

Office of the Public Sector
Integrity Commissioner
of Canada



Commissariat à l'intégrité
du secteur public
du Canada

**Findings of the Office of the Public Sector
Integrity Commissioner in the
Matter of an Investigation
into Allegations of Wrongdoing**

Royal Canadian Mounted Police

Case Report
November 2014

The generic masculine has been used in this report to protect the identity of those concerned.

The Report is available on our website at: www.psic-ispcc.gc.ca

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The Honourable Noël A. Kinsella
Speaker of the Senate
The Senate
Ottawa, Ontario K1A 0A4

Dear Mr. Speaker:

I have the honour of presenting you with the Office of the Public Sector Integrity Commissioner of Canada's Case Report of Findings in the Matter of an Investigation into Allegations of Wrongdoing at the Royal Canadian Mounted Police, which is to be laid before the Senate in accordance with the provisions of subsection 38 (3.3) of the *Public Servants Disclosure Protection Act*.

The report contains the findings of wrongdoing; the recommendations made to the chief executive; my opinion as to whether the chief executive's response to the recommendations is satisfactory; and the chief executive's written comments.

Yours sincerely,

A handwritten signature in black ink that reads "Mario Dion". The signature is written in a cursive style with a large, looped initial "M".

Mario Dion
Public Sector Integrity Commissioner
OTTAWA, November 2014

The Honourable Andrew Scheer, M.P.
Speaker of the House of Commons
House of Commons
Ottawa, Ontario K1A 0A6

Dear Mr. Speaker:

I have the honour of presenting you with the Office of the Public Sector Integrity Commissioner of Canada's Case Report of Findings in the Matter of an Investigation into Allegations of Wrongdoing at the Royal Canadian Mounted Police, which is to be laid before the House of Commons in accordance with the provisions of subsection 38 (3.3) of the *Public Servants Disclosure Protection Act*.

The report contains the findings of wrongdoing; the recommendations made to the chief executive; my opinion as to whether the chief executive's response to the recommendations is satisfactory; and the chief executive's written comments.

Yours sincerely,

A handwritten signature in black ink that reads "Mario Dion". The signature is written in a cursive, flowing style.

Mario Dion
Public Sector Integrity Commissioner
OTTAWA, November 2014

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Foreword

I present you with this case report of founded wrongdoing, which I have tabled in Parliament as required by the *Public Servants Disclosure Protection Act*, S.C., 2005, c.46 (the *Act*).

The *Act* was created to provide a confidential whistleblowing mechanism in the federal public sector to respond to the need to address and prevent cases of wrongdoing. The disclosure regime established under the *Act* is meant not only to stop these actions from continuing and to signal the need for corrective action, but also to act as a general deterrent throughout the federal public sector. This is the reason why founded cases of wrongdoing are required by the *Act* to be reported to Parliament, which is a powerful tool of transparency and public accountability.

My primary objective is to respect the purpose of the *Act*, which is to preserve and enhance the integrity of our public institutions. I must take this into account when considering the approach I will take when preparing to report a finding of wrongdoing to Parliament as well as to the public.

As has been the case in all disclosures that have resulted in a founded wrongdoing, the matter or issues in question were taken seriously by the organization.

I firmly believe that putting a stop to the wrongdoing and establishing measures to prevent them from recurring – while holding the chief executive of the affected organization accountable — allows for meeting the objective of the *Act* as intended by Parliament.

This case is no exception. The Royal Canadian Mounted Police (RCMP) collaborated fully in the process and provided all requested information. As a result of an administrative review, the RCMP is taking the necessary measures to ensure that the wrongdoing uncovered will not recur.

The investigation found that there were contraventions of the *Canadian Aviation Regulations* by the Ottawa Air Section of the RCMP's Air Services Branch. It is imperative that regulations are followed and respected. I must emphasize that I do not conclude in this report that the contraventions of these Regulations by the Ottawa Air Section created dangers to the life, health or safety of persons.

I am satisfied with the RCMP's response to ensuring that the *Canadian Aviation Regulations* are respected by their members.

Mario Dion, Public Sector Integrity Commissioner

Mandate

The Office of the Public Sector Integrity Commissioner of Canada is an independent organization created in 2007 to establish a safe and confidential mechanism for public servants or members of the public to disclose wrongdoing in, or relating to, the federal public sector. Specifically, my Office has the mandate to investigate disclosures of alleged wrongdoing and complaints of reprisal brought forward under the *Public Servants Disclosure Protection Act* (the *Act*).

Section 8 of the *Act*, defines wrongdoing as:

- (a) a contravention of any Act of Parliament or of the legislature of a province, or of any regulations made under any such Act, other than a contravention of section 19 of this *Act*;
- (b) a misuse of public funds or a public asset;
- (c) a gross mismanagement in the public sector;
- (d) an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of a public servant;
- (e) a serious breach of a code of conduct established under section 5 or 6; and
- (f) knowingly directing or counselling a person to commit a wrongdoing set out in any of paragraphs (a) to (e).

The purpose of investigations into disclosures is, according to the *Act*, to bring the findings of wrongdoing to the attention of the organization's chief executive and to make recommendations for corrective action.

Under subsection 38 (3.3) of the *Act*, I must report to Parliament founded cases of wrongdoing within sixty days after the conclusion of an investigation. This Case Report addresses one such investigation and the findings related to the allegations of wrongdoing brought forward to my Office.

Mandate of the Investigation

On November 18, 2013, after having carefully analyzed a protected disclosure of wrongdoing submitted to my Office, which contained allegations against several members of the Ottawa Air Section (OAS), Air Services Branch of the Royal Canadian Mounted Police (RCMP), my Office initiated an investigation pursuant to the *Public Servants Disclosure Protection Act* (the *Act*) to determine whether:

- a civilian member* of the RCMP flew aircraft that was overweight in contravention of Interim Orders and *Canadian Aviation Regulations* (CAR), which could constitute wrongdoing under paragraphs 8(a) and (d) of the *Act*;
- the OAS permitted aircraft to be flown without valid Certificates of Airworthiness in contravention of the Interim Orders and the CAR, which could constitute wrongdoing under paragraphs 8(a) and (d) of the *Act*;
- the OAS failed to maintain flight logs in accordance with the CAR, which could constitute wrongdoing under paragraph 8(a) of the *Act*;
- a civilian member* scheduled OAS pilots with expired credentials to fly, which could constitute wrongdoing under paragraph 8(d) of the *Act*; and
- a civilian member had convinced the RCMP to store its aircraft at a commercial business' hangar at an "exorbitant" cost, which could constitute wrongdoing under paragraph 8(b) of the *Act*.

*As a result of the information gathered during the first interview with the discloser, the scope of the investigation widened to determine whether additional members of the RCMP had flown aircraft that was overweight, as well as had scheduled pilots with expired credentials to fly.

About the Organization

The RCMP is the Canadian national police service and an organization of the Ministry of Public Safety Canada. The RCMP provides a total federal policing service to all Canadians and policing services under contract to the three territories, eight provinces (except Ontario and Quebec), more than 150 municipalities, more than 600 Aboriginal communities and three international airports.

The first priority of Air Services of the RCMP is to provide air support and assistance to operational personnel. This includes northern and regional patrols; transporting personnel, prisoners and supplies; and carrying out searches. The RCMP is one of the largest fleet operators in Canada.

The RCMP maintains 19 Air Sections which currently employs 150 people throughout the country, including 78 pilots and 49 aircraft maintenance engineers and avionics technicians.

The Air Services Fleet includes fixed and rotary wing aircraft all of which have been selected to meet specific needs of the organization. The fleet is currently composed of:

- 3 Cessna Caravans
- 2 De Havilland Twin Otters
- 2 Eurocopter EC 120Bs
- 8 Eurocopter AS 350B3s
- 15 Pilatus PC -12s
- 10 Cessna

The Piaggio Avanti P180 referred to in this report was sold in July 2014.

Results of the Investigation

One out of the five allegations that were investigated resulted in a finding of wrongdoing. The investigation found that:

- **the Ottawa Air Service (OAS) committed wrongdoing pursuant to paragraph 8(a) of the Act by:**
 - Making false entries in Aircraft Journey Log books (AJLs) and flying overweight, thus contravening paragraph 602.07(a) of the *Canadian Aviation Regulations*.

The information gathered during this investigation did not substantiate the other four allegations.

Overview of the Investigation

The investigation, led by Jenny-Lee Harrison and Christian Santarossa of my Office, was initiated on November 18, 2013. The investigators collected evidence including technical reports and testimonies from subject-matter experts. As required under the *Act*, the RCMP readily provided access to the necessary facilities and the information requested during the course of the investigation.

In keeping with our obligations under the *Act*, my Office provided the RCMP with full and ample opportunity to respond to the allegations. On March 10, 2014, my Office provided the RCMP Commissioner with a Preliminary Investigation Report (PIR) and the opportunity to comment on the preliminary results. As a result of the additional information provided by the RCMP, a revised PIR was sent to the organization on July 9, 2014.

In arriving at my findings, I have given due consideration to all information received throughout the course of the investigation, including the information provided by the RCMP in response to both PIRs.

Summary of Findings

Contravention of an Act of Parliament or any regulations made under any such Act

Paragraph 602.07(a) of the CAR states that:

No person shall operate an aircraft unless it is operated in accordance with the operating limitations set out in the aircraft flight manual, where an aircraft flight manual is required by the applicable standards of airworthiness.

During this investigation, my Office examined Aircraft Journey Logbooks (AJLs) completed by RCMP pilots pertaining two specific aircrafts, namely the Piaggio Avanti P180 (the Piaggio), whose maximum weight capacity (basic weight + fuel + passengers + baggage) is 12,100 lb, and the Pilatus PC-12 (the Pilatus), whose maximum weight capacity is 10,450 lb.

The investigation found that:

- The OAS flew aircraft that were overweight on several occasions in 2012 - see technical information on the next page. In some instances, AJL entries were above the regulated weight capacity, whereas in others, entries pertaining to the weight of the passengers, fuel and/or baggage were unrealistic.
- A pilot acknowledged that he himself had worked backwards to make the numbers work on paper. Two other witnesses alleged that almost all pilots did so, a statement which was supported by a subject-matter expert who also completed a review of AJLs completed by members of the ASB.
- Regardless of whether false entries were deliberate, or whether they were the result of a simple calculation error, the fact remains that if the information contained in AJLs is incorrect, the RCMP cannot ensure that their aircraft were being operated within the weight and balance limits.

In light of the above, the OAS has contravened paragraph 602.07(a) of the CAR, by failing to ensure that each aircraft is operated within the weight and balance limits specified in the aircraft flight manual.

Without knowing what the true weight figures were for the fuel, baggage and persons, we cannot conclude that the OAS overweight flights created a substantial and specific danger to the life, health, or safety of persons pursuant to paragraph 8(d) of the *Act*.

Technical information

Several AJLs from 2012 were provided to the Investigators. Their review revealed that:

- On one AJL, the total weight for five passengers, including both pilots, was 880 lb. According to witnesses, both pilots were “heavy men” and could have a combined weight of nearly 550 lb, thus leaving 330 lb to make up the weight of the remaining three passengers, which was described as “unrealistic”. According to this AJL, the take-off weight was entered as 10,410 lb and 10,440 lb on two separate legs of the journey, which is only a few pounds below the Pilatus’ maximum weight capacity of 10,450 lb. Moreover, the fuel weight was not entered on the AJL.
- Three other AJLs revealed questionable baggage weight, given the number of passengers and/or the length of the respective trips. For instance, one AJL dated August 31, 2012, which pertained to an overnight trip to Washington, revealed that the total baggage weight for all five passengers returning to Ottawa was only 55 lb; as for another AJL, dated September 5, 2012, the total baggage weight was entered as 50 lb for every leg of the journey, regardless of whether the total number of persons on board was two, four or six. In all three cases, the weight at take-off for certain legs of the respective journeys was entered on the AJLs as slightly lower than the maximum weight capacity of 10,450 lb (e.g. 10,400 lb and 10,410 lb), which according to a subject-matter expert is unrealistic given the number of people travelling.
- With respect to another AJL, a subject-matter expert indicated that the fuel weight that was entered (1,900 lb) was very low for the length of the flight (3.4 hours). A review of the other AJLs provided to my Office revealed that all flights over 1.2 hours contained between 2,000 and 2,600 lb of fuel at take-off. Moreover, the total aircraft weight at take-off was entered as 10,410 lb on this AJL (40 lb below the maximum 10,450 lb), which, according to the subject-matter expert, is suspicious and suggests that the numbers do not reflect the reality.
- In three other AJLs, the total take-off weight is incorrect if the other numbers entered are accurate (i.e. in two examples, the total weight is entered as 10,265 lb, which is under the legal limit; when you add the weight of the fuel to that of the passengers and luggage however, the total weight adds up to 10,410 lb, which is only 40 lb below the maximum limit). According to a subject-matter expert, it appears as though the total take-off weight was purposely lowered on the AJLs, so as not to attract attention that in fact the other numbers (weight of persons, fuel and baggage) add up to the slightly below the maximum weight capacity. Moreover, the fuel weight was entered as 2,050 lb for a 3.0 hours flight on August 16, 2012, which as noted in the bullet point above, is low compared to the information provided in the other AJLs.

- In two other AJLs, the total take-off weight entered either falls slightly below or is exactly the maximum weight capacity; when adding all numbers however, the total is actually above the legal limit. For instance, an AJL dated August 15, 2012 indicated that the total take-off weight was 10,450 lb (which is the maximum weight for the Pilatus), but when adding all numbers as presented on paper, the total weight is actually 10,495 lb. As for the second example, dated August 19, 2012, the total weight is entered as 10,410 lb, but after adding all numbers as presented on paper, the total weight comes to 10,510 lb.
- In an AJL dated June 11, 2012, the take-off weight for the Piaggio was entered as 12,237 lb, 137 lb above the maximum weight capacity. This AJL also revealed that seven people were travelling with a total of 50 lb of baggage; the total baggage weight remaining at 50 lb for the return portion of flight, despite having two people on board.
- In another AJL dated October 16, 2012, the total take-off weight for the Piaggio was entered as 12,100 lb, exactly the maximum weight for the aircraft; the correct addition of the numbers however, comes to 12,131 lb, which is slightly above the legal limit. Moreover, the total weight of baggage for seven people was entered as 50 lb, which, according to subject-matter experts, is questionable.

Conclusion

The information gathered during this investigation revealed that the Ottawa Air Section of the Air Services Branch of the RCMP committed wrongdoing pursuant to paragraph 8(a) of the *Act* by:

- Making false entries in Aircraft Journey Log books and flying overweight, thus contravening paragraph 602.07(a) of the *Canadian Aviation Regulations*.

Recommendations and the Royal Canadian Mounted Police's response

In the fall of 2013, Transport Canada (TC) conducted an Advisory Assessment for the ASB, with the objective of providing a report that detailed where regulatory requirements were met and where gaps existed. During the winter of 2014, eight recommendations were made to the ASB following TC's observations, some of which were in line with the allegations that were investigated by my Office.

Following receipt of TC's Advisory Assessment, the RCMP decided to address the identified issues by way of Corrective Action Plans, a voluntary arrangement between the OAS and TC.

While I appreciate the purpose of these Corrective Actions Plans, the purpose of an investigation conducted by my Office is to bring the existence of wrongdoing to the attention of the Chief Executive. Since this type of contravention of the *Canadian Aviation Regulations* represents serious matters of public interest, I did not believe there was a valid reason for me to cease this investigation prior to its completion, despite the Corrective Action Plans developed by the RCMP.

I considered recommending an audit of all RCMP flight records. However, given the RCMP's ongoing commitment to implement the Corrective Action Plans in consultation with Transport Canada, I do not feel such an audit is required.

I consider the responses to the recommendations submitted by the Commissioner of the RCMP to be satisfactory.

It is recommended that the RCMP continue to implement the Corrective Action Plans in ongoing consultation with Transport Canada.

Through its tenure as a holder of a Private Operator Certificate, the RCMP's ASB has sought out and successfully completed regular audits and has collaborated fully with auditors to improve its practices. Regular audits were performed by the Canadian Business Aviation Association between 2005 and 2011, as well as the Advisory Assessment conducted by Transport Canada in 2013.

Since January 2014, ASB worked diligently with Transport Canada to create a Flight Operations CAP in order to enable early detection and correction of inconsistencies and anomalies. Measures that have been taken include developing the Weight and Balance section of the RCMP Air Services Operations Manual (ASOM) to include standard weights for both uniformed and non-uniformed passengers, cargo and fuel as well as clear direction relating to weights to be used, thus ensuring that clear direction is provided to pilots for every phase of the flight. [The

ASOM has been maintained since 2003 for the use and guidance of Air Services personnel in the execution of their duties, detailing information and instructions on the manner and specifications contained in the ASOM conform to the Business Aviation – Operational Safety Standards, and also incorporate specific requirements of the CARs.]

Pursuant to the Flight Operations CAP, Air Base Managers have also been directed to review the operational documents (including AJLs) on a monthly basis and to report their findings. Furthermore, the assistant Chief Pilot Fixed Wing is tracking the completion of all reviews and results for quality assurance, in order to identify any trending issues and to take the immediate corrective actions.

The RCMP has and continues to work closely with Transport Canada to ensure the safety of its air operation. Transport Canada inspectors visited the OAS in October 2014 and were impressed with the progress made.

It is recommended that all ASB employees be regularly reminded of their legal obligations pursuant the CAR, in order to ensure a safe and effective aircraft flight and maintenance operations program.

Since January 2014, the ASB has implemented a number of measures to ensure the RCMP maintains safe and effective flight and maintenance programs, and that its employees are regularly reminded of their obligations.

Bi-monthly national meetings are held to address any day to day issues as they may arise and to review best practices. Regular written communication and direction is provided to ASB employees by Air Services Branch management.

The RCMP has staffed its Flight Operations Manager position by seconding a Transport Canada Civil Aviation Inspector, who has extensive qualifications in aviation management and safety inspection, to account for the overall safety of air services operations.

Additional Comments Provided by the Royal Canadian Mounted Police

The RCMP welcomes the opportunity to comment on the Report. The RCMP accepts that some pilots of the Ottawa Air Section (OAS) have, on a limited number of occasions, entered incorrect data when completing the Aircraft Journey Logbooks (AJLs) for two Ottawa-based aircraft, thereby failing to maintain records in accordance with the Canadian Aviation Regulations (CARs). The RCMP also welcomes Commissioner Dion’s confirmation that there was no finding that “pilots deliberately falsified aircraft journey logs”, and that at no point in time did the RCMP endanger the life, health and safety of persons.

Prior to the initiation of the OPSIC investigation, the RCMP proactively reviewed its practices and procedures to ensure compliance with the CARs, including engaging Transport Canada to provide additional guidance and enhanced oversight. During a 2013 Advisory Assessment, Transport Canada civil aviation safety inspectors were shown copies of some AJL entries that suggested initially that some aircraft may have been flown in overweight conditions. In response, the inspectors recommended further targeted sampling of AJLs as well as follow-up inspections. To address these findings and enable the early detection and correction of inconsistencies and anomalies, the RCMP has worked with Transport Canada, pursuant to the Aeronautics Act, to create and implement a Flight Operations Corrective Action Plan and has been diligently addressing the issues highlighted during the assessment. As such, the RCMP submitted that the Public Sector Integrity Commissioner should discontinue his investigation in light of the oversight provided by Transport Canada and the efforts already underway, however, the Commissioner chose not to exercise his discretion in that regard. The RCMP has taken the allegations brought forward by the PSIC investigation seriously, and can advise that through these, and other actions detailed below, the spirit and intent of the recommendations are being addressed through its ongoing engagement with Transport Canada.

Moreover, the RCMP would like to emphasize that it is concerned with language of ‘making false entries’ in the OPSIC finding of wrongdoing, as this suggests a deliberate deception or malfeasance on the part of the RCMP personnel. The OPSIC has not considered that AJLs alone do not prove that an aircraft was flown overweight, and did not study the required variables for calculating fuel requirements, such as taxi times prior to takeoff and weather, as well as the path and altitude at which the aircraft was flown. While there were data irregularities and incorrect AJL entries on the part of the RCMP pilots the RCMP does not believe that pilots made these entries through deceptive intent. These issues have been addressed through proactive management action, adopted prior to PSIC’s November 2013 allegation of wrongdoing, and are detailed in the Recommendation response.