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CANADA

SYSTEMIC RACISM IN POLICING IN CANADA

**Report of the Standing Committee on Public Safety and
National Security**

Hon. John McKay, Chair

**JUNE 2021
43rd PARLIAMENT, 2nd SESSION**

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Report of the Standing Committee on Public Safety and National Security

**Hon. John McKay
Chair**

JUNE 2021

43rd PARLIAMENT, 2nd SESSION

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Reports from committees presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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THE STANDING COMMITTEE ON PUBLIC SAFETY AND NATIONAL SECURITY

has the honour to present its

SIXTH REPORT

Pursuant to its mandate under Standing Order 108(2), the committee has studied Systemic Racism in Policing in Canada and has agreed to report the following:

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SUMMARY

Given the pervasive nature of systemic racism in policing in Canada, the House of Commons Standing Committee on Public Safety and National Security (the Committee) has concluded that a transformative national effort is required to ensure that all Indigenous, Black and other racialized people in Canada are not subject to the discrimination and injustice that is inherent in the system as it exists today. The Committee held 19 meetings and heard from 53 witnesses, including those representing community organizations providing services to, or advocating on behalf of, racialized communities and Indigenous peoples; academics studying law, policing, and racism; and members and leaders of Canadian police services and police organizations. From among the diverse witnesses heard there was resounding acknowledgement of the reality of systemic racism in policing in Canada and an expressed interest in finding solutions to the urgent problems contributing to systemic racism to pave a new way forward.

The Committee heard testimony and received briefs detailing several aspects of systemic racism in policing. Witnesses described that Indigenous police services that can contribute to the self-determination and empowerment of their communities lack resources and support. Witnesses pointed to the over-representation of Indigenous and racialized people within the criminal justice system and described over-policing, practices of racial profiling and discriminatory use of force against these populations. The Committee heard that Indigenous women, girls and LGBTQ2S+ people are particularly impacted by systemic discrimination in policing, experiencing both over-policing and under-policing (i.e. a lack of police assistance) when they are the victims of criminal acts. Evidence was heard about the intersection between race and mental health and the need to provide culturally appropriate and evidence-based crisis intervention programs to meet the needs of persons in crisis.

The Committee was told that accountability, oversight and transparency are critical to restore trust with Indigenous and racialized communities subject to systemic racism. Witnesses also emphasized the need for the collection of disaggregated race-based data to provide Canadians with an accurate picture of the impact of police practices and policies on Indigenous and racialized people. Changes to the structure and governance of the Royal Canadian Mounted Police (RCMP), Canada's national police service, were recommended by witnesses to promote modernization, professionalization and civilianization. The Committee heard concerns about the lack of diversity and

representativeness of some Canadian police services and what the Hon. Justice Michel Bastarache described as a “toxic”¹ culture within the RCMP.

To address the urgent problems identified by witnesses the Committee has provided 42 recommendations aimed at fundamentally reforming Canadian policing to ensure that all Canadians can access police services free from racism and other forms of discrimination.

1 House of Commons, Standing Committee on Public Safety and National Security, *Evidence*, 2nd Session, 43rd Parliament, Meeting 10, 2 December 2020, 1610 (Hon. Michel Bastarache, Legal Counsel, As an Individual).

LIST OF RECOMMENDATIONS

As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

Recommendation 1

That the Government of Canada clarify and strengthen the mandate, independence and efficacy of the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police (CRCC) by:

- **substantially increasing its annual funding to ensure sufficient resources for both complaint reviews and systemic reviews;**
- **amending the *Royal Canadian Mounted Police Act* to:**
 - **empower the CRCC to, when conducting investigations of the Royal Canadian Mounted Police (RCMP) that raise a reasonable belief that the matter involves criminal conduct, refer cases to the appropriate body responsible for criminal investigations of police conduct or recommend to the relevant authorities that criminal charges be laid;**
 - **create statutory timelines for responses by the RCMP Commissioner to CRCC reports, codifying the schedule established in Appendix A of the Memorandum of Understanding between the CRCC and the RCMP;**
 - **require the Commissioner of the RCMP to report annually to the Minister of Public Safety and Emergency Preparedness describing steps taken to implement CRCC recommendations and require this report to be tabled in Parliament; and**
 - **require the CRCC to publish its findings and recommendations or a summary thereof in respect of all complaints in a manner that protects the identity of the complainant..... 25**

Recommendation 2

That the Government of Canada increase the accessibility and transparency of the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police review process by:

- **reforming the process for initiating a complaint with the CRCC to make it easier to navigate;**
- **ensuring the independent review process is explained in a detailed and accessible format, including information about when the CRCC has completed its interim report and when the RCMP’s review of the report began and was completed;**
- **making sure the progression of a review and the reports involved in it are transparent and publicly available with few exceptions; and**
- **publicly specifying the conditions for all exceptions to public accessibility and transparency. 26**

Recommendation 3

That the Government of Canada ensure the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police review process allows for meaningful and engaged Indigenous participation and holds the RCMP accountable for wrongful, negligent, reckless, or discriminatory behaviour towards Indigenous people by requiring the CRCC to:

- **consult with local Indigenous groups where complaints or systemic reviews involve Indigenous complainants;**
- **include Indigenous investigators and decision makers in the CRCC; and**
- **ensure Indigenous investigators are involved where the complaint involves Indigenous people. 26**

Recommendation 4

That the Government of Canada appoint Indigenous, Black and other racialized people, and residents of Northern communities to the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police, and to investigations and leadership positions within that organization. 26

Recommendation 5

That the Government of Canada mandate that the Royal Canadian Mounted Police implement effective ongoing training and disciplinary policies for RCMP officers in order to prevent excess use of force, systemic racism and racial profiling, and require the RCMP to publish and publicly disclose all disciplinary decisions..... 27

Recommendation 6

That the Government of Canada in collaboration with the Royal Canadian Mounted Police introduce requirements for management at all levels to report and act on internal harassment complaints, with clear and appropriate consequences for failing to do so, and to provide appropriate supports, including mental health supports, for officers who come forward with a complaint. 27

Recommendation 7

That the Royal Canadian Mounted Police provide to Parliament, annually for three years, a report on the progress of the implementation of the recommendations in this report. 27

Recommendation 8

That the Royal Canadian Mounted Police be transitioned away from a para-military force into a police service model with civilian oversight through a new national oversight board with a legislated mandate to make this transition and the changes required to ensure that policies, practices, procedures, and operations are free from systemic bias and discrimination and that individual acts of discrimination and racism are not tolerated. 33

Recommendation 9

That the Government of Canada, in consultation with Indigenous, Black, and other racialized people, create a National Police College to provide preparation, training and education necessary for modern, professional and bias-free policing, including:

- course offerings for continuing education, professionalization and specialization;
- the provision of high quality cultural diversity training for Royal Canadian Mounted Police recruits and other interested police services members; and
- mandatory crisis resolution and psychology courses.

Recommendation 10

That the Government of Canada explore the possibility of ending contract policing within the Royal Canadian Mounted Police and that the Government work with the provinces, territories and municipalities to help those interested establish their own provincial and territorial police services. 33

Recommendation 11

That the Government of Canada provide funding to all Indigenous communities who are interested in Community Safety Officer programs based upon the Kwanlin Dün First Nation model. 33

Recommendation 12

That the Government of Canada work with Indigenous peoples to prioritize action on all recommendations by commissions and inquires regarding systemic racism against Indigenous peoples in policing and the justice system with the aim of implementing the unfulfilled recommendations, with attention to the recommendations from the *Truth and Reconciliation Commission: Calls to Action* and *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* that relate to policing. 43

Recommendation 13

That the Government of Canada, through consultation and partnership with First Nations, Inuit and Métis communities, and recognizing that decisions surrounding policing must be community driven, develop an Indigenous Police Services Framework designed to promote self-determination and self-governance over policing to Indigenous communities; this framework should include:

- the designation of Indigenous police services as essential services and a requirement that they are adequately resourced;
- provision for the co-development, in consultation and cooperation with Indigenous peoples, of a model of civilian oversight for Indigenous police services, with the authority to audit such services and investigate claims of police misconduct; and
- a commitment for the provision of sufficient funding and support to enable all interested Indigenous communities to develop Indigenous police services..... 43

Recommendation 14

That the Government of Canada in collaboration with First Nations, Métis and Inuit communities and through negotiation, and in consultation with Indigenous leaders and organizations, offer to create specialized training rooted in Indigenous cultural knowledge and history..... 44

Recommendation 15

That with the financial support of the Government of Canada, Indigenous policing models be developed in urban communities with significant Indigenous populations, in consultation and cooperation with local Indigenous people and local police authorities, to cooperate in policing, with:

- advisory bodies resourced and financed appropriately;
- Indigenous policing units within the urban police services;

- special patrols with Indigenous officers or community support;
- or such other models or arrangements that are appropriate to the local circumstances as may be agreed upon..... 44

Recommendation 16

That the Government of Canada provide necessary resources and work with Inuit stake-holders on an Inuit led consultation within Inuit communities on the most appropriate and effective model of policing of Inuit communities, should they desire to undertake such consultations..... 44

Recommendation 17

That the Royal Canadian Mounted Police ensure that in all jurisdictions where they are the police service responsible for First Nations, Métis and Inuit communities, that a family liaison officer, and wherever reasonably possible, one female officer is available to address gender-based violence..... 49

Recommendation 18

That the Government of Canada encourage the Royal Canadian Mounted Police to develop an action plan with concrete measures to address systemic racism and violence against Indigenous women using an intersectional approach, taking into account the different types of discrimination Indigenous women face and how these types of discrimination intersect..... 49

Recommendation 19

That the Royal Canadian Mounted Police establish programs and review and revise policies to encourage officers who are stationed in First Nations, Métis, Inuit and Northern communities to accept longer postings in order to better establish ties with the communities they are serving. 49

Recommendation 20

That the Government of Canada work with the provinces and territories, municipalities and Indigenous communities to ensure adequate funding and service responsibilities related to mental health response and victim services. 53

Recommendation 21

That the Government of Canada work with the Royal Canadian Mounted Police, and provincial and municipal police services to encourage the use of persons specialized in victim services and mental health who would be available with first responders in situations requiring de-escalation. 54

Recommendation 22

That the Government of Canada properly resource the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police to conduct an independent review of RCMP operational policies and practices such as “wellness checks” and develop a timeline for corrective action to end police violence and ensure the safety and security of those in need of mental health support. 54

Recommendation 23

That the Government of Canada work with the provinces and territories to create an Indigenous-led working group to better examine the service needs related to mental health and victim services of the rapidly growing urban Indigenous population and ensure that mental health responses, victim services and community safety and policing programs serving Indigenous people living in urban areas are adequately resourced..... 54

Recommendation 24

That the Government of Canada decriminalize the simple possession of all illicit drugs as called upon by the Canadian Association of Chiefs of Police and public health officials..... 59

Recommendation 25

That the Government of Canada offer pardons for all individuals convicted of simple possession of illicit drugs. 59

Recommendation 26

That the Government of Canada adopt a national policy that prohibits racial profiling and other forms of selective identification and recording of the presence of members of the public other than for investigative purposes and denounces such practices as discriminatory and contrary to the *Canadian Charter of Rights and Freedoms*. 59

Recommendation 27

That the Government of Canada provide increased funding to ensure that restorative justice programs are effective and available to Indigenous, Black and other racialized people throughout the country. 60

Recommendation 28

That the Government of Canada amend the *Youth Criminal Justice Act*, to ensure a police officer’s discretion to choose alternative measures to the court system when apprehending a youth who has committed a crime is applied equitably, so that alternative sanctions are fairly offered to everyone; that specific procedures or guidelines be put in place to determine what crimes would permit alternative sanction so that equal access is given to this privilege. 60

Recommendation 29

That the Government of Canada develop a national strategy to address and correct the disproportionately high rates of Indigenous and Black people in the criminal justice system and ensure anti-discriminatory and culturally specific services for Indigenous and Black people..... 60

Recommendation 30

That the Government of Canada work in consultation with civilians, Indigenous peoples, and Black and other racialized Canadians, to review the federal use of force framework to ensure that it:

- defines permissible use of force in greater detail;
- provides requirements for the operational use of de-escalation tactics;
- prioritizes de-escalation in use of force philosophy, tactics and training;

- respects as a guiding principle that officers use the least force necessary in the circumstances; and
- requires adequate ongoing training of officers..... 63

Recommendation 31

That the Government of Canada request that the Royal Canadian Mounted Police create a nationwide database of police use of force incident data disaggregated by race, colour, ethnic background, national origin, gender and other identities; regularly collect this data by implementing a mandatory reporting policy, and regularly publicize the data collected..... 63

Recommendation 32

That the Government of Canada work with provinces, territories, police services and chiefs of police across the country to develop a similar national database including all Canadian police services..... 63

Recommendation 33

That the Royal Canadian Mounted Police enforce its zero-tolerance policy for excessive use of force and that there be serious consequences for excessive use of force regardless of whether the threshold is met to lay criminal charges against the officer involved. 63

Recommendation 34

That the Government of Canada ensure that the Royal Canadian Mounted Police work in collaboration with First Nations, Métis and Inuit communities to establish advisory committees composed of elders, community leaders and cultural facilitators to ensure police practises and procedures address community needs..... 66

Recommendation 35

That the Royal Canadian Mounted Police improve training to ensure that it includes enhanced de-escalation, implicit bias, gender-based violence, cultural awareness, and the history of colonialism and slavery in Canada. 66

Recommendation 36

That the Royal Canadian Mounted Police mandate that officers receive specific cultural competency training developed in collaboration with the racialized, First Nations, Inuit, and Métis communities they intend to serve. 66

Recommendation 37

That the Government of Canada in collaboration with First Nations, Métis and Inuit communities prioritize the recruitment of Indigenous people and women into Indigenous police services. 68

Recommendation 38

That the Government of Canada encourage the Royal Canadian Mounted Police to ensure diversity in hiring for all levels within the police service so that it better reflects the communities that it serves, specifically with a goal of hiring more Indigenous and racialized people, and women. 69

Recommendation 39

That the Royal Canadian Mounted Police be encouraged to review their screening process for new recruits to ensure that those with biases against Indigenous and racialized people and women be rejected. 69

Recommendation 40

That the Royal Canadian Mounted Police be encouraged to take into consideration Inuit language skills and community knowledge when evaluating candidates and making decisions surrounding deployment of officers. 69

Recommendation 41

That the Government of Canada ensure that a critical race analysis is applied to all racially disaggregated police data collected to ensure that the manner in which it is used does not further stigmatize or marginalize Indigenous and racialized people. 72

Recommendation 42

That the Government of Canada request that the Royal Canadian Mounted Police collect and publicize national comprehensive and disaggregated race-based data covering police interactions with the public. 72



SYSTEMIC RACISM IN POLICING IN CANADA

1. INTRODUCTION

1.1 Mandate of the Committee

On June 23, 2020, during the 1st session of the 43rd Parliament, the House of Commons Standing Committee on Public Safety and National Security (the Committee) adopted the following motion:

That, pursuant to Standing Order 108(2), the committee undertake a study of systemic racism in policing in Canada; and that the Minister of Public Safety and Emergency Preparedness as well as the Commissioner of the Royal Canadian Mounted Police [RCMP] be invited to testify on Tuesday, 23 June 2020.¹

During the 1st session of the 43rd Parliament the Committee held six meetings before the prorogation of Parliament on August 18, 2020. Following the opening of the 2nd session of the 43rd Parliament on October 8, 2020, the Committee adopted the following motion:

That, pursuant to Standing Order 108(2), the committee undertake a study of systemic racism in policing services in Canada, in particular the RCMP, and that the evidence and documentation received by the committee during the First Session of the 43rd Parliament on the subject be taken into consideration by the committee in the current session, that the Committee report its findings to the House and, that pursuant to Standing Order 109, the government table a comprehensive response to the report.²

On December 2, 2020, the Hon. Michel Bastarache appeared before the Committee to answer questions about *Broken Dreams Broken Lives: The Devastating Effects of Sexual Harassment on Women in the RCMP*,³ the final report on the implementation of the Merlo Davidson Settlement Agreement, which he authored. On December 7, 2020, the Committee adopted the following motion:

1 House of Commons, Standing Committee on Public Safety and National Security (SECU), [Minutes of Proceedings](#), 1st Session, 43rd Parliament, 23 June 2020.

2 SECU, [Minutes of Proceedings](#), 2nd Session, 43rd Parliament, 8 October 2020.

3 Hon. Michel Bastarache, [Broken Dreams Broken Lives: The Devastating Effects of Sexual Harassment on Women in the RCMP](#), 11 November 2020.



That the relevant sections of the Final Report on the Implementation of the Merlo Davidson Settlement Agreement and the testimony of the Honourable Michel Bastarache from December 2, 2020, be taken into consideration for the Committee's report on systemic racism in policing in Canada.⁴

Over the course of two sessions of Parliament from June 2020 to May 2021, the Committee held 19 meetings on this study, heard testimony from 53 witnesses, and received 21 briefs. The Committee appreciates the participation and expertise of the witnesses who provided testimony and briefs on this important issue.

The Committee recognizes that the elimination of systemic racism and discrimination against Indigenous peoples by police and the justice system should be considered a key and fundamental pre-condition of reconciliation with Indigenous peoples and is in keeping with the *United Nations Declaration on the Rights of Indigenous Peoples*.

The Committee hopes that through the adoption of the recommendations contained in this report and other measures, as may be necessary to achieve these goals, systemic racism in policing and our justice system will be eliminated and that individual manifestations of racism and racist behaviour will be treated with severe measures.

This report represents the Committee's examination of systemic racism in policing in Canada. It is divided into three sections:

- 1) introduction and overview of the context of this study;
- 2) issues pertaining to systemic racism in policing in Canada raised by witnesses and corresponding recommendations;
- 3) conclusion.

1.2 Context

Police services occupy a powerful role in Canadian society as those entrusted with enforcing the law, protecting the community and keeping the peace. Police officers provide increasingly diverse services in Canada, acting as law enforcers, first responders to crises and crime prevention partners within the communities they serve. Concerns about systemic racism within the institution of policing in Canada and calls to address this problem have been raised in Canadian communities and within police services themselves. The Committee heard evidence highlighting a wide variety of issues

⁴ SECU, *Minutes of Proceedings*, 2nd Session, 43rd Parliament, 7 December 2020.

pertaining to systemic racism in Canadian policing, as well as suggestions for how these challenges can be addressed and overcome.

1.3 Defining and Understanding Systemic Racism

Systemic racism is both a social and legal concept connoting a particular type of racism which occurs within social systems and is reproduced by them. Witness Alain Babineau, a law enforcement consultant, social justice advocate and former member of the RCMP, provided the Committee with a helpful explanation of systemic racism, quoting Senator Murray Sinclair:

Systemic racism is when the system itself is based upon and founded upon racist beliefs and philosophies and thinking and has put in place policies and practices that literally force even the non-racists to act in a racist way.⁵

Indeed, the Committee heard testimony confirming that while many police officers honourably, diligently, and professionally serve their communities, systemic racism nevertheless pervades policing in Canada. Akwasi Owusu-Bempah, Assistant Professor in the Department of Sociology at the University of Toronto, suggested that structural racism and institutional racism are aspects of systemic racism. He explained that structural racism “describes a system in which policies, institutional practices, cultural representations and other norms work in varied and often reinforcing ways to perpetuate racial inequality.”⁶ This form of racism, in other words, is culturally embedded and reproduced in social, economic and political systems.⁷ In contrast, Professor Owusu-Bempah described institutional racism as “institutional policies and practices that, intentionally or not, produce outcomes that constantly favour or disadvantage certain groups over others.”⁸

Witnesses also pointed to the reality that systemic racism is not confined to the institution of policing but is found in many aspects of Canadian society. Chief Ghislain Picard, Chief of the Assembly of First Nations Québec-Labrador, expressed that systemic racism impacts the relationship between Indigenous peoples and the Canadian legal

5 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 11, 7 December 2020, 1530 (Alain Babineau, Consultant, Law Enforcement and Social Justice Advocate, As an Individual). Quoting Senator Murray Sinclair, as quoted in Sierra Bein, “[Morning Update: RCMP commissioner ‘struggles’ with definition of systemic racism, but denies it exists on force](#),” *Globe & Mail*, 11 June 2020.

6 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1520 (Akwasi Owusu-Bempah, Assistant Professor, Department of Sociology, University of Toronto, As an Individual).

7 Ibid.

8 Ibid.



system, highlighting that systemic discrimination is an aspect of the experience of colonialism,⁹ a viewpoint emphasized by many witnesses who described the role of police in enforcing the residential school system, child apprehensions during the Sixties Scoop, the slaughter of Inuit sled dogs, and other instances of colonialism. As Vice-Chief Terry Teegee, Regional Chief of the British Columbia Assembly of First Nations explained to the Committee, in Dakelh, the Carrier language, the RCMP are called “nilchuk-un”, meaning “those who take us away.”¹⁰

Myrna Lashley, Assistant Professor at McGill University’s Department of Psychiatry, expressed that systemic racism has deep historical roots embedded in the history of colonialism. She explained:

This type of racism and discrimination is based on the premise of white supremacy, which is manifested in practices and policies that award unearned privileges to white people based on their pigmentation, while automatically denying those same privileges to Black people, Indigenous people and people of colour, commonly referred to as BIPOC.¹¹

Some witnesses highlighted that systemic racism is a matter of constitutional and human rights.¹² From a legal standpoint, when Canadian police services enforce the law or provide services to the public, they are subject to constitutional and human rights law. Section 15 of the *Canadian Charter of Rights and Freedoms* guarantees “[e]very individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination”,¹³ including discrimination on the basis of race. Similarly, provincial human rights legislation and the *Canadian Human Rights Act* prohibit race-based discrimination in the provision of services. Consequently, when police services in Canada enforce the law and provide services to the public, human rights law and the constitution require these services to be provided free of discrimination on the basis of race.¹⁴

9 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1405 (Chief Ghislain Picard, Regional Chief, Assembly of First Nations, Québec-Labrador).

10 SECU, *Evidence*, 1st Session 43rd Parliament, Meeting 8, 23 July 2020, 1115 (Vice-Chief Terry Teegee, Regional Chief, British Columbia Assembly of First Nations).

11 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1400 (Myrna Lashley, As an Individual).

12 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1405 (Chief Ghislain Picard).

13 *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c. 11, s. 15.

14 *Canadian Human Rights Act*, R.S.C. 1985, c. H-6.

Understanding the impacts of systemic racism requires recognizing its differential impacts on various groups of people and the way racism intersects with other forms of discrimination. For example, several witnesses pointed to the unique impacts of systemic racism on Indigenous women, which are not the same as those experienced by Indigenous men, in part because Indigenous women also experience sexism.

Many witnesses pointed out that systemic racism is a problem that requires concerted effort on the part of all Canadians to remedy. Fabrice Vil described systemic racism as a “multifactorial crisis,” noting that “each and every one of us is responsible.”¹⁵ Witnesses also emphasized that police services must work with the communities they serve to address and bring an end to systemic racism. Bryan Larkin, Chief of Police for the Waterloo Regional Police Service affirmed that: “tackling racism requires a concerted response from the entire community, including your police services.”¹⁶

2. ISSUES AND RECOMMENDATIONS

2.1 Accountability, Oversight and Transparency of the Royal Canadian Mounted Police

The importance of ensuring accountability, effective oversight and transparency of Canadian police services when seeking to remedy issues associated with systemic racism was a significant theme within the testimony heard by the Committee. It was expressed that police services need to be accountable to all members of the communities they serve.¹⁷

The Committee heard testimony raising concerns about the resources, powers and structure of the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police (CRCC). Witness testimony pointed to a lack of internal accountability within the RCMP for systemic racism, discrimination and related police misconduct, both in relation to services provided to the public and as problems arising within the RCMP workforce between members.

15 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1405 (Fabrice Vil, As an Individual).

16 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1215 (Chief Bryan Larkin, Chief of Police, Waterloo Regional Police Service, and member of the Drug Advisory Committee, Canadian Association of Chiefs of Police).

17 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1520 (Ruth Goba, Executive Director, Black Legal Action Centre).



2.1.1 Reforming Civilian Oversight for the Royal Canadian Mounted Police

The CRCC is an independent civilian complaints oversight body created by Parliament, which receives complaints from the public about the conduct of RCMP members and provides oversight of RCMP investigations into these complaints. The CRCC is also empowered to conduct systemic reviews and public interest investigations concerning RCMP conduct. In her testimony before the Committee, Michelaine Lahaie, Chairperson of the CRCC, highlighted several ongoing challenges the CRCC faces when accomplishing its mandate.

One of the challenges facing the CRCC highlighted in Chairperson Lahaie's testimony and brief to the Committee was the lack of legally enforceable timelines for response from the RCMP Commissioner to CRCC reports. When the CRCC authors a report following a review of a complaint or a hearing, an interim report is provided to the Commissioner of the RCMP setting out the CRCC's findings and recommendations. The Commissioner of the RCMP is then legally required to provide the Chairperson of the CRCC and the Minister of Public Safety and Emergency Preparedness a written response indicating any further actions that have been taken or will be taken concerning the complaint. If the Commissioner decides not to act on any of the findings in the report they must explain their reasons for doing so.¹⁸ Chairperson Lahaie expressed serious concern with the lack of mandated timelines for responses from the RCMP commissioner to CRCC reports. She noted that responses to interim reports took on average 17 months, and that in one case the commission has been waiting for over three years for a response.¹⁹ She indicated that while a memorandum of understanding has been entered into between the CRCC and the Commissioner to address timelines, legally codifying these response time requirements would assist in ensuring accountability.²⁰

A second concern raised by Chairperson Lahaie was the lack of accountability of the RCMP when working to implement the recommendations of the CRCC. She suggested that the Committee should consider creating an annual reporting requirement for the RCMP Commissioner to explain the status of implementation of the CRCC's recommendations.²¹ She contended that such a mechanism would increase the

18 *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10, s. 45.76.

19 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1110 (Michelaine Lahaie, Chairperson, Civilian Review and Complaints Commission for the RCMP).

20 *Ibid.*, 1115.

21 *Ibid.*

transparency of the RCMP’s response to the review process and provide a higher standard of accountability.

Other witnesses noted that the CRCC appears to have insufficient power to effect change. Lawyer Julian Falconer suggested that the CRCC can at present only provide recommendations and has no power to sanction or require changes to be made within the RCMP, so it cannot provide effective oversight.²² Kent Roach, Professor at the University of Toronto’s Faculty of Law, noted that the CRCC is “underfunded and underpowered,”²³ and that the *Royal Canadian Mounted Police Act*, which governs the CRCC and RCMP, “needs a fundamental rethink”²⁴ if the current system is to be improved. Vice-Chief Terry Teegee, Regional Chief of the British Columbia Assembly of First Nations, suggested that the *Royal Canadian Mounted Police Act* requires reform to provide more power to the CRCC.²⁵ Allen Benson, Chief Executive Officer of Native Counselling Services of Alberta, suggested creating clear consequences for police misconduct, including acts of excessive use of force, racism, and abuses of power, and suggested the CRCC needs the power to impose sanctions or consequences.²⁶

Another issue raised by several witnesses was a persistent lack of sufficient funding and resources for the CRCC to fulfil the important functions it serves.²⁷ In a brief submitted to the Committee by the CRCC, concerns were expressed that the number of citizen complaints regarding RCMP conduct have been increasing over the past years, leading to a requirement that more resources be devoted to the review of citizen complaints.²⁸ The CRCC is seriously underfunded and its lack of resources is a significant barrier preventing it from engaging in reviews of systemic problems or conducting public

22 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1355 (Julian Falconer, As an Individual).

23 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1610 (Kent Roach, Professor, Faculty of Law, University of Toronto, As an Individual).

24 Ibid.

25 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1115 (Vice-Chief Terry Teegee).

26 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1530 (Allen Benson, Chief Executive Officer, Native Counselling Services of Alberta).

27 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1620 (Kent Roach); SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1320 (Benson Cowan, Chief Executive Officer, Legal Services Board of Nunavut); Civilian Review and Complaints Commission for the RCMP, [Systemic Racism in Policing in Canada: Submission to the House of Commons Standing Committee on Public Safety and National Security](#), 2020, p. 6–7.

28 Civilian Review and Complaints Commission for the RCMP, [Systemic Racism in Policing in Canada: Submission to the House of Commons Standing Committee on Public Safety and National Security](#), 2020, p. 6.



interest investigations. The Committee heard that the CRCC must be adequately resourced to allow it to undertake this important work.²⁹

The Committee also heard that the current CRCC complaints system is overly complex, difficult to understand and navigate, and consequently inaccessible for those who might otherwise file complaints.³⁰ These concerns were echoed by Chairperson Lahaie, herself, who pointed out that the Commission interviewed members of many Indigenous communities about the lack of use of the CRCC's complaints system and learned that many were unaware of the system or lacked trust in it. She noted that the process can be "excessively bureaucratic and difficult to navigate."³¹ Indeed, concerns about lack of trust in police complaints systems were also raised by Jocelyn Formsma, Executive Director of the National Association of Friendship Centres, who noted these structures are "largely inaccessible"³² and explained that:

[P]eople 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.³³

Chairperson Lahaie explained that the CRCC has undertaken some steps to make the CRCC's process more accessible to the public, such as ensuring complaint forms are translated into multiple languages, including Inuktitut,³⁴ simplifying the complaint sheet and making staff members available to guide complainants through the process by phone.³⁵ However, she acknowledged "the commission still needs to do more to ensure greater accessibility, trust and transparency in the complaints process."³⁶ She suggested consultation with Indigenous and racialized communities to "identify and break down systemic barriers"³⁷ as an important next step.

29 Ibid., p. 6.

30 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1525 (Allen Benson).

31 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1110 (Micheline Lahaie).

32 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 7, 18 November 2020, 1655 (Jocelyn Formsma, Executive Director, National Association of Friendship Centres).

33 Ibid.

34 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1110 (Micheline Lahaie).

35 Ibid., 1200.

36 Ibid., 1110.

37 Ibid.

The Committee heard that independent complaints review and oversight bodies must themselves be diverse and representative of the communities they serve. Witnesses expressed that it is crucial that oversight and complaint structures include members of Indigenous and racialized communities as decision-makers and complaints investigators.³⁸ It was suggested that members of Indigenous communities and Northern communities should be appointed to the CRCC.³⁹ The Committee heard that, at present, the CRCC has an internal diversity and equity committee and a fairly diverse workforce, but lacks sufficient Indigenous representation.⁴⁰ Chairperson Lahaie suggested the CRCC could be improved by appointing Indigenous and racialized members.⁴¹

2.1.2 Discipline and Internal Accountability Within the Royal Canadian Mounted Police

The Committee heard from several witnesses that internal accountability and discipline within the RCMP and other police services is important to maintain public trust in policing. Accountability is necessary both in terms of how members of the RCMP provide services to the public, but also how they interact with fellow officers.

With respect to service provision to the public, members of the RCMP have legally binding responsibilities as members of the police service and must abide by a code of conduct.⁴² When RCMP members engage in misconduct they may be subject to disciplinary processes as internal accountability mechanisms within the police service. Viviane Michel, President of Québec Native Women Inc., suggested that accountability through disciplinary measures could be effective in preventing some forms of systemic racism and misconduct such as police brutality and racial profiling.⁴³ However, concerns were raised about the transparency of the disciplinary process for the RCMP. Christian Leuprecht, Professor at the Royal Military College of Canada's Department of Political Science, suggested that the RCMP should be required to make public all

38 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1525-1530 (Allen Benson).

39 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1320 (Benson Cowan).

40 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1130 (Micheline Lahaie).

41 Civilian Review and Complaints Commission for the RCMP, *Systemic Racism in Policing in Canada: Submission to the House of Commons Standing Committee on Public Safety and National Security*, 2020, p. 6.

42 *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10, ss. 37, 38.; *Royal Canadian Mounted Police Regulations, 2014*, SOR/2014-281, Schedule.

43 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1455 (Viviane Michel, President, Québec Native Women Inc.).



disciplinary decisions.⁴⁴ As Kanika Samuels-Wortley, Assistant Professor at Carleton University pointed out, transparency of disciplinary processes for police officers who engage in misconduct is required to assure members of the community that concerns raised about police conduct are being addressed.⁴⁵

The Committee heard some testimony about the adoption of body worn cameras as a tool to improve police accountability. Some witnesses supported the adoption of this technology to provide transparency in police interactions with the public. For example, Vice-Chief Teegee recommended increasing the use of body worn cameras in First Nations communities, along with access to the video records.⁴⁶ The testimony of Professor Kanika Samuels-Wortley, Robyn Maynard and Fabrice Vil included concerns that outcomes from research on their use is mixed at best with some studies supporting their use and others against it.⁴⁷

With respect to accountability for systemic racism and discrimination among RCMP officers, many witnesses provided testimony suggesting there is a lack of internal accountability. In a written submission to the Committee, Professor Leuprecht explained that there has been a lack of accountability within management. He noted that the Commissioner of the RCMP has the option of whether or not to seek the advice of the civilian Management Advisory Board for the RCMP, which is intended to provide expert advice on the management and administration of the RCMP, and that where advice is sought the Commissioner may or may not act on it.⁴⁸ He expressed that there is “no transparency”⁴⁹ in this process. Furthermore, he expressed that there needs to be accountability for middle management in the RCMP who are made aware of claims of harassment and discrimination and fail to act to hold those who report to them accountable.⁵⁰

44 Christian Leuprecht, *Submission Re: SECU hearings on Systemic Racism in Policing in Canada*, 24 July 2020.

45 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1750 (Kanika Samuels-Wortley, Assistant Professor, Carleton University, As an Individual).

46 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1115 (Vice-Chief Terry Teegee).

47 SECU, *Evidence*, 2nd Session 43rd Parliament, Meeting 8, 23 November 2020, 1755 (Robyn Maynard, Author, As an Individual); SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1735 (Kanika Samuels-Wortley); SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1435 (Fabrice Vil).

48 Christian Leuprecht, *Submission Re: SECU hearings on Systemic Racism in Policing in Canada*, 24 July 2020.

49 Ibid.

50 Ibid.

Alain Babineau suggested that internal mechanisms within the RCMP to address systemic discrimination and systemic racism have been “wholly inefficient,”⁵¹ including both harassment complaints and grievance processes. Alain Babineau and the Hon. Michel Bastarache suggested that the RCMP does not appear to be capable of addressing systemic discrimination within the organization itself,⁵² suggesting change must be imposed and overseen externally.

Therefore, the Committee recommends:

Recommendation 1

That the Government of Canada clarify and strengthen the mandate, independence and efficacy of the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police (CRCC) by:

- **substantially increasing its annual funding to ensure sufficient resources for both complaint reviews and systemic reviews;**
- **amending the *Royal Canadian Mounted Police Act* to:**

empower the CRCC to, when conducting investigations of the Royal Canadian Mounted Police (RCMP) that raise a reasonable belief that the matter involves criminal conduct, refer cases to the appropriate body responsible for criminal investigations of police conduct or recommend to the relevant authorities that criminal charges be laid;

create statutory timelines for responses by the RCMP Commissioner to CRCC reports, codifying the schedule established in Appendix A of the Memorandum of Understanding between the CRCC and the RCMP;

require the Commissioner of the RCMP to report annually to the Minister of Public Safety and Emergency Preparedness describing steps taken to implement CRCC recommendations and require this report to be tabled in Parliament; and

require the CRCC to publish its findings and recommendations or a summary thereof in respect of all complaints in a manner that protects the identity of the complainant.

51 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 11, 7 December 2020, 1545 (Alain Babineau).

52 Ibid., 1630; Hon. Michel Bastarache, *Broken Dreams Broken Lives: The Devastating Effects of Sexual Harassment on Women in the RCMP*, 11 November 2020, p. viii.



Recommendation 2

That the Government of Canada increase the accessibility and transparency of the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police review process by:

- **reforming the process for initiating a complaint with the CRCC to make it easier to navigate;**
- **ensuring the independent review process is explained in a detailed and accessible format, including information about when the CRCC has completed its interim report and when the RCMP's review of the report began and was completed;**
- **making sure the progression of a review and the reports involved in it are transparent and publicly available with few exceptions; and**
- **publicly specifying the conditions for all exceptions to public accessibility and transparency.**

Recommendation 3

That the Government of Canada ensure the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police review process allows for meaningful and engaged Indigenous participation and holds the RCMP accountable for wrongful, negligent, reckless, or discriminatory behaviour towards Indigenous people by requiring the CRCC to:

- **consult with local Indigenous groups where complaints or systemic reviews involve Indigenous complainants;**
- **include Indigenous investigators and decision makers in the CRCC; and**
- **ensure Indigenous investigators are involved where the complaint involves Indigenous people.**

Recommendation 4

That the Government of Canada appoint Indigenous, Black and other racialized people, and residents of Northern communities to the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police, and to investigations and leadership positions within that organization.

Recommendation 5

That the Government of Canada mandate that the Royal Canadian Mounted Police implement effective ongoing training and disciplinary policies for RCMP officers in order to prevent excess use of force, systemic racism and racial profiling, and require the RCMP to publish and publicly disclose all disciplinary decisions.

Recommendation 6

That the Government of Canada in collaboration with the Royal Canadian Mounted Police introduce requirements for management at all levels to report and act on internal harassment complaints, with clear and appropriate consequences for failing to do so, and to provide appropriate supports, including mental health supports, for officers who come forward with a complaint.

Recommendation 7

That the Royal Canadian Mounted Police provide to Parliament, annually for three years, a report on the progress of the implementation of the recommendations in this report.

2.2 Structure and Governance of the Royal Canadian Mounted Police and Other Police Services

2.2.1 Structural and Cultural Modernization of Canadian Police Services

When explaining how to address systemic racism in Canadian police services, several witnesses suggested that examining the structure and governance of police services is crucial. The Committee heard from police chief witnesses who described the structural and systemic reforms they are working to implement within their police services. They also described the principles animating their attempts to combat systemic racism through internal reforms. For example, Chief Nishan Duraiappah of the Peel Regional Police expressed:

I, along with a consortium of the willing, am making bold and meaningful changes. We understand that the willingness to step out and implement changes to drive out systemic racism, without fear of failure, is required and expected. Therefore, in Peel Regional Police I have committed to a shift from traditional law enforcement to a pro-public health model rooted in human rights.

I'm adopting and implementing the following principles under a systemic change framework. I've initiated a systems review of all our directives and policies under a diversity, equity and inclusion lens. I'm developing leadership, both formal and informal,



with police members, so they are ready to challenge racism in its various forms, critically and courageously, wherever they come across it.⁵³

Additionally, Chief Dale McFee of the Edmonton Police Service, expressed that as police services work to address systemic racism their operational or organizational structures need to be considered from a new perspective and partnerships with community members, service providers and academia are needed to ensure changes to policies and procedures are evidence-based.⁵⁴

However, Chief Duraiappah acknowledged that not all police services are engaged in reform efforts.⁵⁵ Witnesses including Kent Roach, Christian Leuprecht and Julian Falconer informed the Committee that some police services in Canada, including the RCMP, are paramilitary in nature⁵⁶ and civilian oversight may be necessary to effect the needed reforms.⁵⁷ Indeed, Professor Leuprecht, expressed the opinion that:

[L]eadership alone cannot and will not fix the issue. We have over 40 years of research in political sociology to show that bureaucracies reproduce themselves; in the process, they also reproduce their institutional culture and problems.⁵⁸

2.2.2 Structure and Governance of the Royal Canadian Mounted Police: Civilianization and Professionalization

The Committee heard that the RCMP has a senior management and leadership model that has remained unchanged for decades.⁵⁹ Several witnesses suggested that the RCMP needs to be reformed to include civilian leadership and influence.⁶⁰ For example, Professor Leuprecht expressed that the RCMP senior leadership and management

53 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1210 (Chief Nishan Duraiappah, Chief of Police, Peel Regional Police).

54 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1235 (Chief Dale McFee, Chief of Police, Edmonton Police Service).

55 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1210 (Chief Nishan Duraiappah).

56 Ibid., 1210 (Julian Falconer); SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1610 (Kent Roach); Christian Leuprecht, *Submission Re: SECU hearings on Systemic Racism in Policing in Canada*, 24 July 2020, p. 2.

57 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1210 (Julian Falconer).

58 Christian Leuprecht, *Submission Re: SECU hearings on Systemic Racism in Policing in Canada*, 24 July 2020, p. 2.

59 Ibid.

60 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1150 (Rick Parent, As an Individual); SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1400 (Julian Falconer).

should be civilianized, leaving uniformed members to run police operations but not the entire organization.⁶¹ He pointed out that fields like policy, communications, human resources, and finance are specialized areas in which uniformed police officers have no comparative advantage beyond civilians,⁶² and that civilianization has an added benefit of improving diversity and representativeness of law enforcement organizations because members of some racialized or Indigenous communities are reticent to join police services as sworn members.⁶³ He also suggested that in restructuring the RCMP, it should be given separate employer status from the government.⁶⁴

Additionally, many witnesses pointed to a need to transform the RCMP's structure away from a paramilitary model and towards a professional model. For example, Professor Leuprecht suggested that the RCMP needs "a completely different training regime"⁶⁵ and "a separate career and professional development framework and path for officers."⁶⁶ Professor Roach advocated for an abandonment of the paramilitary model of policing and a move towards "an educated, professional model."⁶⁷ Specific concerns were raised about the structure of RCMP training, wherein all recruits are required to go through basic training at Depot Division, the RCMP's training academy in Regina, Saskatchewan. The Committee heard that Depot Division also provides training to members of other police services, including basic training for some Indigenous police services, followed by training in the community.⁶⁸ Professor Roach suggested that training at Depot Division can make the RCMP less "flexible"⁶⁹ and specialized in the sense of being adaptable to the wide variety of policing services performed in the diverse communities served.⁷⁰ Similarly, Professor Leuprecht expressed that:

61 Christian Leuprecht, [Submission Re: SECU hearings on Systemic Racism in Policing in Canada](#), 24 July 2020, p. 5.

62 Ibid., p. 5.

63 Ibid., p. 6.

64 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1105 (Christian Leuprecht, Professor, Department of Political Science, Royal Military College of Canada, As an Individual).

65 Ibid.

66 Ibid.

67 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1610 (Kent Roach).

68 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1550 (Chief Dwayne Zacharie, President, First Nations Chiefs of Police Association).

69 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1640 (Kent Roach).

70 Ibid.



Depot [...] socializes a certain type of command and control mindset. Starting with a complete overhaul of the curriculum and the training regime at Depot would, I think, also effect change.⁷¹

The Hon. Michel Bastarache has described the training provided at Depot Division as “para-military training”⁷² and explained that claimants he interviewed for the Merlo-Davidson class action lawsuit against the RCMP for sexual harassment and gender or sexual orientation based workplace discrimination described sexual abuse, harassment, and discrimination at Depot Division during basic training.⁷³ Claimants also suggested the training provided at Depot Division was comparably worse than other police training academies in Canada, because the program was structured to break a person down in order to rebuild them, rather than to build them up to become the best police officer they can be.⁷⁴

Suggestions were also put forward by witnesses to address the problems with the current RCMP training structure. Notably, in a brief submitted to the Committee, the Assembly of First Nations recommended reforming RCMP training away from “a paramilitary force trained in isolation”⁷⁵ and towards the provision of training for RCMP officers within the communities they will serve. Witnesses also suggested the creation of a national policing college to ensure that the RCMP and other police services receive specialized, professional and evidence-based training. For example, Senator Vernon White, a former Assistant Commissioner of the RCMP, described the College of Policing model employed in the United Kingdom, which is a professional body the purpose of which is to “provide those working in policing with the skills and knowledge necessary to prevent crime, protect the public and secure the public trust.”⁷⁶ He noted that the College of Policing is engaged in knowledge production through research and acquiring evidence of what works, providing education to support

71 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1135 (Christian Leuprecht).

72 Hon. Michel Bastarache, *Broken Dreams Broken Lives: The Devastating Effects of Sexual Harassment on Women in the RCMP*, 11 November 2020, p. iv.

73 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 10, 2 December 2020, 1620 (Hon. Michel Bastarache, Legal Counsel, As an Individual).

74 Hon. Michel Bastarache, *Broken Dreams Broken Lives: The Devastating Effects of Sexual Harassment on Women in the RCMP*, 11 November 2020, p. 66.

75 Assembly of First Nations, *Submission to the House of Commons Standing Committee on Public Safety and National Security: Study on Systemic Racism in Police Services in Canada*, 7 August 2020.

76 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1610 (Hon. Vernon White, Senator, CSG).

professional development and setting standards for police services and members based on the best available evidence.⁷⁷

In addition to civilianization and concerns with training, the Committee also heard from witnesses who felt the RCMP does not appropriately respond to the needs of the communities they serve through contract policing. For example, Professor Samuels-Wortley explained that police services must be attuned to the needs of each community because particular communities will have their own unique issues and concerns that must be dealt with. Consequently, the RCMP may not have the capacity to police areas where they are not familiar with community concerns.⁷⁸ Professor Roach suggested that the RCMP should not rely on a top-down governance model when engaged in contract policing, but suggested that local governance structures are necessary to provide local control over policing services.⁷⁹

2.2.3 Supporting the Professionalization and Specialization of Indigenous Police Services

The federal government, through its role in the First Nations Policing Program, plays a part in ensuring Indigenous police services have the support and resources necessary to operate. The Committee heard that Indigenous police services have unique policing models tailored to the particular communities they are a part of and provide services to.⁸⁰ However, Chief Dwayne Zacharie, President of the First Nations Chiefs of Police Association, expressed to the Committee that he sometimes feels that Indigenous police officers are “treated as second-class citizens in the policing realm”⁸¹ because there is a lack of training opportunities available to Indigenous police services, including a lack of advanced training.

Additionally, the Committee heard that some Indigenous communities are developing new and innovative policing structures to help bridge the gap between community members and police services. For example, Chief Doris Bill of the Kwanlin Dün First Nation, described the “Community Safety Officers” Program that her community has

77 Ibid.

78 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1725 (Kanika Samuels-Wortley).

79 Ibid., 1610 (Kent Roach).

80 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1545 (Chief Dwayne Zacharie).

81 Ibid., 1550.



developed.⁸² The Community Safety Officers Program is an innovative program designed to strengthen relationships between the community and the RCMP who provide policing services to them.⁸³ It involves Indigenous people and community members trained as community safety officers who work to provide early detection, de-escalation and culturally responsive services.⁸⁴ The program does not replace traditional police services, but assists in conflict resolution, freeing up police officers to do other work. Chief Bill explained that the community safety officers are known and trusted by the community:

They have roots and ties to these people. Our people know that they can go to them and trust them. They work alongside the RCMP officers, and they act as a liaison between the officers and the communities they serve.⁸⁵

She noted that the program has produced positive results, saving time and money, and that “calls to services have been reduced significantly since the program started.”⁸⁶ It has provided an alternative for the community to address issues on their own, without always relying on the RCMP.⁸⁷

However, Chief Bill also noted that there have been funding challenges. The program is funded by the federal government, Yukon government, and the First Nation’s own resources, but because it is a community-based initiative rather than a law enforcement organization it doesn’t neatly fit within particular funding programs.⁸⁸

In sum, the Committee heard evidence suggesting the structure and governance of the RCMP should be modernized, civilianized and professionalized and evidence suggesting additional support should be provided for the professionalization and specialization of Indigenous police services.

Therefore, the Committee recommends:

82 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1415 (Chief Doris Bill, Chief, Kwanlin Dün First Nation).

83 Ibid.

84 Ibid., 1420; Ibid., 1435.

85 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1435 (Chief Doris Bill).

86 Ibid., 1420.

87 Ibid., 1435.

88 Ibid., 1500.

Recommendation 8

That the Royal Canadian Mounted Police be transitioned away from a para-military force into a police service model with civilian oversight through a new national oversight board with a legislated mandate to make this transition and the changes required to ensure that policies, practices, procedures, and operations are free from systemic bias and discrimination and that individual acts of discrimination and racism are not tolerated.

Recommendation 9

That the Government of Canada, in consultation with Indigenous, Black, and other racialized people, create a National Police College to provide preparation, training and education necessary for modern, professional and bias-free policing, including:

- **course offerings for continuing education, professionalization and specialization;**
- **the provision of high quality cultural diversity training for Royal Canadian Mounted Police recruits and other interested police services members; and**
- **mandatory crisis resolution and psychology courses.**

Recommendation 10

That the Government of Canada explore the possibility of ending contract policing within the Royal Canadian Mounted Police and that the Government work with the provinces, territories and municipalities to help those interested establish their own provincial and territorial police services.

Recommendation 11

That the Government of Canada provide funding to all Indigenous communities who are interested in Community Safety Officer programs based upon the Kwanlin Dün First Nation model.



2.3 Provision of Policing Services to Indigenous Communities and the First Nations Policing Program

2.3.1 Colonialism and Indigenous Peoples' Experiences of Systemic Racism in Policing

The Committee heard evidence from First Nations, Inuit, and Métis organizations, Indigenous community leaders and First Nations police service providers who testified about the role police services, including the RCMP, have played in Canada's history of colonialism and the traumatic impact this has had on Indigenous communities and individuals.

Vice-Chief Teegee expressed:

For many years, since colonization began, the police force was used to take our people off the land. More recently, with the advent of the residential school policies, many of our children were taken from our homes and brought to residential schools.

In my language, Dakelh, the Carrier language, we call the RCMP nilhchuk-un, which, interpreted in our language, is "those who take us away". Really, it was the RCMP who took our children away. In many respects, that's the way we still see the RCMP.⁸⁹

With respect to the experience of her community, Chief Bill of the Kwanlin Dün First Nation expressed that citizens had made clear that "there remained a strong distrust of police"⁹⁰ owing to the trauma police had caused through their participation in enforcing child apprehensions during the Sixties Scoop, enforcing the residential schools program, forcing the relocation of Indigenous peoples and the failures to adequately respond to missing and murdered Indigenous women and girls.⁹¹ As Chief Ghislain Picard of the Assembly of First Nations, Québec-Labrador described, "it was the police who abducted our children and forced them into residential schools. It was the police who prevented our peoples from participating in their ceremonies and practising their spirituality."⁹² While the Committee heard descriptions of historical injustices perpetrated by police agencies, witnesses also described current experiences of systemic racism against Indigenous peoples. Chief Picard explained that studies have confirmed that First Nations people are more likely to be detained by police following an arrest, often due to

89 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1115 (Vice-Chief Terry Teegee).

90 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1415 (Chief Doris Bill).

91 Ibid.

92 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1405 (Chief Ghislain Picard).

prejudice and racism, to be detained for longer periods of time and to be sentenced to longer terms of imprisonment than other Canadians.⁹³ They are also more likely to be imprisoned for non-payment of fines, and more likely to be killed in police operations.⁹⁴

The Committee heard from witnesses that the Inuit have had a unique and relatively recent experience of being policed by the RCMP. As Gerri Sharpe, Vice-President of Pauktuutit Inuit Women of Canada explained, the RCMP only began policing the North shortly before she was born.⁹⁵ As she described:

In just a few decades, we underwent a profound transformation in our lives and livelihood, transformation that was organized by colonial forces outside of our control. The RCMP played a key role in these operations. They relocated us from permanent settlements to permanent settlements, transported Inuit children to residential schools and slaughtered Inuit sled dogs.

Simply put, in Inuit Nunangat, policing is a structure built on systematic racism. This is a culture with deeply held views resulting in failed responses to the violence that Inuit women and girls experience.

Inuit communities have an inclusive culture, but policing has another, built on colonialism.⁹⁶

The Committee heard that in Inuit Nunangat, the homeland of the Inuit, which extends across the Northwest Territories, Nunavut, Nunavik (within the province of Québec) and Nunatsiavut (within Newfoundland and Labrador), the Inuit disproportionately experience police violence as compared to other Canadians and are faced with challenges accessing justice.⁹⁷ The RCMP polices all of Inuit Nunangat with the exception of Nunavik, which is policed by the Kativik Regional Police Service. Natan Obed, President of Inuit Tapiriit Kanatami, explained that the police service is “largely itinerant,”⁹⁸ lacking significant representation of Inuit, and without any “clear connection to community.”⁹⁹ Aluki Kotierk, President of Nunavut Tunngavik Inc. described “a

93 Ibid.

94 Ibid.

95 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1715 (Gerri Sharpe, Vice-President, Pauktuutit Inuit Women of Canada).

96 Ibid.

97 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1120 (Natan Obed, President, Inuit Tapiriit Kanatami).

98 Ibid.

99 Ibid.



relationship of distrust between Nunavut Inuit and the RCMP”¹⁰⁰ that had evolved from the historical role RCMP officers played in Nunavut to the present day. As she explained:

There is no doubt that the relationship between Nunavut Inuit and the RCMP is complex and strained. The RCMP was instrumental in relocating Inuit families into communities; the RCMP was instrumental in sending Inuit children to residential schools; the RCMP was instrumental in the slaughter of Inuit sled dogs.¹⁰¹

She noted that “[t]oday, many of the social and economic challenges experienced by Inuit are rooted in the loss of power and control caused by much of the colonial relationship.”¹⁰² Furthermore, she expressed that “The RCMP does not understand our culture, nor does it understand our language.”¹⁰³ Natan Obed explained there is no Inuit-specific control over police services provided in their communities and the RCMP lacks a relationship with the community, which results in problems of over-policing, under-policing and excessive use of force.¹⁰⁴ Gerri Sharpe explained that police services in Inuit Nunangat suffer from under-staffing, short postings and a lack of cultural competence and familiarity with the local culture, language barriers, and insufficient resources and wrap-around community services.¹⁰⁵ She pointed the Committee to recommendations in the Pauktuutit Inuit Women of Canada’s report, *Addressing Gendered Violence against Inuit Women: A review of police policies and practices in Inuit Nunangat*, which specifically recommends that the federal government “ensure that all regions of Inuit Nunangat have effective and substantively equitable policing services.”¹⁰⁶

With respect to the experiences of Métis communities with law enforcement, the Committee heard from Melanie Omeniho, President of the Women of the Métis Nation – Les Femmes Michif Otipemisiwak, who explained that:

Canada has a long history of policies and practices that have institutionalized racism toward Métis women, girls and gender-diverse people. While the current government is

100 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1125 (Aluki Kotierk, President, Nunavut Tunngavik Inc.).

101 Ibid.

102 Ibid., 1405.

103 Ibid., 1125.

104 Ibid., 1140 (Natan Obed).

105 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1715 (Gerri Sharpe).

106 Pauktuutit Inuit Women of Canada and Elizabeth Comack, *Addressing Gendered Violence against Inuit Women: A review of the police policies and practices in Inuit Nunangat*, Ottawa: Pauktuutit Inuit Women of Canada, 2020, p. 111.

working towards reconciliation, many discriminatory policies and practices still exist today and have not been addressed yet.¹⁰⁷

She described that studies have shown many Métis grow up in households where they witness or experience violence and substance abuse, and many have family members involved with the criminal justice system.¹⁰⁸ Métis men and women are also targeted by police practices like carding,¹⁰⁹ a form of racial profiling. She emphasized the need to address the over-representation of Métis in crime and victimization by developing policing that builds trust with Métis communities and is responsive to the distinct needs and culture of the Métis.¹¹⁰

The Committee's attention was drawn by many witnesses to the existence of several previous reports addressing, at least in part, ongoing problems with the provision of policing services to Indigenous communities and individuals. Many of these reports provide recommendations aimed at addressing systemic racism. With respect to the relationship between First Nations peoples in Canada and law enforcement, Chief Picard expressed:

Since 1967, at least 13 reports have examined this relationship. They have addressed all facets of the situation. Countless research reports have examined the issue. In every case, the conclusion is the same: Canada has failed.¹¹¹

Examples of such reports, include the Truth and Reconciliation Commission's reports,¹¹² and *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*.¹¹³ Witnesses expressed dismay that many of the recommendations contained in previous reports have not yet been actioned and demanded these recommendations be acted upon.

While Indigenous experiences with colonial police services have been marked by violence and distrust, witnesses reminded the Committee that prior to colonization Indigenous communities had their own models of law and policing which ought to be

107 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1610 (Melanie Omeniho, President, Women of the Métis Nation – Les Femmes Michif Otipemisiwak).

108 Ibid.

109 Ibid.

110 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1615 (Melanie Omeniho).

111 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1405 (Chief Ghislain Picard).

112 See: *Truth and Reconciliation Commission of Canada: Calls To Action*, Truth and Reconciliation Commission of Canada, 2015.

113 See: *Calls for Justice*, National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019.



upheld.¹¹⁴ Jeffrey Schiffer, Executive Director of Native Child and Family Services of Toronto, explained that:

[E]ach First Nation, along with Métis and Inuit people, has very long traditions of justice and public safety within their own cultures. For thousands of years before contact, they had systems established to maintain community safety and wellness and address crime in their communities. I think we have some good models there that are still alive and well within the knowledge base of the Indigenous people and that can be brought into the contemporary scenario to develop things.¹¹⁵

Witnesses emphasized that First Nations groups must be provided with clear jurisdiction over policing in their own communities.¹¹⁶ Furthermore, as Natan Obed, President of Inuit Tapiriit Kanatami expressed, policing must be characterized by self-determination with each community shaping its own path forward¹¹⁷ He explained that Inuit Tapiriit Kanatami could not take a position on whether Inuit police services should be formed to serve Inuit communities as consultations had not yet been conducted by the Board.¹¹⁸ He also highlighted the importance of Inuit participation in the review of policing governance structures to ensure the views and perspectives of community members are not sidelined when determining a path forward.¹¹⁹ Additionally, the Committee heard from Gerri Sharpe that the Pauktuutit Inuit Women of Canada had not yet conducted consultations within the Inuit community concerning whether the RCMP should continue to police the regions of Inuit Nunangat to which it currently provides contract policing services.¹²⁰

Vice-Chief Teegee asserted that the rights to sovereignty and self-determination enshrined in the *United Nations Declaration on the Rights of Indigenous Peoples*¹²¹ are applicable to policing.¹²²

114 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1110 (Vice-Chief Terry Teegee).

115 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1605 (Jeffrey Schiffer, Executive Director, Native Child and Family Services of Toronto).

116 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1115 (Vice-Chief Terry Teegee).

117 *Ibid.*, 1200 (Natan Obed).

118 *Ibid.*, 1205.

119 *Ibid.*, 1120 (Natan Obed).

120 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1745 (Gerri Sharpe).

121 [United Nations Declaration on the Rights of Indigenous Peoples](#), resolution adopted by the General Assembly, 2 October 2007, A/RES/61/295.

122 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1200 (Vice-Chief Terry Teegee).

2.3.2 Indigenous Policing and the First Nations Policing Program

The Committee heard that all Indigenous communities should have access to the support necessary to develop their own police services that reflect and respond to their communities' particular culture and needs.¹²³ To this end, Vice-Chief Teegee called for better cooperation between the provincial and federal governments to support Indigenous policing.¹²⁴

The federal government plays a central role in providing the resources necessary for Indigenous communities to establish their own police services through the First Nations Policing Program. This program, which was established in the early 1990s, provides a structure whereby First Nations and Inuit communities can enter into agreements for various forms of police services responsive to the needs of their communities. The program predominantly works through two types of agreements:

- self-administered Police Service Agreements: whereby a First Nation or Inuit community manages its own police service, regulated by provincial policing laws; and
- community Tripartite Agreements: whereby RCMP police officers are contracted to provide policing services to a First Nations or Inuit community.¹²⁵

Funding for the First Nations Policing Program is provided by the federal and provincial governments on a program basis leading to funding uncertainty and instability for these police services. For example, Terry McCaffrey, Chief of Police for the Wikwemikong Tribal Police Service and President of the Indigenous Police Chiefs of Ontario, expressed that Ontario's self-administered First Nations police services are "chronically underfunded"¹²⁶ and First Nations officers are forced to work under conditions other officers would never be subjected to.¹²⁷ Both Chief Picard and Chief McCaffrey advocated that Indigenous police services need to be funded on parity with non-Indigenous services.¹²⁸ As Julian Falconer expressed, with respect to the status of Indigenous police services:

123 Ibid., 1110; SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1550 (Chief Dwayne Zacharie); SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1355 (Julian Falconer).

124 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1110 (Vice-Chief Terry Teegee).

125 Public Safety Canada, *Policing in Indigenous Communities*.

126 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9 23 July 2020, 1410 (Chief Terry McCaffrey, Chief of Police, Wikwemikong Tribal Police Service, and President, Indigenous Police Chiefs of Ontario).

127 Ibid.

128 Ibid.; SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1425 (Chief Ghislain Picard).



“Indigenous people are entitled to equity, and they are entitled to safety backed by the rule of law.”¹²⁹

The Committee heard evidence about the results of insufficient funding and support for Indigenous police services. Professor Roach highlighted in his testimony that the number of autonomous Indigenous police services (i.e. police services with self-administered police service agreements) in Canada has been declining over recent years, rather than growing.¹³⁰ He expressed that “[s]uch police services need resources and the freedom to work with others in the community, and hopefully to take over policing from the RCMP, OPP [Ontario Provincial Police] and the Sûreté [Sûreté du Québec].”¹³¹

Many witnesses articulated the need for Indigenous police services to be made “essential services,”¹³² and the need for an Indigenous policing framework to be established, in order to ensure these services are provided stable long-term funding like other Canadian police services. The Hon. Bill Blair, Minister of Public Safety and Emergency Preparedness, testified before the Committee that one of his mandate priorities is to “co-develop a legislative framework that recognizes First Nations policing as an essential service.”¹³³ However, John Paul, Executive Director of the Atlantic Policy Congress of First Nations Chiefs Secretariat, cautioned the Committee that unless a change to “essential service” status includes sufficient financial resources and the “governance and inclusiveness”¹³⁴ required for success, it may fail to achieve results as has occurred with previous policing strategies.

In addition to concerns about program status and funding, the Committee heard that Indigenous Police Services have been set up to fail, in part by a lack civilian oversight structures.¹³⁵ With respect to the provision of policing services for Indigenous communities, the Committee heard that it is important to include Indigenous people in

129 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1335 (Julian Falconer).

130 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1610 (Kent Roach). See also: Kimberly Murray et al., [Towards Peace, Harmony, and Well-Being: Policing in Indigenous Communities](#), Ottawa: Council of Canadian Academies, 2019, pp. 91–93.

131 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1610 (Kent Roach).

132 Ibid.; SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1410 (Chief Terry McCaffrey); SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1530 (Allen Benson); SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1335 (Julian Falconer).

133 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 7, 23 June 2020, 1705 (Hon. Bill Blair, Minister of Public Safety and Emergency Preparedness).

134 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 7, 18 November 2020, 1625 (John Paul, Executive Director, Atlantic Policy Congress of First Nations Chiefs Secretariat).

135 Ibid.

the design of how policing is delivered.¹³⁶ This would include Indigenous police oversight structures, as police oversight is intended to ensure accountability to the particular community served.

Despite the considerable challenges Indigenous police services have faced, the Committee heard that First Nations police services have managed to build relationships of trust with the communities they serve and are a part of; relationships which are often absent in other police services.¹³⁷ The Committee heard evidence of the successes of Indigenous police services. For example, in a brief provided by Grand Chief Alvin Fiddler on behalf of the Nishnawbe Aski Nation, it was highlighted that in the 26-year history of the Nishnawbe Aski Police Service there have not been any police shooting deaths.¹³⁸ Julian Falconer also suggested that the unique structure of Indigenous police services could serve as a model or learning opportunity for “conventional” police services.¹³⁹

2.3.3 Policing Services for Urban Indigenous Populations

Providing culturally appropriate and culturally informed services for Indigenous people living in urban centres was described by witnesses as a particular challenge because of the inherent diversity within Canadian cities. Over half of Canada’s Indigenous population, one quarter of the Inuit population and nearly two thirds of the Métis population live in metropolitan areas.¹⁴⁰

Melanie Omeniho explained to the Committee that designing Indigenous policing solutions for Métis communities poses an added challenge, because unlike some First Nations communities that have developed their own police services, the Métis do not live in one geographical location.¹⁴¹ However, she explained that the Métis Nation and its governments are looking towards developing their own justice processes and relationship building is necessary between the police services and the Métis Nation to improve the current system.¹⁴²

136 Ibid.

137 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1415 (Chief Terry McCaffrey).

138 See: Grand Chief Alvin Fiddler, Nishnawbe Aski Nation, *Submission of Nishnawbe Aski Nation to the Standing Committee on Public Safety and National Security*, 31 July 2020.

139 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1335 (Julian Falconer).

140 Statistics Canada, “*Aboriginal peoples in Canada: Key results from the 2016 Census*,” 25 October 2017.

141 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1640 (Melanie Omeniho).

142 Ibid.



Many witnesses expressed that training and funding is required to ensure urban police services can develop appropriate services for urban Indigenous populations. Vice-Chief Teegee highlighted the importance of ensuring police services operating in urban centres have appropriate training from an Indigenous point of view about the lived experience of colonization, in addition to mental health and addiction training, because many cases of incarceration of Indigenous people and police-involved deaths occur in cities.¹⁴³ Additionally, Chris Sheppard, Board President of the National Association of Friendship Centres, testified that his organization has conducted a literature review of reports and recommendations concerning Indigenous justice. Three themes emerged from this review of recommendations made in previous reports, including : 1) “training and educating non-Indigenous people about Indigenous history, heritage, culture, identity, rights, laws, and current realities”¹⁴⁴; 2) “increased funding to Indigenous communities as well as to public programs and organizations whose objective is to benefit Indigenous peoples”¹⁴⁵; and 3) “increasing participation of Elders within the justice system.”¹⁴⁶ He expressed that:

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.¹⁴⁷

Witnesses described some potential avenues for reform to ensure urban Indigenous populations have access to culturally relevant and responsive services. For example, Chief Zacharie suggested that urban police services could develop an integrated unit that would work with Indigenous communities and could employ a similar model to those found in Indigenous police services.¹⁴⁸ Michèle Audette, former Commissioner of the National Inquiry into Missing and Murdered Indigenous Women and Girls, pointed out that some policing organizations face difficulty attracting Indigenous staff and expressed

143 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1205 (Vice-Chief Terry Teegee).

144 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 7, 18 November 2020, 1615 (Christopher Sheppard, Board President, National Association of Friendship Centres).

145 Ibid.

146 Ibid.

147 Ibid.

148 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1555 (Chief Dwayne Zacharie).

that when transitioning to involve more Indigenous people within these organizations it is important to ensure police organizations are ready and open to change.¹⁴⁹ She suggested hiring those with expertise such as elders or other Indigenous staff, noting some police services have seen success hiring Indigenous people to patrol, which can build confidence and ensure successful interventions.¹⁵⁰

Therefore, the Committee recommends:

Recommendation 12

That the Government of Canada work with Indigenous peoples to prioritize action on all recommendations by commissions and inquires regarding systemic racism against Indigenous peoples in policing and the justice system with the aim of implementing the unfulfilled recommendations, with attention to the recommendations from the *Truth and Reconciliation Commission: Calls to Action* and *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* that relate to policing.

Recommendation 13

That the Government of Canada, through consultation and partnership with First Nations, Inuit and Métis communities, and recognizing that decisions surrounding policing must be community driven, develop an Indigenous Police Services Framework designed to promote self-determination and self-governance over policing to Indigenous communities; this framework should include:

- **the designation of Indigenous police services as essential services and a requirement that they are adequately resourced;**
- **provision for the co-development, in consultation and cooperation with Indigenous peoples, of a model of civilian oversight for Indigenous police services, with the authority to audit such services and investigate claims of police misconduct; and**

149 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 7, 18 November 2020, 1735 (Michèle Audette, As an Individual).

150 Ibid.



- a commitment for the provision of sufficient funding and support to enable all interested Indigenous communities to develop Indigenous police services.

Recommendation 14

That the Government of Canada in collaboration with First Nations, Métis and Inuit communities and through negotiation, and in consultation with Indigenous leaders and organizations, offer to create specialized training rooted in Indigenous cultural knowledge and history.

Recommendation 15

That with the financial support of the Government of Canada, Indigenous policing models be developed in urban communities with significant Indigenous populations, in consultation and cooperation with local Indigenous people and local police authorities, to cooperate in policing, with:

- advisory bodies resourced and financed appropriately;
- Indigenous policing units within the urban police services;
- special patrols with Indigenous officers or community support;
- or such other models or arrangements that are appropriate to the local circumstances as may be agreed upon.

Recommendation 16

That the Government of Canada provide necessary resources and work with Inuit stakeholders on an Inuit led consultation within Inuit communities on the most appropriate and effective model of policing of Inuit communities, should they desire to undertake such consultations.

2.4 The Impact of Systemic Racism in Policing on Indigenous Women, Girls and LGBTQ2S+ People

In the course of its study, the Committee heard from many witnesses about the particular impact systemic racism in policing has had on racialized and Indigenous women, girls, and LGBTQ2S+ people. For example, Viviane Michel, explained the differential impact colonialism has had on Indigenous women:

Although colonialism impacted both men and women, the effects were not the same. Colonization was a gendered process that produced insidious stereotypes about Indigenous women, objectifying them. This has resulted in Indigenous women being doubly discriminated against; in addition to racism, they endure sexism.¹⁵¹

The effect of systemic racism on Indigenous and racialized women and girls includes both disproportionate exposure to police discrimination, such as racial profiling and excessive use of force by police during encounters when compared with other women, but also a failure of police agencies to protect these women from gender-based violence and homicide, or to investigate and respond appropriately to their criminal victimization.

2.4.1 The Impact of Police Violence, Racial Profiling and Other Misconduct on Indigenous Women

Witnesses shared with the Committee that Indigenous women have been subject to racism in policing through police brutality and abuse of authority, including excessive use of force and assault, sexual abuse, inappropriate behaviour, and failure to assist victims or inaction in cases of sexual violence.¹⁵² Additionally, Ms. Michel noted that there have been reports of Indigenous women being subject to racial profiling, leading to abusive and discriminatory arrests, and reports of Indigenous women being the victims of “starlight tours” or “geographical cures.”¹⁵³ “Starlight tours” and “geographical cures” are terms referring to an abusive, dangerous, and in some cases lethal practice of police driving an Indigenous person to a remote area and leaving them there. In a brief submitted to the Committee, Human Rights Watch described hearing from Indigenous women in Saskatchewan of the fear “starlight tours” evoke, and the way that this fear prevents Indigenous women from seeking help from police.¹⁵⁴

In a brief submitted to the Committee, Human Rights Watch described reports of police abuse and violence against Indigenous women. For example, Human Rights Watch reported 64 allegations of violence against Indigenous women by police in Saskatchewan, including “excessive use of force, invasive body and strip searches by male officers, and sexual harassment during these searches.”¹⁵⁵ In British Columbia, they

151 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1415 (Viviane Michel).

152 Ibid., 1415–1420; SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1610 (Melanie Omeniho); SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1405 (Chief Ghislain Picard).

153 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1415–1420 (Viviane Michel).

154 Human Rights Watch, *Submission to the House of Commons Standing Committee on Public Safety and National Security: Systemic Racism in Policing in Canada*, December 9 2020, p. 13.

155 Ibid., p. 5.



similarly reported “young girls pepper-sprayed and tasered; a 12 year old girl attacked by a police dog; a 17 year-old punched repeatedly by an officer who had been called to help her; and women strip-searched by male officers; and women injured due to excessive force during arrest.”¹⁵⁶

To address systemic racism in policing experienced by Indigenous women Ms. Michel recommended that:

There needs to be an action plan and concrete measures to address systemic racism and violence as well as police impunity against Aboriginal women, using an intersectional approach that takes into account all of the types of discrimination faced by Aboriginal women and the fact that these types of discrimination reinforce each other and that takes into account Aboriginal women in particular.¹⁵⁷

2.4.2 Missing and Murdered Indigenous Women, Girls and LGBTQ2S+ People

The Committee heard testimony from several witnesses about the failed police responses to missing and murdered Indigenous women, girls, and LGBTQ2S+ people. For example, Mitch Bourbonniere, explained that police responses to missing Indigenous women and girls often result in blaming the victim for their lifestyle and that requests for help are not responded to in the same way for Indigenous people, that they are for non-Indigenous people in Winnipeg.¹⁵⁸ Viviane Michel explained to the Committee that:

The relationship of Aboriginal girls and women with police forces is central to the issue of missing and murdered Aboriginal girls and women. Inadequate police behaviour and responses must be taken into account in understanding this phenomenon. Families of missing or murdered persons do not trust the police because of their indifference, incompetence or misconduct towards them.¹⁵⁹

To address community concerns surrounding systemic racism as it relates to police actions relating to missing and murdered Indigenous women, girls and LGBTQ2S+ people, witnesses emphasized the importance of taking action on the calls to justice contained within the final report of the National Inquiry into Missing and Murdered

156 ibid.

157 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1420 (Viviane Michel).

158 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 8, 23 November 2020, 1730 (Mitch Bourbonniere, Community Activist, Ojijiita Pimatiswin Kinamatwin).

159 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1420 (Viviane Michel).

Indigenous Women and Girls.¹⁶⁰ Professor Myrna Lashley expressed that Indigenous women should be empowered to oversee and be a part of the solutions themselves¹⁶¹ and Lorraine Whitman, President of the Native Women’s Association of Canada, expressed that Indigenous women must be at the table when determining how to address the issue of missing and murdered Indigenous women, girls and LGBTQ2S+ people.¹⁶² Melanie Omeniho suggested to the Committee that police services should develop a best practices protocol for dealing with missing person reports of Métis, including specific steps to be taken to action them.¹⁶³

With respect to current government action to address missing and murdered Indigenous women, girls and LGBTQ2S+ people, Minister Blair testified that the Government has funded reviews of policing practices and policies in light of the final report of the National Commission of Inquiry into Missing and Murdered Indigenous Women and Girls, as a means of identifying current problems.¹⁶⁴ Commissioner Brenda Lucki testified that the RCMP is adopting a “trauma-informed approach”¹⁶⁵ as part of the actions responding to missing and murdered Indigenous women, as well as establishing a “national office of investigative standards and practices” to ensure all investigations “will be dealt with the same way regardless of what individual is the victim and what individual is the criminal.”¹⁶⁶

2.4.3 Systemic Racism in Addressing Sexual and Gender-Based Violence

Police services have an important role to play in the investigation and enforcement of gender-based and sexual violence offences against Indigenous women, and in protecting Indigenous women who are the victims of violence. Indigenous women are at heightened risk of violence relative to Indigenous men and non-Indigenous women.¹⁶⁷ However, due to the historical trauma they have faced, Indigenous women are

160 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1110 (Vice-Chief Terry Teegee); SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1615 (Melanie Omeniho).

161 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1510 (Myrna Lashley).

162 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1330 (Lorraine Whitman, President, Native Women’s Association of Canada).

163 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1610 (Melanie Omeniho).

164 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 7, 24 June 2020, 1700 (Hon. Bill Blair).

165 Ibid., 1835 (Commissioner Brenda Lucki, Commissioner, Royal Canadian Mounted Police).

166 Ibid.

167 Human Rights Watch, *Submission to the House of Commons Standing Committee on Public Safety and National Security: Systemic Racism in Policing in Canada*, 9 December 2020, p. 4.



stigmatized throughout the criminal justice system and perceived as having substance use or other social problems that result in them not being seen as “credible or worthy victims.”¹⁶⁸ Furthermore, abusive and racist treatment by police officers has in some cases made Indigenous women feel unsafe reporting their own victimization to these agencies. For example, Melanie Omeniho explained to the Committee that during the National Commission of Inquiry into Missing and Murdered Indigenous Women and Girls, the Women of the Métis Nation – Les Femmes Michif Otipemisiwak heard many reports of women who ended up becoming victims of the police service itself, so they felt unsafe to go to police when they were victims of violence.¹⁶⁹ Human Rights Watch noted that they “heard from community members and direct services staff how police abuse contributed to historic distrust between Indigenous communities and law enforcement and discouraged many from calling the police for help.”¹⁷⁰

Gerri Sharpe, explained that research undertaken by the Pauktuutit Inuit Women of Canada revealed profound problems of systemic racism and colonialism in policing in Nunavut. She described many facets to this problem, including a lack of community services and support for Inuit women and a police service that is “poorly integrated into the community and therefore not seen as trustworthy.”¹⁷¹ She suggested the police have little understanding of the root causes of drug and alcohol abuse and violence within the population.¹⁷² She highlighted that while communication is a fundamental skill in policing, less than 5 of the 150 police officers serving in the RCMP in Nunavut are capable of speaking Inuktitut, which is a barrier for women seeking to report experiences of violence.¹⁷³ One of the outcomes of systemic racism in policing impacting Inuit women in Nunavut reported by the Pauktuutit Inuit Women of Canada was that several women who were victims of domestic violence had been removed from their homes instead of their abuser, a trauma-inducing situation that adds to the injustice experienced.¹⁷⁴ Furthermore, police officers had failed to monitor court-imposed sanctions, leading to mistrust of police and risk for women.¹⁷⁵

168 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1415–1420 (Viviane Michel).

169 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1620 (Melanie Omeniho).

170 Human Rights Watch, *Submission to the House of Commons Standing Committee on Public Safety and National Security: Systemic Racism in Policing in Canada*, 9 December 2020, p. 11.

171 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1715 (Gerri Sharpe).

172 Ibid.

173 Ibid.

174 Ibid.

175 Ibid.

To address the issue of gender-based and sexual violence against Indigenous women, Samantha Michaels, a Senior Research and Policy Advisor for the Pauktuutit Inuit Women of Canada, suggested ensuring that a family liaison officer and female police officer are available in all Inuit communities.¹⁷⁶

While appropriate police training and practices are crucial to addressing gender-based violence, community and social service organizations that assist women who experience this violence are necessary and lacking. For example, Ms. Michaels explained to the Committee that in Nunavut there are insufficient shelters for women and insufficient resources to address domestic violence, leaving the local RCMP with few options to assist victims.¹⁷⁷

Therefore, the Committee recommends:

Recommendation 17

That the Royal Canadian Mounted Police ensure that in all jurisdictions where they are the police service responsible for First Nations, Métis and Inuit communities, that a family liaison officer, and wherever reasonably possible, one female officer is available to address gender-based violence.

Recommendation 18

That the Government of Canada encourage the Royal Canadian Mounted Police to develop an action plan with concrete measures to address systemic racism and violence against Indigenous women using an intersectional approach, taking into account the different types of discrimination Indigenous women face and how these types of discrimination intersect.

Recommendation 19

That the Royal Canadian Mounted Police establish programs and review and revise policies to encourage officers who are stationed in First Nations, Métis, Inuit and Northern communities to accept longer postings in order to better establish ties with the communities they are serving.

176 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1800 (Samantha Michaels, Senior Research and Policy Advisor, Pauktuutit Inuit Women of Canada).

177 *Ibid.*, 1745.



2.5 Mental Health, Social Services and Crisis Response

2.5.1 The Increasing Interactions Between Police and Persons in Crisis

Addressing mental health crises and responding to “wellness checks” was identified as a major and growing challenge facing Canadian police services. RCMP Commissioner Brenda Lucki described that:

Our calls related to mental health are growing exponentially. We were looking at the statistics, and there are close to 10,000 calls a month or more just on mental health crises.¹⁷⁸

Furthermore, Chief Dale McFee of the Edmonton Police Service estimated “social issues related to mental health, addictions, poverty and homelessness [...] account for 80% to 92% of all calls for service.”¹⁷⁹ He highlighted that it is incumbent on police services to ensure that these calls are addressed differently from those involving repeat criminal offenders because a failure to do so will falsely inflate crime rates, undermine relations between police and the communities they serve, and alter perceptions of legitimacy.¹⁸⁰

The issue of police responses to mental health and other forms of crisis relates to systemic racism in several ways. The committee heard that people from racialized communities often don’t have access to or connections with services leading to crises in the community for which the only source of assistance is the police.¹⁸¹ Additionally, the trauma of experiencing racism can negatively impact the mental health of Indigenous and racialized people. Professor Myrna Lashley explained that:

Racism is bad for your health. It's bad for your health because people end up with hypertension, coronary vascular disease and tremendous mental health difficulties. The pressure of having to constantly maintain the facade of being okay in order to function within a society where the system—not the people, but the system—is built to be against people of colour is very wearying.¹⁸²

178 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 7, 23 June 2020, 1900 (Commr. Brenda Lucki).

179 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1230 (Chief Dale McFee).

180 Ibid.

181 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1230 (Chief Nishan Duraiappah).

182 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1450 (Myrna Lashley).

2.5.2 Community Services and Community Responses to Crisis

Many witnesses who provided evidence to the Committee, including both civilians and police officers, emphasized that change is needed to ensure appropriate responses to mental health crises in the community and to put in place preventative measures to support people experiencing mental health issues and other challenges to get the help they need before a crisis develops. The Committee heard that mental health and addictions services, social services and resources to address homelessness are needed because at present police are being called upon to address social issues they are not equipped to handle. For example, Chief Peter Sloly of the Ottawa Police Service expressed that:

The community and police do not want to be the only or even primary response option to every call for service everywhere on a 24-7, 365 basis. This model does not fully serve the community's needs, and it puts police officers in an untenable position where they do not and cannot have the knowledge, skills and abilities to consistently and successfully deal with non-police related calls, most notably with people suffering from mental health issues or addictions.¹⁸³

Similarly, Brian Sauvé, President of the National Police Federation, expressed that members of his organization, along with other Canadians, want to see an increase in front-line resources that help alleviate the pressure on vulnerable members of society, and by extension, police services.¹⁸⁴

Some witnesses suggested that traditional police responses to mental health and social crises have not worked and advocated for shifting funding to social and community services. Jeffrey Schiffer explained that recent studies suggest that typical police service responses to mental health crises and wellness checks are ineffective.¹⁸⁵ Some witnesses called for the reallocation of funding away from policing and towards community and mental health service provision. For example, Ruth Goba, Executive Director of the Black Legal Action Centre, testified that her organization recommends reallocating “resources away from police budgets and into public health, housing, transit, children’s services, mental health resources, schools, employment, community centres and other social service budgets.”¹⁸⁶ Additionally, the Congress of Aboriginal Peoples suggested in a brief

183 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1215–1220 (Chief Peter Sloly, Chief of Police, Ottawa Police Service).

184 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1515 (Brian Sauvé, President, National Police Federation).

185 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1510 (Jeffrey Schiffer).

186 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1520 (Ruth Goba).



submitted to the Committee that sufficient resources must be provided for Indigenous community programs, including “long-term sustainable capacity-building funding for off-reserve and urban Indigenous organizations”.¹⁸⁷

Addressing recent calls to “defund” the police services, Jeffrey Schiffer stated that:

For me, it's less about defunding police and more about a thoughtful consideration of how resources might be reallocated to community organizations to take on some of the work related to community safety, mental health response and victims services for Indigenous people and racialized communities.¹⁸⁸

Aluki Kotierk, President of Nunavut Tunngavik, expressed that in Nunavut there is a lack of mental health services and supports, which often leaves the RCMP as the “first stop” for Inuit to get access to care and care is frequently not provided.¹⁸⁹ Some witnesses suggested the development of non-police crisis response systems that would involve community service providers in the de-escalation of crises. An example of a currently operating non-police crisis response was provided by Chief Bill, who described the Community Safety Officer program developed in the Kwanlin Dün First Nation, which involves specially trained community members and Indigenous people who act as liaisons between the community and police and can be involved in de-escalation of crises.¹⁹⁰ Witnesses pointed out that removing police from situations where they are not required can help to prevent harms of systemic racism, including high levels of use of force against racialized people¹⁹¹ and police-involved deaths.¹⁹²

2.5.3 Police and Mental Health System Partnerships

While some witnesses highlighted the need to provide more concrete mental health and social support systems in the community to respond to crises or prevent them altogether, the Committee also heard that police services have developed internal systems aimed at ensuring improved police responses to crises. For example, Tom Stamatakis, President of the Canadian Police Association, highlighted that many Canadian police agencies employ mobile crisis intervention teams that pair mental

187 Congress of Aboriginal Peoples, [*Congress of Aboriginal Peoples: Submission to the Standing Committee on Public Safety and National Security*](#), 10 July 2020, p. 6.

188 SECU, [*Evidence*](#), 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1515 (Jeffrey Schiffer).

189 SECU, [*Evidence*](#), 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1125 (Aluki Kotierk).

190 SECU, [*Evidence*](#), 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1415 (Chief Doris Bill).

191 SECU, [*Evidence*](#), 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1550 (Akwasu Owusu-Bempah).

192 SECU, [*Evidence*](#), 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1610 (Allen Benson).

health nurses with police officers to provide rapid response to community crises.¹⁹³ Many witnesses expressed that these partnerships are helpful and provide effective crisis response in the community. For example, Inspector Patrick Roy, who is the manager of the psychosocial mobile intervention team for the City of Sherbrooke’s police service, explained that his team is comprised of a police officer and a social worker who respond to mental health calls in the community.¹⁹⁴ He noted that the program was a success and has been expanding over recent years due to the significant need for responses to mental health calls in the community.¹⁹⁵ However, Julian Falconer expressed reservations about these teams suggesting that they have not been made available during all hours of the day and week and often are not employed to de-escalate conflicts, but in some cases only respond after a situation has been brought under control by police officers.¹⁹⁶

Some witnesses also noted that it is important to recognize that mental health calls and other calls for service (including calls for responses to criminal behaviour) are not always distinct and mental health can play a role in many types of law enforcement interactions.¹⁹⁷ Mr. Stamatakis explained that while ideally police would not be the first response to mental health crises, there would always be a role for police responders in contexts where there is a danger to the public.¹⁹⁸

Therefore, the Committee recommends:

Recommendation 20

That the Government of Canada work with the provinces and territories, municipalities and Indigenous communities to ensure adequate funding and service responsibilities related to mental health response and victim services.

193 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1230 (Tom Stamatakis, President, Canadian Police Association).

194 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 11, 7 December 2020, 1535 (Patrick Roy, Inspector, Regional Surveillance Division, Service de Police de la Ville de Sherbrooke).

195 Ibid.

196 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1315 (Julian Falconer).

197 Ibid., 1255 (Chief Nishan Duraiappah).

198 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1225 (Tom Stamatakis).



Recommendation 21

That the Government of Canada work with the Royal Canadian Mounted Police, and provincial and municipal police services to encourage the use of persons specialized in victim services and mental health who would be available with first responders in situations requiring de-escalation.

Recommendation 22

That the Government of Canada properly resource the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police to conduct an independent review of RCMP operational policies and practices such as “wellness checks” and develop a timeline for corrective action to end police violence and ensure the safety and security of those in need of mental health support.

Recommendation 23

That the Government of Canada work with the provinces and territories to create an Indigenous-led working group to better examine the service needs related to mental health and victim services of the rapidly growing urban Indigenous population and ensure that mental health responses, victim services and community safety and policing programs serving Indigenous people living in urban areas are adequately resourced.

2.6 Racial Profiling, “Carding,” “Street Checks” and the Criminalization of Indigenous and Racialized People

Police in Canada perform an important role as gate-keepers of the criminal justice system and their exercise of discretion determines, in part, whose behaviour will be subject to criminalization.¹⁹⁹ Witnesses who provided evidence during this study explained that police powers can be exercised in racist ways and that policing practices and decision-making can contribute to disparities and over-representation of Indigenous and racialized people in the criminal justice system. Furthermore, structural inequalities can lead to Indigenous and racialized communities being over-policed.

199 SECU, *Evidence*, 2nd Session, 43rd, Parliament, Meeting 6, 16 November 2020, 1705 (Kanika Samuels-Wortley).

2.6.1 Over-representation of Indigenous and Racialized People Within the Canadian Criminal Justice System and Over-policing

The Committee heard from many witnesses that at present Indigenous people have high rates of incarceration.²⁰⁰ As Chief Picard explained:

Numerous studies have confirmed that First Nations people are more likely to be detained by the police following an arrest, most often on the basis of prejudice and racism. They are also more likely to be detained for long periods of time as part of the bail process. They are more likely to be sentenced to imprisonment and, too often, for long periods. They are more likely to be imprisoned for non-payment of fines.²⁰¹

Additionally, many witnesses explained that systemic racism has similarly resulted in racialized people being over-represented in the criminal justice system. As social worker and sociologist Robert S. Wright explained:

We're overpoliced, overcharged, overprosecuted, disproportionately found guilty, have higher sentences, have differential and negative experiences while under correctional supervision, serve our sentences longer, and have a harder time transitioning into the community and receiving education and employment thereafter.

I think that's the effect systemic racism tends to have on racialized people in Canada as it comes to policing and contact with the criminal justice system.²⁰²

In a brief submitted to the Committee, the Assembly of First Nations remarked that over-policing, the dedication of a disproportionate amount of police resources to law enforcement within particular racialized and Indigenous communities, has impacted First Nations communities and First Nations people in "urban, rural, and remote settings."²⁰³ Chief McCaffrey, explained that "years of overpolicing of Indigenous, Black and other marginalized people by conventional policing services have caused significant mistrust of police."²⁰⁴

Professor Akwasi Owusu-Bempah provided the example of arrests for minor drug offences, where studies from Canada and other countries suggest that members of

200 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1115 (Vice-Chief Terry Teegee); *Ibid.*, 1230 (Benson Cowan).

201 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1405 (Chief Ghislain Picard).

202 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1325 (Robert S. Wright, social worker and sociologist, As an Individual).

203 Assembly of First Nations, *Submission to the House of Commons Standing Committee on Public Safety and National Security: Study on Systemic Racism in Police Services in Canada*, 7 August 2020, p. 5.

204 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1415 (Chief Terry McCaffrey).



different racial groups use drugs at similar rates, yet there are stark differences in drug possession arrests between racial groups.²⁰⁵ He expressed that:

While some of these differences can likely be attributed to officer behaviour and institutional policies and practices, the heightened police presence in the lives of Black and Indigenous people also plays an important role.²⁰⁶

He explained that over-policing is a form of structural racism, noting that Black and Indigenous people face racism in education and employment which can lead them to be more likely to experience poverty or live in low-income areas with higher crime rates and a heightened police presence.²⁰⁷

2.6.2 Carding, Street Checks, Racial Profiling, and Discrimination in Police Discretion

In addition to Indigenous and racialized communities experiencing heightened levels of policing, witnesses raised concerns about the discriminatory exercise of police discretion when deciding whether to stop, arrest, or criminally charge an individual.

For example, Professor Samuels-Wortley explained that her research concerning the exercise of police discretion to choose alternative measures to the court system for youth apprehended for committing a crime, as provided for in the *Youth Criminal Justice Act*,²⁰⁸ suggests Black youth are less likely than youth from other backgrounds to receive alternative measures.²⁰⁹ The Committee also heard testimony about racial profiling and its relationship to “carding” and “street checks.” The term “racial profiling” was described by the Supreme Court of Canada in *R. v. Le*, 2019 SCC 34:

[T]he concept of racial profiling is primarily concerned with the motivation of the police. It occurs when race or racial stereotypes about offending or dangerousness are used, consciously or unconsciously, to any degree in suspect selection or subject treatment.²¹⁰

In other words, racial profiling involves police consciously or unconsciously applying stereotypes about racial groups when deciding whom to stop, detain, arrest, charge, or

205 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1325 (Robert S. Wright).

206 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1520 (Akwas Owusu-Bempah).

207 Ibid.

208 See: *Youth Criminal Justice Act*, S.C. 2002, c. 1, ss. 6, 7.

209 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1705 (Kanika Samuels-Wortley).

210 *R. v. Le*, 2019 SCC 34, para. 76.

otherwise subject to policing. Many witnesses provided evidence about practices of racial profiling by Canadian police services. For example, with respect to racial profiling against Black Canadians, author Robyn Maynard explained to the Committee that:

Studies conducted in Toronto, Edmonton, Montreal, Halifax and Vancouver demonstrate that Black people are stopped by police at a rate anywhere from two to six times more frequently than white residents.²¹¹

Ruth Goba, Executive Director of the Black Legal Action Centre explained that her organization regularly receives calls from community members who are experiencing or have experienced racial profiling. She explained that “carding” and “street checks” are merely new terminology for racial profiling and people have been speaking about racial profiling for decades.²¹² Justice Michael Tulloch has defined “street checks” as “information obtained by a police officer concerning an individual, outside of a police station, which is not part of an investigation.”²¹³ He differentiates “street checks” from “carding”, the latter which he defines as “situations where a police officer randomly asks an individual to provide identifying information when the individual is not suspected of any crime nor is there any reason to believe that the individual has information about any crime.”²¹⁴ However, the terms “carding” and “street checks” are often used interchangeably to describe police stopping an individual and seeking identifying information or other information from them. Both “street checks” and “carding” can involve racial profiling.

In their testimony, many witnesses described current practices of street checks or carding being used in Canada to target racialized communities. Robert S. Wright described the ongoing practice of street checks and carding being used against Black residents of Halifax. He explained that the community had worked to get this practice banned and several reports have been published describing the problem, but that these practices have persisted.²¹⁵ Professor Samuels-Wortley explained that several studies conducted in Canadian cities have demonstrated that Black men are “grossly over-represented in the official street check statistics.”²¹⁶ She explained that the research suggests that:

211 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 8, 23 November 2020, 1705 (Robyn Maynard).

212 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1555 (Ruth Goba).

213 Hon. Justice Michael H. Tulloch, *Report of the Independent Street Checks Review*, 2018, p. 36

214 *Ibid.*, p. 35.

215 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1255 (Robert S. Wright).

216 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1705 (Kanika Samuels-Wortley).



[R]acial differences with respect to police contact remain even after controlling for other relevant factors including gender, social class, neighbourhood characteristics and criminal behaviour.

In other words, racial differences in police contact cannot be explained away by poverty or involvement in crime. Race matters. If you're a Black man in Canada, the question is not if you will be stopped, but when.²¹⁷

Minister Blair condemned racial profiling expressing that:

[R]acial profiling and any action of the police that is based on bias is not only unacceptable and abhorrent; it's contrary to law. It's contrary to the Canadian Human Rights Act [...] and it's contrary to the Charter of Rights and Freedoms, which is the highest law in the country—²¹⁸

In response to the problem of racial profiling and the related practices of carding and street checks, some witnesses advocated for banning these practices. For example, Alain Babineau recommended passing an anti-racial profiling law,²¹⁹ and Robert S. Wright advocated for a “national directive” banning street checks.²²⁰

2.6.3 Restorative Justice and Other Measures to Address the Criminalization of Indigenous and Racialized People

Restorative justice programs and diversionary measures were identified by witnesses as assisting to reduce incarceration of Indigenous and racialized people. Witnesses expressed that restorative justice programs can provide an alternative to criminalization for Indigenous and racialized communities and assist to keep people out of the criminal justice system.²²¹ The Committee also heard that access to diversion programs is lacking in some Canadian regions, including Nunavut.²²²

With respect to the over-representation of African Canadians in the criminal justice system, the Black Legal Action Centre recommended that the federal government should:

217 Ibid.

218 SECU *Evidence*, 1st Session, 43rd Parliament, Meeting 7, 23 June 2020, 1739 (Hon. Bill Blair).

219 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 11, 7 December 2020, 1535 (Alain Babineau).

220 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 8, 23 July 2020, 1255 (Robert S. Wright).

221 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 12, 14 August 2020, 1325 (Lorraine Whitman).

222 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1310 (Benson Cowan).

Develop and implement a national corrections strategy to address and correct the disproportionately high rates of African Canadians in the correctional system and ensure anti-discriminatory and culturally specific services for African Canadian offenders.²²³

Additionally, Chief Bryan Larkin explained the Canadian Association of Chiefs of Police (CACP) proposal to decriminalize the simple possession of drugs. He explained that the CACP advocates for a “public health-led model”²²⁴ of policing because he suggested at present “We’re criminalizing addictions. We’re criminalizing homelessness. We’re criminalizing many issues that should be diverted elsewhere.”²²⁵ Robyn Maynard expressed that the “decriminalization of drugs could really substantively impact the well-being of Black communities.”²²⁶

Therefore, the Committee recommends:

Recommendation 24

That the Government of Canada decriminalize the simple possession of all illicit drugs as called upon by the Canadian Association of Chiefs of Police and public health officials.

Recommendation 25

That the Government of Canada offer pardons for all individuals convicted of simple possession of illicit drugs.

Recommendation 26

That the Government of Canada adopt a national policy that prohibits racial profiling and other forms of selective identification and recording of the presence of members of the public other than for investigative purposes and denounces such practices as discriminatory and contrary to the *Canadian Charter of Rights and Freedoms*.

223 Black Legal Action Centre, *The Submission of the Black Legal Action Centre to the Standing Committee on Public Safety and National Security (SECU) Regarding Issues of Systemic Racism in Policing in Canada*, 24 July 2020.

224 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1300 (Chief Bryan Larkin); Canadian Association of Chiefs of Police, Special Purpose Committee on the Decriminalization of Illicit Drugs, *Findings and Recommendations Report: Decriminalization for Simple Possession of Illicit Drugs: Exploring Impacts on Public Safety and Policing*, July 2020.

225 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1300 (Chief Bryan Larkin).

226 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 8, 23 November 2020, 1725 (Robyn Maynard).



Recommendation 27

That the Government of Canada provide increased funding to ensure that restorative justice programs are effective and available to Indigenous, Black and other racialized people throughout the country.

Recommendation 28

That the Government of Canada amend the *Youth Criminal Justice Act*, to ensure a police officer's discretion to choose alternative measures to the court system when apprehending a youth who has committed a crime is applied equitably, so that alternative sanctions are fairly offered to everyone; that specific procedures or guidelines be put in place to determine what crimes would permit alternative sanction so that equal access is given to this privilege.

Recommendation 29

That the Government of Canada develop a national strategy to address and correct the disproportionately high rates of Indigenous and Black people in the criminal justice system and ensure anti-discriminatory and culturally specific services for Indigenous and Black people.

2.7 Police Use of Force Against Indigenous and Racialized People

2.7.1 Police Use of Force

Throughout the course of its study on systemic racism in policing in Canada, the Committee heard many witnesses express concerns about excessive or unnecessary use of force by police against Indigenous and racialized people. Witnesses explained that Indigenous and racialized people are over-represented among recipients of police use of force and among police-involved deaths.²²⁷ For example, the Committee heard that Inuit disproportionately experience police violence and have relatively higher police-involved death rates than others.²²⁸ The Committee also heard that in Toronto, Black people are more likely to be recipients of police use of force, but also subject to greater force than

227 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1120 (Natan Obed); SECU, [Evidence](#), 1st Session 43rd Parliament, Meeting 9, 23 July 2020, 1525 (Akwasi Owusu-Bempah); SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1610 (Kent Roach).

228 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1120 (Natan Obed).

white people.²²⁹ Professor Owusu-Bempah pointed out, however, that the full extent of use of force by police in Canada is unclear because data on use of force is not systematically collected by all Canadian police services.²³⁰

The Committee also heard that use of force by police in Canada is a relatively rare occurrence, with force involved in less than 1% of police calls.²³¹ Additionally, Professor Christian Leuprecht explained that most police use of force in Canada is in accordance with the National Use of Force Framework, which represents the legal standards governing its use.²³²

To address the over-representation of racialized and Indigenous people among recipients of police use of force some witnesses suggested that police use of force and self-defence laws should be reviewed and reformed. While both federal and provincial laws can impact police use of force, statutory defences for the use of force by police and other persons engaged in the administration or enforcement of the law or in the prevention of a breach of the peace or riot, are contained in the federal *Criminal Code*.²³³ Additionally, self-defence provisions applicable in contexts where anyone, including a police officer, uses reasonable force to protect themselves from use of force or a threat of force by another person are also contained in the *Criminal Code*.²³⁴ Use of force without legal justification can be a criminal offence or a civil tort so the standards set out in the statutory defence and self-defence provisions of the *Criminal Code* significantly shape use of force law in Canada. Allen Benson, expressed to the Committee that in his opinion, the statutory defence provisions in the *Criminal Code* provide a “very vague”²³⁵ definition of what “reasonable use of force” entails, leading to differing frameworks and policies on use of force being applied across Canada by provincial and municipal police services.²³⁶ He suggested a federal standard with clear definition of use of force should be created with input from civilians, women, Indigenous peoples and minority groups, and incorporated in the *Criminal Code* and federal policing legislation.²³⁷ To clarify

229 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1525 (Akwasí Owusu-Bempah).

230 Ibid.

231 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 7, 23 June 2020, 1815 (Commr. Brenda Lucki); SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1815 (Brian Sauvé).

232 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1100 (Christian Leuprecht).

233 *Criminal Code*, R.S.C. 1985, c. C-46, ss. 25, 26, 27, 30, 32.

234 Ibid., s. 34.

235 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1525 (Allen Benson).

236 Ibid.

237 Ibid.



federal self-defence laws, that can also apply to police use of force, Professor Roach suggested: “Parliament should make clear that reasonable self-defence cannot be based on racist fears, even if those are genuinely and subjectively held.”²³⁸ Additionally, with respect to police policies on use of force, Vice-Chief Teegee recommended implementing a “zero-tolerance policy” on excessive use of force.²³⁹

2.7.2 De-Escalation

The Committee also heard that police service policies and training on de-escalation are relevant to addressing disproportionate use of force against Indigenous and racialized people. Michelaine Lahaie suggested that police training on de-escalation is critical when police respond to situations like “wellness checks.”²⁴⁰

Many witnesses advocated for increased de-escalation training for police.²⁴¹ Professor Owusu-Bempah suggested that comparatively less time in police training should focus on physical skills, like swimming, use of a firearm and high-speed pursuits, and relatively more time should be devoted to training on de-escalation and police interactions with the public.²⁴² Lorraine Whitman noted that, in a meeting with Commissioner Lucki, she had requested that the RCMP work with Indigenous people to develop new de-escalation protocols created for and with Indigenous people.²⁴³ Julian Falconer testified with respect to his experience working on inquests pertaining to police-involved deaths, that police services have repeatedly been unable to effectively reallocate their resources towards de-escalation measures and away from a “militaristic concept”²⁴⁴ of policing.

238 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1610 (Kent Roach).

239 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1110 (Vice-Chief Terry Teegee).

240 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1135 (Michelaine Lahaie).

241 Assembly of First Nations, *Submission to the House of Commons Standing Committee on Public Safety and National Security: Study on Systemic Racism in Police Services in Canada*, 7 August 2020, p. 21.

242 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1525 (Akwasì Owusu-Bempah).

243 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1325 (Lorraine Whitman).

244 *Ibid.*, 1315 (Julian Falconer).

Therefore, the Committee recommends:

Recommendation 30

That the Government of Canada work in consultation with civilians, Indigenous peoples, and Black and other racialized Canadians, to review the federal use of force framework to ensure that it:

- **defines permissible use of force in greater detail;**
- **provides requirements for the operational use of de-escalation tactics;**
- **prioritizes de-escalation in use of force philosophy, tactics and training;**
- **respects as a guiding principle that officers use the least force necessary in the circumstances; and**
- **requires adequate ongoing training of officers.**

Recommendation 31

That the Government of Canada request that the Royal Canadian Mounted Police create a nationwide database of police use of force incident data disaggregated by race, colour, ethnic background, national origin, gender and other identities; regularly collect this data by implementing a mandatory reporting policy, and regularly publicize the data collected.

Recommendation 32

That the Government of Canada work with provinces, territories, police services and chiefs of police across the country to develop a similar national database including all Canadian police services.

Recommendation 33

That the Royal Canadian Mounted Police enforce its zero-tolerance policy for excessive use of force and that there be serious consequences for excessive use of force regardless of whether the threshold is met to lay criminal charges against the officer involved.



2.8 Cultural Awareness, Anti-Racism, Implicit Bias and Diversity Training

Throughout its study of Systemic Racism in Policing in Canada, the Committee heard about the importance of police training that seeks to promote cultural awareness, prevent bias and racism, and foster diversity. Many witnesses emphasized the importance of police training in equipping officers to work with the diverse cultures and communities they interact with and to learn about the history of racism and colonialism in Canada. It was also suggested that training can equip police officers to recognize their own biases and assist them to provide services free of racial discrimination. For example, Melanie Omeniho expressed:

A complete re-education of the entire police system is required. This training must go beyond a tick box of cross-cultural training, but must cause the system and participants to fully examine their biases, both overt and unconscious.²⁴⁵

With respect to current cultural awareness and anti-bias training provided to RCMP officers, the Committee heard testimony from Commissioner Lucki, about the “blanket exercise”, which provides cadets with training led by an Indigenous elder on “the history of Indigenous cultures”²⁴⁶ and the impact of their actions in the field. She also explained that cadets complete a mandatory online cultural awareness course, and training on trauma-informed approaches to dealing with victims of crime.²⁴⁷ Additionally, she explained that when RCMP members are assigned to their divisions, they complete a one-week “Indigenous perceptions course” specific to the province they will be working in.²⁴⁸

Many witnesses emphasized the importance of training police officers to understand the historical and contemporary experiences of racialized and Indigenous peoples who live in the particular communities that they serve. For example, Gerri Sharpe expressed that non-Inuit people involved in policing Inuit communities require specialized training to develop cultural competency.²⁴⁹ Professor Samuels-Wortley pointed out that when officers initially arrive at training they need to be taught about the history of colonialism

245 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1610 (Melanie Omeniho).

246 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 7, 23 June 2020, 1715 (Commr. Brenda Lucki); SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 7, 23 June 2020, 1745 (Commr. Brenda Lucki).

247 *Ibid.*, 1745.

248 *Ibid.*

249 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1745 (Gerri Sharpe).

and slavery in Canada, to provide them with an understanding of systemic racism.²⁵⁰ Senator Vernon White, a former Assistant Commissioner of the RCMP, explained that when he was working in the Yukon, RCMP officers would be educated in First Nations communities and would be mentored by local elders, a system which he explained was beneficial for building relationships with these communities and learning about them.²⁵¹ Eleanor Sunchild, a lawyer, provided a brief to the Committee recommending that police officers “should receive culturally specific training which includes direct involvement with the Indigenous communities they intend to serve.”²⁵² Melanie Omeniho suggested that police services should provide training to police officers on the unique history and needs of the Métis community and establish better communication with these communities through the implementation of representative advisory boards involving community members.²⁵³ Vice-Chief Teegee emphasized that many Indigenous people served by police live in urban centres and expressed that urban police services should be trained about colonialism and the lived experiences and perspectives of Indigenous people.²⁵⁴

However, some witnesses also expressed skepticism about the efficacy of more police training as a means of combatting systemic racism and some witnesses cautioned the Committee against assuming that training alone can adequately address systemic racism. For example, Jeffrey Schiffer explained that in a large study evaluating training, the promotion of inclusion, and the establishment of institutional responsibility initiatives undertaken by police services, training was found to have the least impact on systemic racism. While all three strategies used together could be successful, “systemic racism in policing is driven by a constellation of individual, group, institutional, and social elements.”²⁵⁵ Additionally, Professor Samuels-Wortley emphasized that it is important to evaluate the effectiveness of anti-racism training initiatives to determine the impact they have on the way police provide services in their communities.²⁵⁶

250 Ibid., 1755 (Kanika Samuels-Wortley).

251 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1255 (Hon. Vernon White).

252 Eleanor Sunchild, *Submissions of Eleanor Sunchild, Q.C., to the House of Commons Standing Committee on Public Safety and National Security: Study on Systemic Racism in Police Services in Canada*, 4 December 2020, p. 4.

253 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1615 (Melanie Omeniho).

254 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1205 (Vice-Chief Terry Teegee).

255 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1510 (Jeffrey Schiffer).

256 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1800 (Kanika Samuels-Wortley).



Therefore, the Committee recommends:

Recommendation 34

That the Government of Canada ensure that the Royal Canadian Mounted Police work in collaboration with First Nations, Métis and Inuit communities to establish advisory committees composed of elders, community leaders and cultural facilitators to ensure police practises and procedures address community needs.

Recommendation 35

That the Royal Canadian Mounted Police improve training to ensure that it includes enhanced de-escalation, implicit bias, gender-based violence, cultural awareness, and the history of colonialism and slavery in Canada.

Recommendation 36

That the Royal Canadian Mounted Police mandate that officers receive specific cultural competency training developed in collaboration with the racialized, First Nations, Inuit, and Métis communities they intend to serve.

2.9 Racial, Cultural and Linguistic Diversity and Representativeness of Canadian Police Services

The Committee repeatedly heard from witnesses about the importance of police services being representative of the communities they serve and the importance of fostering diversity in policing. Additionally, many witnesses spoke to current barriers that prevent the recruitment of Indigenous and racialized people in Canadian police services.

The Committee heard from Commissioner Lucki that the RCMP would like a more diverse membership that reflects the communities served, and is working to remove any unintentional bias in recruitment or training policies.²⁵⁷ Commissioner Lucki testified that according to self-identification statistics for RCMP police officers, 78% are male and 21% are female; 11.5% are members of a visible minority group; 7.5% are Indigenous; and 1.6% are people with disabilities.²⁵⁸

Several witnesses expressed concerns about the current diversity and representativeness of the RCMP, particularly with respect to its work in Indigenous

257 SECU, *Evidence*, 1st Session 43rd Parliament, Meeting 7, 23 June 2020, 1815 (Commr. Brenda Lucki).

258 *Ibid.*, 1820.

communities. For example, Aluki Kotierk and Natan Obed explained to the Committee that there are not enough Inuit members of the RCMP policing Inuit communities.²⁵⁹ Natan Obed noted that as of September 2019, only three out of 131 RCMP regular officers in Nunavut were Inuit and in Nunavik only three out of 70 police officers were Inuit.²⁶⁰ He explained that increased recruitment of Inuit and Inuktitut speakers by the RCMP is crucial in order to build trust with Inuit communities and to improve police communication with the Inuit population.²⁶¹ As Aluki Kotierk explained:

Nunavut is quite unique among all other jurisdictions in that it's the only jurisdiction that has an Indigenous majority population that speaks a first language that is neither of the two official languages of Canada. That makes it extremely important that the police officers and the employees of these police officers are able to understand Inuit culture and are able to understand Inuktitut.²⁶²

Natan Obed expressed that Inuktitut language skills and cultural knowledge of the Inuit about their communities is not currently valued in the context of human resources at the RCMP and suggested this must change.²⁶³

Witnesses mentioned several potential barriers to recruitment of more Inuit RCMP officers. These included the itinerant nature of the RCMP's police service, which routinely moves officers around to different communities rather than allowing them to work in their home community.²⁶⁴ Other witnesses suggested that the culture of the RCMP itself might prove a barrier to recruitment. For example, Robert S. Wright expressed with respect to policing in the North, that:

To ask Indigenous people to train in a colonial form of policing to police their own communities is really to ask them to adopt an internal identity struggle before they even have their first day on the job.²⁶⁵

Concerns about the history and culture of the RCMP were also shared in relation to the recruitment of Indigenous police officers more broadly. For example, Lorraine Whitman explained that the history of police involvement in the residential schools and

259 SECU, *Evidence*, 1st Session 43rd Parliament, Meeting 8, 23 July 2020, 1120 (Natan Obed) & 1125 (Aluki Kotierk).

260 *Ibid.*, 1140 (Natan Obed).

261 *Ibid.*, 1120.

262 *Ibid.*, 1145 (Aluki Kotierk).

263 *Ibid.*, 1200 (Natan Obed).

264 *Ibid.*, 1140.

265 *Ibid.*, 1315 (Robert S. Wright).



Sixties Scoop leads Indigenous people not to want to be a part of something that's been experienced as "so negative and so hurtful."²⁶⁶ In contrast, however, Chief McCaffrey explained that recruitment and retention of police officers has not posed a problem for the Wikwemikong Tribal Police Service. He explained:

What it boils down to is that our community supports us. Because of that, we're able to work with our community and build recruiting sessions that are attracting people from our community.²⁶⁷

Professor Owusu-Bempah explained to the Committee that it is important to examine the experiences of racialized officers within police services when seeking to address systemic racism. He explained:

Many police services across the country have made great efforts to increase the diversity of their workforce, and I mean diversity in terms of what all their officers look like, but unfortunately, my own research tells me that racialized officers do not feel that they are taken into the police subculture and brought into the police brotherhood. I use the term "brotherhood" there purposely. They're overlooked for task and area assignments, and too often passed over for promotion.²⁶⁸

With respect to the RCMP, Professor Leuprecht pointed the Committee to the National Security and Intelligence Committee of Parliamentarians 2019 annual report, which showed that visible minority people are under-represented in the RCMP, including among senior ranks, and which documented resistance to diversity and inclusion within the organization.²⁶⁹

Therefore, the Committee recommends:

Recommendation 37

That the Government of Canada in collaboration with First Nations, Métis and Inuit communities prioritize the recruitment of Indigenous people and women into Indigenous police services.

266 SECU, *Evidence*, 1st Session 43rd Parliament, Meeting 12, 14 August 2020, 1140 (Lorraine Whitman).

267 SECU, *Evidence*, 1st Session 43rd Parliament, Meeting 9, 23 July 2020, 1435 (Chief Terry McCaffrey).

268 Ibid., 1525 (Akwas Owusu-Bempah).

269 SECU, *Evidence*, 1st Session 43rd Parliament, Meeting 10, 24 July 2020, 1105 (Christian Leuprecht); National Security and Intelligence Committee of Parliamentarians, *Annual Report, 2019*, 30 August 2019.

Recommendation 38

That the Government of Canada encourage the Royal Canadian Mounted Police to ensure diversity in hiring for all levels within the police service so that it better reflects the communities that it serves, specifically with a goal of hiring more Indigenous and racialized people, and women.

Recommendation 39

That the Royal Canadian Mounted Police be encouraged to review their screening process for new recruits to ensure that those with biases against Indigenous and racialized people and women be rejected.

Recommendation 40

That the Royal Canadian Mounted Police be encouraged to take into consideration Inuit language skills and community knowledge when evaluating candidates and making decisions surrounding deployment of officers.

2.10 Race-Based Data Collection and Dissemination

Disaggregated race-based data is important to identify problems with policing policies or practices that may result in racist outcomes and to evaluate the results of reforms aimed at reducing systemic racism. Many participants to this study advocated for the collection of disaggregated race-based data and Indigenous-specific data on policing in Canada arguing this information is necessary to understand and address the impacts of systemic racism on Canadians. Ruth Goba explained “Where data is collected, you are able to understand where the disparity is, where the difference is, and you can fix it.”²⁷⁰ Fo Niemi, Executive Director of the Centre for Research-Action on Race Relations, described the need for race-based data collection in policing as a matter of science, pointing out that without race-based data collection evidence-based public policy decisions are impossible.²⁷¹ The Committee heard that the collection of disaggregated race-based data has been identified by human rights experts as an important step to take when working to eliminate systemic racism.²⁷²

270 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 11, 24 July 2020, 1545 (Ruth Goba).

271 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 7, 18 November 2020, 1740 (Fo Niemi, Executive Director, Centre for Research-Action on Race Relations).

272 SECU, *Evidence*, 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1215 (Chief Peter Sloly).



The Committee also heard acknowledgement from those responsible for federal policing that race-based data is important to addressing racism. Minister Blair suggested collection of such data would be “invaluable and necessary”²⁷³ and RCMP Commissioner Lucki suggested such data would be “crucial”²⁷⁴ to examine racial disparities and how to address them.

Several particular types of race-based data were identified by witnesses as helpful to collect. These included:

- police stops, searches and arrests;²⁷⁵
- hit rates from stops;²⁷⁶
- charges dropped by the Crown; and²⁷⁷
- use of force incidents.²⁷⁸

With respect to data on police use of force, Professor Owusu-Bempah suggested the creation of a national use of force database because at present this information is not systematically collected, the extent of use of force by police in Canada is unknown, and this information is consequently unavailable to inform government, policy-makers and researchers.²⁷⁹ Similarly, Professor Leuprecht noted the necessity for the systematic collection of use of force statistics throughout Canada to identify the challenges faced.²⁸⁰

However, while the Committee heard consensus among many witnesses on the need to collect race-based data, some witnesses also cautioned that it is important to proceed carefully in the collection and use of this data, including ensuring that the right policies and practices are in place to prevent misuse. For example, Robert S. Wright advised the committee of the importance of ensuring those handling and analyzing this data have an understanding of systemic racism and the knowledge and skills to apply critical race

273 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 7, 23 June 2020, 1800 (Hon. Bill Blair).

274 Ibid., 1905 (Commr. Brenda Lucki).

275 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1525 (Akwasi Owusu-Bempah).

276 Ibid.

277 Ibid.

278 Ibid.

279 Ibid.

280 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1100 (Christian Leuprecht).

analysis to avoid data being used to reinforce racist stereotypes.²⁸¹ Additionally, Professor Owusu-Bempah suggested that such data collection must be “comprehensive”²⁸² because cursory data collection could be used to further stigmatize groups and lead to policies producing greater marginalization.

Concern was also expressed that data collection must translate into concrete action. Benson Cowan, Chief Executive Officer of the Legal Services Board of Nunavut, expressed the importance of ensuring data collection causes policy change, noting that even where evidence has been collected and is clear about the inequities in the justice system, “a big gap remains in how it informs policy and operational choices on the part of the institutions”²⁸³ that make up that system.

In addition to data collection, some witnesses raised concerns about access to police data. The Committee heard that civilians and activists can only access police data by requesting this information from the police agencies holding it and it is difficult to obtain even when legislated to be provided.²⁸⁴ Professor Samuels-Wortley expressed a need for greater transparency from police services to document racism and evaluate responses, noting:

We require improved race-based data collection, access and dissemination. We also require a commitment to work with researchers, including researchers of colour, who are willing to make critical inquiries into law enforcement practices. We can no longer rely on researchers who just give police the answers they are looking for.²⁸⁵

Some leaders in the policing community shared recent changes being made to ensure the collection of race-based data to inform policy change. For example, Chief Nishan Duraiappah shared with the Committee that he is putting in place structures for the collection of race-based data to identify discriminatory practices in his policing organization in order to dismantle them.²⁸⁶ Chief Bryan Larkin recounted a commitment by the Canadian Association of Chiefs of Police to work with Statistics Canada to collect data on Indigenous and ethno-cultural identity in police-reported crime statistics on

281 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1250 (Robert S. Wright).

282 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1525 (Akwas Owusu-Bempah).

283 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 8, 23 July 2020, 1250 (Benson Cowan).

284 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, 1125 (Rick Parent).

285 SECU, [Evidence](#), 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1710 (Kanika Samuels-Wortley).

286 SECU, [Evidence](#), 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1210 (Chief Nishan Duraiappah).



victims and accused persons, including important context to “avoid stigmatizing communities.”²⁸⁷

Therefore, the Committee recommends:

Recommendation 41

That the Government of Canada ensure that a critical race analysis is applied to all racially disaggregated police data collected to ensure that the manner in which it is used does not further stigmatize or marginalize Indigenous and racialized people.

Recommendation 42

That the Government of Canada request that the Royal Canadian Mounted Police collect and publicize national comprehensive and disaggregated race-based data covering police interactions with the public.

2.11 The “Bastarache Report”

The Committee was powerfully impacted by the testimony of the Hon. Michel Bastarache concerning his report *Broken Dreams Broken Lives: The Devastating Effects of Sexual Harassment on Women in the RCMP*,²⁸⁸ (the “Bastarache Report”) which describes appalling acts and patterns of sexism, homophobia, and racism within the RCMP. On December 7, 2020 the Committee adopted a motion to take the testimony of the Hon. Michel Bastarache and the relevant sections of his report into consideration for this study and to invite the Minister of Public Safety and Emergency Preparedness and the Commissioner of the RCMP to appear in response to the report.²⁸⁹

The Bastarache Report describes the evidence heard during the assessment of 3,086 claims of gender or sexual-orientation based discrimination concerning incidents occurring while the claimant was employed by the RCMP. The conduct described includes systemic patterns of discrimination based on gender, sexual orientation and race, including workplace cultures characterized by misogyny, homophobia, and racism and inter-personal violence, including sexual violence. It also describes structural inequalities that prevented women and LGBTQ2S+ people from receiving promotion,

287 Ibid., 1220 (Chief Bryan Larkin).

288 Hon. Michel Bastarache, *Broken Dreams Broken Lives: The Devastating Effects of Sexual Harassment on Women in the RCMP*, 11 November 2020.

289 SECU, *Minutes of Proceedings*, 2nd Session, 43rd Parliament, 7 December 2020.

training and work assignments on an equal basis with other applicants and retribution exacted for attempts to bring forward complaints or seek redress for discrimination. In a great many cases the behaviour which was subject to complaints was not only discriminatory but criminal, including sexual assaults and 131 cases of rape.²⁹⁰ While some of the conduct described was historical, having occurred between 16 September 1974 and 30 May 30 2017, the Hon. Michel Bastarache explained to the Committee that some complainants had disclosed ongoing experiences of workplace harassment within the RCMP despite changes made to address gender and sexual orientation based harassment.²⁹¹ The Bastarache Report provides 52 recommendations to address the problems identified during the claim assessment process.

The impact of the harassment, discrimination and violence against women and LGBTQ2S+ people described in the Bastarache Report was profound. Some experienced serious psychological injury, including post traumatic stress disorder, suicidality, harm to their self-esteem and family life, loss of confidence and feelings of anger and humiliation.²⁹²

The Bastarache Report describes the compounded discrimination experienced by Indigenous, racialized and LGBTQ2S+ RCMP members:

LGBTQ2S+ women or women of Indigenous or racialized heritage were often treated even more poorly. They were subjected to discrimination and harassment because of their sexual orientation or race as well as gender.²⁹³

In his testimony before the Committee the Hon. Michel Bastarache described the internal culture of the RCMP as “toxic,”²⁹⁴ noting that while many claimants described some good members of the RCMP, “they indicated that even these members often felt compelled to accept the prevalent culture and remained silent in the face of injustice.”²⁹⁵ The Bastarache Report states:

What I learned in reviewing claims and speaking to claimants has led me to conclude that the RCMP has a toxic culture which has proved intractable to change despite

290 Hon. Michel Bastarache, *Broken Dreams Broken Lives: The Devastating Effects of Sexual Harassment on Women in the RCMP*, 11 November 2020, p. 48.

291 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 10, 2 December 2020, 1610 (Hon. Michel Bastarache).

292 Hon. Michel Bastarache, *Broken Dreams Broken Lives: The Devastating Effects of Sexual Harassment on Women in the RCMP*, 11 November 2020, pp. 28-31.

293 *Ibid.*, p. 47.

294 SECU, *Evidence*, 2nd Session, 43rd Parliament, Meeting 10, 2 December 2020, 1610 (Hon. Michel Bastarache).

295 *Ibid.*, 1620.



numerous reports and substantial litigation costs. This culture promotes, or at the very least tolerates, misogynistic, racist and homophobic attitudes among many members of the RCMP. Such attitudes cause harm and are inconsistent with the Charter values of equality. They must not be allowed to persist.²⁹⁶

In his report, the Hon. Michel Bastarache acknowledged that previous reports have called for a fundamental restructuring of the RCMP. He expressed that:

I am of the view that cultural change is highly unlikely to come from within the RCMP. It has had many years and many reports and recommendations and yet the unacceptable behaviours continue to occur. Women who supported a fresh start were of the view that they, as women, would be better accepted in a modern, federal policing organization. It is my belief the time has come for the Government of Canada to ask some hard questions about the structure and governance of federal policing.²⁹⁷

The Bastarache Report documents disrespectful conduct at all levels of the RCMP hierarchy and explains that despite several previous reports providing good recommendations to address systemic problems within the RCMP, and despite changes to policy and legislation that have been made, complainants expressed the view that these changes had not been properly implemented and discretion was exercised to override their intended aims.²⁹⁸ As the report expresses: “Culture eats Policy every time.”²⁹⁹

The Bastarache Report describes recommendations made by some of the women interviewed suggesting:

the establishment of a Royal Commission of Inquiry to study the options for the future of the RCMP, including significant changes to its mandate, structure and governance, and the option of establishing a new federal police agency.³⁰⁰

The report calls on the federal government to consider establishing such an independent commission of inquiry.³⁰¹

296 Hon. Michel Bastarache, *Broken Dreams Broken Lives: The Devastating Effects of Sexual Harassment on Women in the RCMP*, 11 November 2020, p. 1.

297 Ibid., p. viii.

298 Ibid., p. 54.

299 Ibid.

300 Ibid., p. 58.

301 Ibid., p. 2.

CONCLUSION

In light of the testimony and briefs received, the Committee recognizes that systemic racism in policing in Canada is a real and pressing problem to be urgently addressed. As many witnesses emphasized throughout this study, there have been many previous studies undertaken and reports authored addressing various aspects of systemic racism in Canadian policing over decades, yet many of the issues identified and recommendations made previously have resulted in little change or responses that have failed to remedy the disproportionate harms experienced by Indigenous and racialized communities.

Through the provision of the recommendations listed herein, the Committee hopes to propel the fundamental changes necessary to ensure all Canadians can equally benefit from professional, respectful, and representative police services, free of racism and other forms of discrimination.

APPENDIX A LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee's [webpage for this study](#).

Organizations and Individuals	Date	Meeting
<p>As an individual</p> <p>Kent Roach, Professor Faculty of Law, University of Toronto</p> <p>Kanika Samuels-Wortley, Assistant Professor Carleton University</p>	2020/11/16	6
<p>Pauktuutit Inuit Women of Canada</p> <p>Samantha Michaels, Senior Research and Policy Advisor Gerri Sharpe, Vice-President</p>	2020/11/16	6
<p>Women of the Métis Nation - Les Femmes Michif Otipemisiwak</p> <p>Melanie Omeniho, President</p>	2020/11/16	6
<p>As an individual</p> <p>Michèle Audette</p>	2020/11/18	7
<p>Atlantic Policy Congress of First Nations Chiefs Secretariat</p> <p>John G. Paul, Executive Director</p>	2020/11/18	7
<p>Center for Research-Action on Race Relations</p> <p>Fo Niemi, Executive Director</p>	2020/11/18	7
<p>National Association of Friendship Centres</p> <p>Jocelyn Formsma, Executive Director Christopher Sheppard, Board President</p>	2020/11/18	7
<p>As an individual</p> <p>Robyn Maynard, Author</p>	2020/11/23	8
<p>Ogijiita Pimatiswin Kinamatawin</p> <p>Mitch Bourbonniere, Community Activist</p>	2020/11/23	8

Organizations and Individuals	Date	Meeting
As an individual	2020/12/07	11
Alain Babineau, Consultant, Law Enforcement and Social Justice Advocate		
Service de police de la Ville de Sherbrooke	2020/12/07	11
Éric Roger, Sergeant Mobile Psychosocial Intervention Team		
Patrick Roy, Inspector Regional Surveillance Division		

APPENDIX B LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee’s [webpage for this study](#).

43rd Parliament—1st Session

Organizations and Individuals	Date	Meeting
Correctional Service of Canada Anne Kelly, Commissioner	2020/06/23	7
Department of Public Safety and Emergency Preparedness Hon. Bill Blair, C.P., M.P., Minister of Public Safety and Emergency Preparedness Monik Beaugard, Associate Deputy Minister Julie Thompson, Director General, Corrections and Criminal Justice Directorate	2020/06/23	7
Royal Canadian Mounted Police Dennis Daley, Assistant Commissioner Contract and Indigenous Policing Gail Johnson, Chief Human Resources Officer Brenda Lucki, Commissioner	2020/06/23	7
As an individual Robert S. Wright, Social Worker and Sociologist Hon. Vernon Darryl White, Senator Conservative Party of Canada	2020/07/23	8
British Columbia Assembly of First Nations Regional Chief Terry Teegee, Regional Chief of Assembly of First Nations (British Columbia)	2020/07/23	8
Inuit Tapiriit Kanatami Natan Obed, President	2020/07/23	8

Organizations and Individuals	Date	Meeting
Legal Services Board of Nunavut Benson Cowan, Chief Executive Officer	2020/07/23	8
Nunavut Tunngavik Inc. Aluki Kotierk, President	2020/07/23	8
As an individual Akwasi Owusu-Bempah, Assistant Professor Department of Sociology, University of Toronto	2020/07/23	9
Assembly of First Nations Quebec-Labrador Chief Ghislain Picard	2020/07/23	9
Indigenous Police Chiefs of Ontario Terry McCaffrey, President and Chief of Police, Wikwemikong Tribal Police Service	2020/07/23	9
Kwanlin Dün First Nation Chief Doris Bill	2020/07/23	9
Native Child and Family Services of Toronto Dr. Jeffrey Schiffer, Executive Director	2020/07/23	9
Native Counselling Services of Alberta Allen Benson, Chief Executive Officer	2020/07/23	9
As an individual Christian Leuprecht, Professor Department of Political Science, Royal Military College of Canada Rick Parent	2020/07/24	10
Canadian Police Association Tom Stamatakis, President	2020/07/24	10
Civilian Review and Complaints Commission for the Royal Canadian Mounted Police Micheline Lahaie, Chairperson	2020/07/24	10
Edmonton Police Service Dale McFee, Chief of Police	2020/07/24	10
Ottawa Police Service Peter Sloly, Chief of Police	2020/07/24	10

Organizations and Individuals	Date	Meeting
As an individual Myrna Lashley Fabrice Vil	2020/07/24	11
Black Legal Action Centre Ruth Goba, Executive Director	2020/07/24	11
First Nations Chiefs of Police Association Dwayne Zacharie, President	2020/07/24	11
National Police Federation Brian Sauvé, President	2020/07/24	11
Quebec Native Women Inc. Viviane Michel, President Léa Serier, Coordinator Justice and Public Safety	2020/07/24	11
As an individual Julian Falconer	2020/08/14	12
Canadian Association of Chiefs of Police Bryan Larkin, Chief of Police Waterloo Regional Police Service and member of the Drug Advisory Committee	2020/08/14	12
Native Women's Association of Canada Steven Pink, Senior Legal Counsel Lorraine Whitman, President	2020/08/14	12
Peel Regional Police Nishan Duraiappah, Chief	2020/08/14	12

APPENDIX C LIST OF BRIEFS

The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's [webpage for this study](#).

Assembly of First Nations

Axon

Canadian Association of Chiefs of Police

Civilian Review and Complaints Commission for the Royal Canadian Mounted Police

Congress of Aboriginal Peoples

Council of Canadian Academies

Falconers LLP

Grandmothers Act to Save the Planet

Human Rights Watch Canada

Leuprecht, Christian

National Police Federation

Nishnawbe Aski Nation

Ruddell, Rick

Sunchild, Eleanore

APPENDIX D LIST OF BRIEFS

The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's [webpage for this study](#).

43rd Parliament, 1st Session

Banwarie, Rae

Black Legal Action Centre

British Columbia Assembly of First Nations

Haggerty, Chad

Leuprecht, Christian

Native Child and Family Services of Toronto

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* (Meetings Nos. 6, 7, 8, 11, 15, 18, 20, 22, 24, 25, 26, 27, 30) from the 43rd Parliament, 2nd Session and Meetings Nos. 7, 8, 9, 10, 11, 12 from the 43rd Parliament, 1st Session is tabled.

Respectfully submitted,

Hon. John McKay
Chair

Supplemental Report

Canada is the most welcoming country on earth, accepting and affirming people of all ethnicities, religious beliefs, and sexual orientations. Canada's Conservatives are proud of our country and we honour the men and women on whose shoulders this country has been built.

But Canada is not perfect. Racism exists in Canada and it must be rooted out. Racism must have no place in Canada, yet experiences clearly show systemic racism in the criminal justice system that has led to biased outcomes. This erodes public confidence in institutions like the justice system as well as places from the public service to corporate Canada.

Systemic racism exists in the institutional legacy of a somber chapter in Canadian history characterized by federal involvement in the tragedy of residential schools, forced relocations, and a failure to respond adequately to cases of missing and murdered Indigenous women and girls. One of the most recent examples of systemic racism is a policy that led to racial profiling, which was designed and executed by Public Safety Minister Bill Blair when he was the chief of the Toronto Police Services. This policy disproportionately targeted black Canadians living in Ontario and subjected them to arbitrary detention by the police. But despite his previous support for a systemically racist policy, Bill Blair still has his job as Public Safety Minister because the Prime Minister himself has engaged in what he acknowledges is racist behaviour, the wearing of blackface.

Racism can also be found in institutional structures that fail to root out racist elements within its ranks. It has left a continuing and understandable sense of distrust on the part of Indigenous communities towards the RCMP and law enforcement more generally.¹ As Professor Christian Leuprecht noted, "bureaucracies reproduce themselves; in the process, they also reproduce their institutional culture and problems."²

The failures of an era in which racial and cultural biases were direct and intentional aspects of policy may therefore continue to be reflected in the inadequacies of present day structures and institutions in dealing with instances of individual racism that are now widely recognized as being unacceptable and in need of redress. While it would be wrong and inaccurate to describe the RCMP or all its individual officers as inherently racist or holding racist beliefs, we must also recognize that a failure to respond effectively to legitimate complaints or to adapt effectively to the needs and realities of Indigenous and racialized communities has often led to biased outcomes at multiple levels. Witnesses before the committee testified to the failings of the RCMP Commissioner in responding to reports from the Civilian Review and Complaints Commission (CRCC) in a timely manner, with delays ranging to over 3 years in some cases, to a lack of accountability in

¹ SECU, Evidence, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1415 (Chief Doris Bill); SECU, Evidence, 1st Session, 43rd Parliament, Meeting 9, 23 July 2020, 1405 (Chief Ghislain Picard).

² Leuprecht, Dr. C. (24 July 2020), "Submission RE: SECU hearings on Systemic Racism in Policing in Canada."

implementing its recommendations.³ They also repeatedly raised the need for greater training in cultural sensitivity, communications and responsiveness to the needs of particular communities. A notable example in this regard is the fact that only 5 of the 150 RCMP police officers in Nunavut are capable of speaking Inuktitut, a significant barrier for victims seeking to report violence and obtain police protection.⁴

Canada's Conservatives are committed to working with communities and doing the hard work of finding concrete solutions to these problems. We believe that the institutional failings that have led to these outcomes can and must be urgently addressed. It is imperative that we meet this challenge with practical policy changes that solve institutional and systemic problems. However, the Conservative members of the House of Commons Standing Committee on Public Safety and National Security believe that a number of the recommendations of the committee's main report on Systemic Racism in policing do not do so effectively or go beyond the scope of the study in service to ideological objectives which we cannot endorse, notably with respect to the idea of "defunding" police and the decriminalization of hard drugs. We are therefore opting to issue a brief supplemental report to make some of our more significant differences of opinion clear.

Civilian Review and Complaints Commission

There is perhaps no clearer example of an institutional structure that fails Canadians than a review system that fails to hold the RCMP and its members to account. Therefore, we support recommendations ensuring greater responsiveness and accountability on the part of the CRCC and publication of disciplinary decisions. Impartiality and respect for Charter rights would require criminal actions by members of the RCMP to be dealt with by the criminal justice system, through independent law enforcement review and the appointment of a special, public prosecutor to whom complaints could be referred by the CRCC for assessment.

General Oversight

The need for an independent oversight body – free of political interference – in the form of a new RCMP Management Board distinct from the CRCC and existing management advisory board was reiterated by several stakeholders throughout the committee's study, and is set forward in Recommendation 8. Because of the role the RCMP plays in Canadian society, this type of oversight is needed urgently, and Conservative members of the Standing Committee on Public Safety and National Security encourage the Minister of Public Safety to table corresponding legislation as soon as possible which Parliament should review thoroughly.

The committee also heard from witnesses that local input into the oversight of policing is critical for public trust in Canadian policing and the criminal justice system broadly. Local

³ SECU, Evidence, 1st Session, 43rd Parliament, Meeting 10, 24 July 2020, (Micheline Lahaie, Chairperson, Civilian Review and Complaints Commission for the RCMP).

⁴ SECU, Evidence, 2nd Session, 43rd Parliament, Meeting 6, 16 November 2020, 1715 (Gerri Sharpe).

oversight is likely to provide greater accountability of police to their communities and identify unacceptable behaviour more effectively.

While an enhanced role for the national Civilian Complaints and Review Commission is necessary it is not clear that it should become, as the report appears to suggest, the primary or exclusive vehicle for addressing institutional practices that lead to biased or discriminatory outcomes at either the national or local level when other structures may be more appropriate. In many instances the report seems to conflate its role in responding to complaints in a manner that can lead to disciplinary action and/or changes in policy with exercising direct, continuing oversight and developing and implementing overall policy. In our view, the CRCC cannot do both and retain its role and independence.

The role of the RCMP

Addressing disproportionate outcomes in law enforcement, and Canada's criminal justice system broadly, means addressing internal police issues, including police management and leadership standards, worker safety, and police oversight. It also means addressing Canada's federal, provincial, and municipal policing structures. While Conservatives believe that both cases of individual racism and structural failures leading to biased outcomes must be denounced and dealt with, we do not subscribe to the ideological narrative that holds that the RCMP and its officers form an inherently racist body that must be dismantled, defunded and divorced from clear national standards of practice. Addressing disproportionate outcomes in police enforcement, and Canada's criminal justice system broadly, means addressing the many contributing social challenges such as poverty, addiction, mental health, lack of opportunity, historical injustices, education, and general cultural awareness. The committee's study and subsequent report did not consider these issues.

Canada requires a strong and effective national law enforcement agency, and the need to address racism in policing does not eliminate the need to deal with rising gang violence, cyber-crime, illegal firearms trafficking and other criminality. Nor does it make it a realistic prospect, even from a purely operational standpoint, to replace the RCMP as the primary local law enforcement agency for large areas of Canada with a patchwork of new community police forces. While some larger communities such as Surrey and Red Deer are heading in that direction, and the Federal Government needs to uphold these provincial decisions, it is far from clear that the many communities across Canada that depend on RCMP contract policing, particularly in less populous rural and northern areas would want to see it abandoned and replaced. Despite the more negative episodes of its history and the need for change in the present, the RCMP remains a national institution that has played a vital role in Canada's development and the preservation of law and order. Canadians can continue to be proud of the institution, and support the officers that serve their community with dignity and integrity.

Police recruitment and funding

The committee knows from reports by the RCMP, the federal government, and the National Police Federation that the RCMP are short staffed in many parts of the country. The RCMP continue annually to have fewer recruits entering the service than members retiring. The committee's studies on both the Merlo-Davidson Report and Rural Crime further highlight the fact that unfilled police vacancies create additional stress and pressures on officers and contribute to a deteriorating workplace environment, which has a negative effect on the ability of RCMP officers to serve their local communities. This cannot possibly lead to improved interactions between the RCMP and the communities they serve.

Despite nearly \$1 billion in additional spending per year, the federal government has failed to address the recruitment shortfall in staff and RCMP officers. This has an acute effect on rural and smaller community detachments in particular. Conservative members of the Standing Committee on Public Safety and National Security believe the federal government must make increasing RCMP recruitment capacity a priority. If the RCMP is unable to recruit and train enough staff to address attrition, it is unlikely to be able to increase the diversity of its rank members as the report recommends. The government cannot simply tell the RCMP to meet diversity targets when it is critically understaffed. The "defunded", community based patchwork RCMP the report recommends may be even less likely to be able to meet its staffing needs and targets.

Training

Other recommendations, especially 36 and 40 suggest replacing national standards and programs for the training and education of officers with local, community oriented programs in which officers would be trained and according to the needs and cultures of the communities they would serve. Paradoxically, recommendation 9 calls for the establishment of a National Police College. From an operational standpoint these two recommendations are in total contradiction and could never effectively coexist in practice. A patchwork of community police services trained differently for local needs can't apply national standards. We believe that RCMP officers must continue to be trained according to a single coherent national program and set of standards, with community specific training to be provided subsequently. Such training should take into account the many legitimate concerns the study has raised.

Use of Force

Recommendation 32 notably suggests setting out new standards for reasonable use of force.

It is unclear, from testimony heard by this committee, whether it is the use of force guidelines, or if it is the training and enforcement of currently in place use of force guidelines, that is problematic and that is failing across the country.

Decriminalizing drugs

As with the recommendations aimed at defunding the police, we strongly disagree with recommendations 24 and 25 which call for decriminalizing the possession of all illicit drugs and offering pardons for individuals convicted of simple possession. These recommendations represent an extreme, ideological approach out of step with those of most other jurisdictions. It should, in any case, not be included in a report focused on addressing racism in policing.

Internal Challenges to future legislation

Addressing disproportionate outcomes in police enforcement, and Canada's criminal justice system broadly, means addressing internal police issues, including police management and leadership standards, worker safety, and police oversight. It also means addressing Canada's federal, provincial, and municipal policing structures.

Addressing internal police issues cannot be done without a comprehensive understanding of current and future federal police frameworks. This requires full disclosure and access to information from the federal government. Unfortunately, the Minister of Public Safety and Emergency Preparedness has not been forthcoming on planned legislation, regulations, spending, or timelines regarding Canadian policing. Notably, the Minister of Public Safety has announced his intention to table an Indigenous Policing Act but declined to provide a timeline or parameters for the legislation. Conservatives support the co-development of this legislation with Indigenous communities, and would urge the government to act quickly in this regard. However we would note that the committee's report has failed to provide clear guidance in this regard, particularly as to whether an Indigenous policing program would be local or national in scope and whether it would be funded through new investments or a reallocation of funding from the RCMP.

Conclusion

Addressing racism in Canadian policing is a challenge that requires the continuing efforts of all members of the policing community, the criminal justice system, and leadership from elected officials. Without clear leadership from the Prime Minister and the Minister of Public Safety, any proposals put forward by the Standing Committee on Public Safety and National Security – which lacks the authority to implement legislative, regulatory and policy changes – will fail. Countless reports, expert witness testimony and our own history has made it clear there must be clear leadership from the Prime Minister and Minister to address challenges in the RCMP.

The committee's report on systemic racism in policing notes many important issues within the RCMP, and some of the recommendations the report provides could have a positive impact on the performance of Canadian policing. However, there is a need for concerted political leadership in addressing the larger public policy challenges related to policing - this is a critical component in addressing these challenges. Identifying problems with policing is important, but more important is identifying real solutions to stamp out racism, increasing Indigenous and racialized Canadian participation, and regaining public trust.

Defunding or arbitrarily dismantling institutions is not a solution but is evidence of allowing frustration to triumph over meaningful reform.

BLOC QUÉBÉCOIS SUPPLEMENTARY REPORT ON THE STUDY OF SYSTEMIC RACISM IN POLICING IN CANADA

The Bloc Québécois would like to start by thanking all the witnesses and groups who participated in this important study on discrimination by police forces. The Bloc Québécois agrees with most of the recommendations in this report. It is important to us that significant action be taken by the government so that everyone can live in a society where they feel safe and respected.

The murder of George Floyd, an African-American man from Minneapolis who was killed by a white police officer on May 25, 2020, left a strong impression and put the spotlight back on the racial tensions that exist in the United States. The reason this tragic event resonated around the world is that many minority groups feel discriminated against by their government. There are plenty of examples of this. The death of Chantel Moore, killed by a police officer who was simply conducting a health check, brought to the forefront the pain experienced by Indigenous nations at the hands of Canadian police forces. We were all shocked by the case of Joyce Echaquan, an Indigenous woman who died in Joliette while being insulted by hospital staff who had no regard for her pain and distress. More recently, the discovery of 215 bodies of Indigenous children at a residential school site - children who had been forcibly taken from their families and placed in residential schools dedicated to their assimilation - has shown the world the extent of the violence that Indigenous people have suffered as a result of the colonial policies of the Canadian government, and the extent of the wounds that continue to emerge today. We believe that Canada's treatment of First Nations and Inuit nations is the epitome of a racist system that discriminates against First Nations. Use of the term "systemic racism" - to the extent that the system is designed to discriminate against a group under racist premises - is therefore appropriate when discussing the Canadian government's treatment of Indigenous nations over time.

Despite the progress society has made over time to address discrimination and racism, all of these tragedies remind us that we still have a long way to go before all people can live in a society free from discrimination based on race, gender, language or ethnicity. This report by the Standing Committee on Public Safety is one small step toward that goal. On 17 June, four members of the Standing Committee on Public Safety, including the Bloc Québécois Public Safety Critic and Vice-Chair of the Committee, signed and sent a letter to the Clerk of the Committee requesting that a study be immediately initiated to examine the problems of racism and discrimination in policing in Canada and to report back to the House of Commons. Although the study covers all police forces in Canada, the focus is on the Royal Canadian Mounted Police, which is under federal jurisdiction.

The Bloc Québécois also insisted, throughout this study, that the focus be on the Royal Canadian Mounted Police since it is under federal jurisdiction. In addition, a comprehensive study conducted by the Quebec government on discrimination against Indigenous people by Quebec police forces has recently been completed. The *Commission d'enquête sur les relations entre les Autochtones et certains services publics : écoute, réconciliation et progrès* - also known as the Viens Commission - made nearly 100 recommendations to the Quebec government. Commissioner Jacques Viens was categorical: "It seems impossible to deny that members of First Nations and Inuit are victims of systemic discrimination in their relations with the public services that were the subject of the

inquiry.” It should also be noted that there is no consensus on what exactly “systemic racism” is and that there are a multitude of definitions for this concept. In our opinion, some of these definitions use circular reasoning and this has the effect of confusing and directing the debate, which takes us away from the objective of moving from recommendations to action to stop racism and its effects on different racialized communities. We believe it is important to move beyond this semantic debate to focus on the victims of discrimination and find constructive and pragmatic solutions.

The Bloc Québécois has been part of this study to ensure that the public is heard and that the recommendations in this report are applied at the federal level to bring about real change. However, we believe that it is important to add some clarifications to certain recommendations. With this complementary report, we urge the federal government to respect provincial jurisdiction and to encourage provincial initiatives rather than compete with them.

Recommendations

The Bloc Québécois would like to make clarifications and changes to the following recommendations:

Recommendation 20

Mental health problems are the cause of a large proportion of police interventions across Canada and Quebec. Since police officers are not experts in dealing with people with mental health problems, avoidable escalation can occur depending on the approach of the police force. To more effectively intervene and protect individuals with mental health problems, we must ensure that they have access to adequate care. The Bloc Québécois agrees with the principle of this recommendation but would like to point out that health falls under provincial jurisdiction and that the federal government’s responsibility is limited to transferring money to the provinces without conditions. It is the provinces that manage the hospitals and provide health care to the population, and the federal government has no expertise in this area. The provinces have unanimously asked for an increase in health transfers, which the federal government refuses to do, even though we are in the midst of the worst public health crisis in a century. The pressures on the public healthcare system due to federal underfunding are creating challenges that can only be met with adequate funding.

Therefore, the Bloc Québécois believes that recommendation 20 should be written as follows to respect the jurisdictions of the different levels of government:

That the Government of Canada increase health transfers to the provinces and territories to cover 35% of the amounts spent on health by the provinces and territories, which will allow them to put additional resources where they deem it appropriate, such as in mental health support and intervention.

Recommendations 31 and 32

Data collection was one of the main recommendations of the racialized communities who came to testify, and it is important that the report reflects their suggestion. It should be noted that the Viens Commission report recommended that Quebec “incorporate ethno-cultural data collection into the operation, reporting and decision making of public sector organizations.” The Bloc Québécois agrees with the essence of recommendations 31 and 32 but believes that the federal government’s efforts should not interfere with the work of the provinces and that the federal government should not impose a policy on Quebec.

Therefore, the Bloc Québécois believes that recommendations 31 and 32 should be worded as follows to respect the jurisdictions of the various levels of government:

That the Government of Canada require the RCMP to create a use of force database disaggregated by race, colour, ethnicity, national origin, gender and other identities; to collect this data regularly in cooperation with provincial and territorial governments that may wish to participate; and to publish the data collected regularly.

Systemic Racism in Policing in Canada

Supplementary Report of the New Democratic Party

New Democrats fully support the recommendations contained in this report and reiterate that the elimination of systemic racism and discrimination against Indigenous peoples by police and the justice system should be considered as a key and fundamental precondition of reconciliation with Canada's Indigenous peoples. We also see the elimination of systemic racism and discrimination against Black and racialized people in Canada in our police and justice system as a fundamental and essential requirement of Canada's commitment to human rights and equality. We recognize that systemic racism has so permeated the policing, justice, and corrections systems in Canada that transformational change must not only take place in policy and practice but also in the cultures of these institutions.

This study and report follow many substantive reports that have made significant recommendations concerning systemic racism in policing in Canada. The report reiterates much of what has been said before and offers additional recommendations. However, the transformational change that is needed can only happen with the full and sustained support of the Prime Minister of Canada, Minister of Public Safety, and the entire Government. Urgent, meaningful, and radical action is needed to address systemic racism in Canada's policing, justice, and corrections systems.

We offer the following additional comments and recommendations to supplement the report and to further the goal of eliminating systemic racism in areas where stronger action is required.

1. We believe that recommendation 25, that the government offer criminal record pardons for the simple possession of cannabis, will not be sufficient to end systemic discrimination in relation to historical charges for simple possession of cannabis. It is well documented that Black and Indigenous people in Canada have been disproportionately burdened with criminal records for possessing small quantities of cannabis, which can have devastating impacts on an individual's access to employment and housing, and a lasting impact on their futures. These communities also disproportionately lack access to the legal and administrative requirements to obtain relief, by way of a pardon or otherwise.

The current regime introduced by the previous government provides for record suspensions and not pardons. So far, the administrative burden put on Canadians has resulted in only 395 record suspensions for the possession of small quantities of cannabis since it was made legal in October 2018. The Government of Canada should introduce measures to immediately and automatically expunge all such criminal records of convictions and findings of guilt. The government must also ensure that related records are removed from the Canadian Police Information Centre (CPIC) Database, which would ensure that they are truly expunged and not available to police services and others with access to the CPIC database.

2. Recommendation 8 calls for the RCMP to transition away from a paramilitary force into a civilian police service model. This includes moving away from the chain of command hierarchy that reinforces systemic racism and what the Bastarache Report¹ referred to as "a toxic culture" that tolerates

¹ Hon. Michel Bastarache, *Broken Dreams, Broken Lives: The Devastating Effects of Sexual Harassment of Women in the RCMP*. 11 Nov. 2020.

discrimination based on gender, sexual orientation, and race, creating a workplace culture characterized by misogyny, homophobia, racism and interpersonal violence, including sexual violence.

The RCMP Academy in Regina (Depot) is the training ground for this paramilitary culture and structure and has a long history of inculcating a military mindset and culture into new recruits. As part of the transformative work that needs to take place, the RCMP training model and the paramilitary culture of the RCMP must receive a complete overhaul. This should include the closing of Depot and replacing it with a National Police College concept with new leadership and an expanded mandate as described in the Report. This college would ideally set a new national standard for bias-free professional police training, which would include cultural competency and de-escalation training and be open and accessible to diverse participants and other police services. This may or may not require relocating to a new facility.

3. The Report makes several recommendations regarding Indigenous policing. Recommendation 9 calls for consultation and negotiation with Indigenous communities to develop appropriate specialized training rooted in cultural knowledge and history to support the development of Indigenous policing. Should it be the wish of Indigenous leadership and communities that a separate Indigenous police college be established parallel to the National Police College referenced above, the Government of Canada should support such endeavor.
4. For many Black, Indigenous and racialized people in Canada, the police embody the systemic racism that permeates the justice system and are seen as a threat. Yet across the country, many police services insist that a police officer must be the first one to enter a unit when responding to a mental health crisis or request for a wellness check, even when a mental health worker is available and there is no known safety threat. This often further escalates the situation and has resulted in numerous fatalities, severe injuries, and trauma. Mental health professionals must be empowered to be first responders whenever possible, while still being appropriately supported by police.