, and thus avoid having to make changes. Focusing the attention on errors Giuliano Zaccardelli may or may not have made conveniently distracts from the real issues facing the Royal Canadian Mounted Police.

Like most security organizations, the RCMP is very tightly knit. The Royal Canadian Mounted Police however is a unique organization. Its uniform is the most recognizable in the world. It is the largest police force in the country and provides primary policing to one in five Canadians in eight provinces and the North (with the exception of provincial policing in Ontario and Quebec). Its tasks are unlike those of any other police organization in the liberal-democratic world. We shouldn't forget that the RCMP grew out of a para-military organization whose objective was to control and subjugate specific population groups (and to keep US whisky traders in check). Having fallen victim to its greatest strength — self-management and

institutional autonomy — the time is ripe to reflect on how Canada's national police force might best support peace, order and good government.

Canada's federal police force is the sole remaining security-sector organization within the Government of Canada that manages itself insofar as administrative, accountability and operational functions are fused in a single chain of uniformed command. Underpinning this practice is a perfectly sensible constitutional doctrine: Political authorities should not operationally direct the police. So, what degree of civilian direction and scrutiny is appropriate in a mature twenty-first-century liberal democracy? Until very recently, its entire senior leadership is drawn from within its own ranks, that leadership manages and controls virtually all aspects of the organization, and it does so with minimal legislative oversight and accountability.

These concerns are not new. In 1977 the McDonald Commission was tasked, inter alia, with investigating allegations of criminal violations by the RCMP Security Service. The result was the creation of an independent agency to gather and analyze intelligence, the Canadian Security Intelligence Service (CSIS). Thirty years later

many members of the force remain indignant about the Mounties having been stripped of all but their criminal-intelligence function and subjected to greater oversight. This attitude reflects a profound and unfortunate misperception of the organization's role inside the Government of Canada's security framework. Evidence to the effect that little has changed in the RCMP over the past 30 years is found in at least five major problems currently confronting the

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RCMP, echoes of which are already manifest in the McDonald Commission's Report.

First, the Maher Arar affair: The O'Connor Commission confirmed once again that national-security intelligence in the hands of a law-enforcement organization can pose a serious threat to civil liberties. It came on the heels of a 2003 report by the Office of the Auditor General which raised similar concerns. Evidently, 30 years after the McDonald Commission, the RCMP still cannot be trusted to handle national-security intelligence.

Whereas CSIS is subject to the Security and Intelligence Review Committee, the latter has no jurisdiction over the RCMP. The RCMP is currently subject only to the Commission for Public Complaints against the RCMP which, in its annual reports, regularly decries the RCMP's non-cooperation and unwillingness to share documents. Ergo, Justice O'Connor's key recommendations with respect to (1) an independent complaints and national security review agency for the RCMP, especially as the RCMP's national-security activities are concerned, (2) changes in and a review of the RCMP's national-security mandate and powers, (3) the need for independ-

ent review mechanisms for related organizations, (4) statutory gateways to provide for communication and exchange of information among oversight mechanisms and (5) the creation of an integrated national security review coordinating committee.

Second, the administration of the pension plan: The RCMP's handling of irregularities with respect to its in-house pension plan — as documented by the Auditor General's Office last year and more recently by

David Brown's investigation — was fraught with nepotism and resulted in funds being diverted from the plan to pay for operational expenses, a flagrant violation of public accounting rules. The findings of Brown's investigation are compounded by recent testimony by former RCMP Commissioner Giuliano Zaccardelli and other current and future uniformed and civilian employees of the force which reinforced the perception that the handling of irregularities within the organization is highly subjective and not subject to the sort of standard operating and accountability procedures citizens and legislators might reasonably expect from a public-sector organization. Whether the then-RCMP commissioner and subordinates acted ethically is actually less problematic than the fact that the apparent "independent investigation" was led by two Ottawa police officers and 16 Mounties. Formally they reported to the assistant commissioner. In effect, the Commissioner controlled the process and information flow.

Third, program review: This is also a long-standing problem with the

RCMP that has been highlighted repeatedly by the Auditor General (AG). The chapter in the most recent AG's report on the RCMP's continued failure to deal expeditiously with DNA — despite repeated attempts to improve the processing time — is just another example.

Although the organization has a decent overall planning system, it has no proper and systematic program-review mechanism project; funds are often disbursed based on managing and senior officers' best "judgment" and "experience." In practice, this erratic subjectivism means that some projects have far more money than they actually need while in many rural areas, budgets are often too small to compensate officers

for the substantial overtime that is an operational requirement at many smaller posts.

Fourth, human resources: An impending wave of retirements is compounded by a tight labour market and a difficulty recruiting from non-traditional groups (i.e., women, Aboriginal peoples, visible minorities and persons with disabilities). The RCMP has no systematic plan to cope with this challenge. Its response has been to raise the standard by lowering the flag. The Auditor General's Report of November 2005 shows that 600 to 700 of the RCMP's 11,000 contract policing officers will leave the force annually by attrition. The RCMP projected requirement is at least 1,400 new cadets a year. The RCMP "Depot" in Regina, however, has a maximum throughput of only 1,200 per annum. So, even if it could recruit (and retain!) the requisite number of new cadets, the organization lacks sufficient training capacity.

Difficulty in filling bilingual positions is a variation of this HR theme. Supposedly, any organization that prides itself on the fact that 80 percent of its positions that are officially designated as bilingual are actually staffed by bilingual employees falls well short of complying with

the government's expectations on official bilingualism in federal institutions. That figure actually marks a decline of six percentage points from the previous year.

Finally, investigations of wrongdoing: Mounties rarely defer to other police forces to conduct internal investigations. They investigate themselves (and, to be fair, Mounties have ended up in the RCMP's special jail in British Columbia). The most prominent of the clouds that continue to hang over the RCMP are the allegations of sexual-abuse against now-retired Staff Sgt. Clifford McCann at the Kingsclear Training School for Boys in New Brunswick. No charges were ever laid but when the matter came to light, even the minister's office expressed concern about how it had been handled.

Justice Josiah Wood's recent *Report on the Review into the Police Complaints Process* (excluding the RCMP since it does not fall under provincial jurisdiction) commissioned by the Government of British Columbia documents just how unlikely charges are when police investigate themselves. Of 294 complaint files that were reviewed, 150 had been fully investigated. In 126 cases, complaints were found to be unsubstantiated, only 24 substantiated. Twenty-seven complaints were withdrawn, 86 dismissed, and 25 resolved informally. Yet Justice Wood's inquiry found investigative deficiencies in 123 of the 294 files, that is, in over 40 percent of all cases. Moreover, Justice Wood concluded that in 48 of these, that is, in 40 percent of all cases, the deficiencies were material to the outcome.

The long and short of the matter is that officers are rarely charged and not a single officer had ever been convicted of wrongdoing. The review uncovered a variety of highly problematic means by which investiga-

tions were fouled or deliberately delayed to ensure that the statutory limit for laying charges would expire before charges could be laid. The evidence thus suggests that the police cannot be trusted to investigate themselves. Ontario realized that in 1990 when it created the Special Investigations Unit, an independent civilian agency that has full powers and authority to investigate police officers. Although the evidence rarely warrants criminal charges, the SIU

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has gone a long way toward assuring the broader community that the conduct of the officers in the 65 police services under provincial jurisdiction is under rigorous independent civilian scrutiny.

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As the Department of National Defence (DND) realized some time ago, the security sector is too complex to be left solely to uniformed personnel. In essence, DND's administrative responsibilities are functionally divided between two hierarchical structures, one that supports the Canadian Forces and a separate one that supports the Department of National Defence. Civilian and uniformed members may straddle the two but the Canadian Forces and the Department of National Defence are separate and distinct.

DND is a government department like any other. It is headed by a civilian deputy minister (DM) whose primary responsibilities are financial oversight, accountability and policy. He reports to Treasury Board and to the minister. The Canadian Forces, by contrast, is a legally distinct entity. The chief of the defence staff (CDS) is charged with the command, control and administration of the Canadian Forces under the direction of the minister. The DM and the CDS are each master in their own sphere. The CDS runs the armed forces, but the deputy minister, among other responsibilities, watches the purse strings and drives policy.

The division of labour between the minister, the deputy minister, and the chief of the defence staff is clearly laid out: The minister controls the department, the deputy minister administers it, and the chief of the defence staff manages the CF.

Of course, the division of labour has not always been clear. As the inquiry of the same name uncovered, the inci-

dents that occurred in Somalia were at least partially attributable to a confusion over roles. These confusions were rectified in 1999 in a document entitled *Organization and Accountability: Guidance for Members of the Canadian Forces and the Department of National Defence*.

Although the RCMP is governed by its own Act, it is subject to just about all the same requirements and legislation as DND and the CF. Many of these are highly complex and require specialized knowledge and skills to interpret, implement, and administer especially in a security organization that, by virtue of its mandate, cannot operate as openly and transparently as most other government departments.

Currently, no division of labour exists within the RCMP. This is unfortunate because many of the aforementioned problems would either not have occurred or have been flagged much earlier had a parallel administrative

In the RCMP, by contrast, graduate degrees among those in uniform are rare, although increasingly common among the senior ranks. Of course, that is partially a function of recruitment and a tight labour market. But it is also indicative of an institutional culture that champions “experience” over “education.” No position with the RCMP — even among its officer ranks — requires more than “minimum requirement at entry” which means a high-school diploma.

structure akin to that of the Department of National Defence been in place.

Similar to the way the DM at DND looks after financial matters, a deputy minister for the RCMP might be tasked with accountability not only for financial matters but also for the way intelligence is handled within the organization. The problems concerning the pension plan and program review would likely not occur or would at least be mitigated by a parallel civilian administrative structure. The deputy minister would provide integral assistance to human resources for human resources has immense financial implications – about 10 percent of DND’s budget is tied up in HR and the

figure is likely to be much higher for the RCMP. And the DM can provide adequate administrative oversight over disciplinary infractions. Ostensibly, a parallel civilian administration could ensure adequate oversight over minor infractions and ensure that major infractions are handled with the process, accountability and transparency that are expected of any government department.

From the Somalia inquiry the Department of National Defence and the Canadian Forces learned not only the value of a civilian administration and the need for a clear division of labour, but also the value of education. Today, every prospective officer is subject to an extensive officer professional military education program that includes — but is not limited to — university-level courses in Canadian civics and society, military psychology and leadership as well as the history of Canada. The objec-

tive is to ensure that the future officers of the Canadian Forces will be able to make decisions that are in line with government policy and public expectation. Ultimately, it is also a means of ensuring officers do not make decisions that may end up embarrassing the organization or possibly even bring down the government of the day. Having well-informed and highly educated bureaucrats is thus also in the self-interest of any government that wants to preserve its longevity. What is more, senior CF officers are now required to have completed graduate education.

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course, that is partially a function of recruitment and a tight labour market. But it is also indicative of an institutional culture that champions “experience” over “education.” No position with the RCMP — even among its officer ranks — requires more than “minimum requirement at entry” which means a high-school diploma. That contrasts starkly with just about every other federal department where, by convention, it is now almost impossible to be promoted to the level of director or beyond without having completed graduate work.

Structural and organizational change in the RCMP will only go so far if education remains undervalued. The organization needs also to provide better internal training and education related not just to its “functional imperative” but also to the overall societal norms, values and context in which the organization

operates and which it purportedly serves. Training members in drafting a warrant and conducting an investigation is one thing. Training them in the intricacies of Canadian civics and society, leadership and history is quite another. Broader post-secondary training in the social sci-

ences and humanities should be mandatory for all aspiring RCMP officers and graduate work required for any member aspiring to the senior ranks within the organization.

The government ought also to reconsider the way officers in the RCMP are appointed and disciplined. Most Mounties can be subject to quite serious discipline, including suspension and losing their job. The system, however, essentially immunizes officers from prosecution. We have already seen that the procedures in place for the RCMP to investigate itself and especially wrongdoing within its officer corps are highly problematic. Were an internal review to find an offi-

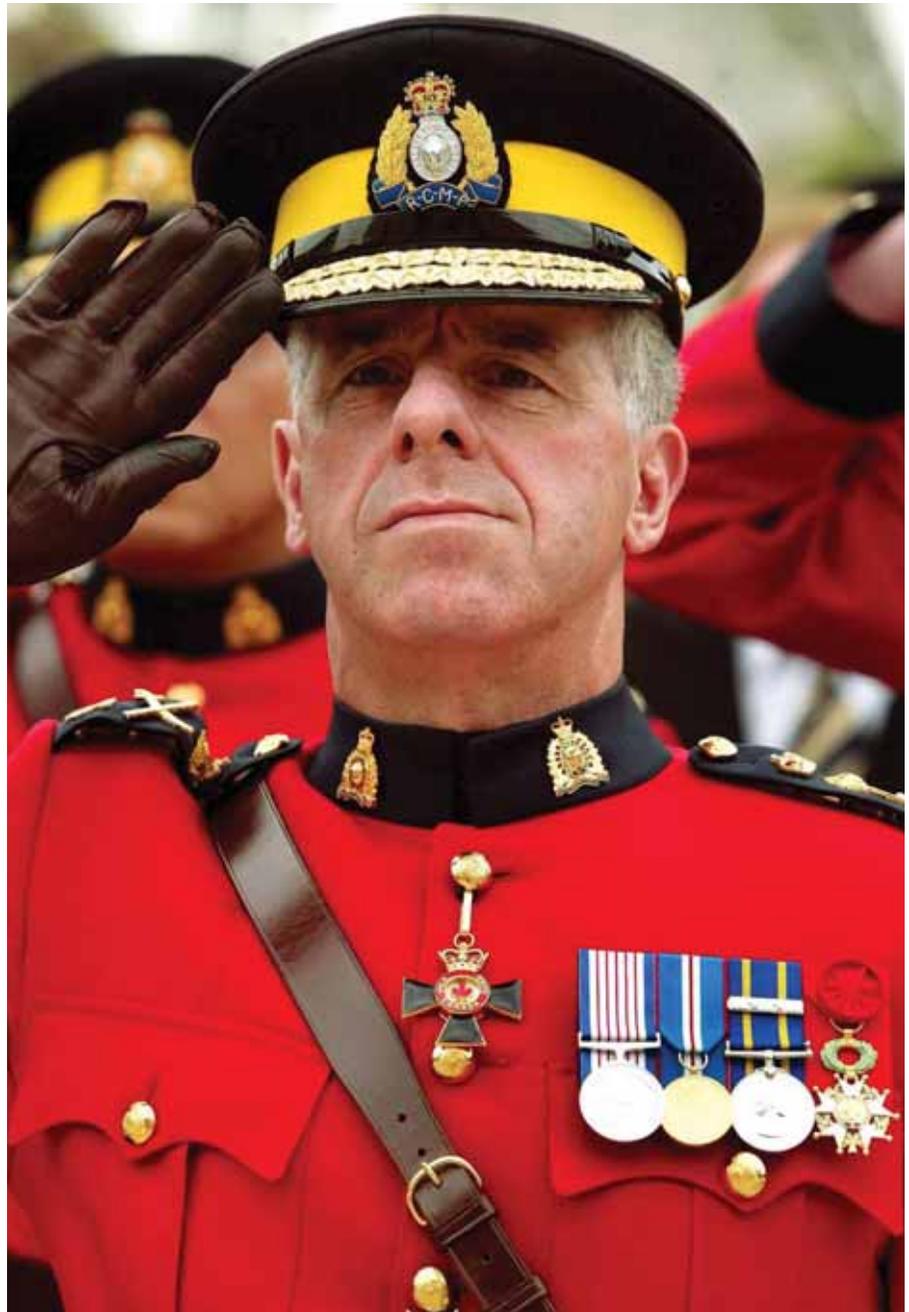
cer guilty of wrongdoing, he could ostensibly be discharged or be subject to criminal charges. In effect, however, the worst possible deterrent an officer (as opposed to a regular member in the uniformed ranks) faces is a 10-day suspension without pay.

Ostensibly, officers should be held to a standard higher than their subordinates, not vice versa. Yet RCMP officers are unlikely to be forthcoming about changing a system that procedurally, substantively and politically makes them immune from prosecution. In the Canadian Forces, only the senior officer ranks (starting with the rank of colonel/captain [Navy]) serve at pleasure. All other personnel are promoted and appointed based on a (reasonably) meritocratic personnel selection procedure.

Finally, the process by which commissioners are selected leaves much to be desired. The current system privileges those that have made it to the senior officer ranks of the organization. In other words, it privileges those who have been thoroughly socialized into the monolithic institutional norms of the organization. Opting for an interim commissioner, Bev Busson, who had left the organization, garnered ample outside experience and was now asked to lead, signalled that the government deemed an outside perspective and leadership necessary.

Insofar as the selection process is concerned, inroads with regards to legitimacy, respect and meritocracy stand to be made by implementing as objective a search process as possible. To the government's credit, this is the first time that a government has resorted to setting up a committee to search for a suitable candidate rather than just hiring an heir apparent from within the organization.

However, a model along the lines of Ontario's Judicial Appointments Advisory Committee would go further in ensuring that commissioners (and quite possibly all RCMP officers) in future will be appointed by a process



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Giuliano Zaccardelli headed the RCMP from September 2000 until his resignation in controversy in December 2006. But "change must extend well beyond a new commissioner," writes Christian Leuprecht. And learning the value of education is one of the key conditions for successful reform.

independent of internal and political considerations. Ontario's legislation requires the composition of the committee to reflect the diversity of Ontario's population, including gender, geography and racial and cultural minorities. All members serve for a term of three years. To qualify for

consideration, applicants must have at least 10 years membership at the Bar in one of the provinces or territories of Canada. Applicants must have a sound knowledge of the law, an understanding of the social issues of the day and an appreciation for the cultural diversity of Ontario.

Since the job of commissioner is a encompassing and high profile as that of a judge — if not more, an independent, transparent selection process is all the more important. This sort of process would also improve outside scrutiny of the organization and its leadership as a whole.

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Yet, there is probably no candidate in the world with the requisite skill-set to live up to the tasks of a commissioner as they currently are. This is partly a function of the bifurcated tasks of the RCMP which range from routine traffic policing function to national/federal investigations. Just about all other Western countries have created different organizations to specialize in different policing functions. The call for a review of the RCMP's functions and serious consideration of functional organizational differentiation is an increasingly commonly heard refrain.

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While a proliferation of police organizations has been shown to create some collective action problems, these are far outweighed by the increased efficacy that comes with specialization. In turn, specialization makes it easier to recruit the sort of highly skilled and highly educated individuals that are indispensable in modern security organizations. The RCMP's current requirement where every new recruit first has to endure 5.5 months at "Depot" in Regina alienates a large portion of prospective Mounties. Might Depot actually be filtering out the wrong people? The corollary does not hold for the CF because it

has quite different recruiting policies and far more comprehensive education and training.

Reforming bureaucratic institutions is never easy and always slow and painful because there are always those who benefit from the status quo and thus have little incentive to change the system. Yet, the problems confronting the RCMP are indicative of serious structural and organizational flaws. To pawn them

off on the leadership of any one individual is exactly what one would expect from an organization that is not particularly interested in change and adaptation, and which would much prefer to retain its privileges.

Whether the RCMP should adopt the Department of National Defence's parallel administrative structure is as debatable as the efficacy of the structure within DND itself. In liberal democracies, expanding powers for security organizations in a post-9/11 security environment have widely been offset by strengthened (or in some cases asserted) civilian, administrative, accountability and oversight mechanisms. By international comparison, the RCMP's structure and organization are ill-suited to the way security organizations in liberal democracies are run in the twenty-first century. The RCMP's current structure and organization serves neither the organization nor Canadians and their government well.

Change must extend well beyond a new Commissioner. For, in Bill Elliott, the RCMP may now have, for

the first time, a civilian commissioner. But precedent elsewhere suggests that this sort of change in senior leadership is likely to trigger a dual reaction. On the one hand, stonewalling will engineer his untimely downfall as he is made to look ineffective. On the other hand, while sitting out the new leader, the organization accelerates his downfall by grooming one of its own as the obvious heir-apparent. In response, the new commissioner might be tempted to set up his own civilian structure which might actually make things worse by confusing roles and responsibilities rather than clearly dividing them along functional lines.

Yet international comparison also suggests that successful security-sector reform must come from outside and be imposed from above. Security-sector reform is a tough nut to crack under the best of circumstances. Unfortunately, the RCMP's are not the best of circumstances. However, in contrast to the public sector in general, security organizations' hierarchical nature facilitates quick and parsimonious implementation of reform. While successful examples of security-sector reform abound, unsuccessful attempts that aggravated an already bad situation are even more plentiful. The rule of thumb is this: The police force is a civil force to which is entrusted the duty of managing public order, enforcing regulations for the prevention and punishment of breaches of the law and detecting crime. Any task that is not directly related to these matters ought probably not be assigned to a uniformed member.

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