



HOUSE OF COMMONS
CANADA

**THE TESTIMONY OF DEPUTY COMMISSIONER
BARBARA GEORGE BEFORE THE PUBLIC
ACCOUNTS COMMITTEE**

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

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

February 2008



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has the honour to present its

THIRD REPORT

Pursuant to Standing Order 108(3)(g), the Standing Committee on Public Accounts has considered the testimony of Deputy Commissioner Barbara George before the Public Accounts Committee. The Committee as agreed to table this Report as follows:

INTRODUCTION

On February 21, 2007, the Public Accounts Committee began a study into the Auditor General's November 2006 Report, *Chapter 9 – Pension and Insurance Administration, Royal Canadian Mounted Police*. In addition to officials from the Office of the Auditor General, several senior officers from the Royal Canadian Mounted Police (RCMP) appeared, including Deputy Commissioner Barbara George.

During this hearing, D/Commr George was asked several questions about the removal of an RCMP officer from the Ottawa Police Service investigation, called Project Probity, into allegations of fraud and abuse in the administration of the RCMP's pension and insurance plans. D/Commr George denied any involvement and stated she did not know who ordered the removal. However, questions soon arose regarding the truthfulness of D/Commr George's testimony, and she was invited back to appear before the Committee on three further occasions: on April 18, April 30, and December 11 2007. She maintained that her original testimony was "accurate and honest."

This report provides the Public Accounts Committee's examination of this testimony and its assessment of whether or not the witness knowingly misled the Committee in her testimony of February 21, 2007, in which case she would be in contempt of Parliament.¹

BACKGROUND

Contempt of Parliament

A contempt of Parliament can be defined as, "any conduct which offends the authority or dignity of the House, even though no breach of any specific privilege may have been committed."² More specifically, a contempt is conduct that tends to obstruct or

¹ It should be noted that the conclusions and recommendations of this report are to be considered separately from the Public Accounts Committee's overall report on problems in the administration of the RCMP's pension and insurance plans (2nd Report—Restoring the Honour of the RCMP: Addressing Problems in the Administration of the RCMP's Pension and Insurance Plans," 39th Parliament, 2nd Session). In that report, the Committee recommended that the House of Commons denounce the behaviour of all senior RCMP employees who tarnished the credibility of the force through negligence, partiality, or dishonesty, including Barbara George. The inclusion of D/Commr George in this recommendation does not relate to the issue currently under consideration; rather, it relates to her involvement in contributing to an ethical culture of intimidation by participating in the transfer of C/Supt Fraser Macaulay (one of the RCMP members who was instrumental in disclosing wrongdoing) to the Department of National Defence against his will and by telling him that he was on an island by himself and no one was going to tell the truth.

² Robert Marleau and Camille Monpetit, *House of Commons Procedure and Practice*, 2000, page 52.

impede the House, its Members, committees, or officers in the performance of their duties and functions. As the ways in which the operations of the House can be obstructed are diverse and possibly limitless in character, the scope of possible contempts is necessarily broad and cannot be enumerated or classified.

The House and its committees must be able to protect themselves from acts that directly or indirectly impede the performance of their functions. If the work of a committee is to proceed without improper interference, there must ultimately be some sanction against those who offend. In order to preserve the integrity of its proceedings, the House retains the power to punish contempts against it or one of its committees. This power is rarely exercised, but it is important that the House does so when necessary to ensure that contempts are discouraged.

One of the fundamental functions of Parliament is to provide a forum for debate and inquiry into the concerns of the nation. Statements made during Parliament's proceedings, including statements made by parliamentarians and persons testifying during the course of those proceedings, are protected by parliamentary privilege. This allows them to speak freely, without fear that what they say will be later held against them in the courts or other proceedings. This privilege is extended to witnesses before committees in order to ensure that they will be as open and forthright as possible when providing evidence. Without this protection for witnesses, the ability of parliamentary committees to conduct inquiries and studies would be substantially hindered. Witnesses would be much more circumspect in their testimony and would not provide committees with a full presentation of their knowledge and opinions. In short, the credibility of the evidence heard by committees would be compromised.

With this protection of speech by parliamentary privilege comes the duty for witnesses to provide truthful, complete, and accurate answers to questions posed to them during committee hearings. Parliamentarians expect witnesses before committees to provide answers that are clear, succinct, and respect the spirit of a question posed, rather than waiting for exactly the right question to be asked or relying upon legalistic distinctions that may be more appropriate in another setting. If the questions are not clear, witnesses can seek clarification, and if they do not have information immediately available, they can commit to get back to the committee within a reasonable timeframe.

Additionally, a witness does not need to have absolute certainty but can provide testimony based upon personal knowledge and honest belief, where the witness has credible information on which to base the belief.

A failure to respect these expectations undermines the ability of parliamentary committees to be effective. If witnesses are not fully open and honest in their testimony, then the evidence heard will be tainted, and committees will be impeded in their ability to conduct thorough examinations and studies. Consequently, while it may not be possible to enumerate all possible contempts, it is generally acknowledged that deliberately providing untruthful testimony or attempting to mislead the House or one of its committees constitutes a contempt.³ It is vital that the House protect the integrity of committee work and the evidence received by its committees by exercising its power to hold in contempt those who mislead or are untruthful in their testimony before committees.

Criminal Investigation

In June 2003, allegations arose of improprieties in the administration of the RCMP's pension and insurance plans. An internal audit was conducted and completed in the fall of 2003. The audit uncovered evidence of wrongdoing, and in March 2004 the RCMP asked the Ottawa Police Service (OPS) to conduct a criminal investigation, which became known as Project Probity.

The Ottawa Police Service investigation was led by Inspector Paul Roy. As the investigation quickly grew, it was mostly staffed by RCMP officers. Staff Sergeant Mike Frizzell was one of the investigating RCMP officers. He was responsible for the contracting and insurance aspects of the investigation. On June 20, 2005, S/Sgt Frizzell was served with a written order by Chief Superintendent Doug Lang on behalf of Assistant Commissioner David Gork to cease and desist his activities on the Project Probity Investigation.

Initial Testimony

³ Derek Lee provides a list of offences for which witnesses have been found in contempt in *The Power of Parliamentary Houses to Send for Persons, Papers and Records*, 1999, page 180. Amongst others, this list includes: giving false evidence, wilfully suppressing the truth, and persistently misleading a committee.

At a Public Accounts Committee hearing on February 21, 2007, a Committee member asked D/Commr George several questions about the removal of S/Sgt Frizzell from the criminal investigation. It is D/Commr George's responses to these questions that led to concerns about her truthfulness.

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.):

Did you or Mr. Zaccardelli order that Staff Sergeant Frizzell be removed, and was it you or Mr. Zaccardelli who ordered that the investigation be shut down?

D/Commr Barbara George (Deputy Commissioner, Human Resources, Royal Canadian Mounted Police):

I can state with absolute finality that it was neither Commissioner Zaccardelli nor me who had anything whatsoever to do with, as you say, the removal of Sergeant Frizzell.

Mr. Borys Wrzesnewskyj:

Can you tell us who it was?

D/Commr Barbara George:

No, I'm not aware of who it was. The best I can state is that when Sergeant Frizzell left, I understood he returned to his home division, which was "A" division. I'm being careful with regard to the privacy concerns here, but I understood it was for health reasons.⁴

MISLEADING THE COMMITTEE

The Committee has three areas where it believes that the initial testimony of D/Commr George on February 21, 2007 was either misleading, at best, or untruthful, at worst.

1. Removal of Frizzell

D/Commr George was asked if she or former Commr Zaccardelli had ordered the removal of S/Sgt Frizzell from the criminal investigation. She responded that she did not have "anything whatsoever" to do with it. The Committee believes that this categorical response is highly misleading because it fails to acknowledge the numerous actions that D/Commr George took with respect to S/Sgt Frizzell. After receiving an email from her

⁴ House of Commons Standing Committee on Public Accounts, 39th Parliament, 1st Session, Meeting 41, 3:45 pm.

subordinate, Rosalie Burton, which transcribed a phone message left by S/Sgt Frizzell on Ms. Burton's voicemail, D/Commr George sought to have something done about S/Sgt Frizzell. She contacted several senior RCMP officers in order to determine who was responsible for S/Sgt Frizzell. Her actions, leading up to the removal order against S/Sgt Frizzell June 20, 2005, were as follows:

June 15, 2005 D/Commr George wrote to and then called A/Commr Darrell Lafosse. A/Commr Lafosse told the Committee that, "It was clear to me that she was very upset with the actions of Sergeant Frizzell and in fact wanted him removed from his assigned duties."⁵

June 15-16, 2005 D/Commr George wrote to and then called A/Commr Bruce Rogerson. A/Commr Rogerson said, "She wanted Frizzell removed because he had left an unprofessional harassing phone message on her subordinate's phone message manager."⁶

June 17, 2005 D/Commr George called C/Supt Doug Lang. C/Supt Lang said, "She wanted something done, she wanted this matter looked into, but at that time she was not, in the course of our conversation, telling me to do anything."⁷

June 18, 2005 D/Commr George called A/Commr David Gork, who was the RCMP liaison for Project Probita but had been seconded to work with INTERPOL in France, to discuss the behaviour of S/Sgt Frizzell.⁸

June 20, 2005 D/Commr George sent an email to A/Commr Rogerson and three emails to A/Commr Lang. The last email read, in part, "I would appreciate it if you would let me know what action is being taken to return this member to his original workplace and whether follow-up action is being considered."

C/Supt Lang later sent an email to D/Commr George to advise her that he had served S/Sgt Frizzell with a written order to cease and desist his activities.

D/Commr George's reply read, in part, "Doug: I commend you for your quick action on this situation."

There has been some discussion among witnesses before this Committee of whether or not S/Sgt Frizzell was actually removed from the criminal investigation or

⁵ Meeting 52, 3:45 pm.

⁶ Meeting 53, 4:00 pm.

⁷ Meeting 53, 4:30 pm.

⁸ It should be noted that it appears A/Commr Gork misled the Committee when he was asked whether Barbara George called, and he responded, "No, she did not. I'm telling you who contacted me. It was Inspector Paul Roy who contacted me, not Barb George." (Meeting 46, 4:50 pm)

whether he was returned to his home unit because the criminal investigation was over.⁹ However, it is not necessary to determine whether or not he was “removed” because S/Sgt Frizzell received a highly unusual written order to cease and desist his activities on the investigation. For the purposes of this report, this constitutes a removal order.

D/Commr George told the Committee on December 11, 2007 that, “I did not order nor did I have any desire to have Sergeant Frizzell removed from the OPS investigation some 15 months into their investigative work.”¹⁰ However, her email to A/Commr Rogerson on June 20, 2005 indicates that she wanted action taken to return S/Sgt Frizzell to his original workplace, i.e. have him removed. Indeed, the numerous phone calls and emails make it clear that D/Commr George was actively involved in trying to influence decisions with respect to S/Sgt Frizzell. She contacted several senior RCMP officers, including the member who eventually served the written order; provided information about the alleged inappropriate behaviour; wanted some action taken; asked what action was being taken to return S/Sgt Frizzell to his original workplace; was advised when the order was served; and was grateful for quick action. D/Commr George may not have signed the order, but it is clearly false to assert “with absolute finality” that she did not have “anything whatsoever” to do with the removal order against S/Sgt Frizzell and must have known this was false testimony when she gave it.

D/Commr George claims that she did not have full knowledge of all the facts surrounding S/Sgt Frizzell’s removal at the time of her testimony on February 21, 2007. However, she could have explained the facts as she knew them and the actions she had taken. Moreover, D/Commr George did not take the opportunity to clarify her testimony after her appearance. Former Commr Beverly Busson undertook to provide the Committee with an explanation of the circumstances surrounding the removal of S/Sgt Frizzell. She asked D/Commr George to develop the reply. After several requests for more detail and more complete information, Commr Busson signed a letter which was then provided to the Public Accounts Committee. However, Commr Busson later told the

⁹ Inspector Paul Roy, who led the investigation on behalf of the Ottawa Police Service, was inconsistent about this point. Initially, he said, “I don’t agree with the term ‘removed.’ He was not removed. He was returned to his own unit once the criminal investigation was over.” Later, when pressed he stated, “I asked David Gork to have him removed because of improper behaviour and also because the investigation was over.” (Meeting 50, 5:00 pm and 5:30 pm.)

¹⁰ House of Commons Standing Committee on Public Accounts, 39th Parliament, 2nd Session, Meeting 9, 9:15 am.

Committee that, “I know now that my letter of 1 March was not a full summary of the details surrounding the removal of Staff Sergeant Frizzell.”¹¹ It was only after other witnesses had provided testimony that D/Commr George became more forthcoming with details about her actions.

2. Knowing who gave the order

When asked on February 21, 2007 if she knew who gave the order, D/Commr George replied that she was not aware who it was. However, in her opening statement to the Committee on April 18, 2007 D/Commr George stated, “Chief Superintendent Lang later advised me that he had served Sergeant Frizzell with an order from Assistant Commissioner Gork instructing him to return to his regular duties.”¹² This is a reference to an email from C/Supt Lang to D/Commr George on June 20, 2005 that stated, in part, “At this time I served him with the attached “written order” to cease and desist.” This clearly indicates that D/Commr George received the order and knew who gave the order. She demonstrated this knowledge and approval of the action taken when she replied by email to C/Supt Lang, “Doug: I commend you for your quick action on this situation.” It was simply untruthful to say on February 21, 2007 that she was not aware who gave the order.

D/Commr George has tried to explain this discrepancy by saying that the Chair of the Public Accounts Committee asked her not to speculate. However, the Chair made this statement *after* D/Commr George had failed to provide the requested information on two occasions. Moreover, D/Commr George would not have had to speculate because she clearly knew who gave the order.

3. Health Reasons

Immediately after asserting that she was not aware of who gave the order, D/Commr George said she believed S/Sgt Frizzell returned to his home division for health reasons. While S/Sgt Frizzell did go off duty on sick-leave, this was not until after he had been served with the written order. This is important because D/Commr George’s

¹¹ House of Commons Standing Committee on Public Accounts, 39th Parliament, 1st Session, Meeting 52, 3:35 pm.

¹² Meeting 50, 3:35 pm.

answer made it seem that S/Sgt Frizzell's return to his home division was perfectly normal, voluntary and unrelated to Project Probity. D/Commr George knew that a written order had been served on S/Sgt Frizzell, but she made no mention of this order in her testimony of February 21, 2007. Failing to mention the order and providing the suggestion of health reasons served to mislead the Committee. If the Committee had accepted this answer, then it might never have learned about the troubling possibility that the investigation into the administration of the insurance plan was terminated prematurely.

FINDING OF CONTEMPT

D/Commr George impeded the Public Accounts Committee's study by failing to provide truthful, complete and accurate testimony on February 21, 2007. She misled the Committee by obscuring her role in seeking action against S/Sgt Frizzell, and she did not provide information about the removal order that had been served against him, referring instead to health problems. It was only after the Committee received other testimony that D/Commr George informed the Committee of her actions. Having complete and accurate evidence at this time was especially important because the Committee was considering whether or not to pursue the issue further. D/Commr George had a central role in the matter under investigation and her testimony was critical to establishing what took place. Had the Committee followed her testimony, it might never have heard from S/Sgt Frizzell, who eventually became a crucial witness in the Committee's broader study.

In her final appearance before the Committee on December 11, 2007, D/Commr George maintained that the original questions on the removal of S/Sgt Frizzell were a complete surprise to her, a "bolt from the blue."¹³ However, at a briefing session on February 12, 2007 in preparation for the hearing of February 21, 2007, D/Commr George was advised that she ought to prepare herself to address the issue of being responsible for removing S/Sgt Frizzell from the Project Probity investigation.¹⁴ Additionally, a motion

¹³ House of Commons Standing Committee on Public Accounts, 39th Parliament, 2nd Session, Meeting 9, 9:15 am.

¹⁴ This is according to the investigative report prepared by C/Supt Bob Paulson of the RCMP into alleged Code of Conduct violations by D/Commr George and presented to the Public Accounts Committee, "Report to the Chair of the Standing Parliamentary Committee on Public Accounts on the Circumstances Surrounding Staff Sergeant Mike Frizzell," page 75.

to have S/Sgt Frizzell appear before the Public Accounts Committee was first presented on February 14, 2007. It was thus incumbent upon D/Commr George to refresh her memory with respect to S/Sgt Frizzell prior to her appearance and to have been prepared to address this issue at the Committee's hearing.

Because D/Commr George is a senior, uniformed member of the RCMP, the Committee expected more from her as a witness. She is a professional who has been trained in the rules of evidence, conducting investigations, gathering evidence, and weighing testimony. She should have provided the Committee with the information she had at that time based upon her knowledge and beliefs. D/Commr George did have a motive to mislead the Committee—S/Sgt Frizzell was beginning to question her actions and those of her subordinates, and it would have been professionally embarrassing to admit publicly that she had been involved in the removal order against him.

The Public Accounts Committee strongly believes that the integrity of the evidence given to committees must be protected by ensuring that witnesses provide truthful, complete and accurate testimony. It is thus vital that witnesses who provide untruthful or misleading testimony be identified and sanctioned. Given the analysis above regarding the misleading nature of the testimony provided by D/Commr George, a senior RCMP officer appearing in uniform who was given a higher degree of credibility and expectation to be truthful, the Committee recommends that:

RECOMMENDATION

The House of Commons find Deputy Commissioner Barbara George in contempt of Parliament for providing false and misleading testimony to the House of Commons Standing Committee on Public Accounts on February 21, 2007; and that the House of Commons take no further action as this finding of contempt is, in and of itself, a very serious sanction.

CONCLUSION

Throughout its study into problems in the administration of the RCMP's pension and insurance plans, the Committee was dismayed by the numerous outright contradictions in testimony between witnesses, and the failure of many witnesses to be

forthcoming in their responses to simple questions. It is likely that other witnesses misled the Committee, but the misleading nature of the testimony provided by D/Commr George was particularly clear and egregious.

The Committee was also very disappointed by the behaviour of D/Commr George at her final appearance on December 11, 2007. The Committee may have been satisfied with an apology and an acknowledgement of a failure to have been completely forthcoming; instead, D/Commr George chose to criticize the Committee, its Chair, and former Commr Beverly Busson. Specifically, she said that the Committee had prejudged her testimony and wasn't "truly interested in what I have to say today;"¹⁵ she claimed that the Chair said on CBC Newsworld that she was "not totally truthful in [her] testimony;"¹⁶ and the Code of Conduct investigation against her arose "as a direct result of interim Commissioner Busson's panicked reaction to the media frenzy caused when Mr. Wrzesnewskyj publicly accused me of perjury."¹⁷ Additionally, she suggested that she will take action against C/Supt Fraser Macaulay and initiate legal proceedings against a member of the Committee. She said, "I intend to pursue these matters [regarding C/Supt Macaulay] through the appropriate channels in the days and weeks ahead;"¹⁸ and "It goes without saying that Mr. Wrzesnewskyj and I have ongoing disputes that extend beyond the mandate of this committee, and I would ask that they be allowed to resolve themselves in the proper legal forum."¹⁹ The Committee believes that these retaliatory threats and contemptuous behaviour towards the Committee and its proceedings are highly inappropriate.

The Committee trusts that the RCMP will take the Committee's conclusions and recommendation into consideration, in line with the commitment made by Commr Bill Elliott in his appearance before the Committee on December 11, 2007.

¹⁵ Meeting 9, 9:15 am.

¹⁶ Meeting 9, 9:40 am.

¹⁷ Meeting 9, 9:40 am.

¹⁸ Meeting 9, 9:35 am.

¹⁹ Meeting 9, 9:35 am.

MINUTES OF PROCEEDINGS

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 9, 10, 11 and 14 including this report is tabled](#)).

Respectfully submitted,

Hon. Shawn Murphy, M.P.
Chair

APPENDIX A LIST OF WITNESSES

| Organizations and Individuals | Date | Meeting |
|--|------------|---------|
| Royal Canadian Mounted Police Barbara George, Deputy Commissioner William Elliott, Commissioner | 2007/12/11 | 9 |

