

REVISION TO MP FILE KEY

1. The experience of most Military Police supervisors with the Case File Key is not so much the classifications themselves but the inability of the three levels of concern (Base, CHQ, NDHQ) to agree as to the reporting procedures, ie, the submission of an MPOR or CF245. The inconsistency that arises out of the three level input is that one NOTE states that a classification shall normally be reported on an Occurrence Report but may be reported on a CF245 at the discretion of the BSECURO or WO/NGO i/c MP. If a decision is made at unit level by experienced personnel after due deliberation, then the practice of Command or NDHQ changing it, is what compounds the problem. This is self-evident when personnel at both Command and NDHQ are moved, the "policy" changes and practices have to be altered to correspond with the "new" interpretation. Once a situation or incident is classed as requiring a police report, the practice of using two formats for exactly the same thing should be discontinued. All MP Reports should be in the same format (CF245) with the same distribution then at Command level a decision as to whether they are required at NDHQ can be made.

2. Another aspect of the changing jurisdiction given to the Military Police and not clearly reflected in the Case File Key and its NOTES, concerns that of the status of civilians, those employed by DND and those proceeded against by the Military Police. At the present time the main criteria used for the submission of MP Reports revolves around the premise that a person is subject to the Code of Service Discipline. Now with the authorization of MPs as Peace Officers many instances arise where civilians are the main subjects of MP action and it is felt that a report should be initiated and processed the same as if the subject was a serving member.

3. One specific complaint reference the classifications is the restriction and inappropriate use of the "General Correspondence" classification in conjunction with the "other" classification. It is felt that this is a duplication of a classification and that one could be removed. Also the NOTES refer to General Correspondence between Military Police at all levels when no report has been initiated under a specific file key. This gives the impression that correspondence can be passed from one unit to another using the file key, but this should be done using the normal CR File Index.

.../2

ANNEX A  
TO 2120-3 (SECUR)  
DATED 28 FEB 75

4. GROUP - DEATH

- a. Suggest that a new classification, DEATH - CRIMINAL NEGLIGENCE - TRAFFIC ACCIDENT, be used. A death involving criminal negligence could occur under more than one (1) section of the Criminal Code. It is felt that a file heading dealing specifically with criminal negligence in the operation of a motor vehicle resulting in death would be appropriate.
- b. DEATH - NOTE (A). It is recommended that fatal vehicle accidents be incorporated in the Traffic Enforcement Group following the same reasoning as was applied to the decision to have TRAFFIC ENFORCEMENT - ACCIDENT - IMPAIRED DRIVING. It is felt that whichever group is finally decided upon the death of a serving member should be reported using a CF245.

5. GROUP - SEXUAL OFFENCES

*600 series*  
The classification HOMOSEXUALITY has been removed from the Criminal Code of Canada. As sexual deviation is an offence under Section 119 of the NDA, it is suggested that the classification HOMOSEXUALITY be deleted and SEXUAL DEVIATION added.

6. GROUP - ASSAULT

Reference Note (c)(1)

*X*  
It is suggested that this note should include the following: "Persons subject to the Code of Service Discipline being assaulted by someone not subject to the Code of Service Discipline, but as a result of the assault, the person subject to the Code sustains serious injuries."

7. GROUP - PUBLIC/NON-PUBLIC/PRIVATE PROPERTY

*222*  
In accordance with message DSECUR 2244 171430Z Oct 74, it is suggested that the amount of loss or damage to public/non-public property be set at \$100 before a CF245 is required. Regarding loss of private property, it is suggested that the amount be set at \$150 before a CF245 is required. Further, when a criminal or Service offence is disclosed a CF245 is required (public property). In private property cases when a criminal offence is disclosed involving a person subject to the Code of Service Discipline a CF245 is required.

.../3

A0144305\_2-004305

ANNEX A  
TO 2120-3 (SECUR)  
DATED 28 FEB 75

8. GROUP - FRAUDULENT ACT

*Unauthorized?*

It is suggested that fraudulent long distance calls be included under the group FRAUDULENT ACTS instead of under the THEFT caption.

9. GROUP - TRAFFIC ENFORCEMENT

Reference Note (H)(1)

It is suggested that provision be made under the notes for reporting on CF245, motor vehicle accidents in which serious injuries occur to Service personnel (If the injuries are serious this could result in death.) regardless of whether the person subject to the Code of Service Discipline has committed a criminal or serious Service offence.

NOTE: Under the group ACCIDENTS - PERSONAL INJURY, vehicle accidents are not supposed to be reported.

10. GROUP - MISCELLANEOUS

The majority of the file headings under this group are indicated by asterisk marks to be Occurrence Reports, except incidents with serious Service implications. A large number of the classifications under this group are Criminal Code offences and should be the subject of a CF245. Suggest that the File Key for this group be amended.

a. MISCELLANEOUS - NOTE (J). It is recommended that this group include "OTHER" or some such heading which would be discipline cases peculiar to the Services and not specifically mentioned.

b. MISCELLANEOUS. The File Key 825 should be amended to include "CONDUCT IRREGULAR". Many instances occur involving misconduct or irregular conduct, that do not qualify as being disturbances, disorderly conduct or unlawful assembly.

11. STATUTE LAW - NOTE (K). It is recommended that the NOTE making reference to the Criminal Code be amended to include offences proceeded with contrary to the Code and actioned by Civil Court as opposed to a Service Summary Trial, etc.

12. The name of the primary person involved followed by the words "AND ANOTHER" etc. should be used in the first line of the caption. Past experiences indicated that the identification of the Canadian Forces member involved should be used even though he may not have been the person primarily responsible, on the basis that the Canadian Forces is mainly concerned with persons subject to the Code of Service Discipline. For example, MVAs involving a DND vehicle and a privately owned motor vehicle operated by a civilian who is judged to be at fault.

A0144305\_3-004306

.../4

ANNEX A  
TO 2120-3 (SECUR)  
DATED 28 FEB 75

13. The use of a prefix and uniform designation of identification should be used for members of the Militia, Reserves, Cadets and CIL.

14. REFERENCE: PARA 11(A)

28?  
The procedure of amending the group and classification should be considered and an extension of the first line is proposed. For example: If the suspect named in the initial report later ceases to be involved and another individual is accused it should be identified at that point.

2  
15. REFERENCE: NOTE A

Note A conflicts with NOTE H.

16. REFERENCE: NOTE H PARA 5

done  
The first sample caption indicates an offence as well as an accident. Guidance should be provided if there are special provisions in the nature of impaired driving offences only.

17. It was also considered appropriate that the directives should provide more guidance in the identification of serious Service offences. It is suggested that a serious Service offence is one that is not listed in QR&O Article 108.31 Para 2 as these are offences where the accused has the right of Court Martial.

18. In order to achieve uniformity in reporting procedures, it is proposed that a policy be implemented establishing dollar value limits to determine the requirement of either a CF245 or MPOR, bearing in mind the nature of the offence committed.

A0144305\_4-004307