

**An Examination of the Canadian Armed Forces' Criminal Investigations at the Royal
Military College:
Shining the Spotlight on the Deaths of Joseph Grozelle and Other Cadets**

A Report by the Cold Case Society of Western University
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INTRODUCTION

The Cold Case Society of Western University is a multidisciplinary think tank composed of selected students at the school who share an interest in criminology and forensics. Working under the supervision of Dr. Michael Arntfield, a renowned criminologist, professor, and former police officer, the Society offers insight into and analyses of designated cold cases. This year, the “unascertained” death of Officer Cadet Joseph Grozelle at the Royal Military College (RMC) in Kingston, Ontario, was brought to the attention of the Society. A thorough examination of this death led to the discovery of a number of other deaths that occurred at the College, most recently that of Cadet Brett Cameron, which occurred on Saturday May 7, 2016. Through an examination of these cases, there has been a growing awareness of the challenges associated with the military justice system in ultimately bringing justice and closure to victims and their families.

The purpose of this report is to provide an overview of the military justice system of the Canadian Armed Forces (CFA) and the investigation protocol that takes place under the National Defense Act (NDA). As part of the report, various death investigations that occurred at the RMC will be highlighted, with a detailed description of one of the most high-profile deaths, that of Officer Cadet Joseph Grozelle. To illuminate the way in which the investigation into this death was handled, the report begins with background information on the RMC. Following the examination of other death investigations that took place, the report follows suit with challenges associated with the military justice system and ends with some concluding remarks.

ROYAL MILITARY COLLEGE (RMC)

The Royal Military College (RMC) is a military academy located in Kingston, Ontario. Students are trained for careers in the Canadian Armed Forces, along with obtaining a degree in the fields of Arts, Science, or Engineering. Students at the college share a commitment of military service following graduation. As of 2015, the school was home to approximately 2,100 undergraduate and 530 graduate students (Universities Canada, 2016).

THE DEATH OF OFFICER CADET JOSEPH GROZELLE

The Cold Case Society was asked to assist with the case of Officer Cadet Joseph Theodore Grozelle by the father of the deceased, Mr. Ron Grozelle. Through in-person interviews with Mr. Grozelle and access to a plethora of case files that was offered in confidence by Mr. Grozelle, the Society became well acquainted with this case and frustrated with the lack of knowledge on the circumstances surrounding OCdt Grozelle's death. Apart from this lack of information, the way in which the investigation was conducted was plagued with a number of errors. The death of OCdt Grozelle brought on vast media attention, however, as time has gone by, attention surrounding the case has waned down. The Society remains very sympathetic to the Grozelle family's need for answers and is invested in assisting them with finding answers.

Summary

Joseph Theodore Grozelle was the fourth of five children born on September 11, 1982 in Muirkirk, Ontario. He started his studies at the RMC in September 2001. At the time of his death, he was in his third year of the Business Administration program and was on the varsity basketball team at the school. He was also involved in a relationship with another student at the school.

At approximately 11pm on October 21, 2003, OCdt Grozelle and his girlfriend were in his dorm room. He worked on an assignment that was due the following morning and she fell asleep at around 1:30 am. Upon waking up at 5:30am the following morning, he was found to be missing from his room. Important belongings, such as his wallet, watch and mobile phone were left behind in his room. He missed his classes and basketball practice, the latter which had never occurred before. OCdt Grozelle was reported to be missing on October 22, 2003 and subsequently a missing person investigation was initiated. In addition, the Canadian Force National Investigation Service (CFNIS) was dispatched from Ottawa to take the lead over the search, under the direction of Lt. Navy Ryan Snow. Air and water searches were conducted and canine teams were utilized. The public's assistance was sought, interviews took place, OCdt Grozelle's credit cards were flagged, and his computer was examined. The Ontario Provincial Police (OPP) worked with the CFNIS and the Kingston City Police Service (KPS). The OPP eventually overtook responsibility for the investigation on March 17, 2004, upon the request of the Coroner's Office, as required by the Ontario Coroner's Act.

OCdt Grozelle's body was found in the Cataraqui River located near the campus of RMC on the morning of November 13, 2003. The weather conditions and surface current at the time pushed the body towards the bay near the HMCS Cataraqui Naval building. It was originally spotted on the south side of the Causeway and was recovered by the CFNIS and KPS on the northeast side. The first autopsy was conducted on November 13, 2003. This initial analysis was inconclusive and required further testing to determine the cause of death. Taken alongside the scene information that the body was retrieved from a water source, as described in the Coroner's

Warrant, the most probable cause of death was indicated to be asphyxia secondary to drowning. Also of consideration is the potential role of hypothermia as a contributing factor to death causation.

On November 25, 2004, as per discussion with the Coroner's Office, Cadet Grozelle's body was exhumed for a second autopsy by another pathologist. The cause was listed as undetermined. Although the forensic evidence was consistent with body drowning and hypothermia, it was found to be inconclusive. The OPP's subsequent investigation was unable to determine a definite manner, time, and location of death, or establish the reasons for this lack of knowledge. A Coroner's Inquest was held in 2007 and the cause of death was stated as: "unascertained, non-natural causes" and the manner of death was stated as "undetermined"

Some significant characteristics pertaining to the retrieved body of Joseph Grozelle include the following:

- The body was relatively well-preserved and not consistent with someone being in the water for 22 days
- There was no foam in his mouth and airway, and no heavy water in the lungs
- He was found with a chipped tooth, bruised lip, bruised forearm and abrasion on his nose
- Articles of clothing were missing, such as the T-shirt, golf shirt, Nike pullover he was last seen wearing, and his belt
- There was a tear on one of the pant legs, blood stains on the pants, and a stain at the bottom of the left shoe
- His shoelaces were both untied
- The pocket of his pants contained a zebra mussel and a stone
- Stomach contents included 400ml of brown fluid and food particles, consistent with consumption of food not long before death

The first Coroner's Inquest into the death took place on October 16, 2006. The Grozelle family was not offered the opportunity to address some key questions that they had. Ultimately, the inquest was concluded abruptly. The second Coroner's Inquest occurred on March 9, 2007 and found that there was no new information regarding the death of OCdt Grozelle. Again, the family was not given the opportunity to participate in a meaningful way. Further, it became evident that the KPS, CFNIS, and RMC officials would protect one another rather than provide helpful information. The OPP investigation was concluded in August 2007.

The Department of National Defense (DND) convened a Board of Inquiry (BOI) from January 8, 2008 to October 9, 2009. The BOI is an internal administrative review process that conducts an examination into the circumstances of serious incidents that occurred within the military. Medical specialists that participated in the BOI concluded there was no conclusive evidence of drowning and were of the opinion that a possibility existed that OCdt Grozelle was inserted into the water after death. Injuries that were found on his person, according to these experts, likely

occurred prior to or at the time of death. Moreover, the decomposition of the body was consistent with the date that he went missing. The cause of death was concluded as unascertained and the BOI determined that there was insufficient evidence to support a specific cause of death. Today, the location, cause, manner, and time of death remain unknown. The CFNIS indicated that they have no plans to reinitiate the investigation unless and until new information comes to light.

Concluding Remarks

Undoubtedly, there are numerous flaws in the investigation process that took place in the investigation into the death of OCdt Grozelle. . A lack of thoroughness during the early stages of the investigation is primarily the reason for the shortage of results. There has been no evidence to support the statement that there was no foul play involved in this death. The opinion of two experts indicated a possibility that his death may have occurred before he was placed in the water. Furthermore, the level of experience of the CFNIS was questionable. The roles of the command structure for this investigation were ambiguous and confusing to investigators and at certain times it was unclear as to which agency was the leading one (i.e., during follow-up of tip information, crime scene management, and accountability). At the autopsy, investigative responsibility was not undertaken by any police agency. Clearly, the KPS are well acquainted with the city and would have been the correct authorities to maintain jurisdiction over this investigation. In addition, there was contamination of the evidence and some of the forensic samples were not tested. It appears that the entire investigation was biased with preconceived ideas from the onset which interfered with conducting an objective investigation. Many were of the opinion that the death was a suicide, even though there was no evidence to support this claim. OCdt Grozelle's family, friends, and girlfriend adamantly believed that he was not suicidal. He was a bright student, on the Dean's list and in the top ten of his program. He was also close to his family and friends. Moreover, the Grozelle family was not adequately included throughout the investigation. Given that much remains unexplained, this death should be classified as a cold case, and consequently further investigation is warranted. There is a responsibility to the Grozelle family, students at the RMC, and the public in general to find answers to the many questions that still remain unaccounted for.

OTHER DEATH INVESTIGATIONS AT RMC

Horrific as it was, the death of Officer Cadet Grozelle was one of many that occurred on the grounds of the RMC. As years went by, deaths among students at the school continued to occur. As this report was being finalized, the recent death of Cadet Cameron was brought to the attention of the Cold Case Society. A description of these deaths is detailed below, composed through an examination of articles that were made available to the general public.

The Death of Officer Cadet Brett Cameron – May 7, 2016

On May 7, 2016, OCdt Brett Cameron, who was a psychology student and a member of RMC's precision drill team, was found dead. The CFNIS are investigating this sudden death and currently no details were provided (Ferguson, 2016). This death happened less than two weeks after the death of another cadet at the RMC, OCdt Harrison Kelertas.

The Death of Officer Cadet Harrison Kelertas – April 28, 2016

OCdt Harrison Kelertas was a fourth-year student at RMC and captain of the fencing team when he was found dead in his room on campus. He was described as a bright student and had won many awards for his athleticism. He was scheduled to graduate on May 19, 2016. The CFNIS, who is currently handling this case, indicated that there were no signs of foul play (Crosier, 2016). It is quite surprising that this assumption was made so early in the investigation. Based on other previous CFNIS investigations, it appears that ruling out foul play almost immediately has been a common tactic and consequently there are suspicions that the case may not be handled with the integrity it deserves.

The Death of Officer Cadet Sage Fanstone – May 6, 2015

OCdt Sage Fanstone was a second year engineering student at the RMC. The police notified the military police that they had been called to the college. The day after, the CFNIS began an investigation that involved a search of his dorm room and proceeded to arrest Mr. Fanstone. He was released with the promise of appearing in court. He was taken to the hospital by military police under the Mental Health Act. The chain of command was informed about this. The day after that, OCdt Fanstone was found deceased while on duty. According to Kingston Police, the incident was classified as a sudden death with no criminal element of suspicion or foul play. The CFNIS had the intent of charging OCdt Fanstone under the Criminal Code of Canada but after his death, the nature of his crimes was not released. The BOI was called by the commander of the Military Personnel Generation headquarters (Crosier, 2015; Postmedia Network, 2015).

The Death of Officer Cadet Mathieu LeClair – February 28, 2012

At the time of his death, OCdt Mathieu LeClair was attending the RMC, in the process of completing his 3rd year in the Engineering program. During his time at the college, he was a respected member of the college's basketball team and described as an exceptional young man with tremendous potential.

OCdt LeClair was reported missing from the RMC on February 27, 2012. Military investigators confirmed that the body that was pulled out of Navy Bay was that of a missing RMC cadet. Capt. Karina Holder of the Canadian Forces Provost Marshal in Ottawa said foul play was not suspected in LeClair's death, though the investigation never produced any reliable indications of his disappearance. No details about the cause of death were released to the family

or media. The father of LeClair had strong suspicions of foul play upon being told that his son missed class that morning, as this was uncharacteristic of him. A search for him began Tuesday February 28, 2012. An Ontario Provincial Police dive team and a search and rescue helicopter crew from CFB Trenton were called in to help. Ontario Provincial Police divers pulled his body out of the waters of Lake Ontario near the campus on the afternoon of February 28, 2012. The circumstances surrounding the death of Cadet LeClair remain unknown (Anonymous, 2012; Arial, 2012; Schliesmann, 2012).

Especially concerning is the fact that OCdt LeClair's death is an almost identical resemblance of the 2003 disappearance of OCdt Joseph Grozelle. The following are some parallels that can be made between their deaths:

- Both were third year males attending RMC;
- Both were well liked and respected among peers and friends;
- Both were involved with the RMC basketball team;
- Both unexpectedly went missing;
- Both bodies were recovered from a body of water near the RMC;
- Both investigations were led by the CFNIS;
- Both autopsies were defaulted through CFNIS supervision;
- Both autopsies were unable determine the cause of death;
- Both families were relatively excluded from CFNIS investigations;
- Both investigations were unable explain the deaths of the two Officer Cadets

It is clear that the death of OCdt Mathieu LeClair echoes of the death of OCdt Grozelle. LeClair's death has reinvigorated concerns about how the RMC handles the investigative process with evidently minimal oversight.

The Death of Officer Cadet Lee Jarad Burym – November 27, 2005

Eighteen-year-old Lee Jarad Burym, a first year science and engineering student at the RMC, died in a tobogganing accident when he hit a tree on Fort Henry Hill in Kingston and suffered a broken neck injury. Initially investigators indicated there was no suspicion of foul play and that alcohol was not a factor. However, it was later discovered that OCdt Burym was present at an event that took place after the annual Christmas Ball at the college, which went on late into the night and into the next day. Later, investigators changed their statement to indicate that they believed alcohol may have been a factor in his death. Upon receiving the pathology results, it was revealed that there was some indication of alcohol involvement. The investigation was

spearheaded by Kingston Police. No other details have been reported, and the way in which the investigation was handled has not been made evident (Elliot, 2005).

The Death of Officer Cadet Simon Beauvais – May 30, 2003

Simon Beauvais was a 21-year-old cadet who had just finished his third year at the RMC. He died in his sleep on May 30, 2003 and was discovered by fellow cadets who tried to revive him. His death occurred in Gagetown, New Brunswick where he was attending the Common Army Phase. He was an accomplished student, being on the dean's list. The investigation into the cause of death involved the Coroner, military police, as well as the Royal Canadian Mountain Police (RCMP). No documents or evidence were supplied from the investigation. The father of OCdt Beauvais was told his son died due to natural causes before an investigation was conducted. Still today, the cause of death is unknown and little information is available (Alcoba, 2003; Pritchett, 2003).

The Serious Injury of Officer Cadet Adam Orfanankos – September, 2000

OCdt Adam Orfanankos was a first-year student at the college. He collapsed during a five-kilometre race in September 2000 with severe injuries. He was subsequently released from the CFA and placed on a disability pension. According to ombudsperson Andre Marin, there was a botched inquiry that took place with regards to this incident. Expert medical evidence was not sought, the information at hand was misunderstood and key evidence disappeared. Overall it was indicated that there was little training provided for those who sit on a BOI (Anonymous, 2005).

The Death of Officer Cadet Kleone Sproule – August 31, 1999

Kleone Sproule was a 22-year-old fourth-year Computer Science student at the RMC. He was at a party that was thrown by his squadron and wandered off alone at approximately 3:00am without informing anyone. He was missing on August 29, 1999 and a few days later, his body was located in the Rideau Canal, over 10km away from the college on August 31, 1999. A helicopter was not utilized in the search for him, as it was deemed that he would not be discernible due to wearing dark clothing (interestingly a helicopter was used in the search for Joseph Grozelle, even though he was last seen wearing a dark hooded sweatshirt). Foul play was not suspected upon the discovery of his body, and it appeared that this assumption was made even before the autopsy of the body took place. Similarly to the case of Joseph Grozelle, OCdt Sproule was found without his sweater, wearing a t-shirt, and he also had some cuts and bruises on and around his mouth, as well as several broken teeth. The cause of death was determined to be likely drowning and/or hypothermia and/or shock secondary to fracture of the right femur (Elliot, 1999; Yanagisawa, 1999). Of importance are common characteristics between this case and that of OCdt Grozelle. The following are some similarities between the two cases:

- They were both last seen by other cadets at the college;
- They both mysteriously disappeared;

- Both bodies were found where the military believed it unlikely they would be found;
- Both cases fell under the jurisdiction of the Kingston Regional Coroner's Office;
- Both bodies were autopsied in Kingston;
- No death investigation was ordered by the Regional Coroner in Kingston;
- The National Defense appears to have claimed jurisdiction in both cases

As can be seen with regard to these death investigations, frequently preconceived assumptions are made that typically guide the investigation process, without adequate justification. Further, many of these investigations did not find concrete answers and ultimately remain inconclusive.

Complaints of Sexual Misconduct at the Royal Military College

Apart from mishandled death investigations, the RMC has also received complaints made by female students about sexual assaults that have occurred on campus. According to a report conducted by retired Supreme Court judge, Marie Deschamps, there is a pervasive sexualized culture within the Canadian Forces, with harassment being commonplace and female victims facing a fear of dire consequences if they make complaints. Justice Deschamps conducted interviews for her report on the sexual culture within the military. The report found that other reasons for choosing not to report sexual misconduct within the military included: a distrust towards the chain of command in taking these complaints seriously, fear of retaliation, and a desire to avoid disrupting the cohesion of the group. It was a common perception among cadets that the chain of command is predominantly interested in protecting itself from the consequences a complaint could have on the leadership's reputation (Deschamps, 2015).

An investigation conducted by two reporters from *L'actualité*, Noémi Mercier and Alec Castonguay, similarly delved into the sexual violence that occurs in the military. Statistics obtained through Canada's Access to Information Act since 2000 found that there have been between 134 and 201 complaints of sexual assaults every year. Statistics Canada estimates that only one out of ten sexual assault cases is reported to authorities. RMC was in the top five institutions having the highest number of complaints. According to Alan Gauthier of the Ombudsman's Office, there is a vast fear of repercussions for filing a complaint and "esprit de corps" or team spirit is still a large part of military culture. There is pressure for cohesion among members or they are likely to face the consequences of being singled out. There is no way of making the complaint without the victim's chain of command being aware, who is also responsible for their professional career (Mercier & Castonguay, 2014).

According to military lawyer Col. Michael Drapeau, at least ten women have come forward to him with reports of sexual harassment and minor assault. Victims have been forced to seek legal counsel so as to prevent consequences such as expulsions, suspensions and demotions. The school has not taken any action to investigate these incidents and there has been denial and disregard for the existence of this issue (Journal Editorial Board, 2015). Being indoctrinated from the onset with the need to be respectful and obedient to authority figures, results in a

mindset of not being able to complain. There is a culture within the RMC and throughout the military of not being able to report harassment and abuse. There is a lack of trust in the military police and the justice system and a fear that one's reputation and career would be placed in jeopardy if one were to make a report (Gerson, 2015). The need for an independent body to investigate sexual misconduct in the military was identified by Deschamps. Chief of Defense Staff Gen. Tom Lawson allegedly indicated that the military planned to ignore this call for an independent centre, and instead create a mechanism inside National Defense. However, no timeline for its creation has been established (Berthaume, 2015).

CHALLENGES ASSOCIATED WITH MILITARY DEATH INVESTIGATIONS

The Canadian Forces depends on military ethos, which guides the establishment of trust among the CFA members and civilian society, maintains professionalism among the organization, and enables them to have self-regulation through an independent military justice system. Within the military, there is a strong organizational culture. Unsurprisingly, this stems from members spending large quantities of time together, working towards common objectives within closely regulated settings, away from the broader society. (Deschamps, 2015). Members of the CFA are indoctrinated with a strong sense of loyalty towards fellow cadets and military authority. Clearly, this sense of cohesion can affect members' desire to individually come forward and report misconduct that takes place. This leads to a code of silence that can take place within the institution. There is also a strong desire to maintain order and discipline in order to protect the reputation of the DND. This can be problematic when there are criminal investigations that take place, as the priorities of the DND to maintain a positive public image may take precedence over the appropriate handling of investigations.

Whereas citizens of this country have the right to question the law or governmental policy if it is thought to be contrary to the Constitution, in the military there may be practices that do not operate according to the policies in place due to inconsistencies in the interpretation and application of the CAF's policies. As an example of this, frequently there is inadequate training with respect to conducting investigations, which was echoed in the aforementioned investigations. To further highlight this, Justice Deschamps' report found that members of the military police were unclear about the process and lacked training on basic constituents that compose the offense that is sexual assault. An identified problem was that even with policies and protocols in place, there are far fewer incidents that are handled by the military system than those that are handled within the civilian justice system (Deschamps, 2015). Clearly it is the police agency that is familiar with the location where the offense takes place that is often best equipped to handle it.

The challenges of the military justice system have been recognized in court. A number of provisions of the National Defense Act were declared as unconstitutional by the Court Martial Appeal Court of Canada (CMAC). As an example, in *R. v. Reddick* (1997), the court

unanimously imposed a reminder of the need to discard the discrepancies that exist between the military and civil penal systems to ensure that the military system is compliant with the rights and guarantees of the Charter. In *O'Toole v. The Queen* (2012), the court stated that pursuant to Bill C-25, the intent was to align the structure of the military justice system with that of the civilian justice system. The court noted that the military justice system should seek to parallel the civilian justice system where there is no reason to do otherwise (Drapeau, 2013). The military justice system is outdated and archaic, and denies some universal legal privileges to the members of the military. Retired judge Justice Gilles Letourneau, criticized the military justice system and said the Charter's right to having a trial by jury should be extended to members of the military (Minsky, 2013). As another example, the Canadian Victims Bill of Rights, established in April 2015, does not extend to members of the military who were victimized by acts that occurred within the military (Government of Canada, 2016). Evidently, there needs to be more alignment between the civilian and military justice systems.

The 2008 suicide by Stuart Langridge also highlights some of the challenges with the military justice system. Despite previous suicide attempts and being ordered back on the base under maladaptive conditions, the parents of the deceased allege that Cpl. Langridge was not adequately monitored, which was negligent on the part of the military. The way in which the case was handled was brought to the attention of the Military Police Complaints Commission (MPCC). The complainants made the claim that a number of the deficiencies in the investigations that took place were related to the CFNIS's lack of independence and a bias within the members towards the military and its chain of command. They allege that due to this lack of independence, the CFNIS was biased towards the interests of the military. They also allege the CFNIS's lack of skills, competence, experience, and training in handling this case, which contributed to lack of understanding of the purpose of their work. They also indicated they made complaints about their interactions with the CFNIS in that they were not informed of what was happening in the investigation in a purposeful manner. Overall, the investigation took an excessive amount of time to complete (Military Police Complaints Commission of Canada, 2015). Ultimately, in August 2010, the file was closed without further investigation of the allegations made by the complainants. Unfortunately, the way in which this case was handled resembles many of the challenges that were present in the investigations of deaths at the RMC, most notably that of OCdt Grozelle.

When a complaint is made about deficiencies that permeated within an investigation, it is up to the MPCC to determine what actions were undertaken and what actions were not undertaken in the handling of a case. When a sudden death occurs, the police and coroner are tasked with the responsibility of conducting investigations to make determinations of the cause and manner of death. The police must determine whether or not the death is of a suspicious nature. Furthermore, the CFNIS reports to the chain of command. This is especially problematic when CFNIS is recruited to investigate allegations of misconduct related to actions or decisions on the part of the chain of command. The MPCC seeks to provide independent oversight in its

process of resolving complaints in order to identify deficiencies, promote the resolution of these deficiencies, hold police accountable, and maintain the public's confidence in the conduct of the military police. Especially problematic is the fact that the Military Police has no obligation to accept any of the findings and recommendations that are produced by the MPCC, which are often not acted upon (Military Police Complaints Commission of Canada, 2015). As an example, the Military Board of Inquiry (BOI) has not followed through with recommendations that were made in a 2005 review of their processes. It appears that very little has changed.

CONCLUSION

This report sought to bring to light the inefficient and often destructive ways in which death investigations are handled within the military. Through an examination of the many deaths that occurred at the Royal Military College, an institution that has a considerably small population of students, many themes emerged. The challenges stem from the independence that is granted to the CFNIS and what appears to be the military's desire to maintain a good reputation which consequently deters from effective investigation procedures. In addition to this, members of the military may be motivated by a code of silence, which forces them to protect one another. The Cold Case Society is concerned that such a sense of loyalty may keep those who know something pertinent to an investigation from coming forward. The separation of the military justice system from that of the civilian justice system in turn keeps the military from being held accountable for the way in which death investigations are handled. The unfortunate result of this is that many cases remain unsolved. There needs to be transparency, not only in the public domain but also in the Military domain for detailed information to be made available pertaining to the cause and manner of deaths of both civilian and military personnel.

It is the hope of the Society that this report will shed light on the way in which the deaths were handled at the RMC, initiate conversation around the need for changes within the military justice system, and encourage individuals who have information on any of the unsolved cases that occurred at the college to come forward and break the silence.

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