

Canadian

Internal report finds RCMP officers uncomfortable with War Measures Act usage



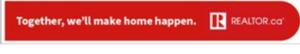
Trucks and protesters mass in downtown Ottawa during an ongoing protest against vaccine mandates on Feb. 4, 2022. Courtesy Michael Charles Cole/CBC

Jonathan Bradley X

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Some RCMP officers felt uncomfortable applying the peace officer authorities granted to them once the War Measures (Emergencies) Act was invoked because they did not feel they had a clear understanding of them, according to a report conducted by the police agency.

While respondents indicated the briefings they received from their command structure on the War Measures (Emergencies) Act were effective, the RCMP said they did not have a clear understanding of their relationship to their peace officer authorities.

"Some respondents who were deployed in the National Capital Region (NCR) also indicated they felt uncomfortable enforcing certain legislation because the police of jurisdiction did not appear to be taking enforcement action," said the RCMP in a report.

"Respondents were of the view that they should have been provided more training and better reference material on the applicable legislation they were being asked to enforce."

In some instances, the RCMP said this was done after the Freedom Convoy had begun.

Some respondents admitted they were unfamiliar with common law authorities that could be exercised for public order events. This was rectified when aids were distributed to those supporting the Ottawa Police Service (OPS).

The RCMP went on to say interviewees indicated there were issues with information and intelligence disseminated to external Canadian government agencies. It added some of them would misrepresent the information or misattribute third party information to it.

Interviewees accused Canadian government partners of reaching in to particular intelligence teams and people for information, defying its chain of command and established protocols for requesting information from it. In addition, interviewees and respondents said they felt immense pressure from the Canadian government to be briefed on a regular basis by senior management, which were requested some times on an hourly basis.

Its demands for hourly briefings left no time for intelligence units to prepare an assessment and collect updated information. Former RCMP commissioner Brenda Lucki provided joint ministerial briefings to several cabinet ministers before the Freedom Convoy arrived in Ottawa and daily for the three-and-a-half weeks it was around.

The RCMP continued by saying respondents felt the response to the Freedom Convoy was politicized. This was most true with respect to the events in the NCR, where various politicians and government officials said it had to resolve the blockades.

In the NCR, it carries out policing activities that includes protective policing and national security investigations. As the police of jurisdiction in Ottawa, OPS has the primary responsibility to manage the police response to all demonstration activity.

When assistance is requested, the RCMP can provide support to OPS. However, it cannot assume command and control of the police response to demonstration activity as some officials suggested.

The RCMP concluded by saying participation in a demonstration "is not in itself a form of Ideologically Motivated Violent Extremism activity, regardless of the demonstrator's beliefs, opinions, and/or ideologies."

"When there is a suspected threat to national security, the RCMP can assume a lead investigative role under the Federal Policing mandate," it said.

The Federal Court of Canada ruled in January the decision to use the War Measures (Emergencies) Act to respond to the Freedom Convoy was unreasonable and excessive, validating the claims made in a lawsuit brought by various civil liberties groups.

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"It is declared that the Regulations infringed Section 2b) of the Charter and declared that the Order infringed Section 8 of the Charter and that neither infringement was justified under Section 1," said the Federal Court.

"There is no award of costs."

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3. It is declared that the decision to issue the *Proclamation* and the associated *Regulations* and *Order* was unreasonable and *ultra vires* the *Emergencies Act*;

4. It is declared that the *Regulations* infringed section 2 (b) of the *Charter* and declared that the *Order* infringed section 8 of the *Charter* and that neither infringement was justified under section 1; and

There is no award of costs.

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