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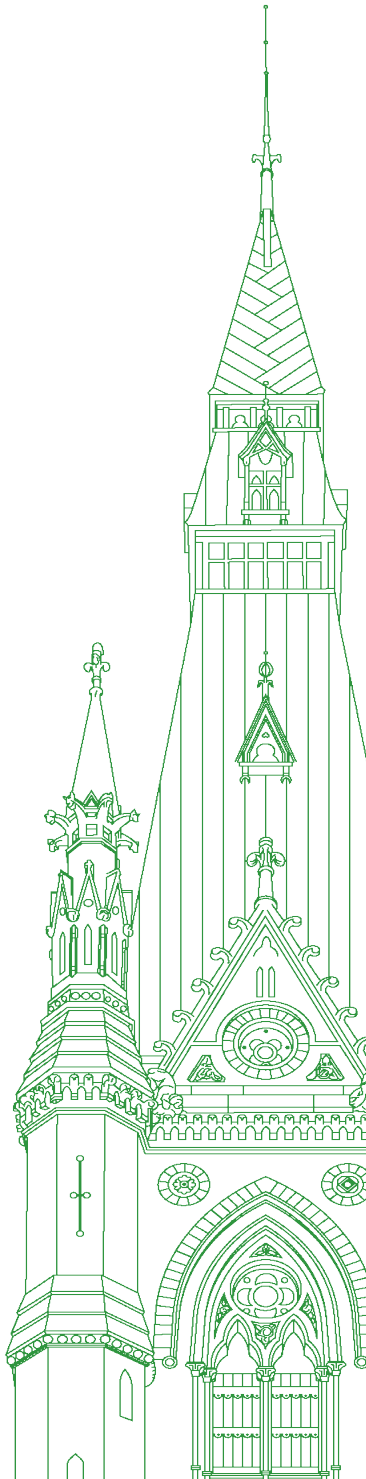

Chair: The Honourable John McKay

Standing Committee on Public Safety and National Security

Wednesday, November 18, 2020

● (1610)

[*English*]

The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)): I bring to order the seventh meeting of the Standing Committee on Public Safety and National Security.

We are continuing our study on systemic racism in policing.

I point out, colleagues, that we are about 40 minutes late starting, and one of our witnesses had to leave. She has agreed to come onto the second panel. Mr. Paul has graciously agreed to come up into the first panel.

Mr. John Paul from Atlantic Policy Congress of First Nations Chiefs Secretariat is on our first panel. Along with him are Christopher Sheppard and Jocelyn Formsma from the National Association of Friendship Centres.

Colleagues, I'm going to be a little arbitrary here to speed things up. I'm going to chop a minute off all speaking times, both for the witnesses and the questions, and maybe we can make up a bit of the time that we're behind. This voting stuff is really cutting into the committee's time these days.

With that, I'll call Mr. Paul to be the first person giving testimony. Mr. Paul, to make it a bit easier, from time to time you can look up at the chair, and I'll try to signal you when you have two minutes and one minute left. I know that initially we said we would give you seven minutes, but with the time constraints we're under, could you confine your remarks to six minutes?

Thank you, Mr. Paul.

Mr. John Paul (Executive Director, Atlantic Policy Congress of First Nations Chiefs Secretariat): I'll go as fast as I can to cover everything.

I want to say thank you for letting me present some views about this very important topic today.

I'm the executive director of our organization, which is a non-profit that represents 33 communities across Atlantic Canada and the Gaspé in Quebec. Our organization is an advocacy policy research organization that analyzes and develops culturally relevant alternatives to federal policies that impact Mi'kmaq, Maliseet, Passamaquoddy and Innu communities and peoples. I have worked for indigenous communities for over 35 years and have had various relationships and dealings with the police over my career.

Racism and the continued existence of racist behaviours, actions or incidents involving police continue to concern our indigenous leadership. The issue must be addressed directly by governments as well as all key stakeholders. It highlights the need for a formal long-term strategy to help ensure any and all racist behaviours or actions are addressed and appropriate actions are taken to allow transformation and implementation of the real changes needed to empower and support indigenous people.

Racism, in many cases, has been institutionalized into a range of very traditional institutions and is not obvious or apparent to those involved in the institutions. Whether the policing structure is local, provincial or national, the mere raising of the issue of racism creates a negative or a hostile response in some people. They believe it's a personal attack on them as individuals.

Remember always that racism is a learned behaviour that may not be obvious or apparent to individuals. It may be invisible to some because of personal bias or set attitudes or values that people have.

Many indigenous people across Canada and Atlantic Canada have a great respect for the police, which they have developed over many decades and which has developed on an individual basis. Indigenous people inside and outside policing structures deal with them and established long-term relationships built on trust and demonstrated commitments and actions. Once such trust is eroded, for whatever reason, so is the relationship. This takes a very long time to rebuild or re-establish, if at all.

Since the start of Canada, after Confederation in 1867 and before, police have played a significant role in the relationship with indigenous groups and people. Police have played a significant role in the implementation of colonial-based policies focused on assimilation and the implementation of some bad things. This terrible foundation planted the root causes of racism, apparent or real, in how policing has been carried out and is carried out today.

Today, I believe the focus on racism in the police will help with critical issues and concerns, develop some concrete strategies for change and demonstrate improvements and results. Perception of a problem such as racism, whether it exists or does not, is an important consideration. Change will not be easy and must be supported by all parties, including across government and the police at all levels, as well as all the impacted stakeholders.

Racism and racist behaviours bring out the worst in people. Those who practise racist behaviours should and must be accountable for their actions. Most recently these behaviours were clearly demonstrated by non-indigenous fishers in Nova Scotia, with the recent conflict involving the implementation of treaty rights and a moderate livelihood fishery. The delays in timing for RCMP to take the necessary actions and follow-up have raised many concerns among our leadership and our communities. The feeling of concern was also expressed by many in the general public. The actions of police were not adequate. The actions took some time.

It is important to learn critical lessons from these incidents. They must and should be avoided at all costs to help build credibility and trust of the police in the communities they serve.

● (1615)

My experiences with the police started a very long time ago, with the wrongful conviction of Donald Marshall Jr. in my home community of Membertou and the subsequent royal commission on the wrongful conviction of Donald Marshall Jr. The recommendations detailed some fundamental changes needed in the justice system and raised considerable concerns about the Sydney police. The legacy and impact of these events made me and many other people from my community and other communities also pay attention to what policing was doing and the services they provided to our communities.

Over the years the types and delivery models and the approaches of policing services to communities have changed and evolved. They have either been municipal police, the RCMP, tribal police forces or municipal police forces again, and each of them has different issues and concerns.

The reality in the past always was that the concerns that indigenous people were identified and addressed, and the necessary changes were made. In a lot of cases, that helped improve the relationship and address things to build a strong relationship over time.

Fundamentally, to help ensure the elimination of racism, the design and delivery of policing services must be done in full partnership with indigenous leadership and directly—

The Chair: Mr. Paul, could you get to the rest of your remarks in the question-and-answer session? Again, I apologize for rushing you through this.

Mr. John Paul: No, no, that's fine.

The Chair: We have, from the National Association of Friendship Centres, President Sheppard and Jocelyn Formsma, executive director.

You have six minutes.

Ms. Jocelyn Formsma (Executive Director, National Association of Friendship Centres): Thank you very much.

The comments will be made by President Sheppard, and I'll be here for the Q and A.

Mr. Christopher Sheppard (Board President, National Association of Friendship Centres): Good afternoon, committee.

I'm Christopher Sheppard. I'm the president of the National Association of Friendship Centres. I want to recognize that I'm joining you today from Treaty No. 6 and the homeland of the Métis, where I have received an incredible welcome since moving. I'm joined by our executive director, Jocelyn Formsma.

We thank you for your invitation to appear here before you and the members of the committee today.

The NAFC represents over 100 local friendship centres and provincial and territorial associations in every province and territory in Canada, except for Prince Edward Island.

Friendship centres are urban indigenous community hubs that provide a wide range of programs and services for every demographic of indigenous people. Collectively, we are the largest and most comprehensive urban indigenous service delivery network in Canada.

In 2019, 93 friendship centres served approximately 1.4 million first nations, Inuit, Métis and non-indigenous people across over 1,200 programs, in 238 buildings, and employed over 2,700 staff. We are proud to be a network led largely by indigenous women.

With respect to why we're here today, justice programs in 2016-17 amounted to 72 friendship centres offering 93 programs, with 28 considered restorative justice.

Friendship centres often interact with local and regional police services and other law enforcement agencies. This committee has already heard testimony regarding specific examples of systemic racism in policing and about numerous reports compiling evidence and experience over long periods of time. We have also had many examples from our own experiences and what we have heard from the communities we serve.

In the interest of time, we want to focus on actions to take from here.

The NAFC conducted a literature review of reports and the recommendations they make regarding indigenous justice. From this review, we gathered themes from the recommendations that have been emphasized and repeated in multiple reports. We have reviewed federal government strategies, programs or other formal responses to these reports. From those reports, there were three common recommendations.

The first theme is training and educating non-indigenous people on indigenous history, heritage, culture, identity, rights, laws and current realities. However, in our review of publicly available federal responses, we found little in the way of mandatory or ongoing training on indigenous matters for any national or federal law enforcement entity.

The second theme is increased funding to indigenous communities as well as to public programs and organizations whose objective is to benefit indigenous people. We have already outlined some of the programs that friendship centres operate. The funds for these programs largely come from municipalities or provinces.

The third theme is increasing participation of elders within the justice system, providing education and training on the Canadian justice system to indigenous people and increasing and promoting proper use of Gladue reports and courts. Again, these activities are very sparsely implemented across the country.

Urban indigenous people are continually caught in jurisdictional matters between federal and provincial governments. Law enforcement is no different.

For the recommendations to be successfully interpreted and implemented, funding must be provided to indigenous people living in urban communities as well as in rural or remote communities on an equitable basis. The funding cannot just be a one-time payment or a short-term proposal response to what is a generational issue. Rather, it must be sustainable, so that the programs and organizations concerned can be maintained and serve the community in the long term.

It is important to note that these reports were commissioned and published by the federal Government of Canada, provincial governments, intergovernmental organizations and independent organizations. The reports span a time of roughly 50 years. This means 50 years of missed opportunity to make committed, core, long-lasting change.

This lapse in time has led us to two overarching recommendations: co-developing accountability mechanisms for implementing the recommendations in the reports named in my brief, and developing structures to have honest conversations about what can be done and what is being done.

● (1620)

The NAFC submits that an additional crucial step in ensuring accountability is to legislate the United Nations Declaration on the Rights of Indigenous Peoples in such a way that the rights of indigenous individuals are upheld and that the transportability of rights and urban indigenous peoples are not left out of a distinctions-based approach, which is what we see today.

The NAFC has offered and continues to offer its perspectives, expertise and knowledge of urban indigenous communities and community members to inform the federal government and guide effective remedies, both now and as we continue this journey.

We look forward to being a part of the ongoing conversation and to the continued investment in our work. I anticipate some really good questions for the rest of the meeting.

● (1625)

The Chair: Thank you, President Sheppard, for being within three seconds of your time. That's good.

One of the things this committee is known for is the excellent questions, which will be led off by Mr. Kurek, who will have five minutes. Mr. Iacono will have another five minutes, and Madam Michaud and Mr. Harris will have five minutes each.

Go ahead, please, Mr. Kurek.

Mr. Damien Kurek (Battle River—Crowfoot, CPC): Thank you very much, Mr. Chair.

Let me start by thanking the witnesses for coming and for being flexible. In these challenging times, your flexibility is very much appreciated.

Mr. Paul, I have a few questions on the situation in Atlantic Canada regarding fisheries. If you would like to take a minute or two of my initial questioning time to wrap up your remarks, that might answer a couple of my questions. If you would like to do that, I would be happy to accommodate.

Mr. John Paul: Probably one of the most critical things is including us indigenous people in the actual design of how you do policing and how it gets delivered, because if we're not part of the design and then part of the governance of the delivery of it, then we don't actually have a say in the results or outcomes.

The other thing is the need for civilian oversight as a really critical way to conduct evaluation of these activities to demonstrate the actual results of what is coming out of policing to promote fundamental change or improvement in indigenous communities.

You can keep track of numbers, but it's really about how that is contributing to the reduction of racism and how it is contributing to safe resolutions of very difficult issues that face people in our communities.

Our people on and off reserve live in poverty and live with poor health and always end up being the ones who have interactions with the police for whatever reason. The majority of those cases don't end up with a positive outcome. We need to really figure out a way to produce outcomes from interactions with police that are actually good things.

It was apparent when we did have an indigenous policing regime that the indigenous police officers and the governance of the policing really did care about the community. They went out of their way to enforce the laws but also worked towards the betterment and improvement of the community and the people.

Those are things that are critical in terms of any go-forward strategy that is developed.

Mr. Damien Kurek: I appreciate that, and I'm glad you had a chance to finish your remarks.

The minister has promised to bring forward new legislation to make first nations policing an essential service and a larger part of policing options across our country. I'm curious to know if anyone has reached out to you to address the issues that a lot of your research has been focused on addressing.

Mr. John Paul: I've spoken to some of the officials in the minister's office and explained the tragedy that occurred in implementing indigenous policing in the past and how it was basically set up to fail through chronic underfunding, a lack of civilian oversight and a lack of measurable evaluative outcomes.

If it is required to be designated an essential service, they must have the financial resources, the governance and the inclusiveness to make it a real success. Unless those things are built in to what is an essential service, I worry that it will be doomed to the same fate as past policing strategies.

● (1630)

The Chair: Unfortunately, Mr. Kurek, we're going to have to leave it there.

With that, we have Mr. Iacono for five minutes.

[*Translation*]

Mr. Angelo Iacono (Alfred-Pellan, Lib.): Thank you, Mr. Chair.

Welcome, Mr. Paul.

As president of the Atlantic Policy Congress of First Nations Chiefs Secretariat, can you tell us what the main demands and recommendations of the First Nations Chiefs of the Atlantic coast are for the federal government?

[*English*]

Mr. John Paul: I can't hear any English translation of that. Is there a way to...

The Chair: Are we having a problem?

At the bottom of your screen, you'll see a little globe—

Mr. John Paul: Yes.

The Chair: —and if you press that globe, it says "English" or "French". If you press "English"—

Mr. John Paul: Yes, I did that.

The Chair: Then let's do a restart with Mr. Iacono.

[*Translation*]

Mr. Angelo Iacono: Very well.

Mr. Paul, can you hear me well?

[*English*]

Mr. John Paul: Yes.

[*Translation*]

Mr. Angelo Iacono: That's perfect.

As president of the Atlantic Policy Congress of First Nations Chiefs Secretariat, can you tell us what the main demands and recommendations of the First Nations Chiefs of the Atlantic coast are for the federal government?

[*English*]

Mr. John Paul: I think it's making sure that if it is set up as an essential service, there is indigenous oversight of whatever gets developed, and that the essential policing service is co-designed and a mutual evaluation framework is developed in advance of whatever gets created to ensure it does produce the outcomes and successes that are available.

The other issue is adequacy of resources and training and inclusion of indigenous culture and language in the delivery of policing services, because it is essential in dealing with communities and with the realities of indigenous people. People providing policing services need to understand that reality to be effective and to provide the outcomes that make sense when you have a policing service.

Mr. Angelo Iacono: Mr. Paul, you mentioned earlier that design and delivery are important factors. You also mentioned the civilian oversight and that it was designed to fail.

Can you be clearer on what three major aspects the government should be focusing on to assure ourselves that it's not going to be designed to fail?

Mr. John Paul: They are proper training, proper certification of staff and proper governance regimes led by indigenous people in partnership with governments, because it requires that collective collaboration to find areas of focus that would improve policing and the outcomes relative to policing.

Mr. Angelo Iacono: Who should be the parties involved in assuring that this gets done well?

Mr. John Paul: I think all the parties can be involved. The issue in the past was that either the federal or provincial government dictated how it was going to be played. Unless we're equal partners, the outcome will never be a success. That's a real concern that I have. If you control the way it is going to be designed and delivered and we're not part of it, then the outcome won't work for those communities.

● (1635)

Mr. Angelo Iacono: What do you mean by "civilian oversight"? Can you elaborate a bit on that?

Mr. John Paul: It's police not providing oversight to police.

Mr. Angelo Iacono: That's very interesting.

Mr. John Paul: Yes. I know.

Mr. Angelo Iacono: Can you clarify that point, please?

Mr. John Paul: Well, I think there are enough educated people, indigenous people, in the country who could provide insights to people providing policing services that would not be the same as the rigid training that police are accustomed to. It at least would allow more flexibility in how things actually get implemented on the ground.

Mr. Angelo Iacono: That means you would suggest a body that would be monitoring the police, that is not policing the police.

Mr. John Paul: Yes.

Mr. Angelo Iacono: That's interesting.

I have no further questions.

Ms. Jocelyn Formsma: Mr. Chair, would I be able to respond to that question, if there is time?

The Chair: Absolutely. You have about 45 seconds. Go for it.

Ms. Jocelyn Formsma: Thank you. I will try to be within that 45 seconds.

In the report we mentioned, we looked at a number of reports that made specific recommendations on policing. For the last 50 years, recommendations around training have been made. The issue hasn't been the training; the issue has been the implementation and the accountability. I would certainly support what Mr. Paul is recommending. The accountability piece—the enforcement, if you will—of those recommendations for law enforcement is the real issue that we need to address collectively.

Thank you.

The Chair: Thank you.

Thank you, Mr. Iacono.

[*Translation*]

Ms. Michaud, you have the floor for five minutes,

Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ): Thank you, Mr. Chair.

My thanks to the witnesses for being here.

Before asking my question, I want to make sure that Mr. Sheppard has access to the French interpretation, since my question will be for him.

You said that your organization often deals with local and regional police services, and that you have witnessed examples of systemic racism in the past.

Can you give us some examples?

What do you think the federal government should do to ensure that these sorts of situations do not happen in communities again?

[*English*]

Mr. Christopher Sheppard: I can give a couple of examples, actually, because, one, I'm an indigenous person who lives in Canada and has had interactions with the police. I also was the executive director of a large friendship centre that worked within a women's prison and within a youth correctional centre. We supported the young people and women who were interacting with those spaces. We also had tried to work with the local city police around our experiences and our community members' experiences. Also, in Saskatchewan, since I've been here, we work in anti-racism across a latitude of different areas.

I've had personal experience of the police being more worried about whether I was intoxicated after a car accident than the fact that my leg was broken. With my work, I watched an indigenous person being removed from a police vehicle and put on the snowbank outside my friendship centre in a blizzard, because I guess they thought it was a nice place to drop someone in the middle of the winter.

We've seen so many examples, whether they're individualized or not, that it becomes incredibly important for us to remind people that we have talked about it for a long time. We have recommended things for a long time. The number of times we've recommended implementing the royal commission recommendations from 30 years ago.... I think it's important to recognize that on top of those recommendations and behind those recommendations are individuals who have experienced intense systemic racism from a structure that was designed and used to enforce colonization throughout our history.

I've always tried to maintain hope that at some point we'll read recommendations and actually do them. However, it becomes increasingly challenging when you have things like the Truth and Reconciliation Commission, which has entire sections on training and education.... I've talked to university presidents who said that in three generations you could retrain every mind in ever sector, but you don't.

I just want to remind people that behind my experience and other people's experiences are these reports. We've added to them and spoken to them and tried really hard to see their implementation, but we have yet to see it happen. We remain optimistic and hopeful to be a partner, but this is the lived experience of our people across the country every day in systems with so much power.

● (1640)

[*Translation*]

Ms. Kristina Michaud: Thank you for your testimony. It is quite moving to hear that. We know what's actually happening and we don't talk about it enough. Thank you for discussing it with us.

You said it so well, the colonial past is still too present. In your opening remarks, you talked about more education on culture, the past and history. I completely agree with you that we need to implement this.

In your view, what form must it take?

Should it be included directly in the training of police officers, whatever the police force?

Should there be more funding for officer training?

[*English*]

The Chair: Unfortunately, we're going to have to leave it there. That's an important question, and possibly you could work it back into another answer.

With that, unfortunately, Mr. Harris.... It's not unfortunate that we're having Mr. Harris, but you have five minutes.

Mr. Jack Harris (St. John's East, NDP): Thank you, Chair.

I'm pleased to have these witnesses here today. I also was quite moved by the last presentation, but let me say also that I did get a sense of hope from all three of you that this is something that can be fixed, that there are things that actually can be done to change, in the case of the people you represent, the experience of interactions with police by indigenous people.

If that's wrong, tell me, but I am hearing signs of expectation that we may be able to make some recommendations that are useful.

Let me start by asking Mr. Paul about this. Your organization sent a letter to the Minister of Fisheries, along with a copy to Marc Miller, Minister of Indigenous Services, and Carolyn Bennett, Minister of Crown-Indigenous Relations, as well as all Atlantic MPs, back on September 22, in which you talk about the moderate livelihood dispute.

I'll read parts of two sentences.

The first says:

> One of our communities is working to undertake a...moderate livelihood fishery under a cloud of racism and threats of violence to people, property damage and the destruction of traps and gear.

It continues, and then another sentence says:

> Violence and conflict are not a solution and racism or the policy status quo is not a realistic path to a lasting solution.

That was almost a month before the situation that we've all seen on TV erupted in the destruction of the traps and threats of violence and violence. Was this intended to be a warning of any kind, or was that just a statement of fact?

Mr. John Paul: It was a warning, because it came from the context that in 1999 I was actually involved in the fishery after the Marshall decision, and I was subject to a lot of racism and a lot of criticism by fishery organizations and groups across Atlantic Canada that didn't want to believe that our right existed. We were under siege every day to deal with the violence.

At that time, one of the critical elements was that we told the fisher groups that the only way we would come to peace is at the wharves. I still believe that applies today. Unless we can make peace at the wharves, it's hard to avoid conflict or violence when people believe you shouldn't be there.

● (1645)

Mr. Jack Harris: Would that condition of violence and threats have been known to the authorities, the police forces and the people responsible?

Mr. John Paul: Yes.

Mr. Jack Harris: They would have been aware of that, you're saying.

Mr. John Paul: Yes.

Yes, they should have been. The issue is that those police live there. They live in that area. They know the people who actually exercised a lot of these activities. If you live there, you usually understand the dynamics of a community that is around you.

Mr. Jack Harris: We've been told by authorities, by the commissioner and by the minister that they responded appropriately and that it's a provincial responsibility, etc. What do you say to that?

Mr. John Paul: Well, the issue with that is that the priorities of police in Nova Scotia are set by the provincial government, not by us.

Mr. Jack Harris: There is a lot to talk about, because we've taken on a big topic.

You've mentioned the pilot project in indigenous policing, perhaps tribal policing. Was that in a particular community, Mr. Paul?

The Chair: Be very brief, please.

Mr. John Paul: It included five communities in Cape Breton. It was called Unama'ki Tribal Policing at the time. It basically hired indigenous police, trained at RCMP standards, to provide policing services to five communities in Cape Breton.

Mr. Jack Harris: Can it work?

The Chair: Thank you, Mr. Harris—

Mr. John Paul: Yes, it can, fortunately.

The Chair: Mr. Van Popta, you have four minutes, please.

Mr. Tako Van Popta (Langley—Aldergrove, CPC): Thank you.

Thank you to the witnesses for joining us this evening and sharing your wisdom and experiences with us. It's very informative.

Mr. Paul, I'm very intrigued by your comments around lobster fishing and the Marshall decision. The Marshall decision was about 20 years ago. Other than the incident of racism that we saw recently, has there been improvement in indigenous-Crown relations since the Marshall decision, in your opinion?

Mr. John Paul: Everybody's talking, but it's not producing outcomes, basically. That's always an issue. If there are no outcomes or solutions coming out of negotiations or dialogue for 20 years, there has to be something wrong with the process.

Mr. Tako Van Popta: In the Marshall decision, the Supreme Court of Canada didn't actually define what a “moderate livelihood” is, leaving it up to the parties to negotiate that. Fill me in here. Have there been negotiations going on between indigenous peoples and the Crown since the Marshall decision as to what a moderate livelihood actually means?

Mr. John Paul: Yes, but it's a circular discussion. Some believe it's one thing and others believe it's another thing. The discussions have been going on for two decades.

Mr. Tako Van Popta: There's just not the political will to actually push it over the finish line. Is that what you're telling us?

Mr. John Paul: I haven't participated in any of those negotiations, so I don't know, but I think that really it is important to demonstrate progress. In the fishery, it's about relationship, safety and economic success.

Mr. Tako Van Popta: Fair enough.

Mr. Chair, if I have a couple of minutes, I'll put a question to Mr. Sheppard. This has to do with the first nations policing act, something that we're talking about.

What things should this committee keep in mind when we're talking about a first nations policing act? What would be some key elements to its success?

Mr. Christopher Sheppard: Quickly—and I'll probably then pass it over to Jocelyn—61% of all indigenous people don't live on reserve, so if you're going to implement an act, it should probably make sure that it talks to the majority of indigenous people and also to Inuit Nunangat and Métis folks.

I'll pass it over to Jocelyn.

● (1650)

The Chair: You have about a minute.

Ms. Jocelyn Formsma: That's the biggest thing for a first nations policing act. It's not going to really fall to a majority of the indigenous population.

I am from Nishnawbe Aski Nation. We've had the Nishnawbe Aski Police Service for a number of years, and I think it's a fantastic model. It's not without its challenges, for sure, especially in the beginning, but it's certainly been a big change-maker in our communities to have a police service that's owned and operated by our own.

I would like to know how we bring some of those elements into the urban space as well. A lot of our people are being policed by municipal and provincial police forces, and by the RCMP. If we're trying to get at all indigenous people, we're going to have to have a variety of responses. That's probably one that we're not best to speak to, but we'll definitely look at how we can ensure that some of those elements are brought into the urban spaces as well. I think that includes restorative justice initiatives and alternative justice initiatives focusing a lot on the prevention piece.

The Chair: Thank you, Mr. Van Popta.

Madam Damoff, you have four minutes, please.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thanks, Chair, and thanks to all our witnesses for being here this afternoon.

Mr. Paul, you talked about indigenous oversight for policing. I'm assuming you're talking about first nations policing. Is that right?

Mr. John Paul: Yes.

Ms. Pam Damoff: Okay.

I guess there are a few things. In Ontario, Six Nations has their own police service, but their complaints go to the Ontario SIU, the special investigations unit. For the RCMP, as you know, it goes to the Civilian Review and Complaints Commission, and that's a whole conversation that maybe we'll have time for. I don't know.

First nations policing is going to be unique, depending on the community. At least, I'm hoping that's the direction we're taking. What works in Six Nations and Nishnawbe Aski Nation may not work in Atlantic Canada.

Mr. John Paul: Right.

Ms. Pam Damoff: We need to ensure that each community can have the police service they would like to see. How do you see this indigenous oversight working?

I agree with you. I was actually quite shocked that the Ontario SIU were investigating Six Nations police, but that's the system that has been set up.

Mr. John Paul: I think that indigenous oversight would improve the quality of policing fundamentally, because I believe it would build in the element of training, expertise and capacity that will produce better outcomes for a policing service.

The other thing is that the rigidity in certain training of the RCMP or municipal police forces doesn't allow them to fully appreciate and understand indigenous ways of doing things. When they're taught how to understand and to deal with people in that context, the outcomes will be much better when dealing with indigenous people, both on and off reserve. It's a simple thing. Even responding in your own language is a very simple thing for police to do, and—

Ms. Pam Damoff: Do you think contract policing is working in Atlantic Canada? You acknowledge that in dealing with the issues with the fisheries, the RCMP, while they're a federal police service, report to the province. Do you think that model is working in Atlantic Canada?

Mr. John Paul: No, it does not work.

Ms. Pam Damoff: I only have a minute left, and I want to ask the friendship centres a question.

We had Dr. Jeffrey Schiffer testify about a model of policing that the Native Child and Family Services are working on for urban indigenous people. I'm wondering whether you're familiar with any other models,. If we run out of time, perhaps you could send information about them to the committee so that we could use them for evidence.

● (1655)

Ms. Jocelyn Formsma: Certainly. That's actually something we had to cut out of our opening statement: examples of the types of programs that friendship centres operate within the justice sphere. They include a lot of liaising between police services and community members, and obviously a lot of prevention work and ongoing support.

Ms. Pam Damoff: Could you send the committee the list, or some information on this, so that the analyst has it?

Ms. Jocelyn Formsma: Yes, we definitely can.

I want to address your complaints mechanisms. I think they're very largely inaccessible, especially within the urban spaces. The people who are experiencing, say, police violence or state-enforced violence are very vulnerable people, and many times they have been very dehumanized. There are many trust factors that affect whether they feel that the process they're engaging with will have the result they desire.

Even the complaints mechanisms that exist are probably very inaccessible and very troubling. I think this is an area in which organizations such as friendship centres can help to guide and monitor those processes.

The Chair: Unfortunately, we're going to have to leave it there.

Madame Michaud, take one minute, please.

[*Translation*]

Ms. Kristina Michaud: Thank you, Mr. Chair.

I will give Mr. Sheppard an opportunity to answer the last question I asked him about what form the more comprehensive training for police officers must take.

[*English*]

Mr. Christopher Sheppard: Thank you.

This is probably one of the most challenging spaces, because of jurisdiction. If we truly want to deal with training, then we need to start dealing with teaching real history in Canada and dealing with the K-to-12 system and others in this country.

When countless commissions tell you that Canadians do not know indigenous history or facts about our people and what they have experienced, and then you combine that with professional education in your field, such as policing, you will find that you need to restructure a person's learning from long before they get training in police services, for example.

The Chair: Thank you.

I apologize again, I can't say I take any great joy in interrupting people, especially when they're saying important things.

Mr. Harris, take your final minute, please.

Mr. Jack Harris: Thank you. I'll give that minute to the native friendship centre group.

In terms of urban policing, is there a role for integrating indigenous people into policing or some separate force? Is that an important thing that we should look into?

Mr. Christopher Sheppard: I'm going to throw this over to Jocelyn so she can also add to the previous things.

Ms. Jocelyn Formsma: I will do my best to be concise.

With the systemic and institutional racism in policing, there are two things that I think we really need to reinstate, or instate in general. Those are integrity and the trust from the indigenous community members.That's a responsibility of the police agencies.

We've had a lot of talk around defunding the police, and for us I think that means around front-ending resources such as prevention, housing, human connection, health care, mental health services, interventions by people who are equipped to handle without violence, and community supports, especially around addictions and mental health. I'm sure a lot of police officers will tell you that a lot of their arrests have to do with people who are breaching probation and have addictions and mental health issues, so why are we arresting and incarcerating people who need help as opposed to those who are truly committing a crime? The arrests around—

The Chair: Unfortunately, we're going to have to leave it there. I apologize once again. It seems to me that's the main thing I do.

On behalf of the committee, I want to thank Mr. Paul particularly for his flexibility in moving up, and also President Sheppard and Jocelyn Formsma for their contributions. As you can see, the committee is very engaged and very interested in what you have to say. If you have an opportunity to complete any of your remarks and submit them in writing, please feel free to do so.

Colleagues, we've gone from 40 minutes late to 30 minutes late. I'm going to suspend. My anticipation is that we can go to 6:30 p.m.

Is that an appropriate thing to do? I'm looking at Mr. Clerk. Is that a possibility?

● (1700)

The Clerk of the Committee (Mr. Mark D'Amore): We'll have to see if the technical team is okay with that.

The Chair: We'll get started. We can reasonably anticipate an hour, though.

The Clerk: Yes, we can do an hour for sure.

The Chair: With that, the meeting is suspended. We will resume as soon as our witnesses are assembled. Thank you.

● (1700)

_____(Pause)_____

● (1705)

The Chair: Thank you again. We will resume the meeting of the Standing Committee on Public Safety. We're giving each witness six minutes.

First we have Michèle Audette, as an individual, to be followed by Ms. Niemi, who is the executive director of the Center for Research-Action on Race Relations.

[*Translation*]

Ms. Audette, you have six minutes.

[*English*]

You'll have to take your mike off mute.

Ms. Michèle Audette (As an Individual): [*Witness spoke in Innu as follows:*]

Kuei! Kassinu etashiek, tshipushukatitunau, nin mak nussim Uasseuiat, kuei! Tshika itatunau innuat ute utassiuau Malécites, Abénakis, Wendat mak (Abe) Atikamek

[*Witness provided the following translation:*]

Thanks to the Wendat, Innu, Atikamekw, Malecite and Abenakis nations for welcoming me to this territory.

[*Translation*]

Good afternoon, everyone. I will speak in French.

[*English*]

The Chair: Are we getting any translation here? Okay.

[*Translation*]

Ms. Michèle Audette: This evening, for the six wonderful minutes I will have with you, I will be accompanied by my granddaughter Waseha, who is from the Atikamekw and Innu nations.

In a few words, I want to thank you for the invitation and thank the nations that welcome me here, on the territory called Quebec.

My words, my feelings and my thoughts will be guided by a process that has been filled with emotion and inspired by women, families, people such as our knowledge keepers and people who had standing when I was a commissioner in a former life. Of course, I will also be guided by my ability to have worn moccasins and travelled across this great country, Canada, and to have received many truths and teachings.

Regardless of the moccasins I have worn or the expertise and mandate I have been given at some point in my life, there have been powerful testimonials in the area of public safety. I will be referring to the role, mandate or understanding of police officers, both male and female, or their institutions towards women, indigenous women and individuals.

Let me start by reading you a quotation from Melanie Morrison, a woman from Kahnawake. It is long but worthwhile:

> I hope that there is an immediate change in the way the police manage cases involving Indigenous people, both on and off the reserves, so that nothing delays the searches for missing or murdered people. Based on my own experience, there was an obvious disconnect. On the reserve, my sister's case was not important. Off the reserve, people did not feel engaged. If the local police and the police services off the reserve had communicated with each other, maybe we could have had closure.

Another woman from another province gave us a message. We are all going to be challenged by her testimony. She feels like she has been in survival mode since she was a little girl. She feels on her guard, she feels watched. She needs to watch her back. This is what she says:

> Because I've seen my aunties, my cousins, my female cousins brutalized by police. And, growing up as a First Nation woman in this city, in this province, in this country—we're walking with targets on our backs.

This is 2020. We have all heard the striking, moving and unacceptable testimony of one of our Atikamekw sisters, Joyce Echaquan. This time, it is not about the police, but about an institution where she thought she would find well-being and answers, and where she could be taken care of. So we feel that, regardless of the institution, this systemic racism is unfortunately too present.

I will continue quickly because time is precious. I could tell you that many reports and commissions of inquiry have provided you with evidence. These are commissions that you have ordered us to undertake in the democracy that is Canada and in the provinces and territories. Now it is the turn of our elected officials, our members of Parliament, both men and women, and our democratic institutions to honour the calls for justice and action, with all the accompanying recommendations. More than 1,200 recommendations have been made over the past 40 years.

The police have carried out many exercises. They have demonstrated and proven that there are gaps and areas requiring substantial changes. Quebec, as one of Canada's provinces, has a police force: the Sûreté du Québec. It also has indigenous police forces, just like in Ontario, which has many of them.

Everywhere I go, I hear and read that these underfunded organizations are also part of the problem regarding violence against women. The acute lack of funding and resources has long been a problem. The jurisdictional issue between Canada, the provinces and indigenous communities also adds to the complexity.

What action do we take as front-line workers?

● (1710)

So I think we deserve some attention—

[*English*]

The Chair: Madame Audette, can you wind up your remarks?

Ms. Michèle Audette: Yes—

The Chair: You're past your five minutes.

Ms. Michèle Audette: Well, it was seven, it was eight, and now it's five.

Okay, I'll do it in 30 seconds,

[*Translation*]

It is important to provide adequate funding and ensure the participation of indigenous women and men. I would say that there is a fine example of this in the region, here in Quebec, as we review our school programs to provide true and authentic education about the history of indigenous peoples.

[*English*]

The Chair: Thank you very much. Again, I apologize for interrupting, but we are way behind where we should be.

With that, Mr. Niemi, I will go to you now for your five minutes. It would be helpful if you could look up at the screen from time to time so that I could warn you about when your time is up.

You have five minutes, please.

Mr. Niemi, you are on mute.

Mr. Fo Niemi (Executive Director, Center for Research-Action on Race Relations): Okay.

The Chair: There we are. This is the great learning of 2020—how to run the mute machine.

Mr. Fo Niemi: Precisely. We're catching up with the technology.

Thank you very much, Mr. Chairman.

[*Translation*]

Thank you very much, ladies and gentlemen.

I'm going to give my presentation in both languages, because we are in Quebec, but also in Canada, which has two official languages.

[*English*]

I'm the executive director of a small non-profit organization based in Montreal. We deal with race relations and have since the mid-1980s.

One of the areas we focus on is police-community relations, particularly police race relations. I'm very honoured to be asked to participate in the discussion dealing with systemic racism in policing. I would like to talk about it possibly in terms of law enforcement and public security in general, with some focus on the provincial but also the federal level as well.

Obviously, these days we have quite a lot of debate about the notion of systemic racism. I believe there's some kind of division as to whether it exists and what forms it takes. I'd like to stress right away that this notion is part of Canadian jurisprudence or case law. Several courts at different levels have recognized systemic racism.

● (1715)

[*Translation*]

I would just like to point out that, even in Quebec, our organization was behind one of the first decisions on systemic racism in Quebec in 2013, which dealt with racial discrimination in employment at the City of Montreal.

In addition, in Quebec, we have had court decisions on systemic gender-based discrimination and discrimination against women in employment. In 2010, there was the case of Gaz Métro. There is also the case of systemic discrimination based on disability, which is the subject of a class action in which our organization participates as a support organization, a class action that was certified by the Superior Court in 2017.

Therefore, we must acknowledge the premise that systemic discrimination exists, whether it is based on gender, disability or race.

It is difficult to say that it does not exist.

[*English*]

I want to mention right away that for those who deny systemic racism, which is now part of Canadian case law, it's just like denying climate change. It's a fact and it's a question of law, so let's move forward.

With regard to policing, I think one of the issues we have been involved in, particularly in the last 15 years, has been the area of racial profiling. We have cases before different courts. We help people file complaints with the human rights commission at the provincial level and with the police ethics commissioner at the provincial level as well. Some of the experiences we've had show us, I think, that there's a lot of action that legislators need to look at, all within the context of promoting access to justice for ordinary people who feel that they have been discriminated against and profiled by law enforcement officers.

As well, in terms of access to justice, there's a need to ensure that there is effective protection in the human rights system and in the police complaints system, the police ethics system, so that the system really works for people who feel their rights have been violated.

The third part we have to address is with regard to Jordan's principle. Excessive delay in the system, whether in dealing with human rights at any level or with the justice system at any level whatsoever, compromises the notion of effective protection. This is, by the way, a notion that is enshrined in many international instruments on human rights.

I'd like to raise the issue of bringing about systemic changes at the federal level so that we can find ways to ensure that people have access to justice and effective protection in dealing with federal law enforcement and public security.

[*Translation*]

Thank you very much.

We are ready to answer your questions.

[*English*]

The Chair: Thank you, Mr. Niemi.

With that, we'll go to five-minute rounds. First we have Mr. Motz, and then Mr. Lightbound, Madame Michaud and Mr. Harris.

Mr. Motz, you have five minutes, please.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): Thank you, Chair. Thank you to the witnesses for your testimony, albeit abbreviated.

Mr. Niemi, I'll start with you. You indicated in your history that you've played an advisory role with the RCMP and the Canadian Association of Chiefs of Police. Given your background in race relations and your advisory work and your advocacy against hate, can you provide advice on whether Canada's RCMP current oversight is sufficient, in your opinion?

Mr. Fo Niemi: Thank you to the member for the question.

With the experience and knowledge that we have, we believe that the structure as it is right now needs some clarification with regard to its mandate in dealing with race, racism or discrimination. There's a blur with regard to police misconduct and police standards, shall we say, and norms of practice and the whole issue of discrimination and human rights. I believe that the present commissioner's office is looking into it right now. We need more clarification.

Based on our experience and knowledge of the system, I believe we also need greater outreach and community engagement. Based on my experience with the Canadian Association of Chiefs of Police in the 1990s, the police departments and police chiefs were very successful in reaching out to the communities because it takes leadership. It takes proactive leadership to reach out. Don't wait for problems to come to your door. The leadership of the person at the top can make a big difference.

Our experience with many people from different backgrounds is that the people are not against the police. People want to have effective police services—sensitive, accessible and friendly police services. They're ready to engage, but often there is a great distance between the police department and police leadership and the communities—the ordinary people—out there. That's the advice I would like to give to police chiefs and also to those who are concerned about promoting positive police-community relations.

● (1720)

Mr. Glen Motz: Thank you very much for that. I notice that our other witness, Ms. Audette, was nodding her head in agreement with your statements. I too would agree with them, given my background in policing.

We're talking here about this issue with the RCMP and the management of the RCMP. They're centralized. They have top-down decision-making processes. Most decisions happen here in Ottawa. They're not local in the community. They move around often.

I would like both of you to answer this. Do you think that the reality of where we're at with the current structure of the RCMP contributes to and facilitates some of the racist outcomes that we have in those policing communities?

Mr. Fo Niemi: I would like to defer to my friend Ms. Audette.

[*Translation*]

The floor is yours, Ms. Audette.

Ms. Michèle Audette: Thank you very much, Mr. Niemi.

I would add that there is certainly good will on the part of individuals in the RCMP, as in the other 300 police forces. The fact remains that the structures may bring about what we have been denouncing for a very long time, namely the much-touted systemic racism and systemic discrimination. This has been proven.

In terms of trust in the RCMP, let's remember that the RCMP was created to remove indigenous children from the territories when residential schools were imposed. There may still be old ghosts out there. All of this is fresh in our minds. We are ill at ease and there is mistrust.

As you so rightly said, Mr. Niemi, there is also the top-down attitude.

I will walk beside Mr. Niemi, echoing that we want real police officers, men and women who have the instinct to protect us, to save our lives and to ensure a way of life that helps us feel safe in our communities.

I don't think a few hours of training will be enough. It requires deep reflection within the institution itself, within the Sûreté du Québec or other police forces. We need to rework the training by including the beauty of our communities' cultural diversity.

[*English*]

Mr. Glen Motz: Thank you very much.

I just have one—

The Chair: Thank you, Mr. Motz. You have eight seconds left. I'm sure that your colleague will be happy to pick up that eight seconds.

With that, Mr. Lightbound, you have five minutes, please.

[*Translation*]

Mr. Joël Lightbound (Louis-Hébert, Lib.): Thank you, Mr. Chair.

My thanks to our witnesses for being here today.

I'm very pleased to see you again, Ms. Audette. My question is for you.

First, thank you for your work as commissioner of the National Inquiry into Missing and Murdered Indigenous Women and Girls. My question is about one of the commission's recommendations. In your testimony, you mentioned the issue of who is responsible. One of the recommendations is to have a civilian indigenous organization in charge, whatever the jurisdiction, of police misconduct and abuse that may have occurred across the country.

Can you elaborate on this recommendation?

How would it improve the work of police officers?

Ms. Michèle Audette: This can send two different messages. After hearing testimony from several decades, it seems that there is a very tight culture and that people protect each other. It's about creating an environment, a place where a person feels comfortable to complain and report a situation, where they will be taken seriously, will not be judged and will not be discriminated against, as described in the commission's report.

I think a number of organizations are going to have a resource like that. Quebec has the Bureau des enquêtes indépendantes. It may seem imperfect, but it is already a very important resource for indigenous and non-indigenous experts, former police officers, investigators, and people from the communities to see how the work is done and propose recommendations to constantly become better and do better.

● (1725)

Mr. Joël Lightbound: I have another question for you about the last point you raised at the very end of your testimony about revising the curriculum to improve education on indigenous history.

Could you elaborate on that? You piqued my curiosity.

Ms. Michèle Audette: The Government of Canada, the provinces and the territories have been mentioning this for a long time, particularly during the federal-provincial meetings I attended from 2000 until recently. Everyone agrees that history in general, with a capital “H”, needs to be reworked, with all its diversity and complexity.

The provinces and the province of Quebec are responsible for education, but I believe that the Government of Canada also has a role to play in indigenous issues and the Indian Act.

How is it that in 2020, in our elementary and secondary schools, as well as our universities, we are still feeding our leaders of today and tomorrow with a history that is not appropriate?

Indigenous young people are not the only ones asking us this; all young people are asking us. Young people from all different cultures, backgrounds and origins say they want to understand. For me, this is the strongest resource to slowly eliminate prejudice, ignorance, racism, discrimination through gaining an understanding. We would also restore pride to our nations, because we have erased too much of history, which is our cultural identity.

Mr. Joël Lightbound: Thank you very much.

My last question is for Mr. Niemi.

You rightly mentioned that we cannot change what we don't recognize, let alone what we don't know.

In your experience, where are the biggest gaps in data in identifying systemic racism in our institutions?

Mr. Fo Niemi: We just have to look at the complaints that are filed, whether with human rights commissions or with commissions that receive complaints about police misconduct.

I must point out a caveat. Most human rights commissions, at least the Commission des droits de la personne et des droits de la jeunesse in Quebec, do not have policies on systemic racism. So when complaints related to systemic racism are filed, we don't know how they will be handled. I think it's imperative that we establish policies or guidelines to better deal with complaints and then determine the documentation process.

We have a snapshot of the data from the Canadian Human Rights Commission. For example, it is a little difficult to identify the complaints on systemic racism, particularly with respect to services, because there is also systemic discrimination in employment or in services. I believe that the Canadian Human Rights Act, among others, needs to be amended eventually because section 5 of the current act does not allow for a clear systemic approach to services. Section 10 of the act does allow for a systemic approach to the classification of discrimination in employment.

Finally, on the quantitative level, I believe that we must find a better way—

[*English*]

The Chair: We're unfortunately going to have to leave it there, Mr. Lightbound.

Madame Michaud, you have five minutes.

[*Translation*]

Ms. Kristina Michaud: Thank you, Mr. Chair.

My thanks to the witnesses for accepting the invitation, particularly Ms. Audette. I'm sure her experience will be valuable in the work of our committee.

Ms. Audette, I would like to ask you about the concept of intersectionality, which we have heard less about in this study. When I think of urban indigenous women who find themselves experiencing homelessness, poverty and addiction or mental health issues, I find that intersectionality is not sufficiently taken into account in the approach of the police officers who interact with them.

I would like to hear what you have to say about this. Perhaps you could tell us more from what you have heard.

Ms. Michèle Audette: Yes, certainly. I could also try to explain what the police officers I met recently told me. Sometimes, the hope is that they will be super police officers who act as social workers, front-line workers, psychosocial workers, addiction specialists, and so on.

In indigenous communities, they must be very knowledgeable, because individuals, often women, have a complex assortment of major social and mental health issues. So if we try to tell police officers who have chosen this career that they will also have to consider spiritual and psychosocial aspects and mental health issues, which does not come naturally to them—not to say that they don't have emotions—it might be more difficult.

The intersectional approach is a value—what we have long called the holistic approach—and this means that not everyone can have the expertise. So, personally, I'm comfortable with the proposal that police officers be accompanied by experts in the field, in order to respond appropriately and establish relationships of trust, because it's urgent. So, when a police officer interacts with an indigenous woman, whether it is a legal issue or not, at the end of the day, he will know that he has done his best to give her a chance.

● (1730)

Ms. Kristina Michaud: Thank you.

This proposal has actually come up a few times in the course of this study. I think it is appropriate for police officers to be accompanied by social workers in the field.

Do you think that would be a possible avenue for police training? If not, after their training, what else should be done?

Ms. Michèle Audette: There's something that's very close to my heart on a very personal level—I would say “free moccasins” in this case. The Baie-Comeau CEGEP has offered law enforcement techniques in an indigenous environment and in the regions, which will be a first. Needless to say I'm disappointed because it's only a temporary project. This type of program should be available across Canada to help the next generation of police officers.

I was approached by former Quebec police officers who now work in restaurants or stores. They told me that they had seen me on television, and they thanked me for what I was doing. Some of them had worked for the Sûreté du Québec, others for the RCMP. They told me that working in communities they weren't prepared for crushed them. I'm talking about men from Quebec or Canada who were not prepared for this striking and traumatic—but also enriching—reality. There is beauty and goodness.

So, if we create formal programs, such as the Baie-Comeau CEGEP initiative, which has a curriculum that includes internships in an indigenous environment and indigenous expertise, we will be able to abolish prejudices. Students will tell themselves that, in the end, the Anishinabe, the Blackfoot and the Haida, for example, are fascinating people.

Ms. Kristina Michaud: Thank you.

You mentioned Joyce Echaquan. This case did not involve the police, but it still involved an institution we trust. The police have a responsibility to protect us and keep us safe, but so do health care institutions. We have to trust these institutions.

How could we rebuild that bond of trust with institutions that has been broken or that never existed? I'm thinking of the testimony you gave us of the lady who feels as if she's had a target on her back since she was a little girl.

How do we restore this trust?

Ms. Michèle Audette: The governments—

[*English*]

The Chair: Unfortunately, we're going to have to leave that question unanswered for the time being. I'm sure you'll be able to respond.

Mr. Harris, you have five minutes, please.

Mr. Jack Harris: Thank you, Chair.

Thanks to both of the witnesses for their testimony.

Ms. Audette, I'm interested in asking you something about the recommendations from the missing and murdered indigenous women and girls report. In particular, I want to focus on one recommendation that may be helpful to us.

In section 9.4, it says, “We call upon non-Indigenous police services to ensure they have the capacity and resources to...protect Indigenous women, girls, and 2SLGBTQQIA people.” It goes on to say, “We further call upon all non-Indigenous police services to establish specialized Indigenous policing units within their services located in cities and regions with Indigenous populations.” I'm focusing on that, because I think we're looking for ways of policing in not only indigenous communities but in urban areas.

Is this a potential method for allowing at least a practical start to indigenous integration into police services to better serve the huge indigenous population—more than half—who are in urban areas? Would this work?

Second, because I may not have a chance to have a second question, as someone with some experience with the provincial government in Quebec, do you think this could be funded by the Government of Canada to support its indigenous mandate in non-federal policing?

If you have any questions, please let me know.

● (1735)

Ms. Michèle Audette: I will do my best to respond. I'm a bit rusty in English. My life has been very French or Innu for the past year.

Mr. Jack Harris: French is fine.

[*Translation*]

Ms. Michèle Audette: Perfect.

When you travel across Canada as commissioner, you are certainly very aware that not all of Canada's 300 police forces have the chance or opportunity to hire indigenous staff. However, it can be difficult to attract an indigenous workforce in the field of public safety, which we are aware of.

In a transition, the important thing is to promote this expertise and richness in workplaces and to ensure that institutions are ready to open up to it. This may involve one or more people, be they elders or front–line or second-line workers, or even future police officers.

There have been successes in some regions. People have hired indigenous people to patrol, which gives confidence and can make the intervention beneficial.

The federal government could establish pilot projects with the provinces, municipalities and communities that would be interested in trying this out. I invite you to propose it.

[*English*]

Mr. Jack Harris: Thank you.

Am I finished, Chair?

The Chair: No, you have a minute and a half.

Ms. Audette has given an excellent example of multi-tasking.

Ms. Michèle Audette: *Oui*, grandmother, mom.

Mr. Jack Harris: Another element, since you talked about transition, is that we'd like to make recommendations that can be implemented very quickly, because that will start the ball rolling in some respects.

Another recommendation refers to calling upon “all police services to establish and engage with a civilian indigenous advisory committee for each police service or police division”.

Would that be something that could also be made available to each police service, in terms of whatever funding might be required or any initiative that might need to be taken? That's something that could start building an indigenous-police relationship that would be on a more solid footing.

The Chair: You have about 30 seconds.

Ms. Michèle Audette: If you have the magic fix, the power to do it, do it.

Mr. Jack Harris: That's something you would recommend that we recommend, I take it.

Ms. Michèle Audette: Yes, sir.

Thank you, my granddaughter.

The Chair: Thank you.

Thank you, Mr. Harris.

Mr. Kurek, you have four minutes, and Mr. Motz has eight seconds.

Mr. Damien Kurek: Thank you very much. I'll make sure to take full advantage of that extra eight seconds.

Thank you to the witnesses, and thank you to Ms. Audette's granddaughter as well for adding a little bit of fun here in the midst of a very serious conversation.

I will just make a note before I get into a couple of questions.

Ms. Audette, your statement that training has to be more than simply something that lasts a few hours or simply a handbook—and I'm paraphrasing—really resonated. I agree. There has to be an attitudinal and cultural shift to ensure that these issues are taken seriously.

I'm curious to hear your comments on what barriers you see to indigenous women who want to get involved and who are seeking positions in policing or other roles that would reduce community violence or barriers to justice.

● (1740)

[*Translation*]

Ms. Michèle Audette: In a few seconds, I would say that the barriers are multiple. There's mistrust, for sure, and the relationship is broken because people aren't believed or they feel they're being judged when they call the police.

So there's a whole extremely important task of raising awareness. We need to use places where we go to see families who have testified and former RCMP officers who were doing normal work. They would explain the mandate, the procedure, the protocol and the leeway, and as soon as communication was established between the family and the police force or officer, you could see a palpable trust.

This tells us that people, humans, are capable of doing this. It's examples like these that are important to maintain and develop. It's also important to accept that people can be angry with the police, rightly so.

However, after having done this work, there are organizations and groups—and Mr. Niemi will be able to give you examples—through whose collaboration we can overcome these barriers of prejudice or fears, to say that we are doing good things: we are saving lives, we are doing our job, and we are getting better.

We must not give up because it's a long-term undertaking, but it's important to start.

[*English*]

Mr. Damien Kurek: I appreciate that very much. Thank you for that.

We have heard about the calls to ensure that there is oversight and accountability of police, including the RCMP. I'm wondering what that would look like, practically speaking. I think it always comes down to how public policy has practical implications for making life better for Canadians, and in this case, for indigenous peoples, who have had these negative experiences, in many cases, for generations and generations.

Maybe I could ask the chair how much time I have left.

The Chair: You have about 25 seconds.

Mr. Damien Kurek: I'll go to Mr. Niemi.

What practical solutions would you suggest for accountability and oversight?

Mr. Fo Niemi: Thank you very much.

The first thing is basically to have public and community accountability. I try to be as operational as possible. I believe the police commissioners and leaders should really get out there, meet the community, and create structures to bring policing back to its community-based orientation.

After 9/11 we moved away from a community-based policing model, and now we need to go back to one. We need to be fully [*Technical difficulty—Editor*] leaders need to know the community leaders as a first step. In the 1990s that happened, and it helped a lot.

The Chair: Okay, we're going to have to leave it there, unfortunately.

Madam Khera, go ahead for four minutes, please.

Ms. Kamal Khera (Brampton West, Lib.): Thank you, Chair.

Thank you to all our witnesses for being here and for your very important testimony.

Mr. Niemi, perhaps I can start with you. I want to talk a bit about race-based data collection. You recently said that race-based data collection is instrumental to any campaign or any struggle to combat racial profiling in policing. We know that can be extremely helpful for improving any public accountability and for informing public policies.

As you may know, over the summer the government announced that Statistics Canada will now begin to collect data on race for victims of crime and people accused of crime. Perhaps you can touch a bit more on why that is so significant and talk a bit about anything we need to take into consideration when collecting that data and how that data will be used, because there are certainly concerns about privacy and about seeing that the data doesn't tarnish a community or reinforce any racist stereotypes.

If you can shed some light on how we balance that, it would be extremely helpful for the committee.

Mr. Fo Niemi: Thank you very much.

With the time I have, I'll be very short.

Data is about science. Data is about quantity and quality. If we support science, we need data to measure.

It's the same thing to deal with the COVID-19 infection and fatality rates. We need race-based data. We need race-based data in everything. Even the Viens commission in Quebec last year also recommended race-based data collection in dealing with indigenous people.

The Toronto Police Services Board, I believe, has developed a comprehensive, solid model of how to engage in race-based data collection, analysis and communication, and apply and translate that into the measurement of performance, quality and accountability. One way is to just look at the model of the Toronto Police Services Board. I believe a lot of things have been done. We don't need to reinvent the wheel.

We have to go back to the notion that without the data, we are not making sound, evidence-based public policy. Race-based data is important in working with indigenous people. As so many commissions have recommended, we need race-based data to deal with racialized people, along with any other demographic factors that we would deem relevant to better understand the impact of public policy and also to make sure that our public resources, our budgets, are well spent.

● (1745)

Ms. Kamal Khera: Thank you, Mr. Niemi.

Perhaps I can lead off on the same question.

We've recently seen calls to defund the police or the RCMP. We understand that this does not equate to cancelling the police, but rather reviewing their funding and how it's being used, and also ensuring that we're investing in mental health services and social services in our communities.

What is your recommendation on this narrative, and what do you think needs to be done?

Mr. Fo Niemi: I don't think we should talk about defunding the police for the purpose of what you just mentioned. I think the term can be very loaded. We need to develop a very wise, strategic and cost-effective public policy approach to budget allocation, whether for policing or for any other social or even economic programs. We have to look at it.

I think the term “defunding” often is seen to be an attack on the police profession, on the police institution and on the police officers themselves. The vast majority of them, I believe, are committed to law and order, to serving and protecting the public.

We need to find a different approach, and even different terminology. I think we also have to ensure, as legislators and as government, that our budgets are well spent and spent in a way that responds to community needs.

If there is a gap in funding for mental health or homelessness, can we get the money elsewhere, for example? There are many other things. I think to focus only on the police can create a lot of confusion and a lot of further division, and it does not allow us to really look at the real problem objectively.

The Chair: Thank you, Madam Khera, and thank you, Mr. Niemi.

Madame Michaud, you have one minute, please.

[*Translation*]

Ms. Kristina Michaud: Thank you, Mr. Chair.

I'll leave my minute for Ms. Audette so she can answer my previous question on how to restore the bond of trust that has been broken.

Ms. Michèle Audette: To restore the broken bond of trust, stakeholders must be brought together in a place where they will feel safe, if the will is there and if they accept. We must try to agree to see how we can do things together, for the well-being and welfare of the members of our communities.

I always tell myself that you have to recognize what is broken. However, should we keep the status quo and maintain what is broken, or are we going to dare to do things differently with those who have a lot to tell us? I'm talking about indigenous people, of course.

Ms. Kristina Michaud: What is the federal government's role in that?

Ms. Michèle Audette: Indigenous issues are cross-cutting and involve the provinces and territories. Some will say they have a responsibility for public safety, education and child welfare. It's a matter of having, as in Quebec, a tripartite relationship in which indigenous leadership, the Quebec government and the federal government can talk. I don't mean talking just to talk, but to do things, with a table to say that we have achieved certain objectives.

[*Inaudible*] my granddaughter.

[*English*]

The Chair: Thank you, Madame Michaud.

Madame Audette, it's very impressive that you can manage an answer and deal with your child as well.

Colleagues, before I ask Mr. Harris for a final minute, you've all been very disciplined, as have the witnesses, and the staff tell me that we could do another round. I'm thinking of maybe three minutes for the Conservatives, three minutes for the Liberals, and another one minute each for the NDP and the Bloc.

Does a third round meet with your approval?

Okay. Well, even if it doesn't, it does.

Mr. Harris, you have one minute, please.

● (1750)

Mr. Jack Harris: As long as the minutes are as long as the last one, it's okay.

Mr. Niemi, you talked about Jordan's principle as it may apply to civilian oversight and the delay in doing things. The RCMP oversight board has had the Colten Boushie case on its books for three years or more. It's now been sitting on the commissioner's desk for a long time. It can't seem to get a response. Is that particular problem with the response time from the commissioner something that needs to be fixed in order to provide adequate oversight?

Mr. Fo Niemi: I believe it has to be fixed, because when a process goes on more than a year and a half without any results, ordinary people may feel discouraged. They will not come back, or they may not even come forward the next time around. We need to fast-track without compromising the quality and the fairness of the investigation or the complaint-sending process. This is something that all administrative agencies should pay special attention to.

Last year, we had two of our cases of racial profiling thrown out by the Quebec Human Rights Tribunal because, for one case, it took the Human Rights Commission 88 months to investigate and bring the case before the tribunal. That's absolutely unthinkable in this day and age. That was a decision last year.

The Chair: Thank you, Mr. Harris.

Do my Conservative colleagues have a three-minute question?

Mr. Tako Van Popta: I'll go ahead. Thank you, Mr. Chair.

Thank you to the witnesses for being here.

Mr. Niemi, I have a question for you. I understand from your resumé that you have extensive experience advising the Canadian Association of Chiefs of Police and the RCMP. I'm assuming that you would be intimately aware of what education goes on in police forces and in police academies. Maybe you could elaborate on that. We're talking about systemic racism and we're looking for systemic solutions. Perhaps education of police forces is one.

Mr. Fo Niemi: I hear a lot about training. I think that we have to start training at an early level, even before they get to the police department, and let us not forget that we need to train the trainers, because often trainers are behind the times in terms of concepts such as intersectionality, systemic discrimination, and merging the notion of human rights and policing.

The other thing that we have to focus on is this: Training people is one thing, but you have to make sure that the police departments reflect the people in the communities they serve. Employment equity and equitable representation must be the guiding principles for any police organization, especially if it wants to go for a cultural shift in its ways of doing things.

We have moved away from employment equity in the police departments for so long. Now we need to produce the numbers at every level so that men, women, and people of different genders or different backgrounds are reflected. When there are more people of diverse backgrounds, we believe that the organization and the culture will shift, and shift in the right direction—

Mr. Tako Van Popta: Okay. Good.

Sorry. Time is short.

I have a follow-up question. What is your knowledge of the extent of curricula at police academies when it comes to race relations? Is it adequate, inadequate? What would you like to see in our report about that?

Mr. Fo Niemi: I would like to see less abstraction, less theory, and more direct contact with real people in real scenarios in terms of real training in police techniques and technologies.

More importantly, you have to make sure that the cadets, the trainees, reflect the communities in which they're going to serve. If you don't have fair representation, you can train.... If people don't have the direct, personal, daily contact with people from different backgrounds, you can train people for the rest of their lives, but the organization will not shift that culture and bridge the gap. Whether it's cultural, social or economic, the gap will always be there.

The Chair: Thank you, Mr. Van Popta.

Do my Liberal colleagues have a three-minute question?

Go ahead, Mr. Iacono.

● (1755)

[*Translation*]

Mr. Angelo Iacono: Thank you, Mr. Chair.

My question is for Ms. Audette.

You recently reported seeing a wave of violent threats online toward indigenous women.

Could you explain the reasons for this worrying phenomenon and the steps you recommend to respond to it?

Ms. Michèle Audette: Having myself been the victim of intimidation and death threats on Facebook in September, I would say that even when you're an activist with a good network of people, it can be unsettling, but you have to pull yourself together. It's easy to remember that many of us may not have a network like mine or people to explain to us what our rights and protections are, and how we can overcome these challenges.

Some young women and women of all ages tell us that they experience intimidation and violence because they take a stand or because they have a lifestyle of their own that upsets a movement or a leader.

I would say it's a pan-Canadian phenomenon that doesn't just affect indigenous women. Yet when indigenous women report these assaults, the response is sometimes slower, as Mr. Niemi explained. The commissions are not prepared for this, nor are our police officers, and our indigenous and Quebec institutions don't know how to deal with it either. We end up wondering what to do.

However, it's an unacceptable form of violence. Some of the people who are subjected to it will even attempt suicide, and some of them succeed unfortunately.

Mr. Angelo Iacono: Thank you, Ms. Audette.

[*English*]

I have no further questions, Mr. Chair, for my part.

The Chair: Thank you.

There is still a minute left, if a Liberal wants to pick up a minute.

Madame Michaud, take one minute, please.

[*Translation*]

Ms. Kristina Michaud: Thank you, Mr. Chair.

On a more personal note, Ms. Audette, I would like to know what your expectations are with respect to the government's response to this report that we will be tabling in the House of Commons, the umpteenth report on indigenous issues. In this regard, we are still waiting for the government's response to the National Inquiry into Missing and Murdered Indigenous Women and Girls, or NIMMIWG.

What do you think the government should do in the immediate future with all these possible solutions?

Ms. Michèle Audette: I understand that four groups have been set up, including the one of families with *Le Mocassin Télégramme* and the social networks, where we talk privately on Messenger and Twitter. I hope that this mobilization will contribute to the reflection of the provinces, territories and the federal government in relation to an action plan on violence against indigenous women and girls.

There is a tendency to blame everything on the federal government. I would therefore like to remind you that I signed a NIMMIWG report intended solely for the Quebec government. In fact, for the first time in history, all provinces and territories were required to participate in the inquiry. If I may, I would also like to remind the Government of Quebec that it has a responsibility within its territory in relation to the NIMMIWG.

So, transparency, accountability, and explaining where you stand: these are always reassuring and are what I ask when I sometimes talk to someone in Ottawa. Tell us what you're doing, so we can better understand.

[*English*]

The Chair: Thank you, Madame Michaud.

[*Translation*]

Ms. Kristina Michaud: Thank you.

[*English*]

The Chair: The final minute goes to Mr. Harris.

Mr. Jack Harris: Madame Audette, one recommendation is to increase the number of indigenous people in policing. I am thinking of Nunavut as a particular problem.

The recommendation talks about ending the practice of limited-duration posts for police officers. It's difficult in Nunavut. The RCMP have a short duration. We were told they're now down to a six-week duration because they can't get people to go, and there is a lack of trust in the RCMP, so they can't get recruits.

How do you see that working out?

[*Translation*]

Ms. Michèle Audette: I think it will always be important to keep the dialogue going to stay current and ready to respond to pressing needs, especially if Inuit leaders are involved in these discussions and offer their solutions for the immediate future. They will point out that the NIMMIWG has proposed some solutions, but they may raise new issues they are facing, such as COVID-19.

I would say that what's most difficult and painful is the retention of the next generation, which sometimes comes from the south to the north. In fact, few people go to the north to make a career. Yet, the people who live there get used to them, trust them, but one day, poof! they're gone. The culture of the north is hardly celebrated, as I have learned from my many travels across Canada. So the question is how to respond to this situation.

Some Inuit communities suggest the concept of Rangers or more community-based policing. These communities need to be honoured and encouraged, and their suggestions should be more broadly implemented if the community is willing.

● (1800)

[*English*]

The Chair: Thank you, Mr. Harris.

That brings our time with these two outstanding witnesses to a close.

It was very useful and very informative and, as you can tell from the intensity of the questions from our colleagues, very engaging. With that, thank you again for your time.

Subject to whatever eyebrow-raising my clerk might put towards me, I'm about to adjourn the meeting.

Is that fine, Mr. Clerk? Okay.

With that, the meeting is adjourned.