



HOUSE OF COMMONS
CANADA

**CHAPTER 7, MANAGEMENT OF FORENSIC
LABORATORY SERVICES – ROYAL CANADIAN
MOUNTED POLICE OF THE MAY 2007 REPORT OF THE
AUDITOR GENERAL OF CANADA**

**Report of the Standing Committee on
Public Accounts**

**Hon. Shawn Murphy, M.P.
Chair**

March 2008



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THE STANDING COMMITTEE ON PUBLIC ACCOUNTS

has the honour to present its

TENTH REPORT

Pursuant to Standing Order 108(3)(g), the Standing Committee on Public Accounts has considered the Chapter 7, Management of Forensic Laboratory Services – Royal Canadian Mounted Police of the May 2007 Report of the Auditor General of Canada. The Committee as agreed to table this Report as follows:

Pursuant to Standing Order 108(3)(g), the Standing Committee on Public Accounts has considered the Chapter 7 of the May 2007 Report of the Auditor General of Canada (**Management of Forensic Laboratory Services – Royal Canadian Mounted Police**) and has agreed to report the following:

INTRODUCTION

The Forensic Laboratory Services (FLS) of the Royal Canadian Mounted Police (RCMP) provides forensic analysis services for criminal cases to Canada's law enforcement community, including Canadian police agencies, Crown counsel, and other federal, provincial and municipal agencies. The FLS is a national laboratory service operating in six cities in Canada and it provides a range of services in the disciplines of Biology (DNA analysis); Toxicology (detection of toxins in bodies); Firearms; Trace Evidence (analysis of a variety of substances); and Counterfeit and Document Examinations.

The Auditor General undertook to do an audit of the RCMP's FLS as a result of a request from the House of Commons Standing Committee on Justice and Human Rights, Public Safety and Emergency Preparedness. That Committee had heard conflicting testimony on the performance of the FLS in 2004 and 2005 and asked the Auditor General to examine the testimony.

The audit noted several deficiencies in the service the FLS provides to its clients. For example, the audit found that the FLS does not generally meet its own turnaround targets for completing service requests. The audit highlighted the weaknesses in how the FLS handles quality issues, including those related to laboratory results. In addition, the RCMP was found to not give its clients, other law enforcement agencies and prosecutors, adequate opportunity to influence how the FLS operates: clients were found to have little opportunity to negotiate

turnaround times for service requests. The audit also noted that although the FLS has the ability to collect data on the reliability of information and has improved the ability to report on performance, the RCMP is not reporting the performance of the FLS to either its clients or Parliament.

This Committee held one meeting on 28 May 2007 to consider the audit of the Office of the Auditor General on the management of the forensic laboratory services of the RCMP. The Committee met with the Auditor General of Canada Sheila Fraser and, also from her Office, Shelley Trevethan, Director. In addition, the Committee heard from the following witnesses from the RCMP: Commissioner, Beverly Busson; Deputy Commissioner, National Police Services, Peter D. Martin; Director General, Forensic Science and Identification Services, Joe Buckle; and Director, Biology Services, Dr. John Bowen.

BACKGROUND

The audit chapter studied by the Committee was not the first audit of the FLS. The Auditor General's first audit was completed in 1990 on the services provided by the RCMP to other law enforcement agencies, which included specific recommendations for the forensic laboratories and the reporting of information to Parliament.¹

In the 1990 audit, the Auditor found that the FLS performance management needed improvement. The Auditor recommended that the FLS improve its performance measurement system by using an appropriate unit of measurement, recording data daily and developing accurate standards. The FLS agreed with this recommendation and stated it would re-evaluate the system it used as a component of a Management Information System Study.

¹ Office of the Auditor General of Canada, 1990 Report. "Chapter 27- Royal Canadian Mounted Police - Support Services to Canadian Law Enforcement Agencies".

In 2000, the Auditor General revisited the 1990 chapter on services provided to other law enforcement agencies, which included specific recommendations for the forensic laboratories and the reporting of information to Parliament.² The audit was quite critical in several areas, and included findings on a lack of rationale for the operation of the RCMP's forensic laboratories and the absence of clear and measurable performance standards.

The Standing Committee on Public Accounts issued a report on the 2000 report of the Auditor General concerning RCMP laboratories.³ The Committee recommended that, among other things, the RCMP develop and implement a series of performance indicators and standards and begin to report financial and performance information with regard to its forensic laboratories in its Departmental Performance Reports. The RCMP agreed with the recommendations of both the 2000 audit by the Auditor General and the Standing Committee on Public Accounts.

ACTION PLAN

Given that faulty forensics can lead to criminals walking free or innocent people facing incarceration, and in light of the recent concerns in other forensic laboratories, the Committee finds it completely unacceptable that it has taken three audits by the Office of the Auditor General and one report by this Committee for the RCMP to make a firm commitment to addressing the ongoing problems with the FLS. However, the RCMP did provide the Committee with a detailed action plan that details how the RCMP is going to act on all of the recommendations made by the Auditor General. The Forensic Laboratory Services Action Plan provides a background analysis and a current analysis of the situations commented on by the Auditor General.⁴ In addition, the Action

² Office of the Auditor General of Canada, April 2000 Report. "Royal Canadian Mounted Police - Services for Canada's Law Enforcement Community".

³ Standing Committee on Public Accounts. *Report 17 - Royal Canadian Mounted Police -- Services for Canada's Law Enforcement Agencies*. Presented in the House of Commons on 5 October 2000.

⁴ Royal Canadian Mounted Police, *Forensic Laboratory Service Action Plan*. 1 May 2007. Tabled in the Standing Committee on Public Accounts on 28 May 2007.

Plan outlines how the RCMP will be implementing the Auditor's recommendations and provides a timeline for their implementation.

The Committee is pleased to see that the RCMP is taking the findings of this audit seriously. Indeed, many of the Committee's concerns about the management of the FLS, including the backlog status and quality assurance situation, have been addressed in the RCMP's Action Plan. In addition, the Action Plan addressed an ongoing concern of the Committee by committing the RCMP to including more appropriate performance information into its Departmental Performance Reports. To ensure that the RCMP will indeed act on the recommendations made in this audit and implement the FLS Action Plan, the Committee recommends that

RECOMMENDATION 1

The Royal Canadian Mounted Police provide a status report to the Public Accounts Committee by 30 September 2008 on the implementation of the Forensic Laboratory Services Action Plan.

REPORTING TO PARLIAMENT

The audit highlighted the fact that the RCMP had introduced a new Laboratory Information Management System in 2003 and that this has increased the reliability of information and improved the ability to report on performance; however, as the audit noted, the RCMP is still not reporting the performance of the FLS to either its clients or Parliament. In 2001, the RCMP accepted the recommendation of the House of Commons Public Accounts Committee that it report financial and performance information with regard to its forensic laboratories in its annual Departmental Performance Reports (DPR), beginning with the DPR for the period ending 31 March 2002. The RCMP reported FLS performance in its DPR for the 2001-2002 fiscal year, but the report for the 2002-2003 fiscal year contained limited information on the FLS, and since then none of the RCMP DPRs have reported on the FLS performance. FLS performance is

currently not reported through any other channel. Therefore, little performance information about the FLS is available externally.

As the Auditor General noted in her opening statement before the Committee, the RCMP is “not currently keeping its commitment to report to Parliament on performance”.⁵ Commr Busson agreed with the Auditor General’s assessment and stated that through the implementation of the Forensic Laboratory Services Action Plan, the RMCP will ensure “inclusion of more appropriate performance information in the RCMP’s accountability reports to parliament (e.g. DPR, RPP).”⁶ The Committee has always strongly held the notion that Parliament must be kept informed about how departments and agencies are functioning. For this reason, the Committee was disappointed in the current level of reporting in the RCMP’s DPR. The Committee is very interested in following up on the RCMP’s commitment to improve reporting to Parliament both through the Reports on Plans and Priorities and the Departmental Performance Reports and through the newly-committed to FLS annual reports. As such, the Committee recommends that

RECOMMENDATION 2

The Royal Canadian Mounted Police’s Departmental Performance Reports contain the necessary information to inform parliamentarians of the performance of the Forensic Laboratory Services, beginning with the 2007-2008 Departmental Performance Report.

⁵ House of Commons Standing Committee On Public Accounts, 39th Parliament, 1st Session, Meeting 59, 1535

⁶ Royal Canadian Mounted Police, *Forensic Laboratory Service Action Plan*. 1 May 2007. Tabled in the Standing Committee on Public Accounts on 28 May 2007.

BACKLOGS

The impetus for the Auditor General's audit of the FLS came from several instances of disputed RCMP testimony before another parliamentary standing committee. The Auditor General found three separate occasions during which the RCMP gave misleading testimony to the Committee it was appearing before.⁷ The Auditor General noted during her appearance before this Committee that the Office of the Auditor General "[believes] there was the potential that the [Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness] may have, at best, been confused by the testimony that was given."⁸ The conflicting testimony was blamed on a difference in interpretation of what constitutes a backlog between the Auditor General and the RCMP.

The FLS defined its backlog as "cases that were being held by client agencies and not submitted to the FLS for analysis".⁹ In other words, the RCMP essentially defined a backlog as pent-up demand. The Auditor General defined backlog as "cases in process that had not been completed within 30 days", which was the original target time for cases considered routine by the RCMP. However, at the time of the audit, the RCMP had accepted the Auditor General's definition and agreed that at the time of the conflicting testimony before the Justice Committee, there was indeed a backlog. The Committee was pleased that Commr Busson took the initiative to send a letter to the Committee outlining the cause of the conflicting testimony. In addition, the Committee also appreciates the assurance given by Commr. Busson that the RCMP had "at no time [intended] to mislead the Committee" in its hearings before the Justice Committee in 2004 and 2005.¹⁰

⁷ Office of the Auditor General, May 2007 Status Report "Chapter 7 - Management of Forensic Laboratory Services – Royal Canadian Mounted Police". Exhibit 7.11.

⁸ Meeting 59, 1605.

⁹ Commissioner Beverly Busson, Letter sent to the Standing Committee on Public Accounts, 24 May 2007.

¹⁰ *Ibid.*

The FLS uses two key terms to discuss the timeliness of its service. The first is “turnaround targets,” which refer to the number of days within which a service request should be completed. At the time of the audit, the FLS policy stated that the turnaround target for urgent service requests was 15 days and for routine cases was 30 days. However, the audit stated that in 2005-2006, the FLS met the 30 day turnaround target in only 10 percent of biology cases and 55 percent of toxicology cases.¹¹ The second term used by the FLS is the “Expected Diary Date” and this refers to the actual amount of time the FLS expects a routine case to be completed. As identified in the audit, the Expected Diary Date for some DNA routine service requests was 180 days, which, the Committee noted, was much longer than the 30 day turnaround target. Beyond this, the Committee heard that the Expected Diary Dates for the completion of a service requests were discretionary and could be changed based on the system’s current workload.¹²

The Committee was heartened to read in the FLS Action Plan that the FLS is moving away from using the Expected Diary Dates as a means of measuring the timeliness of its response to service requests. Instead, the FLS is introducing a new case prioritization system called Priority Rating of Operational Files (PROOF). This new system prioritizes cases into three streams and has established new turnaround times for each: 45-60 days for murder cases; 90 days for sexual offences; and over 90 days for crimes against the person and property offences. It is still unclear to the Committee, however, when the clock begins for the response to requests: does the turnaround time begin when a request is received, or does it begin when a request begins to be processed? In addition, the Committee noted that the turnaround times for each stream in PROOF have yet to be validated, which means these times may still change greatly. Though the Committee is encouraged by the move away from Expected

¹¹ Office of the Auditor General, May 2007 Status Report “Chapter 7 - Management of Forensic Laboratory Services – Royal Canadian Mounted Police”. Paragraphs 7.22-7.24.

¹² Meeting 59, 1715.

Diary Dates, it is still concerned that the PROOF turnaround times may end up being too flexible to be meaningful. Therefore, the Committee recommends that

RECOMMENDATION 3

The Royal Canadian Mounted Police define “turnaround time” as the amount of time taken to process a request from when it is received by the client until the request is reported back to the client.

RECOMMENDATION 4

The Royal Canadian Mounted Police validate the turnaround times for each stream in the Priority Rating of Operation Files (PROOF) and provide the Public Accounts Committee with the final validated target turnaround times by 30 September 2008.

As discussed above, the Committee believes strongly that parliamentarians should be kept abreast of what is happening in departments through their individual Departmental Performance Reports. Given the shift in the FLS’s definition of backlog and its introduction of the PROOF system, it is especially important for the RCMP to report on the status of the FLS backlog. Thus, the Committee recommends that

RECOMMENDATION 5

The Royal Canadian Mounted Police provide detailed updates on the Forensic Laboratory Services’ actual service request processing times against their target turnaround times in its Departmental Performance Report, beginning with the 2007-2008 Report.

CONCLUSION

The importance of forensic services as a tool in today's criminal justice system cannot be understated. The recommendations made by the Auditor General, if implemented, will improve the performance of the RCMP's Forensic Laboratory Services and make for a stronger, more reliable criminal justice system. The Committee endorses all of the Auditor General's recommendations, and agrees with the Auditor General that what is important is that the RCMP put in place a plan of action to correct any failings or concerns that appeared during her Office's audit.

The Committee held its meeting on the Forensic Laboratory Services in the midst of its hearings on the management of the RCMP pension and insurance plans. In both the FLS and pension and insurance plan cases, the RCMP suppressed and ignored employees who were raising concerns. In addition, RCMP senior management made assurances in both cases that there were no problems, despite evidence to the contrary. The Committee was concerned to see these parallels between the mismanagement of the pension and insurance plans and the problems in the FLS. However, the Committee hopes that, given the changes in the management style of the RCMP, these sorts of problems will be effectively addressed internally. The Committee is encouraged by the strength of the RCMP's response to the Auditor General's audit of its Forensic Laboratory Services and looks forward to seeing the results of the RCMP's commitment to change.

APPENDIX A LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
Office of the Auditor General of Canada Sheila Fraser, Auditor General of Canada Shelley Trevethan, Director	2007/05/28	59
Royal Canadian Mounted Police John Bowen, Director, Biology Services Joe Buckle, Director General, Forensic Science and Identification Services Beverley A. Busson, Commissioner Peter Martin, Deputy Commissioner, National Police Services		

REQUEST FOR GOVERNMENT RESPONSE

In accordance with Standing Order 109, the Committee requests that the Government table a comprehensive response to the report.

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 16 and 18 including this report is tabled](#)).

Respectfully submitted,

Hon. Shawn Murphy, M.P.
Chair