MASS CASUALTY COMMISSION
COMMISSION DES PERTES MASSIVES

The Joint Federal/Provincial Commission into the April 2020 Nova Scotia Mass Casualty
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Commission fédérale-provinciale sur les événements d'avril 2020 en Nouvelle-Écosse
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The Honourable / L'honorable J. Michael MacDonald,
Chair / Président

Leanne J. Fitch (Ret. Police Chief, M.O.M)

Dr. Kim Stanton

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Dartmouth, Nova Scotia

--- Upon commencing on Wednesday, September 14th, 2022, at 9:34 a.m.

COMMISSIONER FITCH: Bonjour and bienvenue. Hello and welcome. We join you from Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq.

Please join us in remembering those whose lives were taken, those who were harmed, their families, including those here in Nova Scotia, across Canada, and in the United States, and all others affected by the April 2020 mass casualty in Nova Scotia.

(SHORT PAUSE)

COMMISSIONER FITCH: Today, we will hear the Commission's final roundtable discussion on police oversight, supervision, and accountability. As with earlier roundtables, we hope to hear about lessons learned and suggestions for changes that could strengthen community safety. Participant representatives will join the roundtable in the afternoon as well to share their experiences and expertise.

The roundtables are part of the final phase of our work and provide a forum to hear a variety of perspectives including experts, practitioners, and diverse community members that will help to inform our final recommendations. Please remember that we also want to hear from you, members of the public, with your ideas for change. More information about how to share your suggestions is available on our website. You will have until the end of this month to share your thinking, so please do so soon.

I will now ask Dr. Emma Cunliffe, the Commission's Director of Research and Policy to begin today's roundtable. Dr. Cunliffe?

--- ROUNDTABLE: POLICE OVERSIGHT, SUPERVISION AND ACCOUNTABILITY:

DR. EMMA CUNLIFFE: Thank you, Commissioners.

As Commissioner Fitch has indicated, my name is Emma Cunliffe and I have the honour of serving as the Director of Research and Policy for the Mass

Casualty Commission.

Today's roundtable will address the following core themes: the two elements of oversight of policing, namely governance and accountability; the relationships between oversight, supervision, discretion, and the independence of operational decision-making; effective models of oversight, including the regulation of discretion and ensuring effective oversight while preserving operational independence.

We will begin today's roundtable with a discussion of how policing agencies are structured in Canada, how they are governed, and what happens when someone has concerns about police action or inaction. We are especially interested in the opportunities for civilians to scrutinize police, whether that happens via governance mechanisms such as civilian police boards, or accountability mechanisms such as independent complaints investigation processes.

Let me pause here to explain that we will be adopting the definition of oversight and approach to understanding oversight mechanisms that was set out by Justice Morden in his report on the police response to the G20 protests in Toronto. This report is summarized in the Commission's Environmental Scan, and a link to the report is also provided in that document. The Environmental Scan can be found on our website under "Reports and Research and Commissioned Reports".

Morden explains in the report that:

"Civilian oversight is the process adopted by the legislature to ensure the public's accepted values and norms will guide their police service. Two critical assumptions underlie this approach: first, that police services require some form of governance and, second, that elected officials are not the appropriate individuals to provide that governance."

Morden describes civilian oversight as "a check and balance against the legal powers society has given the police to enforce the law". He identifies two components of oversight: governance, which he defines as the authority and responsibility to establish the framework within which decisions are made and actions

taken by a police service; and accountability, by which actions and activities already carried out are evaluated to "ensure that decisions which have been taken can be evaluated and addressed in a transparent manner and that lessons learned can be applied to future decisions."

As the documents included in today's round table explain further, not all Canadian police services meet the criteria for effective civilian oversight that Morden sets out. Canada has a patchwork of governance and accountability models, some more independent from the police service and political processes than others, and some involving greater civilian participation than others. We'll explore some of these models, particularly those that apply to the RCMP and to municipal police services in Nova Scotia, further today.

Both governance and accountability have a bearing on other questions raised within our core themes, including the exercise of police discretion, the role of front-line supervision and disciplinary processes, and the scope and nature of the value of operational independence. Operational independence may be defined as the requirement that police be able to exercise their investigative and charging powers without political interference. The importance of this principle is well illustrated by two cases investigated by the Donald Marshall Jr. Inquiry in 1989. The inquiry found that the RCMP in those cases had been reluctant to exercise its own responsibilities to fully investigate or lay charges in two politically sensitive cases involving allegations of financial misdealings against provincial cabinet ministers, and that senior civil servants and a minister had become involved in these investigations when they should not have done. The inquiry concluded the "reluctance to proceed with politically sensitive criminal investigations...indicates a failure to adhere to the principle of police independence."

However, at times, operational independence and civilian oversight can also operate in tension with one another. Commentators have observed that operational independence can sometimes be claimed by police leaders in order to avoid

civilian governance and accountability, but that the better path is to set out clear and public rules for the discussion of operational matters between police leaders and those who govern them, and to embrace the notion of “operational responsibility”, by which police are -- and this is a quote from the Morden report -- “clearly responsible for accounting for all operational decisions after the fact.” This principle is, again, extensively discussed in the Morden report and in other reports included in the environmental scan, such as the Brown Taskforce of 2007 and the Marshall Inquiry report.

If time permits today, we will also consider a more aspirational question. In last week’s roundtables, we heard a consensus that policing is only one mechanism by which community safety can be cultivated, and that police are not necessarily the best or the most significant creators of community safety. Indeed we’ve heard throughout our phase 2 and 3 processes that for some individuals and some communities, police are perceived as being a greater risk to safety than contributor to it. We have heard evidence about the challenging history that has led to mistrust of police among many Nova Scotians and many across Canada. We have also heard that police may not necessarily be well-equipped to perform some of the functions they’re presently tasked with, such as wellness, and that other, more specialized and less well-resourced agencies and experts may provide better responses to some kinds of crises. For this reason, we’ll also consider how the proper approach to oversight, discretion and operational independence might change if police are regarded as one of many institutions and actors who are collectively charged with advancing community safety and substantive equality across Canadian society.

I would particularly like to acknowledge the contributions of Krista Smith, Selena Henderson, Emma Ronsley, and Laura McAnany to today’s roundtable, and to thank Jamie Van Wart, who will be chairing the participant caucus at lunchtime. After the lunch break, we’ll continue our discussion but will be joined by representatives of the participants in our process.

As facilitator of the roundtable, I'll be asking questions, asking follow-ups, and moderating the dialogue. I would ask all roundtable members please to remember to speak slowly for the benefit of our accessibility partners. As you know, roundtable discussions will form part of the Commission record. They're being live-streamed now and will be publicly available on the Commission's website. The Commissioners may choose to pose a question or ask for clarification at any point.

So to get us started, I'm going to ask each of the roundtable members to introduce themselves and to provide some context about their connection to the topics we'll be discussing today.

Holly, if I can please start with you.

DR. HOLLY CAMPEAU: Sure. Thank you very much.

So I'm Dr. Holly Campeau and I am an assistant professor at the University of Alberta in the Department of Sociology's area of criminology and socio-legal studies. So I come to this roundtable today with a set of expertise around questions of police culture, but in particular thinking about this more broadly, thinking about organizational culture analyses broadly through a very sociological lens. So through my research, my doctoral research, I spent 18 months in the police department of a police service in Ontario, where I interviewed 100 officers and got a good sense of how things function in organizational life in policing, and my recent research now pivots to examining police-citizen encounters and how both parties in that encounter make sense of those interactions. Thank you.

DR. EMMA CUNLIFFE: Thank you so much, Holly, and welcome.

Benjamin, if I can please turn to you next. And thank you for joining us so early in the morning.

DR. BENJAMIN GOOLD: Thank you.

So my name is Benjamin Goold. I'm a professor of law at the Peter Allard School of Law at the University of British Columbia in Vancouver. My career is mostly focused on policing in the context of surveillance, initially looking at CCTV

surveillance in the UK and then moving into more covert forms of police surveillance in the UK and elsewhere. A lot of their focus has been on police decision-making, on how individual officers make decisions around how to direct, in many cases, surveillance, but also just how to exercise powers more generally, and the way in which police culture and police organizational structures influence the exercise of that discretion. Most recently, I was one of the writers of the expert report for this Commission and looked at the exercise of police discretion in Canada.

DR. EMMA CUNLIFFE: Thank you so much, Benjamin, and welcome.

Bethan, if I can please turn to you, and thank you for joining us late your time.

DR. BETHAN LOFTUS: Hi. My name is Dr. Bethan Loftus. I'm a senior lecturer in criminology and criminal justice at Bangor University in the UK. So over the course of my career, I conduct research and publish in the areas of policing and security, with a particular focus on using ethnographic and observational research methodologies to explore questions of police culture, and also covert and undercover policing and surveillance, as well as private security. I'm the author of "Police Culture in a Changing World", with Oxford University Press, and in major criminological and sociological journals as well.

In the context of the Commission, I was responsible for writing one of the expert reports on police culture, particularly its origins, its key features, and questions of the form. Overall, the report did four things. Firstly, I discussed how, as a social science methodology, the ethnographic research component -- it's kind of helpfulness, really, for trying to understand policing, but also its ability to get at questions of behind-the-scenes cultures of policing. I also, in the report, discussed key definitions of police culture and picked upon some of the key features that have been observed within this over time and across different countries and different contexts. I also undertook something of a criticism of the terms as well, kind of calling into question

some of the relevance of police culture for today's policing, as it were. And then finally, towards the end of the report, I spent a little bit of time looking at internal reform strategies and also the promise of external critiques of policing, such as major international scandals and public inquiries, and perhaps embedding strategies on form within policing. Thank you.

DR. EMMA CUNLIFFE: Many thanks indeed, Bathan.

Kanika, welcome.

DR. KANIKA SAMUELS-WORTLEY: Hi there. Thank you so much. I wanted to thank the Commissioners as well as Dr. Cunliffe for this opportunity to present to the panellists.

My name is Kanika Samuels-Wortley and I'm an assistant professor at Toronto Metropolitan University. My research centres race/racism, the intersection of race/racism, and the criminal justice system, with a particular focus on policing.

So where I focus on is perceptions and experiences with the police from Black and Indigenous communities in Canada, but also, prior to being involved in academia, I was a civilian with the local police service, so what I'm bringing to the table for the Commission is also speaking to police culture and how that can influence interactions with racialized peoples on the streets, and also how this -- having an understanding of those interactions can lead to a better sense of accountability to -- particularly to racialized communities, as there are strained relations between racialized communities as well as policing institutions, so how we can better have a better relationship between the two in order to lead to better accountability.

DR. EMMA CUNLIFFE: Thank you so much, Kamika, and welcome.

Jihyun, may I please turn to you?

MS. JIHYUN KWON: Good morning, everyone. It is my honour to be here.

My name is Jihyun Kwon. I'm a Doctoral candidate at the Centre

for Criminology and Sociolegal Studies at the University of Toronto.

My research and professional work have focused on a law enforcement oversight in the context of policing and correctional facilities. Today I am here because my doctoral work focuses on the issues of -- related to police accountability and oversight in Ontario.

And I want to briefly share with you how my scientific enquiry began, because I think it is relevant to the work of this Commission and today's proceedings.

So I was involved in a couple of community organizations in Montreal and Toronto. I assisted victims of police racial profiling and different types of police misconduct. I have done file at the Centre for Research Action on Race Relations, which is a Montreal-based independent non-profit civil rights organization. and these complaints would go to the Police Commissioner and Human Rights Commission, and some cases were forwarded to the Human Rights Tribunal.

In Toronto, I helped the Scadding Court Community Centre organize the province-wide forum named Ontario Police Complaints System Forum, which brought together different partners from the community, the police organizations, and policy makers across Ontario to discuss issues and raise to -- issues related to police oversight and ways to improve the oversight system in the province.

So both Ontario and Quebec have several dedicated oversight authorities whose functions and mandates differ, but one problematic instances tend to perpetuate in both provinces.

So I always wondered why the police conduct issues and why the old problems were continuing despite the existence of these multiple agencies. So this really personally appeared to be a stark contrast from what I was used to back home, which is South Korea.

Korea also has a history of colonialism and dictatorship and ways of using their military force in a para-militaristic way to control its populations, but it has

managed to change or reform its policing practised as an organization within a matter of a decade without an elaborate system of oversight, an independent oversight.

So I always wondered what it is about the Canadian system or you know, different -- the decentred oversight systems that didn't seem to produce the outcome.

So as part of my doctoral research, I decided to look at not individual level satisfaction or trust of the mechanisms of oversight, but on the measurable structural issues, issues caused by or ignored because of the overlapping oversight mechanisms in Ontario when dealing with police conduct problems.

So I look forward to discussing some of the details of my findings today and learning more from others.

DR. EMMA CUNLIFFE: Jihyun, thank you so much for joining us today, and we will indeed pick up on some of those strands of your research as the conversation evolves today, I hope.

Kent, welcome. Please go ahead.

PROF. KENT ROACH: Good morning. I'm Kent Roach. I'm a Professor of Law at the University of Toronto. I wrote a paper for the Ipperwash Inquiry on Police Government Relations that has been updated more recently for the National Security Committee Parliamentarians.

In addition to that, I was a member of the Community Council of Academies Expert Task Force wrote on the future of policing and policing in Indigenous communities.

I also am interested in, in addition to police government -- governance, police accountability, mechanisms.

My new book is "Canadian Policing, Why and How it Should Change". It was published this year.

And finally, I was Director of Research of Justice Epstein in her examination of the Toronto Police Missing Persons investigation. Thank you.

DR. EMMA CUNLIFFE: Many thanks indeed, Kent.

And Michelaine, last but certainly not least.

MS. MICHELAINE LAHAIE: Thank you, Emma, and thank you to the Commission for the invitation to be here today.

My name is Michelaine Lahaie, and I'm the Chairperson of the Civilian Review and Complaints Commission for the RCMP.

So the CRCC was established by Parliament in 1988, and we are an independent federal agency that is separate and distinct from the RCMP in spite of the fact that we have the RCMP included in our name.

We have quite a broad but very specific mandate. So our mandate is to receive complaints from members of the public about RCMP member conduct. We conduct reviews of -- when members of the public are dissatisfied with the way the RCMP handled their complaints.

As chairperson of the CRCC, I also have the ability to launch investigations, but also my own complaints where it's deemed appropriate or in the public interest to do so. We report findings and make recommendations, which of course, is very relevant to this Commission's work, and we also promote public awareness of the complaint process.

We also have a relatively new mandate that came out in 2014 whereby we can do systemic reviews of RCMP policies and procedures, and we have recently published some of those. We looked at street checks, we looked at strip searches, and we've also looked at -- more recently at some discrimination.

So that is the work of the CRCC, and as I said, it's my pleasure to be here, and I look forward to engaging with the other panelists.

DR. EMMA CUNLIFFE: Thank you so much, Michelaine, and welcome.

So let's begin with a conversation about the structures of police governance and accountability as they presently exist in Canada.

And Kent, I'd like to begin with you. As you mentioned in your introduction, you have recently published a book on Canadian policing, which particularly focuses on the governance and accountability structures associated with the RCMP, and of course, as you also mentioned, that built on your work over a number of commissions, past commissions of inquiry.

To begin with the most basic information in lots of ways, could you please provide those who may be unfamiliar with the relevant structures, a sense of how the RCMP is presently governed and what accountability mechanisms are in place today?

PROF. KENT ROACH: Thank you. So the RCMP, under section 5 is the Commissioner has control of the RCMP, but subject to the discretion of -- sorry, subject to the direction of the responsible Minister, who is the Minister of Public Safety.

And so section 5 has been interpreted by the Supreme Court of Canada in the 1999 case of *Campbell and Shirose* as subject to what I would call law enforcement independence. And I would distinguish law enforcement independence from a broader idea of operational police independence. I actually have to disagree with my colleague, Professor Cunliffe, in although I realize that operational independence is found in the Ontario and Manitoba legislation, it is not present in the *RCMP Act*, nor should I think it is present.

I would really go back in this understanding to that 1981 report of the Macdonald Commission, and of course, Professor Peter Russell was the research director as well as my teacher, and I'd like to acknowledge his contributions to policing governance.

What the Macdonald Commission said in 1981 is the responsible Minister should have a full power of direction over the activities of the RCMP, except over the quasi-judicial police powers of investigation, arrest, and prosecution.

And I want to make it clear that I'm not a sceptic of police independence from governance entirely.

I believe that it is up to the police to decide when to start an investigation. Indeed, this was one of the missed chance that the Marshall Commission found in Nova Scotia in terms of political interference with that discretion.

But having said that, I think and believe as did Justice McDonald and many others that civilian control of the police means that the minister must be responsible. And in this I would direct the Commission -- and I'm not sure this is necessarily reflected in your compendium of recommendations -- to Justice Hughes' recommendations as part of the structure that now has become the Commission that Madam Lahaie has just talked about, that he recommended that the *RCMP Act* be amended in order to make clear that there is a discretion but only over law enforcement processes of investigation, arrest and discretion.

I would add to that -- and this is very much recommendations -- that Justice Linden made in the Ipperwash Inquiry and in fact have a Nova Scotia connection in that they are connected to the structure that is used in the EPP Act in Nova Scotia that came out of the Marshall Commission recommendations that the minister be encouraged when he or she directs the Commission to make those directions public or be required subject to certain secrecy, legitimate secrecy requirements.

And I think that this would be a step towards democratic governance. And it has been -- part of this has been adopted. Part of the Ipperwash Inquiry has been adopted in new policing legislation in Ontario that is unfortunately still not acclaimed.

So this idea that we as the public should be able to know what the minister is doing and directing or not directing.

Now, to go back to operations, the problem with the term "operational independence" -- and I really cannot stress this too strongly enough -- is that there is policy behind police operations. And if you say police have independent over all operations, you are effectively saying the police are self-governing. And leaving

aside particular criticisms of the RCMP as a paramilitary organization which other panelists can talk about, you are essentially allowing the police to govern itself. So as Justice O'Connor said in his Arar Commission or we don't want a police state in the sense that we don't want the government to tell the police who to arrest, who to investigate, and who not to. But we also don't want a police state where the police are effectively governed.

And then finally, I would add that because there is so much controversy, including some controversy that has arisen in this Commission's proceeding about where the legitimate ambit of police independence is, I fear that without this sort of legislation you will continue to have a kind of democratic governance gap, especially at the RCMP because it has complexities of contract, the least of which I won't deal with in this round because I want to give my other panelists a chance to speak.

But I fear that in all police forces unless we make clear what the proper ambit of police government relations and that police independence is not about police being able to decide their priorities, their way of operating, that in a democracy that is subject to a responsible democratic authority which in the case of the RCMP would be the response of the minister federally or in contract policing could be the responsible minister provincially. It can also be the local advisory boards which you've seen in Professor Murray's study for your Commission were relatively inactive even though Nova Scotia on paper has one of the best structures for providing local input.

So whether it's the RCMP, whether it's provincial police forces, or local or regional forces, the real crux of my book is that we need to have more democratically active and accountable policing. This doesn't mean that I'm going to agree with all of the things that the governing authorities come up with, but I feel as a citizen we need to know what direction and what policies are being given or not given to local police.

Thank you.

DR. EMMA CUNLIFFE: Thanks, Kent.

And so just to pick up on and clarify a couple of things. Section 5 is section 5 of the RCMP Act; I'm right on that, am I?

PROF. KENT ROACH: Correct.

DR. EMMA CUNLIFFE: That sets out the responsible minister. And I did want to make sure that it was clear for the purposes of the discussion moving forward that the relationship between the Commissioner and the responsible minister in many ways takes the place of what for many municipal police boards in Ontario and here in Nova Scotia would be a police board of some kind or a police board of commissioners. So there's no equivalent to that structure for the RCMP. Do I have that correct?

PROF. KENT ROACH: Well, there is a management advisory board and I believe Commissioner Fitch has experience on that. But I have to say that it has not become, at last publicly, an active presence. It may be doing things behind the scenes. It does have the ability to communicate with the minister. And of course, I think one of the concerns you have with the RCMP is it's such a vast organization and the Minister of Public Safety has such a vast portfolio including Corrections and so on, that it often seems to lack ministerial attention.

And I know that this Commission is, you know, very concerned as it rightly should be about the implementation of recommendations. I've assisted on a large number of public inquiries and nobody likes to see recommendations sit on the proverbial shelf. But what I would say is it's very important that you have an active minister who is committed to seeing that the recommendations of this Commission are implemented. And if the Commissioner is not prepared and -- can I say this? -- about any Commissioner, the minister has completed power to terminate the Commissioner and find a Commissioner who will implement that reform program.

That is not political interference with the police although that many be some, you know, debating points. And it may be in the mutual interest of both the

police and the politicians to have under governance. But if there was one thing that would make this Commission's report meaningful in my view it would be to have an active minister with legislative reforms that would make clear that he or she could give direction to the RCMP about policy of operations as well as to make decisions about budgets and accountability and other forms of local governance.

DR. EMMA CUNLIFFE: Thank you. I will admit that you're anticipating a conversation that we'll come to with respect to recommendations but very much appreciate your perspective.

We heard last week from Harry Critchley who is a member of the HRP Board which also serves as the RCMP Advisory Board under the *Nova Scotia Police Act* that from his perspective the difference sitting on the two kinds of boards is very much in the word "advisory", that the governance function which is set out in the *Nova Scotia Police Act for* the HRP is less strong with respect to the advisory function that is performed. And perhaps the same may be true with respect to the Management Advisory Board although I appreciate that's a matter for conjecture.

Kanika, I'm hoping to turn to you now and to ask you a simple but important question.

Why is civilian oversight of policing important and what are the benefits and the potential risks of embracing a civilian-led approach to police governance and accountability?

DR. KANIKA SAMUELS-WORTLEY: I thank you for that important question. The reason why it is very important is because for decades, particularly from Black and Indigenous communities, there have been concerns about the interactions and forms of bias and racial discrimination between the police and their citizens.

So we know that we've had commissions that have looked at the impact of racial bias and discrimination from police and the way that they interact with individuals. I can speak to a Commission report that came out in 1977 from Walker

Pitman, and the title was “Now is not too late”, and we’re still having the exact same conversations almost 40 years later. So a lot of what came from that report is that there has to be a level of accountability to individuals who do perceive, and have experienced, negative experiences with the police.

So if we still see 40 years ago that nothing seems to have been done and addressed, there’s this idea, and particularly from racialized communities, that nothing is being done. So when it comes to level of accountability, there is a stark importance for -- particularly from individuals from racialized communities, to feel like something has been done, that their voices are being heard, that the experiences that they’ve had with police is validated. And there just seems to be a power imbalance because quite often the voice of the police is considered more important than the experiences and voices of those who are racialized. And the fact that we continue to have these conversations demonstrates that this is a huge problem that still has yet to be addressed.

So when we’re speaking to accountability, there is a sense that it -- even the commissions that have been made and the boards that have been established, that there really is no teeth to them. They don’t have the ability to change policy. They don’t have the ability to change what is going on in the streets between the police and racialized communities and the citizens. So there is a demonstration that, as a result, it doesn’t seem like there is a level of accountability and, therefore, we need to actually do something and demonstrate that there are changes between what is happening with the police and what’s happening with racialized citizens on the street.

DR. EMMA CUNLIFFE: Thank you so much. And if I can just pick up on the second part of my question, Kanika, are there risks associated with the kind of civilian oversight and accountability that you’re describing?

DR. KANIKA SAMUELS-WORTLEY: I think the risks that are associated is that if there isn’t a level of complete independence, there won’t be a sense that there is going to be any change. So that’s why it’s quite important to make sure

that there is -- there is an area and a space for community members and civilians to actually be part of the process.

For too long, once again, it seems like the focus has been on having police officials that may have an influence on the accountability piece. But if there isn't a complete independence from the police, then there are concerns that we'll continue to see the same issues that we have been speaking about for decades. So the risks are that if we continue moving on in the same way that we have and that there continue to be police officials on the complaint process, then we truly won't see any change. And as a result, it's quite important to make sure that there is complete independence from the police in order to see any level of meaningful change.

DR. EMMA CUNLIFFE: Thank you very much.

Jihyun, if I can turn to you. Your research, your doctoral research, focuses particularly on the Ontario model of police oversight. How are governance and accountability mechanisms for Ontario Police Services different from those we've heard about for the RCMP?

MS. JIHYUN KWON: Governance and accountability model? I don't really -- I'm not too familiar with the governance and oversight model of -- or accountability model of -- or for the RCMP but in Ontario, we have a whole host of different mechanisms in place.

So to -- I've been actually studying this topic for quite some time and it's -- I still struggle to understand how different mechanisms, different bodies, different processes, are really interrelated, and I find myself having to look at this map that I've drawn for myself just to stay on track.

So one way to look at it is investigation. So there are four different authorities of police -- when it comes to police accountability, there are four different authorities who are responsible for doing investigations when there is a question of police accountability or police conduct issues arise.

So one is the OIPRD, Office of the Independent Police Review

Director. This one has a broad administrative mandate to investigate general concerns against the police following public complaints. And there is SIU, Special Investigations Unit, and this one has a narrower mandate to deal with serious criminal matters involving that, serious injury and allegations of sexual assault. And there is also the office of the Chief Coroner. This is not a specific body that oversees the police but the coroner's office is involved when there is death involving a policer use of force and death in police custody. So they would conduct, you know, post mortem and coroner's inquest to find out facts surrounding death. And also, the last authority that we tend to forget is the internal police-oversight mechanism which is usually delivered by the Professional Standards Bureau.

So when we look at these different oversight bodies, we think that these different oversight -- external oversight bodies are doing the investigations of, you know, police wrongdoing but my research finds that it's really the Professional Standards Bureau who does collect, and share, and really dictate how these police investigations are done.

And the second part of police accountability relates to adjudication. So in Ontario, again, there are different mechanisms that would be involved when there is an issue of police wrongdoing. Here, I'm looking at, you know, Internal Disciplinary Hearing Office, which is a first-instance hearing authority. And then there is Ontario Civilian Police Commission which is an appellate authority within the administrative realm. And there the Human Rights Tribunal of Ontario. Of course, this body does not really look at -- does not only look at issues related to police conduct issues but they are definitely involved when we have questions around the police conduct in relation to human rights violations. And of course, criminal court is involved.

Yeah, so I think for RCMP, yeah, Human Rights Tribunal of Canada would be involved but -- and criminal and civil courts, but I don't know if there is a specific adjudicate or body that would be responsible for overseeing.

DR. EMMA CUNLIFFE: Thank you, Jihyun, and I appreciate the

very comprehensive oversight -- overview of the Ontario ecosystem, and I wasn't looking for you -- I know it's out with your expertise to talk about RCMP, and we'll turn to Michelaine in a moment. Before we do, I do just want to give our Nova Scotia audience a bit of a sense of the equivalences or the comparatives to the Nova Scotia landscape.

So we heard in our roundtable on the structures of policing in Nova Scotia last week that the equivalent of the Ontario OIPRD is the Office of the Police Complaints Commissioner here in Nova Scotia. And unlike many models, in Nova Scotia, the OPCC can take complaints from the public. They can also take complaints from police about other police. So that's a distinctive feature of that organization.

The equivalent to SIU, which Jihyun described as being about the serious incident investigation, is -- the acronym is commonly SIRT, Serious Incidents Review Team, and we'll have a representative of SIRT with us this afternoon.

As to the coroner's investigation, we heard last week at our roundtable that here in Nova Scotia there's not an automatic fatality investigation when somebody dies in police custody or as a result of police use of force here in Nova Scotia, and so that's a difference from Ontario.

And as to internal police discipline, of course, that remains true, I think, for every police service.

And so thank you for -- thank you for sort of setting out those kind of key landmarks within the Ontario landscape.

I think -- I was going to follow up and ask you a question about how well those mechanisms work and what the shortcomings are. And that's a long conversation but I think there may be value at this moment in turning, Michelaine, to you and inviting you -- I'll invite to talk to what CRCC does and what your mandate is but, actually, if you don't mind also describing how you operate within an ecosystem of accountability and governance mechanisms. Thank you.

MS. MICHELAINE LAHAIE: Yes, thank you, Emma.

So as I stated a little bit in my opening remarks, we're essentially

the public complaints body for the RCMP, so we receive complaints from members of the public who have had a negative interaction or what they perceive as a negative interaction with an RCMP member. And in 95 to 98 percent of cases, I would suggest, we then send those complaints over to the RCMP for investigation. That is the way the legislation is written. And so they will go to the RCMP, and once the RCMP has completed its investigation -- and largely it tends to be the professional responsibility units that become involved in these investigations, but in smaller detachments, you might not have that capability, so it could be other members of the detachment that are involved in that.

The RCMP will then produce a report that either says that the allegations that were made by the member of the public are supported or they're not supported. And once that report has been completed, it goes to the individual who filed the complaint, and that individual has the opportunity either to -- they can accept what was in the report produced by the RCMP or they can request a review by the Commission. And at that point, the complaint comes to us and we seek out all the information with respect to the incident from the RCMP, and our team conducts a review of that and we produce a report.

Now, that report can take two different forms. It can be a satisfied report where we deem that we're satisfied with the way the RCMP handled the complaint, or we can produce an interim report. And that interim report then goes to the Commissioner of the RCMP, and the Commissioner has to respond back to our interim report in writing. And following the production of the Commissioner's response, then we produce a final report.

So our interim reports will contain findings and recommendations, and those findings can be with respect to -- we might determine that the member's conduct was unacceptable. Perhaps it could be a case of poor attitude. And so it could be a recommendation for some form of operational guidance, but we also make recommendations with respect to policies, procedures, and training. And this is what I

call “goal” in our process, because ultimately, our goal at the Commission is to improve policing outcomes for all Canadians. So much like this Commission will do, we produce findings and recommendations, and the final report is issued to the member of the public.

Something that the Commission has begun doing recently -- we started in the summer of 2020 -- is we produce summaries on our website of all of our reports, whether they be satisfied reports or if it’s a final report where we’ve made findings and recommendations, because as the chairperson of the CRCC, I believe that transparency is key to our process. It’s important that Canadians understand what other Canadians are complaining about with respect to the RCMP, and it’s important that they understand what the findings and recommendations are that we’ve made and whether the RCMP has committed to implementing them or not.

DR. EMMA CUNLIFFE: Thank you, Michelaine, and a couple of follow-up questions again, just to make sure we’re all on the same page with respect to this landscape.

One is, of course, here in Nova Scotia, the RCMP is subject to SIRT processes, and so those don’t go through your office. And similarly, with respect to -- my understanding is you don’t have the power to discipline individual members. I wonder if you can speak briefly to the disciplinary piece.

MS. MICHELAINE LAHAIE: Absolutely, and thank you for the question.

I like to say that there could be -- let’s talk about an incident where an individual has an interaction with a member of the police. There’s three lenses through which that incident could be looked at. So there’s the public complaint lens, which is the one for which the CRCC is responsible. There’s also a serious incident one. So let’s say an individual is involved in a negative interaction with the police and there’s a serious injury that happens. Then that’s when bodies, independent investigative bodies, like Nova Scotia’s Serious Incident Response Team, become

involved to look at that aspect of it. And then you have a third lens, which is the discipline lens, which is the responsibility of the RCMP under the Commissioner.

DR. EMMA CUNLIFFE: Thank you very much indeed, and one more question. I think it's implicit in your remarks about making sure that you're transparent about what recommendations are taken and which findings are accepted. My understanding, again, is that the word "review" in your title is important, that you have the power to make findings and to make recommendations and to make those public, not necessarily to hold the RCMP to implement those recommendations. Is that so?

MS. MICHELAINE LAHAIE: Yes, that's absolutely correct. And that is a failing in the system that we identified at the Commission. As the chairperson, when I spoke at the SECU present committee meeting that talked about systemic racism in policing, I identified that, because currently, as the legislation is written now, there's no mechanism for us to know if the process that the RCMP is using to implement those recommendations -- we have no way of knowing if the recommendations that have been accepted by the Commissioner have actually been implemented. However, Bill C-20, which is currently being contemplated, actually imposes upon the Commissioner of the RCMP to produce an annual report to the Minister of Public Safety that identifies the status of the implementation of the Commission's recommendations. And so at the Commission we're excited about that, because I think that that's an important part of the accountability profile.

DR. EMMA CUNLIFFE: Thank you.

Are there other significant changes that Bill C-20 is contemplating that the Commission should be aware of at this stage of our proceedings, specifically with respect to accountability?

MS. MICHELAINE LAHAIE: I think that that is the largest one -- is the piece with respect to responding back. Another thing with -- we've had discussions around independence here, and Bill C-20 actually is an enabling act for the

Commission. So as we currently exist, we are part of the RCMP Act, but Bill C-20 takes the Commission out of the RCMP Act, and it's a separate statute, which is another thing that we at the Commission were pressing for, because I do realize that being embedded within the RCMP Act, and with the RCMP in the name of the organization, just causes people to question if we truly are independent.

DR. EMMA CUNLIFFE: Thank you so much for providing that overview.

Benjamin, I'm going to turn to you. I'm conscious that you've conducted research on policing in England and in Canada. What can you share about your understanding of how police services are governed and how accountability works in England? And what have you observed about the differences in governance culture in these two jurisdictions? And just to reassure you, I will turn to Bethan next, so if you want to hand off on some of that to Bethan, you should feel free.

DR. BENJAMIN GOOLD: Many thanks, Emma.

Before I give my response, I'd just like to begin by acknowledging that I'm coming to you from the ancestral and unceded territory of the Coast Salish people, including the territories of the Musqueam, Squamish, and Tsleil-Waututh Nations. And I'd also like to thank the Commission for the opportunity to speak today, so thank you very much for that.

I am very conscious of the fact that -- as someone who's now been in Canada for 12 years, I'm conscious that my knowledge of the UK situation is somewhat dated now, so I will look to Bethan for some conversations about this. I do think, maybe as a broad comment -- at least in terms of my experience of arriving in Canada and trying to understand the landscape of policing here -- is that it is much more fractured and fragmented. The existence of the provincial and federal divide means that you do have a series of accountability and governance mechanisms that have grown up at the provincial level that often are very different from one another. So when one looks at the relevant legislation at a provincial level, you see real differences

in terms of specificity around police function, police powers, oversight mechanisms, and the like. So in contrast to England or the United Kingdom, for example, it's much more centralized.

I think one also has to understand that the impact of the Charter in Canada and the Human Rights Act in the United Kingdom has been quite different, and the impact of the European human rights legislation through the Human Rights Act in the UK as well has been very important.

The one thing I would say is that I think there has been less in the way of conversation around police governance and accountability in Canada, as opposed to the United Kingdom. I think there's a variety of reasons for that. I think the UK went through a period, particularly in the 1980s and 1990s, where there were a number of high-profile, to be frank, scandals in relation to policing that really focused public and political attention on questions of oversight and accountability. We've had similar things happen in Canada but not, I would suggest, with the same intensity. A sense of peace -- I think there's been a very different public conversation.

The other thing I would say -- and this is really a sort of observation having been here a little while now -- is that there is just less opportunity for independent work on policing in this country. It's very difficult, I think, for researchers like myself and other panelists to actually look at what's happening in terms of police governance, police accountability, and police conduct.

I think it's right to say police organizations in this country don't have a long history or a particularly good history of engaging with academics, independent stakeholders, civil society and the like, and to some extent with other forms of oversight bodies. So that's part of it. I'm hesitant to sort of comment more specifically on those oversight makers in the U.K. because I'm cognizant of the fact that a lot has changed in the time since I've been there.

DR. EMMA CUNLIFFE: Thank you very much for those reflections, Ben. And Bethan, as promised, of you're a Welsh scholar who has also

worked in England and conducted research in England.

First of all I wonder if you could comment on the reflections that Ben's just shared. And if you'd like to add to them with respect to the trajectory of either side in governance reform in England in recent times?

DR. BETHAN LOFTUS: Yeah, sure. Thank you. And obviously thank you so much for the invite here to talk today. It's incredibly important.

Yeah, just to kind of pick up on what Ben mentioned in terms of the context that we're talking about here, the context in which questions of accountability and governance maybe came out within the U.K.

Ben quite rightly notes that kind of from the 1960s onwards we saw in U.K. policing a series of high-profile events in which these organizations were coming into much conflict, sometimes violent conflict with various bodies, trade unions, disenfranchised members of the public. So we saw the Brixton Riots, for example, which saw, you know, very violent clashes between a very white police force and African Caribbean black men and within London. So it was within this, what Robert Ryan would call the conflict phase of policing in which questions of accountability and governance really started to arise.

So initially there was the tripartite structure and as it's name suggests there was three kind of prongs to that. And the share police accountability would be split, if you like, between the Home Secretary, so a politician, and between the chief constables. In the U.K.; there are 43 different police forces. Each is headed up by a chief constable. And thirdly, the third piece of the tripartite structure was police authorities and this, I think, is the -- one of the first kind of examples really of civilian oversight. This came out of the Lord Scarman Inquiry into policing in Brixton into the Brixton Riots.

And the principle underlying that, of course, was that members of the public, members of the community actually, you know, had a right and a say about what the police did and how they went about their business.

In recent times, so post kind of 2016, and that tripartite structure has been joined, if you like, by a fourth player and the Police and Crime Commissioner is quite relatively new in the U.K. context here. But ultimately our 43 PCCs, just as there are with the different police forces in England and Wales.

PCCs again are seen to becoming kind of closer to independence in the sense that they are elected members of the public and elected the person to become a PCC for the police. They are relatively powerful, I mean in the sense that they can hire and fire chief constables. They have a say in setting out the policing plans of the particular force. They have a say also in terms of the budgets. There is even more recent legislation, although I'm not 100 percent familiar with this, in which PCCs are now becoming more embroiled within the police complaints and (audio skip) as well.

So I think generally overall PCCs are being seen as, you know, getting that step closer to having elected members of the community who actually, you know, are relatively powerful and quite influential in the type of policing that particular location has although that's not to say that this is a perfect model by any means. I mean, one of the criticisms has been that the elections turnout was actually very low. So in other words, not many people turned out to vote in the PCC elections, and there are questions and some uncomfortable questions perhaps around the political background of who becomes PCCs. Sometimes they're affiliated or at least part of an historically, in terms of alignment with a particular political group whether that's Labour, Conservative, Liberal Democrats, et cetera.

So I mean, that's kind of where we're at right now in the structure of accountability in the U.K. As I say, we've had this kind of backdrop of tripartite and that's kind of moved over to the fourth player, PCCs.

DR. EMMA CUNLIFFE: Bethan, thank you very much indeed for describing the present structure and its evolution.

Jihyun, I am going to turn back to you now and invite you to reflect a little bit on how well you think that the Ontario mechanisms you described work, and

what you see as being the shortcomings of the present Ontario approach.

MS. JIHYUN KWON: So I just want to comment on a couple of things that were mentioned before me, before turning to that.

So I don't know the details of Bill C-20 but from what I heard earlier it seems to be focusing on the answerability and transparency portion, and also structural independence of the oversight body. But I'd like to differentiate answerability and transparency from accountability, and also structural independence from ideological and independent, you know, information gathering or fact finding authority. So maybe we can have more detailed conversations on that later.

But in terms of oversight issues in Ontario, there are several. Just relating back to the tripartite model in the U.K., here again I said that there were different oversight -- I'm going to just focus on the investigations portion. There are different investigative bodies who would be looking at the same set of facts when an incident, a serious incident arises. And that system that the fragmented or decentralized system is really built on three different assumptions which my research finds to be faulty.

So one assumption is that the whole is always greater than the sum of its parts. And the second assumption is that there's different authorities will organically develop collaborative relationship with one another. And the third faulty assumption that I found is that these layerings of different mechanisms would bring fundamental changes to how the policing is done day to day.

So there are many issues that I found with this approach, with this fragmented and oversight structure. One again is the coordination problem. So I'm just going to use acronyms if that's okay. OCC SIU NYPRD -- they are structurally independent but I did an environmental scan of, you know, about 30 different public reports from 1961 to 2021 published on the top pick of police oversight and independence of different oversight mechanisms. And really the intentions of their recommendations when they called for independent oversight was that they were calling

for an oversight system that is independent from the police.

But the practice was that they self-imposed barriers to collaborate and communicate with themselves. But they failed to hold information gathering, fact finding, or ideological independence from the police.

How this happened -- well, it's quite complicated and I'm trying to explain my 180-page dissertation in a couple of minutes here. So please bear with me.

So we think that when we have these different oversight mechanisms they would be simultaneously invoked. Their mandates would be simultaneously invoked to, you know, get to the issue and find facts and hold the police officers accountable. But what I found or my research found was that they really formed a linear process. So instead of making or invoking their mandates simultaneously, they would hold their own functions until the other agency finished their work which delayed significantly the process.

Also, the duplicated work was done. For example, if there is a police theft, OCC ORPRD and SIU could all be involved in it. They would be looking at the exact same set of facts and they would be -- how they would gather those information is through, as I mentioned earlier, is through the internal Police Standard Bureau. So they would be requesting information from the police, the Internal Affairs or the Police Standards Bureau. And the same documents, the same statement of, you know, from witnesses would be gathered. And that really duplicates the process. It disperses the resources.

And the third issue I found, again, I mentioned, it's the reliance on the police for coordination. So these external authorities communicated, not directly with one another, but through the professional standards, and this was framed as police cooperation.

And in literature, in public administration literature, they called this soft capture. It's really the rubber stamping of information that is produced by the overseeing bodies, and these external oversight bodies didn't really collect their own

information, but really, like, you know, what they -- the findings they -- their findings would be driven from the information that was already available to the police organization. So the status quo of police centre oversight remained in Ontario.

And the resource dispersion, really, among different external oversight bodies really contrasted to the consolidated internal oversight mechanism that was -- oversight mechanism under the chief, because when different oversight bodies needed certain information, when they needed to communicate with one another, they would all go through the same unit, which is the Professional Standards Unit, and they would be overseeing from the -- or they would be -- like, it depends on how you picture it, but they would be at the centre of all of this.

So the problem that I found with Ontario Police oversight system, despite these tripartite or you know, however you want to name it, the decentralized independence of different mechanisms is that it really didn't seem to change how oversight is done in practice.

DR. EMMA CUNLIFFE: Jihyun, thank you very much for explaining the results of your very comprehensive study.

Commissioners, I know it's a little early, but I'm about to move to a fairly substantial new topic. Does it make sense for us to take 15 minutes now? Thank you.

So we'll take a break for 15 minutes and return at 5 minutes to the hour.

--- Upon recessing at 10:41 a.m.

--- Upon resuming at 10:57 a.m.

DR. EMMA CUNLIFFE: Thank you, Commissioners. Welcome back, everybody.

So I'm now going to spend a few minutes talking a little more about complaint mechanisms, and some of the research, actually, about who complains, why they complain, who doesn't complain significantly.

And Kamika, if I can turn to you first, I know that your research has considered that question of who makes complaints and who doesn't make complaints and why. What does your research tell us about whether the existing accountability mechanisms we've been hearing about fulfill their intended function?

DR. KAMIKA SAMUELS-WORTLEY: Certainly. Thank you, Emma, for that question.

So yes, my research has explored why Black and Indigenous peoples do not complain when they do experience negative interactions, whether that be with the police or a form of victimization to themselves. And a lot of it has to do with a distrust in the system. There is a fear that one will come to the police and relay their trauma over and over again, but nothing will be done in the process after relaying that trauma.

When it comes to specifically, complaints about the police, I would say that many choose not to do so, and the reason that is an issue is because most of the time, it's going to be the police investigating the police. So to complain about an officer and to raise issue to the way that an interaction has happened, you're, in essence, going to be turning around to the exact same institution and peoples that you see as a form -- as an oppressor, as you see as the one that has -- is the cause to your pain and your trauma. And as a result, there is no willingness to go through that trauma. That is, just once again, having to focus on their experience and their trauma. And to be honest, it's quite impossible for racialized members of -- racialized community members to have any trust in the process when it really is the police that are investigating and adjudicating any situation.

So this is where it speaks to the importance of having an independent individual to adjudicate and investigate, but that's not being done.

So as a result, many of the times their experiences are diluted. They don't feel that anything is going to be done, and as a result, they refuse to report to individuals when they don't feel that anything is going to be done, so the distrust in

the system is cyclical, and it continues.

DR. EMMA CUNLIFFE: Thank you very much indeed for sharing some of the insights from your research.

And Commissioners, Dr. Samuels-Wortley has kindly shared with us a couple of articles that she's published, one of which is particularly on this point, both of which are in the roundtable package for today.

Bethan, in our preparatory conversation last Friday, you kindly mentioned to us and shared with us an article by Professor Graham Smith with the evocative title "Why Don't More People Complain Against the Police?"

Dr. Smith studied police complaints in the English context and in the Wales context. What did he find?

DR. BETHAN LOFTUS: Yeah, and I think his article, it began from an understanding that, you know, there are perhaps thousands of complaints per year against the police but, as they kind of filter through the complaints process and, you know, whether or not there results in any kind of disciplinary or mis -- you know, disciplinary action is actually quite miniscule.

So he was kind of questioning, you know, "Well why is that?" You know, what happens along that process? You know, if people do begin to actually make a complaint, why does that kind of peter out as it kind of goes through this seemingly, you know, robust system of complaints?

On of the issues he touched upon in particular was, as the name of the article suggests, that there may be more of a hidden population that are unhappy with their experience of policing but, nevertheless, do not come forward to discuss that. And in many ways, as Kanika talked about, this may affect, in particular, Black and minority ethnic communities and other people who perhaps feel that they haven't been well served by the police, you know, as victims, even. Perhaps if they complain to the police as a victim and that hasn't gone anywhere, then their confidence will be knocked in that.

One of the underlying findings that Smith found was really about the overall powerlessness of those who generally have reason to complain but don't. And we know from decades of research about police contact. And invariably, that lands upon those who are socially, and economically, and even politically marginalized, what has famously been termed "police property", the people who actually, ironically, the police have a lot to do with in terms of the crime control lens but, when the situation is flipped and that person wants to make a complaint against the police, it becomes incredibly difficult.

He discusses, in particular, the hierarchy or credibility. You know, if you imagine somebody who's got a long criminal record, perhaps addiction issues, it's really very difficult for that person to find the credibility, and therefore the confidence needed, in order to be able to make a complaint effectively against the police.

I mean on of the kind of central pillars, I think, of his argument, at least in the way I've read it, is that he advocates for a reasonable level of representation for those who want to complain. It perhaps isn't enough to just make a complaint to a seemingly independent body but rather, in the same way that perhaps a suspect would have some kind of representation from somebody in the know with the kind of legal understanding and the legal knowledge, perhaps that needs to be paralleled within the complaints world. In other words, the person who's making the complaint should have, you know, close representation at all time throughout the process.

So it is -- it's a very eye-opening article, for sure. It focuses on the -- this kind of -- as I mentioned last week, this kind of analogy, you know, what we know about these complaints sits on top of the water and underneath, perhaps, there is this dark figure of people who experience the -- what Steven Box would call the "ugly face of policing" but, nevertheless, too anxious, lacking confidence to come out or make that complaint.

DR. EMMA CUNLIFFE: Thank you so much, Bethan. And I just want to make sure that I understand. I understand the phrase "dark figure" to be a

criminological term that broadly means a group of -- that that's a social phenomena that you're trying to study that doesn't, for one reason or another, come to official attention. Is that right?

DR. BETHAN LOFTUS: Yeah, sorry, that's right, sort of a hidden -- a hidden figure, I guess you could also term that to.

DR. EMMA CUNLIFFE: Thank you very much.

And I -- Commissioners I apologize if I'm repeating but we have a copy of that article and it will indeed be tendered.

Holly, if I can turn you, you've mentioned that you're presently doing a research study in the context of which the question of when or why people complain or don't complain about the treatment they receive from police has also arisen. I appreciate that you're still in the process of analyzing your data, but what can you share with us about your early findings?

DR. HOLLY CAMPEAU: Yes, thank you for allowing me the opportunity to talk about this new work, which I am really excited about.

For a bit of context, this project involves multiple cities, cities in the US, a bit of a different context. Those are cities under Consent Decree. But in Canada, there's a city in Alberta, a city in Saskatchewan, and a city in Ontario where I'm doing this work. And I interview individuals who have been arrested and, you know, within 24 hours of their arrest.

And my findings, my early findings, even though it wasn't specifically about this idea of, you know, who complains, a major theme emerging is very much about this question. And my findings are really in line with some of the things that Bethan just shared about Smith's article, especially this hidden population point. It's so important. And this is why I think that this research of actually engaging those who have been arrested is also really important. We don't hear this voice very often.

And so a major theme that comes out of these interviews,

especially when they share instances where, you know, myself, I would hear this and say, “This is certainly something that you should bring forward as a complaint,” they would say some version of, “The complaint process is not for me. It’s not for people like me,” some version of that, right? But the idea here is that it’s not for people who are just disinvolved (sic), right?

So -- but when you think about this, given what we know about victim/offender overlap in criminology, right, that often those who are most often victimized are also those who are most involved in the criminal justice system, it is precisely this group of individuals, right, people who have been arrested, people who are justice-involved, people who have been victimized and marginalized who the complain process is for. If not them, then for who, me? Probably not, right? So it is precisely this group. But that is not the perception among this group and so that is why they remain hidden.

And it is -- you know, I just have to say, it is precisely this group who are overpoliced and under-protected that this process is for. And this is really coming out in the research that, “That’s not for me. That process isn’t for me.”

DR. EMMA CUNLIFFE: Holly, thank you so much for sharing.

Michelaine, I understand from our preparatory conversations for today that your organization, the CRCC, is also grappling with this question and, particularly, that you’re doing some work to understand why you don’t receive very many complaints from the Territory of Nunavut. What can you share about what you’re finding through your work?

MS. MICHELAINE LAHAIE: Thanks for that question, Emma.

So I just want to bring forward the -- the Commission did a report on policing in Northern BC and one of the findings in that report was we find that, largely, the Indigenous population did not use the public complaints system, and it was because there was a lack of trust in it.

One of the things that the Commission has not been doing to this

point is collecting intersectional race-based data. So one of our key concerns is the fact that we really don't know who's not complaining. We know who's complaining but we don't know who's not complaining. And so one of the things that Bill C-20 contemplates is us actually collected race-based data, which I think will help with some of these questions because, to this point, it's largely academia that's been looking at this.

So to talk about our recently launched systemic review looking at the public complaint process specifically in Nunavut was -- at the Commission, our sense was that the Territory of Nunavut is underrepresented in the public complaint process. We do not get a lot of complaints from the territory but we realize that it is a population that is, some would say, overpoliced. And so we wanted to look at that to understand why the process isn't being used and bring forward recommendations and findings to hopefully affect change to that. So that's only just been recently launched in August but we're very much looking forward to the way that investigation -- the outcome of that investigation.

DR. EMMA CUNLIFFE: Thank you very much. And a second question for you, Michelaine. You've already alluded to the fact that, as chairperson, you have powers to initiate an investigation, and I know that there are some other ways that an investigation, whether systemic or otherwise, can potentially be initiated other than by the complainant who's directly affected. I wonder if you can speak a little to the nature of those powers and how you exercise them.

MS. MICHELAINE LAHAIE: Yes. So, of course, we have the -- we have -- the chairperson has the authority to launch a systemic investigation, which is the case of what we're doing currently in Nunavut. But there's also room within the legislation for a public-interest investigation.

And a public-interest investigation is the chairperson makes the decision to do that when the belief is that it's not in the public interest for the RCMP to conduct the investigation of the complaint. So often individuals think it's because it's a situation of public interest but, in fact, the determination is whether or not it is in the

public interest for the RCMP to conduct that investigation.

So one of our -- one of the Commission's most well-known public-interest investigations is, of course, the -- our look at the RCMP's handling of the investigation into the death of Colton Boushie.

And at that point in time, the chairperson decided it really wasn't in the public interest for the RCMP to conduct that investigation.

The other facet that we have of the legislation is the chairperson can act as the complainant. So that's called a chairperson-initiated complaint, and in those cases, the chairperson can determine whether or not the RCMP will conduct that complaint investigation or whether it will be a public interest investigation where the CRCC will use its own resources.

In the cases of systemic investigations and public interest investigations, one of the key parts of the legislation is that the chairperson has to indicate to the Minister of Public Safety that there are sufficient resources within the Commission to be able to carry out those investigations. And so that becomes a limiting factor for the Commission because we have to ensure that we have the resources to be able to carry those out. And in the cases of some very complex investigations, those investigations can go year over year, which means that there has to be a forecast in looking out ahead to ensure that those resources will continue to exist.

DR. EMMA CUNLIFFE: Thank you very much indeed. Commissioners, as you know, the CRCC report on the Colten Boushie investigation is part of our environmental scan and it's being tendered accordingly, as has the RCMP's internal investigation into its handling of that event.

I'm going to shift gears a little bit now and turn to the topic of police discretion and supervision and oversight of the exercise of police discretion.

Threaded through our conversation will be further attention to questions of operational independence, as well as questions of police culture, how police culture is best understood, and how and why an understanding of police culture is

an important component of understanding the exercise of discretion and potentially thinking about potential reforms to policing.

So Benjamin, if I can please begin this conversation with you, you prepared a report for the Commission that considers how best to define or understand police discretion and why it matters to have an accurate understanding of discretion. What did you conclude was the best approach to understanding, and so effectively regulating, police discretion?

DR. BENJAMIN GOOLD: So thanks, Emma, for the question.

So in the context of the report, I looked at different understandings and definitions of discretion that exist in the literature. I would say police discretion is not a term that appears very much in legislation or case law. We often talk about police powers and police functions, but the notion of discretion and the choices police officers make to exercise those powers is something that really doesn't appear that much in law, which is interesting. And I think where we've tended to think about discretion is in terms of its outcomes. So we see the implications of the use of discretion, say, for example in arrest statistics -- being the most classic example of that.

But actually, I think it's right to say that our understandings and our definitions of discretion are not actually that well developed. In fact, they date back to the 1960s and haven't really changed that much. And maybe as part of my answer it's important to say that what you see in the 1960s is sociologists and criminologists talk about the discovery of discretion, this movement away from the idea that the police engage in what might be called full enforcement, the idea that they just enforce all the laws all the time whenever it's appropriate, to a recognition of the fact that they're making choices. And discretion involves the choice to, say, arrest someone, but also the choice not to. The "not" part of that is also very, very important.

So what I sort of do in the report is try to juxtapose two different accounts of discretion, one which thinks about discretion as a freedom for the police that arises from an absence of effective limits on their authority -- this is I think the

dominant view -- and another one which thinks of discretion as a form of privilege or a resource that we grant to the police.

So the first of these accounts, which I think is the more pervasive one and one that you tend to find much more dominant in the literature, can be traced to early work by a US legal scholar called Kenneth Culp Davis. And it essentially argues that police discretion is a capacity to act that arises out of what we might regard as the inescapable realities of policing, that is, that police decision-making is necessary because we can't have full enforcement. It might not be desirable or even possible, given police resources.

The police decision-making frequently takes place in the environments that aren't open to scrutiny, like, for example, public spaces such as the street, and the law doesn't provide effective guidance rules or limits on the use of police power. And that was very much the root of a lot of what Davis was talking about. And I think it's right to say that even when you look at contemporary academic accounts of police discretion, when they do define police discretion -- and most don't -- they tend to go back to some version of Davis's account from the 1960s.

An alternative that I set up in the report -- and I'm drawing very heavily of the work of John Kleinig, who is an Australian legal scholar who resides in the United or has for a long part of his career -- he really pushes back against that definition of discretion and argues it's a mistake to think about police discretion as an ability to make decisions in this space created by the absence of rules. And what Kleinig suggests, rather, is that police discretion is akin to a permission or a privilege to make decisions. But I want to use his words because he puts it extremely well. In one of his pieces, he talks about the fact that "police discretion is not simply a decision-making power that police possess in virtue of the relatively unsupervised nature of their work. It is a normative resource that we grant to them or recognize that they have." And he goes on to say, "As such, we should expect this authority or prerogative to be grounded in certain justifying considerations." And a lot of my report talks about what this might

look like.

I'm conscious of time. To frame it a little bit differently, I think this is really important for our discussion today because the distinction between these different types of discretion, whether it's something that arises from the necessities of policing or it's something we give the police, is crucially important and ultimately influences how we approach issues of police decision-making, the limits of police power, and police accountability. If you think of discretion -- or you start from the position that discretion is sort of an inescapable, inevitable consequence of the realities of policing, and the problem of imposing limits on the police, then you tend to ask the question "What is the best way to ensure that discretion is used appropriately and effectively?" That tends to be where you end up.

What I argue in the report is if you start from the position Kleinig begins with and we think of discretion as a privilege or prerogative that we give to the police, then the question becomes, are there aspects of police work that merit discretion? Should we be given some context? And conversely, are there other aspects that should not be subject to discretion?

And just lastly, what I would say is in the report -- and maybe if there are follow-up questions I can talk about this -- if you take the position that discretion is a thing that's conferred and by contrast it can be withdrawn, then the question is, who gives it? I draw quite a lot from James Stribopoulos's work, who's talking about the fact that -- he argues the courts are really not well suited to doing this, that in fact this should be coming from Parliament as a direct express granting of forms of discretion and limits on discretion. And so we shouldn't be doing it through the courts. And there's a longer discussion in the report that I won't go into here, but I think it's important to note that it ends up making a claim that actually it's not really a place for the courts to do on sort of an ad-hoc basis, but rather it's the sort of thing that should be incorporated in policing legislation at the federal and provincial levels.

DR. EMMA CUNLIFFE: Thank you, Ben. And just to pick up on

your last point, before I turn to Jihyun, as I recall, in your report you compare, again, the Canadian approach -- which has been largely common law, developed to a large extent through the ideas generated through Charter rights and freedoms principles -- against, to a greater extent, codification through the PACE Act in England. I just wonder if you could just say a few more words about that.

DR. BENJAMIN GOOLD: Yeah. Again, going back to the comments that were made earlier, obviously when we're comparing systems in the UK, it's much more centralized. But PACE, the Police and Criminal Evidence Act, which emerged at -- I'm looking at Bethan and I think the date is 1994 -- really emerged in relation to public concerns about policing emerging in the 1970s and the 1980s. And PACE tries, somewhat imperfectly, to frame police powers into structured police discretion. Now, we could have conversations about whether it's been successful, and lots has been written about it in the last 30 years, but there was an effort to do this. There was an effort to ground it in a single piece of legislation.

What my report hopefully makes clear is when you look at the provincial legislation, it mostly talks about police function and the purpose of policing. It says very little about how those powers are to be used and the limits that are placed on them. And that may be understandable given the nature of legislation, but it means that discretion -- that idea of how you frame discretion really doesn't feature. And so one of the things -- PACE I think imperfectly attempts to do that, but we don't really have an equivalent in case, at least as far as I understand looking at the legislation. The courts have stepped in, particularly post-Charter. This is one of the things that Stribopoulos does talk about -- is the Charter gives rise to this attempt to think about discretion. But it's still fairly limited, and the courts have, I think it's fair to say, had moments of really focusing on this and then long periods of not, and so it's quite piecemeal.

DR. EMMA CUNLIFFE: Thank you so much.

And before I turn to Jihyun, I just want to touch base with Bethan and ask if there's anything you'd like to add to the discussion of the *PACE Act* and how

it's affected police conduct, actually in England and Wales?

DR. BETHAN LOFTUS: One of the kind of central points of PACE 1984 was the regulation of conduct within custody more so. Obviously, there was codes regulating stop and search powers and so on, but I think most acutely, these kind of curtailments, if you like, or on the fence of their curtailments were seen to be operative within the custody setting in terms of the time, for example, that a suspect can be held and the kind of -- you know, the kind of services that all suspects can, you know, find themselves entitled to.

So I think on the one hand, it could, of course, be seen as if that, you know, nobody's trying to kind of curtail the kind of discretionary decision making and offices where they were perhaps previously able to do.

On the other hand, you know, there are, I guess, a more critical version of that would be that PACE was actually quite enabling as far -- it had kind of a broad range of powers which -- and was used to, you know, justify police decisions and their discretionary decision making and on the streets, and then on a custody setting.

DR. EMMA CUNLIFFE: Thank you very much indeed, Bethan.

And for the benefit of the Commissioners, the sort of things that PACE regulates are the kinds of things that have been decided in Canada on a constitutional crisis such as *Singh* and *Sinclair* about the rights to access legal advice while in custody. It's that sort of thing.

Jihyun, now I will turn to you. Your research, I know that you consider some of the same studies and the same authors as Benjamin addresses in his commissioned report. And in the introductory part of your dissertation where you're describing your personal journey to the work that you're doing, you observe, on the basis of your professional experience, that you encountered -- and this a quote from you -- "endless bureaucratic variance when seeking to advocate for the rights of those who experience excessive use of force around a formative police misconduct."

And you share your impression that the oversight mechanisms you

encountered in Ontario and Quebec seem to be more concerned -- and again, this is a quote -- "seem to be more concerned with protecting police discretion and making excuses," than with holding police accountable for (audio failure) citizens' experience.

How, in your analysis, does police discretion operate as a shield against accountability?

MS. JIHYUN KWON: Thank you for the question.

So this question is a really important topic. It's a very -- it's a key principle and perhaps the answer to why police oversight systems in Ontario have failed to bring intended outcomes.

So we understand that discretion is inevitable, as Professor Goold's report details. And it's an inevitable part of policing, and that's because we cannot spell out everything in law, regulations, and rules on what -- like, how the police should conduct themselves.

But at the same time, it is a double-edged sword. So it's a low -- police operate in a low-visibility environment. It's difficult to gauge what kind of factors are at play, and it's difficult to regulate their conducts as a person who is making decisions or who is looking at that incident retroactively or retrospectively.

The patterns I have found in my research is that policy discussions and police officers usually take the stance that when police did something, like, police used excessive force, we recognize police discretion, we recognize the subjective perspective of the police officers when they were encountering suspect. But for their inaction, for example, for their failure to act, for their failure to respond to calls or intervene, all of a sudden, you know, they blame that there was no direction, no training, no guideline, no policy, no law, as if they didn't have discretion to begin.

So the system is blamed and responsibility and accountability of individuals are escaped. And we -- I agree with Professor Goold that discretion sometimes can be used or is often used as an excuse mechanism to -- for the harm caused by the police officers.

My question -- well, I'm going to turn to the concept of accountability I mentioned earlier, and then come back to this issue.

So the way I understand accountability differs from the notion of answerability and transparency, and also structural independence. Those three are really a structural prerequisite to accountability, in my opinion, and a lot of people -- a lot of researchers in public administration and criminology would also agree with that.

Accountability, as Honourable Morden's report also spells out is an exposed evaluation of police conduct or decision. And the literature says that it also involves or must involve sanctions and negative consequence if incompliance is found.

And it is also -- it's accountability, so it is a practical and realistic ability to hold authority figure responsible for their conduct and question their authority, and also impose sanctions to a point of being able to strip their authority.

So coming back to the notion -- the issue of discretion and police oversight, so if they -- if the police officers are blaming that there was no direction, no training, no guideline policy, or whatsoever, then somebody in the leadership position had the discretion to have those training, you know, delivered to their officers. And there was -- if it's not the frontline officer, somebody else in the leadership position should be held accountable for that, but we rarely see those happening.

Also, my research finds that the administrative oversight system in Ontario works in a way that preserves the discretion of all authorities unless otherwise specified in law, so that includes the frontline officers, again, who have had the discretion in their day-to-day policing, so when they come before the hearing office, the Police Conduct Hearing Office, the adjudications, they recognize their discretion. And when the decisions of the adjudicators are also challenged, for example, before the court as part of judicial review, the court would also -- divisional court would also recognize the discretion of the first instance hearing officers' decision-making authority.

So I think sometimes we confuse that to be -- we sometimes phrase it as though the police are, you know, above the law, but I think it's somewhat

inaccurate because there are different conceptions of the rule of law, and some people say that, you know, well, a big conception of the rule of law focuses on or considers the bigger principles, like, the human rights, and you know, the Charter of Rights, and all those, the bigger principles that we think -- that form part of our norm.

And the thin version of the rule of law is like, they follow the procedures as spelled out. They follow or they -- their conduct, was their conduct prohibited, you know, very specifically prohibited by the law?

But unless the law explicitly prohibits these behaviours, I found that our administrative oversight system doesn't really think that they have right to intervene, because we, as a society or the system has given these authorities power and discretionary authority to enforce the law that -- at the way they see.

DR. EMMA CUNLIFFE: Thank you very much indeed, Jihyun.

Holly, I understand that you'd like to speak briefly to this question.

DR. HOLLY CAMPEAU: Yes. Thank you so much.

I thought that perhaps my own research, my doctoral research could fill in some of the gaps around the discussion that Jihyun just shared, which was fantastic, sort of an on-the-ground view from the perspective of frontline officers and how they navigate this intersection of discretion and oversight.

And really, people in the world of, you know, police practitioners in particular will -- this will resonate -- a really prominent narrative among police officers is that as long as you show that you "acted in good faith", right, that you wielded your discretion by acting in good faith, then the relevant authorities would protect you, right?

And so this holds tremendous weight. No matter the changing landscape of oversight, legal frameworks, new -- the emergence of new kinds of bodies or policies that govern their conduct, and given the major role that professional standards branches play in mediating all of these different voices as Jihyun described earlier, you can see why that would be so powerful on the ground, right?

There is a message that continues to permeate throughout police

organizations, throughout rank and file, that the outcome of their file will ultimately land I the lap of those within, of people within, and that they will understand what it means to act in good faith.

So there is this really -- just to sort of like, shed some light on the micro level narratives that matter in how frontline officers are navigating this use of discretion and how it intersects with oversight. I just thought I would offer that perspective.

DR. EMMA CUNLIFFE: Holly, thank you so much for sharing that perspective. And in a few moments we'll turn more squarely to your research and some of your report. But I think it was a very helpful intervention at this moment in the conversation.

Kanika, I wonder if I can turn to you now, and as I'm conscious that discussions about police discretion and what is a legitimate exercise of police discretion have haunted the conversation about over policing and under protection of racialized communities and Indigenous communities. What would you add to what we've heard so far about the work that the concept of discretion does in that particular space?

DR. KANIKA SAMUELS-WORTLEY: Thank you, Emma, for that question. And I certainly would like to respond to this.

I think it's important to recognize that discretion is open to bias and the reason I say this is, one, it's quite difficult to study discretion when we can look at formal decisions that have been made by the police that is -- we can all see in the documentation but we can't see decisions that the police decided not to make.

So where they decided to focus on or when they decided to actually, say, stop and individual or speak to an individual. So I speak to my research that looked at selection bias and under the *Youth Criminal Justice Act* all police officers are supposed to give youth an opportunity to have a pre-charge diversion as opposed to being sent to court for a minor crime such as marijuana possession or theft under, just as an example.

And in a study where I looked at the decisions that were made by the police there was data to support that the police, and they have the decision to decide whether they're going to charge youth, divert these or simply proffer a caution. And my research demonstrated that black youth were more likely to be sent through the court system in comparison to white and other racialized youth. So we see that that's a form of discretion right there.

And we understand that the police are supposed to offer all youth the opportunity to take a diversion but there has been a level of discretion on deciding who gets that opportunity and who does not. And this speaks then to when certain communities are over policed or certain communities are perceived to be more criminalized than others, we are now starting to see that formally where we have black youth being sent through the court process and thus experiencing criminalization in comparison to other youth who are engaging in the exact same behaviours. And this is a result of police discretion.

We also then don't know who they decided not to formally document and simply carry on, perhaps with the idea that this is normal behaviours and as such there does not need to be an incident where the police needs to intervene. So it's a very difficult concept to study as we still do not know kind of if there's even a dark figure of what is documented and what the police decided should be documented and formalized as opposed to some of the decisions that are not. So there is a great level of concern that we're not aware of some of the decisions that the police are making that we really don't know about. Therefore, discretion is very difficult to study.

DR. EMMA CUNLIFFE: Thank you so much, Kanika, for sharing those important insights.

Michelaine, I have for you the question of how much of this discussion resonates with how the CRCC understands the idea of police discretion when you encounter it in your work, and how you grapple with it when you do?

MS. MICHELAINE LAHAIE: So as you can appreciate, there are

some of the complaints that we receive, individuals are upset with decisions that have been made to the procedure of charges and so we are often in our review reports are indicating that, you know, it's an appropriate exercise of police discretion. One of the pieces that we are often noting as well is a lack of documentation from the officers that speaks to why they made the decisions that they made. And this is a common piece within our findings and recommendations, is the fact that the reports that could be -- where discretion was exercised often don't speak to the reason why the decisions were made. And we find that as well in police notes.

So we often look at whether an appropriate use of police discretion was made but, of course, individuals that are the benefit of that discretion where a decision is made perhaps not to proceed with charges are obviously not going to complain to the process. And we're never going to look at the notes of an officer where a complaint hasn't been received. So that's a gap in the system.

DR. EMMA CUNLIFFE: Thank you. Yeah, those are very thoughtful observations about what you do and don't see. And I wonder if you can help us then. You may have a sort of formal definition of this or just may have a working sense. But when you use the phrase -- when you as the CRCC use the phrase "it's an appropriate exercise of police discretion," can you unpack that for me a little bit? How do you evaluate that?

MS. MICHELAINE LAHAIE: So we don't have a definition in terms of how we proceed with that but in general what the Commission will look at is whether it is sort of the level of the issue, if it was a significant issue or if it was a more minor issue. And frequently when we're looking at this from the police -- from the discretion perspective it's because there will be an individual who will complain about the fact that they -- they complained to the police about a situation and the police chose not to proceed with charges in the case.

So we will se that and we will look at -- often it could be a case of -- it could be a case where it's something that more reasonably should be dealt with the

civil process as opposed to the criminal courts. So we look at it from that perspective, cases where it's really not in the public interest for the police to proceed with charges.

One of the things I can say is that we often receive complaints where it's disputes between neighbours. So an individual will be unhappy with something that their neighbour has done. They will choose to engage with the police and the police will -- you know, and rightfully so will decide that they're not going to proceed down the road of getting involved with the criminal process. So it really depends, like I say, in so many cases with this where there's not specific guidance within the law, it really depends upon the situation at hand and the seriousness of it.

DR. EMMA CUNLIFFE: Thank you very much for sharing that sense of where that arises. And how you navigate it when it does.

Kent, I understand you'd like to weigh in on this point.

PROF. KENT ROACH: Thank you. I'd like to make a general point about the relationship of accountability to governance. I think that there is -- I mean, accountability is obviously important. It is part of the rule of law. But there's a danger of being caught up in individual cases, even if those are inevitable. And I believe it was Jihyun who made the point that the discretion lies not only at the individual officer's level but his or her commander, and then ultimately all the way up the chain to the Commissioner and the responsible minister.

So discretion kind of works both ways. And we have invested as a legal system in a lot of post-fact accountability. And I wonder whether we're putting too much emphasis on post-fact accountability where there are these issues of second-guessing the police and good faith -- and I think Professor Goold will speak to it -- and not enough on *ex ante*.

And one of my concerns about Bill C-20 is that I think the Commission should know that it will add more responsibilities and I hope more resources to the Complaints and Review Commission. But one of the things that I worry, and I've seen this with the Ontario Police Complaints Commission, is when

budgets get strained, the first thing that goes are the systemic reviews.

And I am a great fan of the systemic reviews. For example, I represented Aboriginal legal services in the *Golden* case which placed restrictions on strip search. And you know, the Court asked Parliament to regulate it in a case-like way. Parliament didn't do that, but all of those individual cases where police officers were violating *Golden*, perhaps because they weren't properly trained about its standards, went unseen until there were systemic reviews both by Michelaine's commission and the Ontario Commission.

The last thing I'd like to say is Kanika's point about law enforcement discretion tying into over-policing and under-protection, I agree with entirely.

But again, I think this is one of the reasons why police independence should be defined narrowly because, at least in cases of over-policing -- unfortunately, not cases of under-protection -- there should be, although I realize, you know, there may not be legal aid and so on, and there's pressures to plead guilty -- there should be an idea of judicial review about how the police exercise their law enforcement discretion. But there is no judicial review of the broader range of police operations. So if there is no judicial review, if there's not legislative review or ministerial review, then there is, effectively, no review. Thank you.

DR. EMMA CUNLIFFE: Thank you, Kent.

And Ben, if I can now turn to you.

DR. BENJAMIN GOOLD: Thank you, Emma. I just wanted to briefly loop back to Holly's point about the good faith point that the police officers are making to her, and just to say that, to some extent, I think the courts -- that in fact there have been judicial decisions where I think the courts have given deference to the police when they fail, for example, to meet the formal requirements of a warrant on the grounds that the police have acted in good faith.

And I'd argue, also, what they do when they do that is they take off the table a form of regulation of police behaviour because they basically say, "We're not

going to exclude the evidence because you acted in good faith," even if the warrant is severely defective. And I think that's a real mistake. And I think that -- that filters down to the police. They learn. And as a consequence, they're not wrong, that if they act in good faith, the courts may turn blind eye to the fact that, say for example, a warrant to search someone's how was procedurally defective.

And I've argued, also, that, actually, exclusion of evidence is one of the very few tools that actually changes police behaviour and it's not something we should give up lightly. And so I just wanted to capture that point because I think it's a really, really important one. It's very interesting to hear that it's coming out from the police -- coming up from the bottom as well as, I think if you look at the court cases, it comes from the top.

DR. EMMA CUNLIFFE: Thank you, Ben, for sharing those insights.

So I -- Jihyun and Michelaine, I think, are both wanting to speak to these issues. If I could invite you to be brief and we'll -- as we'd like to turn to a new topic in a few minutes, thank you.

MS. JIHYUN KWON: Okay, thank you. Just to add on the point of officers acting in good faith, my research talks about it in a way that relates to mens rea or intent. So when I look at police oversight mechanism, it is really an administrative oversight mechanism, and I don't believe that there is the notion of intent. Like, there's no requirement for these adjudicators, the administrative adjudicators, to consider the intent of the officers but they really bring in the criminal justice notion of mens rea and this is done so because the lawyers who are representing the police officers in these proceedings, they represented these officers in criminal proceedings and, also, these legal professionals tend to have defence law as their background. And a lot of criminal notions are brought forward in the administrative proceedings which makes it really difficult for this alternative dispute-resolution mechanism to operate as intended.

DR. EMMA CUNLIFFE: Thank you so much, Jihyun.

Michelaine, go ahead.

MS. MICHELAINE LAHAIE: Thanks, Emma. Just to address a little bit of what Kent had to say -- so I echo his thoughts that our systemic reviews are absolutely critical -- and it was a definitely important change that was made to the *RCMP Act* in 2014 -- but there is a -- the complaints process and the decision-making around which systemic reviews to do actually work hand-in-glove because we look at the biggest issues we're seeing in the public complaint process, or the lack of issues that are being mentioned in the case of the public complaint process when we look at the Nunavut case, and those decisions are based upon what we're seeing the complaint process.

So absolutely, we need to be -- the Commission needs to be appropriately funded to be able to conduct those reviews but it really is the public complaint process that identifies what things we need to look at specifically.

DR. EMMA CUNLIFFE: Thank you very much indeed.

So I'm going to change gears just a little bit now and turn more squarely to the question of police culture. I think it has infused, actually, so of our recent discission.

But Holly, I'd really like to turn specifically to your report first and then, Bethan, to yours. Holly, you argue, on the basis of your research, that police culture has been widely, and somewhat mistakenly, understood as an almost monolithic set of characteristics and values that, in a sense, overdetermine police actions and decision-making. And you argue that that understanding is incomplete and there may be more productive and useful ways to understand police culture. I wonder if you can talk -- speak to what you see as being the shortcomings of the traditional account of police culture and how you think a richer account of police culture may have more potential.

DR. HOLLY CAMPEAU: Great, thank you. Yes, so, you know, just by way of background, I do come at all of this from a deeply sociological angle

rather than one of, you know, public administration, or criminal justice, or a legal one. And indeed cultural sociologists do not argue that people are immersed in a culture that dictates how they will act, right, or that channels behaviour in predictable ways, but rather -- and these are people who are completely devoted to studying that root word, "culture". And instead, they refer to, like, a repertoire of resources or cultural tools that are deployed in order to bring justification to particular lines of action, right.

And so there's a saying in this field that "people know more culture than they use at given moment" and part of the limits of the existing police culture literature in the area of police studies and criminology is that -- sort of that list of police culture attitudes, traits -- the traits that policing tends to take on is sort of adopting this idea that police don't know more culture than they use.

So my view is that what this means, then, is that the key to unpacking police culture and its relationship with things like discretion and decision making is to unveil when, where, and how particular sets of cultural resources are drawn upon by officers and under which institutional conditions, or even restraints. So I can speak more to how this might play out in the context of oversight. I don't know if that's maybe a later question or ---

DR. EMMA CUNLIFFE: Actually, I think it would be wonderful, Holly, if you could give us an example that explains what you mean or what scholars mean when they say, "People know more culture than they use at a given time," and specifically in the policing context. Like, what did you observe in your research?

DR. HOLLY CAMPEAU: Great, sure. So to bring this into the fold, then, particularly of our roundtable topic around the matter of oversight, and supervision, and accountability, we can examine which police cultural resources -- so which cultural resources police use in an era of greater oversight of their work and then how these get appropriated.

So, for example, in my own research, I've examined two pillars of, like, classic police culture definitions, right, which is -- and I use these sort of as, like, a

baseline. And the first is “solidarity”, this idea that police have this exceptionally strong tendency toward their fellow coworkers, and this idea of “mission action”, that police pursue this excitement, this sense of mission. And what I find is that rather than a set of values or attitudes that channel that behaviour in predictable ways, growing oversight and growing accountability unearth new ways of negotiating solidarity, for instance, all together. So no longer is a cultural script about “solidarity above all” useful for navigating an occupational field marked by intense public scrutiny.

So what I found that, in fact, solidarity is often reframed through the lens of liability, particularly for frontline officers, right. So there are unreliable coworkers, hotheaded members who are more likely to make life complicated and should be avoided. So you see how that get reframed through this liability lens.

Or thinking through this idea around “mission action”, rather than pushing a narrative about mission, or excitement, or “getting the bad guy”, many supplanted this notion in favour of risk avoidance, right, so keeping your head down -- doing your job, keeping your head down because these are more suitable to navigating their current experiences on the job.

So it’s about connecting culture to context and being attuned to the dynamic facet of culture and not just the stubborn aspects. And that’s -- sort of the latter is where I find that the policing literature and the chronological literature has been a little built guilty of -- is really focusing on the just stubborn aspects and forgetting that constantly relying on status quo ways of thinking about organizational life is culture too and is also itself constantly being negotiated and renegotiated. So picking that apart more sociologically is my approach to all of this.

DR. EMMA CUNLIFFE: Thank you for sharing those examples, Holly. And I wonder if I can pick up on your example of solidarity and when it does and doesn’t play out in certain ways. I want to make sure I heard you correctly and understand the example well enough.

When you provide the example -- and you elaborate on it a bit in

your commissioned report, of course -- of the member who, for example, actively tries to avoid being partnered with somebody because they might get them in hot water, that, as I understand it and as you expand upon in your report, is not about, for example, addressing the behaviour of that colleague in a direct way or seeking some remedies around this person can be a bit of a problem. It's about ensuring that you don't get caught up in the problem. Is that a fair characterization of what you found?

DR. HOLLY CAMPEAU: I would say that is a fair characterization. Now, some of this does depend on where that individual lies in the organization, so what sort of authorities they have, what unit they're in, what set of powers, what seniority they have, their relations -- their set of relationships with others, other members. So there's a bit of that that matters. Who they are and their position in the organization matters as well. But that is, I would say, a good way to put it.

And I'll also add that in expanding this new project where I'm focusing on officer-citizen encounters, where I also incorporate the officer perspective, I'm now in other cities across the country and other provinces and this theme has emerged here as well -- to discussing how this is a new era. Some of our old-school colleagues aren't quite appreciating how this new era of more oversight of what we do impacts us on the job, and so sometimes you need to navigate who you end up working with really carefully.

DR. EMMA CUNLIFFE: Thank you for sharing that example. I think one other distinction you draw in your commissioned report is, for example -- you alluded to it to some extent in your last answer -- that there may be a quite different what you describe as "management cop culture" from the front-line culture. I wonder if you can just expand a little on that.

DR. HOLLY CAMPEAU: Sure. And I know Dr. Loftus could also expand on this as well.

This idea of a street cop culture versus a management cop culture goes way back even to classic police studies, certainly research in the seventies and

eighties. But there is this idea that there is this disconnect between the bureaucratic layers of policing, the administrative layers of policing, and that they are out of touch with the street level and the street sense that's required to navigate front-line policing today. In light of the lockstep paramilitary structure and hierarchy of police organizations, given its current structure, that's difficult to deal with and that's not really going to change. The way it looks will change over time, but that disconnect will ultimately always exist. And then perceptions from below about people above is that they are, frankly, out of touch and yet making decisions and sending orders down.

DR. EMMA CUNLIFFE: Thank you very much. And you're quite right: I am about to turn to Bethan.

So Bethan, you too very kindly produced a commissioned report, and prior to doing that report, of course, and throughout your career, you've conducted extensive ethnographic research with police. In your report, you observe, and this is a quote, that "Police officers and the organizations they are part of are not insulated from broader political, social, cultural, and economic contexts" and that that's an important part of understanding how police cultures can operate at different times. I'd like to invite you to speak to the core points that your paper makes about how best to understand police culture, and perhaps to pick up on Holly's discussion to the extent that you'd like to do so.

DR. BETHAN LOFTUS: Thank you. Yeah, absolutely.

So really, the idea of police culture came out of a series of ethnographic studies emerging roughly from the 1960s, conducted, actually, mainly by sociologists who rode in the cars of police officers, observed police officers as they went about doing their ordinary duties day and night and observing how they interacted with different members of the public and how they actually came to themselves view their own job and place within the social world and so on. So police culture is kind of an old concept, and as Dr. Campeau very well set out, the concept itself has been subjected to a lot of criticism and innovation in recent years.

I mean, the traditional or the kind of classic view of police culture, then, is that upon joining the job, police officers are entering an organization and a task environment which throws up certain challenges. Perhaps the most influential and the first study of police culture was by Jerome Skolnick, who talked, for example, about the unpredictable risk of danger that police officers face as they go to any particular call. So from those quite basic assumptions within policing -- that the policing job is potentially quite dangerous -- police therefore, as a result, internalize that environment and begin to think quite differently about particular jobs that they go out to. They become suspicious towards certain events and certain places and certain people.

One of the other key basics of policing, of course, is the authority that police officers bring to bear on any and every interaction that they have with members of the public. And simply by wearing the uniform, they're symbolizing the state, and members of the public readily recognize that.

So, much research has found that something as simple as wearing a police uniform actually sets them apart and brings a level of authority to certain interactions, and that places them quite awkwardly with the public. So, much research, for example, particularly the earlier studies, talks about police officers viewing themselves as quite separate from members of the public, a distinct "us versus them" mentality, if you like.

So as the years go on, as Holly mentioned as well, the concept of police culture has indeed been criticized. We now know, through various studies since, that there are fractures within what's been seen as the mainstream police culture. I mean, police culture, for example, can differ according to the role that police officers play within the organization. My own ethnographic research -- I spent 18 months with uniformed police officers. I then spent another 18 months with covert undercover police officers. And quite clearly, there were distinctions within the cultures of these two different types of officers, as it were. So there are horizontal differences, if you like, across the police organization. As Holly mentioned as well, there are obviously

distinctions vertically too, the classic rank-and-file versus management culture is pretty well known now within the literature.

But I think kind of generally, overall, we've arrived at a place within police culture scholarship where there is a recognition that some of the core themes, like the stubborn themes, such as the mission, the action, the sense of suspicion, the sense of solidarity -- aspects of that are, of course, fragmenting, but some of the classic themes or the core characteristics, if you like, are still lurking around in the background as well.

And I think, just going back, Emma, to your first point about police organizations not being in isolation, I mean, they're really not. Police culture is very much influenced by the type of society and the type of economy, even, within which police officers are situated. This was shown most powerfully in the very influential research by Janet Chan in Australia, where she was looking at police cultural change in relation to not only systemic corruption but police racism as well. And she very clearly linked -- the racism that takes place in Australian society very much filters through and gets reproduced and exacerbated within the culture of police officers.

I mean, one of the key critiques of police culture is that we need to consider the type of societies within which police are situated because -- Robert Reiner has got a really great quote about the police being the, kind of, social litmus paper of society. And yeah, that's something to certainly bear in mind.

DR. EMMA CUNLIFFE: Thank you so much, Bethan. To pick up on Jihyan's work and on your own work, both your book and your commissioned report, I think one of the other dynamics that you point to as being very important is the subject identity of the police officer themselves, and so that the lived experience of being a woman police officer or a Black police officer may look very different than that of being a White male police officer.

I wonder if you can expand on how that intersects with understandings of police culture?

DR. BETHAN LOFTUS: Yeah. I mean, generally, overall, police culture has been seen in quite a negative light, and one of the more problematic aspects of police culture has been the charge that police officers are potentially holding racist, misogynistic, homophobic views, and that that,perhaps kind of pans out both in their interactions with different publics in society, but it also plays out inside police organizations as well in terms of, you know, female police officers, officers from minority, ethnic, and kind of racialized backgrounds.

I mean, certainly, in the ethnographic study I did which was conducted in the post-Macpherson context, which obviously came with the murder of Stephen Lawrence and the charge that this is police organizations, at least, were institutionally racist, and that kind of set the stage for one aspect of my study.

So I was invited to the police organization in which the top-level command had a new senior structure. New people came in, if you like, and there was a conscious effort to first, to change the culture of that organization, which had been seen as actually very old fashioned, very male-dominated, incredibly White, and that the fear was that this was really kind of coming through to the culture of officers, both with direct relations with each other, but in relation to how they also interacted with people on the streets as well.

So I kind of set about trying to see how the increase in diversification of the police, in other words, the recruitment of more women, the recruitment of more officers from Black and other racialized backgrounds, how that was becoming reshaped, if you like, within the organization.

And it was a bit of a tale of two halves, I guess, in a way. On the one hand, you know, progress would certainly be made. There was better recruitment and retention and promotion of previously excluded groups, and there was certainly a sense amongst officers from diverse backgrounds that they could challenge the status quo and that, you know, there, any negative discriminatory experience would be listened to and acted upon.

But at the same time, there was these, you know, incredibly difficult experiences that continued to go by, where such officers felt excluded and marginalized within the police.

And there was also, from the kind of white, heterosexual male perspective, which was still the key conversation of the new demographic of the organization that, you know, the increasing recruitment of those from excluded backgrounds was not so much welcomed. There was quite a resentful, quite a defensive discourse and posture within the organization that this was, you know, political correctness gone mad, that White, heterosexual males in the -- to quote one officer, were now "a dying breed," even though they were very blatantly still the dominant composition of the organization.

So there was, in other words, a very kind of fractured organization still riddled with tensions, with very different perspectives coming together on the topic of diversity and cultural and social acceptance in a way that hadn't been seen before for that particular organization.

DR. EMMA CUNLIFFE: Thank you, Bethan.

And Commissioners, as I know you know, of course, in Canada, the key kind of example of a similar discussion is the Bastarache report as well as the CRCC report on similar issues, and Auditor General Sheila Fraser's report on sexual harassment and handling of sexual harassment within the RCMP. That's a conversation we'll look back to, I hope, this afternoon, if time permits.

But for now, Bethan, I just have one more question for you and then I'll turn to Kamika next.

In your report, you distinguish between internal and external efforts to influence or to change police culture, and I understand from my discussions with you that the example you've just shared as the Macpherson inquiry is an example of the change that was largely achieved in a top-down way, and an external and top-down way.

And I'm wondering if you can share your insights about what lessons can be drawn about the differences between internal and externally-imposed attempts to change top-down versus bottom-up attempts to embrace change for those who might seek to change, you know, important aspects of police culture or change certain behaviours that may have strong ties to police culture?

DR. BETHAN LOFTUS: Yeah. I mean, I think I'll begin by discussing the external questions, if you like, first.

I mean, this is the case with scandals, per se, but you know, when an event takes place and it attracts major attention and it potentially attracts political attention which then may result, for example, in, you know, a public inquiry or incredibly critical media discourse, this can kind of prompt or kind of take off, if you like, a kind of chain reaction where questions of police culture generally come to take centre stage, and there's this kind of retrospective looking back, you know, what kind of happened with it? What does -- what can this particular negative event tell us about the culture, and more importantly, how can we therefore go about changing that culture to remedy those aspects?

And I think, you know, from -- I guess from a police perspective, you know, this may be seen as -- or may be taken as something of an attack, you know, when police officers and police commanders may feel that they are being unfairly criticized, but nevertheless, speaking to questions of accountability and the media and civil society, really can play a huge role here in forcing change, as it were.

I mean, there are some scholars -- and I think I'd kind of agree to quite a large extent, it would suggest that merely forcing rank and file officers to change, but by having this very kind of top-down, hard line, disciplinary discourse about, you know, your culture must change, I think can often not be so successful, be something of a backlash against that, as I say, because there is therefore, this kind of very defensive and potentially resentful and posturing from the rank and file.

A discrete body of research -- and I'm thinking to take you to the

work of Monique Marks in South Africa, and her colleagues have shown that actually, you know, by encouraging the rank and file or embroiling the rank and file in change processes can have much more success, you know? Following this more democratic chain of change within police culture should allow for the prospect of the rank and file to be involved and not feel it as a top-down disciplinary hard line to change that culture.

So that's what I can have to say about the external kind of landscape and the kind of external questions that we see from time to time in major inquiries like the Macpherson Report, for example.

I think generally, in terms of the internal strategies, there are -- I've named, I think, probably the key ones in the report, but there are others. But I would emphasize newcomer research around transformational leadership as well, you know, this kind of idea that simply having a very hierarchical supervisor/supervisee relationship may not work so well when it comes to change in the occupational culture. Again, more democratic forms of leadership are being encouraged, which, you know, would promote aspects to do with better communication with the frontline and as they kind of affording space for officers to reflect on the role that they do and the reasons why they may find certain aspects hard, and how they may go about then change -- they react to that kind of stimuli when they're out on the streets.

One of the -- and this comes back quite cyclical over and over again, actually, in policing histories, but there has been much talk, at least, about diversifying police organizations in terms of its kind of social and cultural and ethnic composition. And I think there is good evidence to show now that by recruiting more women, recruiting those from an ethnic or racialized backgrounds and LGBTQ as well can really bring new perspectives into the police organization, and perhaps will dilute or kind of break that traditional mainstream view that's been captured in so many ethnographies.

And there is a danger, of course, of not doing that in any kind of tokenistic way that can have quite harmful effects for officers from minority previously

excluded backgrounds who then find themselves in an organization where there is still, you know, some deep-seated resentment and the backlash towards that.

DR. EMMA CUNLIFFE: Bethan, I'll jump in ---

DR. BETHAN LOFTUS: Sorry.

DR. EMMA CUNLIFFE: --- if I can. No, that was a fabulous answer. Thank you, and I'm sorry to cut you off. I'm conscious of time and so here how I'm going to propose that we proceed. I'd like to hear from Kanika on this point, and Kanika, I have one more question for you.

I had a question about recommendations but we're fortunate that all of you will join us again this afternoon and so I'm going to hold that question and ask it this afternoon in order to give the Commissioners some time to ask any questions they may have arising from this morning's session.

So before I turn to that, Kanika, I know you'd like to respond to Bethan so why don't you do that first and then I'll ask you the question I had prepared for you.

DR. KANIKA SAMUELS-WORTLEY: Certainly. Thank you so much.

I wanted to say something that complements what Bethan mentioned in terms of the external and the internal. I think that some of the reasons why we continue to follow the classic aspects of police culture and that continues to remain has a lot to do with the association to accountability. So I have many Black individuals that speak to me and say that , "I have had an explicit incident with the police tht was explicitly discriminatory, explicitly biased. I make a complaint, yet that officer continues to be on the force."

So what I'm hearing that from Holly that then there is within the culture that there are certain police officers who are noted as perhaps the bad apple problem police officers. And I do believe that the majority of officers are good in intentions and they do not engage in discriminatory practices. But those who do,

continue to be protected. So it might be known internally that there are some bad apples but then what does the public know? How does this help the public when they're engaging with the police? And that's what's a huge concern is that there is a belief that there's a lack of accountability for those who are engaging in discriminatory and biased interactions with individuals on the streets. And that's the problem.

So there's still secrecy related to who's the problem officer and it's probably true that there are only a few, that that creates a negative perception about policing in general. But because we don't know that from the public, we don't know who these individuals are, there's still secrecy around that. There is an internal dealing with these officers but we as the public don't know this and we're not aware of this. And as a result, we feel and sense that these police officers are being protected.

We don't know what mechanisms have been put in place to address some of the issues that have been dealt with. And that also speaks to transparency. If we don't know what is being done internally to officers who are identified as problematic officers, how do we in the public have a sense to know that anything is being done and addressed? So that speaks to the internal piece as well as the external piece that really the two should not be made separate.

In order for there to be true transparency we need to know what's going on with individuals who have been identified as problematic officers.

DR. EMMA CUNLIFFE: Thank you, Kanika.

And so now the question that I had wanted to turn to you on, I know that you've expressed concerns about how pervasive the focus on police culture is within discussions about the shortcomings of police and opportunities for reform. Why do you see culture as a limited or even at times unhelpful lens through which to have these conversations?

DR. KANIKA SAMUELS-WORTLEY: That's a very good question. Why it's unhelpful to -- I have two response to that. I think it's both helpful and unhelpful. I think it's unhelpful, one, because there really are -- I think many tend to

believe that there are good police officers and the institution of policing is meant to serve and protect. So when there is a focus on the idea that it is all officers, this can have a detrimental impact on the way that they are then perceived in the interactions that they have on the streets.

But I do think it's also important to speak to how potentially police culture can have an impact on the way that they are interacting with individuals on the streets. There is a recognition that those within the police are -- it's helpful then to be among others that also understand the dangers of policing and what it is that they encounter and deal with.

But I think when specifically when we're speaking to accountability we really need to not focus on the entire institution but it is a matter of focusing on how the institution is dealing with individuals who are problematic. So it is, it's problematic when we tend to group everyone under the same umbrella, to think that all police officers are bad. But at the same time, we do need to speak to how the way that police deal with issues of misconduct can continue to have negative perceptions within the community.

DR. EMMA CUNLIFFE: Thank you so much, Kanika. That's -- yeah, that's really helpful, and another thing that we'll pick up, I anticipate, this afternoon.

And so Commissioners, I'd like now to turn to you and see if you have any questions at this stage.

COMMISSIONER MacDONALD: First of all, a huge thank you to all of our panelists. What a wonderful array of expertise and experience that we are benefiting from today, and we are greatly appreciative.

I have one question for you, Ms. Lahaie, or Michelaine, if I can use your first name.

If I understood you correctly, the Commission can, on its own instance, instigate an investigation but that is budget dependent? And if so, is that not a

blatant affront to your independence?

MS. MICHELAINE LAHAIE: Thank for that question. Yes, so we can absolutely instigate an investigation where we deem it's appropriate. But it is dependent upon the resources that we have available to us. I must -- part of the process is that I must send a letter to the Minister of Public Safety indicating that I've initiated an investigation. And one of the requirements in that letter is that I need to indicate that I have sufficient resources to do so.

COMMISSIONER MacDONALD: So in other words, police misconduct can go unaccounted for because there's not enough money left in your budget, which could be -- depending on the time of year or whatever? That sounds a little concerning to me.

MS. MICHELAINE LAHAIE: It is an issue that is of concern and it's one of the reasons why, when we spoke to SECU when they did their investigation looking at systemic racism in policing as the Chairperson I indicated that we needed to be appropriately resourced to undertake these investigations because as you're well aware, as most Canadians are aware, individuals are very concerned when police are investigating themselves. And so we indicated that we needed to be appropriately resourced and that is one of the things that we've put forward as well with Bill C-20,

COMMISSIONER MacDONALD: And sorry, just one follow-up. Put forward -- is it -- do you know if it's part of the package for C-20, addressing that concern?

MS. MICHELAINE LAHAIE: The funding is still right now covered by Cabinet confidences so -- but it was something that we highlighted.

COMMISSIONER MacDONALD: Thank you.

COMMISSIONER STANTON: Thank you very much.

The reports before us are extremely helpful and those in the package including book chapters and so on, so thank you, all of you, for very helpful contributions.

Dr. Loftus, in your report on page 61 you talk about hybrid systems of civilian oversight that have emerged as a solution for enhancing the level of accountability in processing complaints and restoring public confidence in the police. And you explain that there is a model that champions an independent approach to the receipt, investigation and response to police complaints. And the other advance is team concept that includes police investigators working with civilian counterparts.

And then you talk about how the independent model that doesn't include police in the investigation of complaints can dimmish police cooperation and participating resulting in unsuccessful investigations. And I actually wondered if, given what Ms. Lahaie has told us about how if the Commission uses its own resources because it's not in the public interest for the RCMP to investigate a complain, for example, whether the RCMP are taking on board as legitimate the findings that are made by the CRCC in those complaints. So I guess, Dr. Loftus, thank you for explaining the potential issue.

And I wonder if, Ms. Lahae, you're able to comment.

MS. MICHELAINE LAHAIE: Yes, so the -- once we've undertaken a public interest investigation, we produce a report that -- all of them go to the Commissioner for the Commissioner to respond. And in general, approximately 90 percent of our findings and recommendations are accepted by the Commissioner, and so that will be across the board whether it be at the review level or the public interest investigation level.

If you look at the most recent public interest investigation that was made public, which is the RCMP's investigation of Colton Boushie, the Commissioner largely accepted all of our recommendations, so there is a realization that the work that the Commission is good work and they do accept the recommendations that we bring forward in those investigations.

COMMISSIONER STANTON: Perhaps this afternoon, if we come back to these models and anyone wants to fold any answers in about reflections on

their efficacy as one against the other, that would be helpful. And of course, that highlights the importance of those annual reports that you mentioned by the Commissioner that allow for some tracking of implementation of recommendations that the CRCC makes. And I do wonder if there is a monitoring and evaluation aspect to how you view those. But perhaps that will go to our discussion this afternoon of implementation.

The other point I just wanted to address, I think, to you, Dr. Goold. In your paper at page 7, you cite Joseph Goldstein noting the exercise of police discretion not to act is hard to subject to oversight and review than an exercise of police discretion to act. Yet, it, nonetheless, has a potentially greater impact on the administration of criminal justice. And I just wondered about the -- how this might relate to community policing and the ability to review missing or ignoring red flags, for example.

DR. BENJAMIN GOOLD: So can you be -- that's an interesting question. Can you be a bit more specific about what you're thinking of in terms of the community policing aspect of that? I'm just ---

DR. EMMA CUNLIFFE: Well, just that I guess it's -- let me see. Dr. Campeau talked about the logic of community policing with aspects of work of community officers, knowing and being known, cultivating long-term rapport, building trust, and how that logic fundamentally collides with the core business of law enforcement and crime fighting, and your discussion of discretion really is -- you know, as you rightly say, it's when they act that you can then take a look at what that exercise of discretion was. But where you have a situation where a number of warning signs or red flags are known in the community, and if you're having a community-policing approach, then, presumably, some of those warning signs or red flags are known to those community police officers. How do you then measure or subject to oversight and review the discretion not to act on those warning flags?

DR. BENJAMIN GOOLD: Okay, thank you. That's very helpful.

And I guess I would two things, briefly, one is the question about how we document decisions. And so the -- when you have, as you say, red flags, where the police -- we require them to document decisions not to take action, and how we might think about that and, obviously, what that means in terms of administrative and legal burdens being placed on the police. So there's a whole set of questions about that.

The second one is, and this is the more fundamental question that I think I try to approach in the report, is the question about whether we, in a sense, say, "In certain situations, you don't have discretion, that in fact when there are -- so let's say, for example, red flags raised in particular ways and communications given to the police about particular problems, we actually specify that they're obliged to act. And that -- that's a conversation I think we've been reluctant to have.

I think that there are all sorts of reasons why we've been reluctant but one of the things I try to do in my report is to open the space to say, "Actually, those are conversations that might be worth having." And I'm conscious of the fact there are very complicated questions. They raise really significant issues about resourcing, administrative, oversight, and also just the legal position it puts the police in. But I do think it's important.

So, for example, you have red flags about certain types of violence in the community, you may want to indicate through legislation or otherwise, these are things that the police have to look into. They don't get to choose not to do certain things in those contexts. Or if they are going to choose to not do things in those contexts, they have to document those decisions very -- in a very detailed manner and there needs to be external scrutiny of those decisions. So -- and those are things that I think we've been hesitant to go do down that route but I think it's -- what I think I try to do in my report is to say, "I think we need to have those conversations."

COMMISSIONER STANTON: Thank you. And of course brings us full circle back to what Mr. Lahae about the lack of documentation and the use of discretion, so it's obviously an area that could do with some more attention, so thank

you for that.

Commissioner Fitch?

COMMISSIONER FITCH: Thank you. And I am cognizant that I am the one between us and lunch today so I'll be quick.

I only have two questions, one relates to the question earlier posed by Commission MacDonald, and I'll ask that in second order. My first question -- I don't know, Mr. Kwon, if you want to respond to this, or perhaps Dr. Roach. It's around the issue of reporting structures for municipal agencies, which we haven't talked a lot about, but also RCMP in different provinces. And I'm very aware of the issue of the fragmentation problems around governance and accountability, budget processes. There's so many different models out there, so many different layers.

And, for example, in the Province of New Brunswick, there are still police services that report to mayor and council. They don't have police boards. They don't have police -- in some provinces, they're called police commissions, aside from the investigative body. And if I'm not mistaken, the are RCMP arrangements in small local municipalities that report directly to mayor and council rather than a police board. So I was wondering if you could talk me through that and, in particular, my concern is around the lack of standardization, fragmentation, and also the lack of modernization with respect to those arrangements across Canada. So whoever would like to jump in on that one.

MS. JIHYUN KWON: I just want to say that my research hasn't looked at the reporting structure so I will turn my mic over to Professor Roach.

COMMISSIONER FITCH: Thank you.

PROF. KENT ROACH: Thank you for the question, Commission Fitch. You're quite right that there are differences throughout and they haven't been modernized. And I could find in my research no sign that municipal councils did a better job than police service boards. And I also think that if you look at Justice Morden's report, he puts a stress on police service boards' need to have proper research and

training about their role. And so, you know, that was, you know, one of the reasons why I think we need to get the police independence stuff settled, but I think there's a whole lot that we need to do to support police service boards.

The last thing I'll say, because I realize that I'm between net here and lunch, is I know that you're looking at broader approaches to community safety and I think one of things where we could benefit is some thinking about how police governments should change to be more integrated with broader approaches to public safety. So, for example, you know, in Alberta, they're talking -- if they had a provincial police force, it might be collocated with other provincial services on addiction of domestic violence. But I don't think we've spent enough time thinking about the challenges of governance because there's no point trying to break down the silos between policing and other social services if those silos still exist at the governance level. And I think that that's the challenge for the RCMP.

And so, you know, if the RCMP had a national police board, I would hope that it would have input from different ministries, not simply Public Safety, as we move towards a broader approach to community safety and well-being.

Sorry if I was too long. Thank you.

COMMISSIONER FITCH: Not at all. Thank you very much. We've heard some very interesting input and different models over the course of our work, and the importance of properly educated research police boards can't be understated. And certainly, I think independence, in some respect, from purse holders is important in the role of those police boards in terms of the direction that they may be giving their local police services, whether it's the RCMP or a municipal agency. I think that that's an important thing to call out.

So just on the heels on that, my question to Ms. Lahaie was going to be around budgets in connection to institutions, and I think this is a yes-or-no answer. I know, from a management advisory board perspective, I found this troubling, even though it's an independent advisory. And point well taken that advisory boards do not

have the same level as teeth, perhaps, as governance and accountability in their advisory capacity. The point of my question is, is the CRCC budget a line item detail under the RCMP?

MS. MICHELAINE LAHAIE: No. No, it is not.

COMMISSIONER FITCH: Okay. So it doesn't get filtered through RCMP budgets.

MS. MICHELAINE LAHAIE: No, it does not.

COMMISSIONER FITCH: Okay. Thank you.

DR. EMMA CUNLIFFE: Thank you, Commissioner Fitch.

So Commissioners, I think at this stage it makes sense for us to take the lunch break. Shall I suggest that we come back at 40 past 1:00 Atlantic, so in about an hour for those who are joining us from another time zone?

--- Upon recessing at 12:38 p.m.

--- Upon resuming at 1:44 p.m.

COMMISSIONER MacDONALD: Thank you. Welcome back, everyone.

Dr. Cunliffe.

DR. EMMA CUNLIFFE: Thank you, Commissioner MacDonald.

Welcome back, everybody.

So this afternoon we are fortunate to be joined, in addition to our morning panellists, who have all rejoined us for this afternoon, by a number of additional participants who have been nominated to represent various participants within our process. As may be evident to those in the room and those who are watching online, we are quite a large group this afternoon, and so I'll ask for a couple of things in that regard. The first is that you please keep your answers brief to ensure that others have an opportunity to participate. And the second is that you keep your introductions, likewise, brief so that others have a chance to introduce themselves.

The additional thing that I'll request is inviting you to keep your

answers brief is not an invitation to speak quickly. We do have a number of accessibility partners who are engaged in simultaneous translation of various kinds to ensure that our proceedings are as widely accessible as possible. And so I would ask you, please, to bear that in mind and to speak at a pace that allows them to ensure that everybody can participate in our process.

All right. So I'm going to begin by inviting those who are joining us this afternoon to introduce themselves, and I'll begin with those who are with us today in person. We'll simply work around the table -- Kristina, beginning with you, if I can.

MS. KRISTINA FIFIELD: Hello. My name is Kristina Fifield. I'm with Avalon Sexual Assault Centre, and I'm here today in a coalition with LEAF and Wellness Within. Thank you.

DR. EMMA CUNLIFFE: Thank you, Kristina.

Go ahead, Jihyun. Jihyun, I will invite you to reintroduce yourself, as there may be some who didn't join us this morning.

MS. JIHYUN KWON: Hi, everyone. My name is Jihyun Kwon. I am a doctoral candidate at the Centre for Criminology and Sociolegal Studies at the University of Toronto. I'm here today because my doctoral work focuses on police oversight and accountability in Ontario. Thank you.

S/SGT. WES BLAIR: Good morning. Good afternoon. My name is Wes Blair. I'm here on behalf of the RCMP as the employee management relations officer. Thank you.

MS. JOANNE GIBB: Hello. I'm Joanne Gibb. I am the Senior Director of Strategic Operations and Policy with the Civilian Review and Complaints Commission for the RCMP. I'm responsible in part for investigations, research, data, and policy.

MS. MICHELAINE LAHAIE: Hello. I'm Michelaine Lahaie. I'm the chairperson of the Civilian Review and Complaints Commission for the RCMP.

A/COMM. ALFREDO BANGLOY: Good afternoon. I'm Alfredo

Bangloy. I'm in charge of the professional responsibility sector for the RCMP, based in Ottawa.

MS. EMMA ARNOLD: Hello. My name is Emma Arnold and I work with the Elizabeth Fry Society of Mainland Nova Scotia as an article clerk, and I'm here on their behalf today.

SUPT. CORRY PYNE: Good afternoon. My name is Corry Pyne. I am the director of conduct and employment relations for the RCMP, based in Ottawa as well, and I'm here to contribute to the conversation around accountability. Thank you.

MS. EMILY STEWART: Good afternoon. My name is Emily Stewart, and I am nominated today on behalf of my coalition with THANS, the Transition House Association of Nova Scotia, Be the Peace, and Women's Shelters Canada. And I am also the executive director at Third Place Transition House in Truro, serving Colchester and East Hants communities.

M. LUC CÔTÉ: Good afternoon. My name is Luc Côté. I'm with the Nova Scotia Serious Incident Response Team as the team commander, and I'm here to contribute to the conversation this afternoon.

DR. EMMA CUNLIFFE: Thank you all very much indeed.

And I'll now turn to those who are joining us virtually today. And I'll begin, if I can, with those who are joining us for the first time this afternoon.

Lindell Smith, if I can please begin with you, and welcome.

COMMISSIONER SMITH: Thank you very much. Lindell Smith, Halifax Regional Municipality councillor for Halifax Peninsula North, District 8, and also chair of the Halifax Board of Police Commissioners.

DR. EMMA CUNLIFFE: Thank you.

Meghan McDermott.

MS. MEGHAN McDERMOTT: Good afternoon. I am nominated by the coalition of BC Civil Liberties Association and East Coast Prison Justice Society.

I am also the policy director and a lawyer with BC Civil Liberties Association. We're engaged in law reform, litigation, and public legal education that promotes and enhances human rights in Canada, and our mandate covers police accountability. I also am a representative on the Provincial Policing Standards Advisory Committee, and I look forward to engaging in the conversation this afternoon.

DR. EMMA CUNLIFFE: Meghan, thank you very much indeed.

And welcome back, Julie.

MS. JULIE THOMPSON: Hi there. I'm Julie Thompson. I'm from Public Safety Canada working in the area of policing policy and have brought a subject-matter expert along with me today as well, and I'm coming to you from Ottawa in the traditional territory of the Algonquin people. Thank you.

DR. EMMA CUNLIFFE: Thank you, Julie. And I'll invite your colleague, Melinda Sellers, to introduce herself, although I appreciate that she may stay mostly off camera today. Perhaps we'll move on while Melinda joins us, or rejoins us.

Benjamin Goold, please go ahead.

DR. BENJAMIN GOOLD: Hello, I'm Benjamin Goold. I am a professor at the Peter A. Allard School of Law at the University of British Columbia in Vancouver and I was the author of one of the expert reports on police discretion.

DR. EMMA CUNLIFFE: Thank you.

Kanika Samuels-Wortley.

DR. KANIKA SAMUELS-WORTLEY: Hi there. My name is Kanika Samuels-Wortley and I'm an assistant professor at Toronto Metropolitan University. My research centre is the experiences and perceptions of the police in Canada.

DR. EMMA CUNLIFFE: Thank you.

Kent Roach.

PROF. KENT ROACH: I'm a Professor of Law at the University of Toronto. Thank you.

DR. EMMA CUNLIFFE: Thank you, Kent.

Bethan.

DR. BETHAN LOFTUS: Hi there. My name's Dr. Bethan Loftus. I'm a senior lectorate in criminology and criminal justice at Bangor University in the UK. I conduct and publish research on aspects of policing and security and I contributed the expert's report on -- one of the expert reports on police culture. Thank you.

DR. EMMA CUNLIFFE: Thank you.

And Holly, last but not least.

DR. HOLLY CAMPEAU: Hello everyone. I'm Dr. Holly Campeau. I'm an assistant professor at the University of Alberta in the Department of Sociology in the area of criminology and social legal studies. I contributed an expert report also around issues of police culture and organizational culture change, broadly.

DR. EMMA CUNLIFFE: Holly, thank you so much.

And I'll just touch base again to see if Melinda would like to introduce herself.

MS. MELINDA SELLERS: I'm terribly sorry about that. My internet connection is apparently unstable. I am here to support Julie. I am a senior policy advisor working on policy development, police accountability as it pertains to RCMP transformation and governance.

DR. EMMA CUNLIFFE: Welcome Melinda. Thank you for persisting in the face of tech difficulties.

And welcome, everybody. My particular thanks to those who have returned after this morning's session. It's a long day for those who are doing both morning and afternoon. But also my thanks to those who are joining us this afternoon as representatives of the participants for what we hope will be a very rich discussion.

Hopefully, those of you who are joining us this afternoon for the first time had an opportunity to observe some of this morning's proceedings and conversations, and we'll be picking up on a number of the themes that emerged in our

discussion this morning as well as expanding on those themes in our discussion this afternoon.

One of the things that arose in this morning's conversation in our conversation about governance, and particularly oversight, was the distinctions that can be drawn and the ways in which there may be difference between the ways in which advisory boards operate and the ways in which board of police commissioners, for example, can operate the powers and governance responsibilities that each of those kinds of bodies have.

And one question that arose in particular related to the work of the Management Advisory Board which was introduced pursuant the *RCMP Act* fairly recently, and which has now been operating for some time. And Alfredo, I'm hoping you may be the right person to speak to this but, if not, please pass to one of your colleagues. I'm wondering if you can describe the remit of the Management Advisory Board and the kind of work it has been doing.

A/COMM ALFREDO BANGLOY: Yes, this isn't my main area of expertise but, as you know, the Management Advisory Board was set up to help provide some guidance and direction to the RCMP with respect to various management issues. And it -- we -- as management team, we definitely take to heart the advice and guidance of the Management Board and we consult with them on any -- on various topics, whether it be a review of our Conduct Measures Guide to various other topics.

DR. EMMA CUNLIFFE: Thank you. And so does it tend to be the case that the Management Advisory Board sets the agenda for your conversations, or that you're taking questions to them for the most part, or a mix, perhaps?

A/COMM ALFREDO BANGLOY: I think -- again, I'm not full apprised of the functioning there but I believe it is a two-way street. The Management Advisory Board is just one aspect as far as governance of the RCMP. As you know, we're the provincial police force in a number of provinces and so, certainly, the provincial ministers and deputy ministers play a role in providing direction as far as the

provincial policing service provided in those provinces where we are the provincial police force as well as with respect any municipal contracts we have. Then, certainly, the municipal local government would play a role as far as determining the priorities and so forth for the policing in that context.

So it's kind of a -- as you know, the RCMP's very complex and so there's a number of oversight and governance mechanisms at play, generally, for the RCMP, overall, as well as at the provincial and municipal level.

DR. EMMA CUNLIFFE: Yeah, that's very helpful. And we certainly heard this morning about how complex it is as an ecosystem.

I think my last question, Alfredo -- and again, please free to say, you know, "I can't answer it," or, "Perhaps my colleague can." You alluded, quite rightly, to, for example, the *Nova Scotia Police Act* provides that the Minister of Justice has some input with respect to policing priorities under the PPSA, for example, and so you are now operating in a quite a complex oversight landscape. And I guess my question is, what seems to you to be developing in terms of norms around the topics or the issues on the which the Management Advisory Board engages versus those thar are left to the remit of the provincial minister?

A/COMM ALFREDO BANGLOY: Again, just from my knowledge, the Advisory Board is more of a -- governs more of the things that impact the force generally, overall, versus the provincial ministers and deputy ministers kind of deal with the local service delivery and the priorities for the province on the frontline, as far as -- and even as far as what they will fund or not fund as far as resources. So it's quite a complex structure, as you pointed out.

DR. EMMA CUNLIFFE: Yeah, it certainly is. Thank you very much for helping us to navigate what is truly a lever in frame structures looking from the outside, possibly also from the inside.

Lindell, I wonder if I can turn to you as I understand that as Chair of Halifax Police Board of Commissions, you're also the Chair of the Halifax Regional

Municipality Police Advisory Board for the RCMP. Do I have that right, first off?

MR. LINDELL SMITH: Yeah, but I am the Chair of the Police Commission of Halifax Board of Police Commissioners. I am not the Chair of the Advisory.

DR. EMMA CUNLIFFE: Okay, great. Do you have a role on the Advisory Board or am I wrong on that as well?

MR. LINDELL SMITH: I don't have a role. And if I do have a role, I've definitely been neglecting it. But as of now, no, I don't have a role.

DR. EMMA CUNLIFFE: Okay. I apologize for my misunderstanding. Thank you for clearing that up. I think we'll lay that one on me and definitely not on you.

I wonder if you can speak a little bit to the approach to governance within that Halifax Board and your understanding of the responsibilities of the Board under the *Nova Scotia Police Act* and how you seek to exercise those responsibilities.

MR. LINDELL SMITH: Yeah, and, you know, you could talk a lot about this so I'll try to be as brief as possible. So one of the biggest of the Board since I joined -- I joined around mid-2019 and became Chair in 2020, I believe, late-2020. Since I joined the Board, governance is always a concern and there's tonnes of reports and studies that were done through old members and other folks that did talk about the powers of the Police Commission. And when we did our last workplan session to determine what our priorities would be in the coming years, the biggest item that came forth by members was governance, understanding our powers, understanding our legislative duties, but also understanding the difference between, you know, what is operational polices and what are Board policies that we can "enforce".

So, you know, we really have been struggling as a Board for two reasons. One is, you know, being the Board, with the largest link toward Nova Scotia. We also built really heavy resources needed to do the extra work in terms of understanding the governance, getting experts, writing reports, and whatnot.

We rely on our police forces, RCMP and HRP, to come and provide us with that information, which if we're the governance board in relying on them to provide this information, it kind of creates a very strange relationship when we're trying to understand what our governance role is, but we're also relying on our police force to provide that information. I think there is some tug and pull there, so yeah, I think we, as a board, have the general understanding of what our role is, but it's really when you get down to doing the work and creating the policies and trying to make that change where we start to really get lost in the nuances.

DR. EMMA CUNLIFFE: Thank you so much, Lindell, for sharing that, the approach that you've been trying to cultivate, but also some of the challenges that you've encountered.

You mentioned early in your response the distinction that you say between operational questions and policy questions that are within the purview of the Board, and that was a topic we discussed a little bit this morning.

I wonder if you can share your sense of where those boundaries lie?

MR. LINDELL SMITH: Yeah, happy to.

So you know, for example, when we were doing the -- we were going through the process of street checks and we had the Wortley report from Dr. Scott Wortley, you know, a lot of the recommendations, initially, we were getting some pushback on because one, we didn't have the analysis done, but you know, when you're talking about, you know, telling police forces or members not to do certain actions, that really, you pose the questions, but it could -- to the chief at the time, "Well, this feels like it's an operational matter where you're telling us how to direct officers in their day-to-day."

But what we learned as we went through the process is it actually really comes down to, you know, what's legal and what's policy. And that took a lot of work and that took a lot of support, and you know, that's one example that was pretty

public.

But it even comes down to, you know, budgeting. What are we allowed to ask when it comes to budgeting? For example, with the RCMP, because we contracted with the province, we are an advisory board, but the budget fits with the province. So if we have questions around well, how much money are you putting in your vehicle for gas? That information, I can't have because that sits with the province and it might be like, an operational aspect, but there also is an aspect of if we are approving budgets at the board, this should be a place where we can ask those questions and get the answers without having to go, you know, through the different bureaucracy levels of government.

DR. EMMA CUNLIFFE: Thank you. And I wonder -- if I can pick up on your last point about the things you can and can't sort of ask of the RCMP in the capacity that you work with them, what are the spaces of your sort of legitimate remit in the conversations that you have in that capacity with the RCMP?

So you gave an example of something you may not be able to ask, but I'm interested in the things you are able to engage with.

MR. LINDELL SMITH: Right. And I'll say right off the bat, since I became Chair, you know, I've been through a few superintendents and all who I've worked with, I've had pretty great amical relationship with, so if I asked for information, most cases, if it can be provided, it's provided.

The problem is, you know, so if I ask for, you know, "What are some of the priorities within the district?" If I ask, "What are you doing for community policing?" If I ask, "What are you doing related to gun violence?" we get the basic high-level answers, but if we start to get down to, you know, some of the more detailed questions, "Well, what are you doing in deployment areas that are dealing with high-level crime?" like, and say in Black communities like North Preston when there was an increase in crime, you know, we can't have that discussion around, "Okay. We're deploying X amount of officers," which I think is important that there is a balance, but we

should be able to have that discussion as police commissioners, even if it's an in-camera session, to understand, you know, what is being done, so you know, as the governing body.

DR. EMMA CUNLIFFE: Thank you for explaining those distinctions, Lindell.

Alfredo, I wonder if you or your colleagues feel able to respond on the question of the role played by Police Advisory Boards here in Nova Scotia, I think to Lindell's point, what do you see as being a legitimate scope of conversations that the RCMP representatives in HRM may be having with the Police Advisory Board?

Wes, thank you.

S/SGT. WES BLAIR: Well, it's well outside of my normal platform. I am posted here in Nova Scotia, and one of the -- it is true that the RCMP is the service that's being contracted and we're not at the table for the contract being assigned to say, so in -- within the Province of Nova Scotia, similar across the country, federal government and the provincial government have entered into a provincial policing agreement, and then in municipalities, that agreement gets furthered between the Province of Nova Scotia and the municipality, and in many cases in Nova Scotia, the RCMP is the service provider that's contracted out, that we're not determining the specifics of the contract, if I could say. We're the tool that's used.

And then within some situations, we're speaking about Halifax as an example, where there is a significant level of integration, the Memorandums of Understanding that might provide increased information to the Police Board, Mr. Smith as an example, those things are still developing. They haven't been in place in the past, and I think that that would be a real benefit, both to us as an organization, but also as the municipal partner to know exactly where those boundaries are and what's in and what's out and why it's that way.

So while I don't have a solution, that's certainly something that we've identified as a gap, and we're trying to work on with our partners to define much

more clear MOUs which would help the public also understand, you know, what it is that policing is being asked to do when we are the provider, as an example.

DR. EMMA CUNLIFFE: That's helpful, Wes, again.

So I just want to make sure that I understood a couple of parts of your answer correctly.

With respect to the end of your answer -- and it's helpful to hear that you're working with partners, as you say, on clarity around terms -- and you mentioned MOUs. Are you considering MOUs with Police Advisory Boards, or is that a tool that's being used in other context?

S/SGT. WES BLAIR: I'm not personally familiar with what role the Advisory Board would play in that, as Mr. Bangloy had mentioned, they're -- the Advisory Board for the RCMP is often speaking with management about internal matters and process, whereas I think Mr. Smith's question was more about actual service delivery in a location.

DR. EMMA CUNLIFFE: Okay. That's really helpful. Thank you. So I just wanted to make sure I understood.

And then the -- no, it's gone. There was another thing I wanted to follow up and I've lost it, so I will press on. Thanks, Wesley.

If I could, though, turn, Julie and Melinda to the role of the Department of Public Safety in some of the questions. And I know exactly what it was that I was wanting to follow up with Wesley about that in fact, I'll pick it up here.

Wesley alluded to the fact that the contract negotiations that take place take place between the federal government and the provincial government, and the RCMP doesn't have a seat at the table.

And so my question for the federal Department of Public Safety is really, how are questions of governance worked through the PPSA and MPSA processes?

MS. JULIE THOMPSON: Thanks very much for the question. I'll

do my best to give this a solid answer.

The RCMP is actively consulted by the Department of Public Safety in all negotiations for contracts, so we know the last contract negotiations took place a number of years ago. But since that time, and as we start to look forward to the next round or renegotiation of the contracts, as they set to expire in 2023, there is the Contract Measuring Committee that exists that is the table where provinces, territories, public safety, the RCMP, come together to have conversations about the administration of those contracts, including issues of governance. So issues of governance are continually raised by provinces and territories, and there's a collaborative effort to discuss exactly what governance needs in that context and the CMC or the Contract Measuring Committee is the place to have that conversation.

DR. EMMA CUNLIFFE: Thank you for that response, Julie. I just want to share with those who are in the room that we just had a request, please, to be as close to your microphone as you so comfortably can, just to make sure that our techs can pick up the sound. And if you want to pull it slightly closer to you, as you can tell, that's what I do.

Julie, just to pick up on the response you just gave, and just because I want to ensure that our evidence is clear for the purposes of the Commission's record, you alluded to the RCMP being part of the contract management table? Did I hear that correctly?

MS. JULIE THOMPSON: I'm going to have to actually check on that to verify that they are a bona fide member of the committee or they are invited to participate in an observatory capacity, so I apologize. Thank you very much for the question. I will have to verify that for the record, but I will do that.

DR. EMMA CUNLIFFE: I would really appreciate that.

Thank you Julia. I'm sorry to put you on the spot about that. But that's really helpful.

And so you alluded to the fact that questions of governance tend to

arise, often arise at that table. What -- are you able to share with us -- and it may be protected by confidentiality. But are you able to share with us the nature of those discussions and the questions that tend to arise?

MS. JULIE THOMPSON: I would say generally that the conversations that tend to arise at that table are many of the conversations that we've been hearing here, you know, access to that information, interest in having conversations with the RCMP about the provisions of the contract and how things are carried out. Other than that I don't know, but also specifically about that particular issue but it is a point of conversation at that table.

DR. EMMA CUNLIFFE: That's really helpful. Thank you very much.

All right. So Commissioners, I'm just going to pause and ask actually if you have anything else on the question of advisory boards and their role or police boards before I turn to the next topic.

Okay, great. Thank you.

All right. So the next topic that was touched on a number of times this morning, but which I think we're hoping to have a more detailed conversation about this afternoon is the question of internal discipline that police forces engage in with respect to potential misconduct of members or officers, depending on the service that we're talking about.

And so Michelaine shared with us this morning that CRCC doesn't have direct jurisdiction with respect to member misconduct, but can potentially make recommendations that something by looked at. And we also had a fairly lengthy discussion this morning about the challenges including the legitimacy challenges that can sometimes arise if there is a perception, and he ways in which this can make it hard for citizens, civilians to complain, the perception that internal misconduct processes may not be as transparent to the public or as accountable to the public as other approaches.

And as I'm sure many at this table are aware, the environmental

scan prepared by the Commission touches on, for example, the conclusions of the Bastarache Report, the report by Auditor General Sheila Fraser and the CRCC findings that internal disciplinary processes have not inly historically been inadequate with respect to sexual harassment and sexual violence but in fact in some of those reports it was found that they acted as a basis for retaliation for making complaints, and as for the punishment of those who had been victimized.

And so I'm interested to hear, first from the RCMP reps at the table, how the RCMP is responding to those findings, and what the current state of the nation is in that regard.

SUPT. CORRY PYNE: I'd be happy to answer this one.

In response to many of those reports that you mentioned, and most recently the Honorable Justice Bastarache Report, the final report on the settlement agreement for Merlo Davidson, the RCMP undertook to contract an external contractor to do a review of our conduct measures guide which -- another way for saying that is the sanctions applied to misconduct in the Force.

And we did that because we wanted to have a modern effective conduct process that was fair. And there's many benefits to us as an organization. Primarily, we heard from many victims of historical harassment and sexual misconduct that there was a lack of transparency. And the other concern that they raise was that they felt that the measures that we imposed were not consistent.

So this external contractor has completed his Phase 1 of the report where he looked at, since coming into force where we modernized our conduct regime in 2014, looked at the first phase and looked at all of the established harassment complaints in the organization as well as the established sexual misconduct complaints. And this final report was released publicly and you can find it on the RCMP website.

Out of that report stemmed about 17 recommendations. There were wide consultations done throughout this process including with the Management Advisory Board who actually did ask us to go back and clarify some of those

recommendations.

And further to this, there's going to be a second phase of this report which will look at all of the misconducts of all the other sections of the Code of Conduct, again to help us move forward and to improve our discipline regime.

DR. EMMA CUNLIFFE: Thank you so much, Corry, for that answer. And I wonder -- I'm sorry to take a step back and this is on me; I should have begun with this question.

Could you please explain the misconduct process?

SUPT. CORRY PYNE: We may need a little time with that because it's quite a unique process. But like I said, our conduct process -- there was a legislative reform initiative in 2014. And in the Act member conduct is set out so the rules basically of what you cannot do and the responsibilities in terms of what action is acceptable or not is set out in the Act.

And if there is an allegation of a Code of Conduct that comes forward, it's brought to the attention of a Conduct Authority. And that Conduct Authority is normally the Commander of the member or someone within the chain of command of that member. And if they determine that there is an appearance of a contravention of a Code of Conduct, they may, if they don't have all the information available to them, mandate a Code of Conduct investigation. And those investigations are done by our professional responsibility officers in the divisions. It's a decentralized process at that point.

At the end of the investigation the Conduct Authority has all the available information and if they have a prima facie finding they will have a conduct meeting with the member. And if they find, after that meeting with all the totality of the circumstances ahead of them that he conduct is established, they will impose conduct measures.

So that review of the conduct measures that I spoke about earlier, that's where we have those measures that are imposed by the Conduct Authority.

DR. EMMA CUNLIFFE: Thank you. So a couple of follow-up questions on that, Corry.

The first is, I appreciate that an investigation is initiated at that -- in that internal way. Is there any role for the public to play with respect to drawing concerns to the attention of the RCMP, and if so, how does that happen?

SUPT. CORRY PYNE: In the Act there is one circumstance where the public does have more of a role, and that is through the Public Complaint process where they have an opportunity to provide a statement, much like a victim impact statement. And in the end of the process they are advised of the outcome of the Code of Conduct.

DR. EMMA CUNLIFFE: Thank you. And then my second question with respect to the process itself is, what aspects of the process, if any, are public?

SUPT. CORRY PYNE: So the individual Code of Conduct cases are deemed to be private under the *Privacy Act*. However, for our serious misconduct, where we are generally in most cases seeking the dismissal of the member, those are made public and they are on the public website.

DR. EMMA CUNLIFFE: Thank you. And one more question. I'm sorry, then I'll let you have a break.

You alluded to the fact that you have taken the first generation report that you've received -- or the first phase report that you've received -- into a consultation process. And you mentioned that that's included the Management Advisory Board. Could you please tell us who else you consulted with through that process?

SUPT. CORRY PYNE: Yes. We've consulted with a wide range of stakeholders. So obviously, Labour is at the table. We've had some effective employees around the table as well, those who have been negatively impacted by the misconduct. We have senior management within the RCMP. We've also consulted with certain central agencies externally as well.

DR. EMMA CUNLIFFE: So central agencies meaning other government agencies?

SUPT. CORRY PYNE: Yes.

DR. EMMA CUNLIFFE: Okay, thank you.

This might be a good moment actually to pause since we're getting sort of processes on the table.

And Luc, I'd like to turn to you, if you don't mind. We also talked about SiRT and SIU processes this morning, and in general terms about how they operate. I wonder if you could please walk us through the SiRT process in Nova Scotia, so how you receive referrals and what you do with them.

MR. LUC CÔTÉ: Yeah, thank you.

So basically the SiRT director will normally receive all the referrals coming to him. And he will decide whether or not it meets the SiRT mandate under the *Police Act*, under legislation. So we don't investigate all matters of criminal nature. They are when somebody has died, suffered serious injuries, all sexual assaults, and all domestic violence issues surround police officers. There's a fifth caveat basically on the -- that deals matters of public interest.

Unfortunately, public interest is very vague and a lot of times left at the discretion of the director. And so upon receiving the referral from the police agency, the director will assign an investigator and -- if I can use the term "typical" -- a typical investigation will unfold by one or several of our investigators. And at the conclusion of that, we will write a report to the director. And sometimes we will make recommendations to the director, whether we believe charges should be laid or not. In some cases, it's fairly obvious what the decision is. In other cases, we leave it up to the director. And upon his review, he will make a decision whether or not to lay a charge, and then that basically concludes the investigative part.

Another portion of the investigation entails the preparation of our file -- is then submitted to the police agency to their code of conduct, so either to the

professional responsibility unit or professional standards if it's Halifax Regional Police, for them to review the file, and they can make a determination on conduct based on our investigation.

DR. EMMA CUNLIFFE: Thank you very much.

I believe it's clear on our record, but just to make sure everybody is aware, as I understand it, referrals to the director, they come from the police force but also potentially from public complaints?

M. LUC CÔTÉ: Yeah, exactly. So we're seeing -- I mean, the majority of our referrals come from the police agency. That, just by nature alone, is you have an incident that happens and the affected party is in the hospital. They're unable to contact SIRT at the time, and we do get the majority of our referrals through the police agency. That said, we do get a number of referrals as well -- that usually are dated within a couple of weeks -- from affected parties who believe that they suffered injuries as a result of police interaction.

Of late, one thing that we have noticed is there has been an increase in referrals from fellow officers, from police agencies. And that's something that we haven't seen in the previous years as much, but now there seems to be an uptake of other officers involved in an incident usually, as a witness officer, who immediately report the incident to their commander. That precipitates a call to our offices. And it's quite substantial, the remarkable difference that we've seen probably in the last three or four months.

DR. EMMA CUNLIFFE: Thank you for sharing that experience.

As team commander, what's your role and what are your responsibilities?

M. LUC CÔTÉ: My role is -- I'm one of two civilian investigators, and the other two investigators within our office are assigned from police agencies: one from the RCMP and one from Halifax Regional Police. So my role is basically as an investigator. And we classify them as team commanders because you look after

different resources. But upon receiving the call from your director, we look after ensuring that a crime scene is controlled; there's segregation of officers for note-taking. We arrange for interviews, we conduct interviews, and if we need additional resources, more specialized services such as identification services, we will look after getting those. And we are basically in charge of the file until the conclusion of our report that goes to the director.

DR. EMMA CUNLIFFE: Thank you. And so you're a civilian investigator, but am I right that you're also a former RCMP member?

M. LUC CÔTÉ: Yes, that's correct. I was an RCMP officer for over 26 years, and I became a SIRT investigator in January of 2021.

DR. EMMA CUNLIFFE: Thank you. And what are the rules or principles internal to SIRT about either one of those seconded officers investigating something coming out of their own force while they're still service or, for that matter, anything to do with, for example, you investigating the RCMP?

M. LUC CÔTÉ: Sorry, I'm not sure I understood your question. So are you asking ---

DR. EMMA CUNLIFFE: Can you work on a case that involves a complaint being made against an RCMP member?

M. LUC CÔTÉ: Yeah, for sure. There has been one incident where the subject officer was an officer to which I supervised, so upon knowing that, I assigned the file to one of our other investigators to conduct the investigation. To date -- I mean, I'm not sure of the number of investigations I've been involved in -- I'm not aware of too many that I knew the subject officer or witness officers, and it has no impact on my ability to conduct the investigations. I think one reason why I entered into this new career is the fact that there's nothing worse for police officers to see bad police officers taint the career of others. And so for me, that's the important part of why I undertook this. It's to ensure that the police officers conduct themselves -- and there's an accountability too when they don't follow the rules that everybody else has to follow.

DR. EMMA CUNLIFFE: Yeah, indeed. Thank you, Luc. For what it's worth, in case you weren't able to watch our proceedings this morning, that resonates very strongly with some of the evidence we heard from some of the academics this morning.

Simply for the sake of having an accurate picture of how SIRT organizes its work, are there rules about -- for those police investigators who are seconded, say, from HRP, could that person investigate an HRP matter, or do you have clear lines around that?

M. LUC CÔTÉ: So the Police Act or the SIRT regulations outline the fact that the seconded police officers should not be investigating police officers within their own agency, and that happens quite frequently. We had a fairly significant event in Halifax a few weeks ago, and the on-call person was the Halifax Regional Police seconded member. And upon receiving that call, he immediately dispatched one of us to take the file over, and that's what happened.

DR. EMMA CUNLIFFE: That's really helpful. Thank you.

I'm about to move on to a new topic, so I'm just going to pause and see if anybody would like to weigh in on this topic before I move on.

Okay. I'm not seeing any hands, so we will indeed press on from here.

The next question that I want to raise is one of more general interest, and so it is one for which I'll actually go around this rather large table. And so again, just to remind you, there's a lot of us at the table, and so I'll invite you, please, if you can, to keep your response brief, which is going to be a particularly difficult request because the question I'm going to ask is potentially a big one.

And it's for each of you to tell us, specifically to tell the Commissioners, in the event that our current system of policing remains much as it is today, what would be your top strategy for reforming the present system of governance or of accountability for police in Nova Scotia, including, of course, the RCMP in Nova

Scotia?

And so I might begin with those who are online with this question, if I can. And I am being a little bit random here, but Benjamin, you're making the mistake of making eye contact with me, which every students knows not to do. Why don't we begin with you?

DR. BENJAMIN GOOLD: So thank you very much.

Maybe what I'll do is I'll echo a point that I made in my report. I do think one of the things that was quite striking to me when I was preparing my report was that there are real gaps in our understanding of what the police do, and I think to some extent there's a real need for police organization to be more willing to engage with academic, civil society and others in terms of helping us to develop a good picture of what's actually going on. So I was very struck reviewing the research literature in Canada. Compared to other jurisdictions I've worked in, there are real gaps. And having spoken to many of my colleagues across Canada, a resounding theme that came back was a significant reluctance on the part of police agencies at all levels to engage. And so I would suggest that that's one thing that really is an important step in terms of our ability to actually understand what's going on.

DR. EMMA CUNLIFFE: Thank you very much indeed.

Michelaine, I'll ask you next.

MS. MICHELAINE LAHAIE: Thanks for the question, Emma.

I think one of the critical things we've found with the public complaint process is, even though it's called the public complaint process, a lot of the members of the public don't know anything about it. And so I believe that what needs to happen is there needs to be greater public education, outreach to stakeholders, especially to individuals that are within communities that are at risk, whether that be Indigenous or racialized individuals, so that people that aren't using the public complaint process are aware of it and it becomes more accessible to them.

DR. EMMA CUNLIFFE: Thank you so much for sharing those

insights, Michelaine.

Bathan, I'm going to turn to you next on this one.

DR. BETHAN LOFTUS: Thank you. And I'm afraid I'm going to repeat what was just said. My thoughts were exactly that, that we need to improve access to the complaints system, particularly for those hard-to-reach groups of people who, as we discussed this morning, feel perhaps quite intimidated, frightened, and lacking confidence in the system that's already out there. For me, that would be the cornerstone of any governance accountability structure going forward.

DR. EMMA CUNLIFFE: Thank you.

Alfredo.

A/COMM ALFREDO BANGLOY: I agree with everything that's been said so far. Certainly, education with respect to public complaints, we're doing a number of things within the RCMP as far as to try to get down to the root cause of some of some of our issues. For example, we're looking at collecting race-based data in order to better inform ourselves as to how to address certain issues. As Supt. Pyne mentioned, we've undertaken a change initiative with respect to our Conduct Measures Guide and we're looking at implementing the recommendations from that report. We've hired the same experts to do a phase 2 of our discipline process and discipline offences and we'll be informed by those recommendations as well moving forward. So that's it for me.

DR. EMMA CUNLIFFE: Thank you so much, Alfredo.

Kristina, I'm going to go over to you.

MS. KRISTINA FIFIELD: Yeah, I think what's really important here is addressing the code of silence but also the protectivism (sic) that takes place in police culture but also that when individuals do feel -- when individuals that have witness or experienced violence, sexual violence, discrimination who are officers report and then witness the retaliation -- and like was just said, there's this culture of protecting the person that perpetrates the violence and then tries to silence.

And we see this not in just policing; we see this in many institutions when violence is report and, regardless of -- like, regardless of if there's an internal or external system, the reality is that a lot of people don't come forward because they see what happens when other individuals -- and to really change what is taking place, we can't assume that people are coming forward or it's even safe to do so because they know that they're going to be retaliated against. And we see this with officers all across this country when they do come forward, especially around when it's women, marginalized, racialized women, that they become a liability for the institution, for -- within policing.

And then through settlements, non-disclosure agreements, or even unions telling them that they will -- it will be career suicide if they come forward, that's where we need to start addressing because even the information that we have right now about what is actually happening is not reflective because there's so much other things that never get reported because see what is happening, how other situations are being handled and we should not be having different processes, different discriminatory -- or not -- sorry, disciplinary measures versus when it's happening internally or externally.

Violence should have the same consequences whether it's coming from the internal system of the RCMP and institution or if it's happening in public. And we need to start addressing that.

DR. EMMA CUNLIFFE: Thank you very much indeed, Kristina.

Lindell, if I can turn to you next.

MR. LINDELL SMITH: Thank you. So I would -- I would say -- echo the comments around transparency and access. I -- one of the things that I mentioned to our chiefs in the past is there are places in -- I won't name exactly where they are but there are places where you can actually see the types of complaints have came -- come against officers. So what that does is allows a person to say, "Well, I feel that this person has treated me rudely," and it feels like it may be something is part of their culture and you can actually go publicly and look online and see the complaints

have lodged against that officer which, you know, sometimes gives people the feeling, "Okay, I'm not the only person who feels that this officer is doing, you know, reoccurring" ---

DR. EMMA CUNLIFFE: Lindell, I think we're having a little trouble with your internet connection. If you don't mind, I'm going to put -- oh, it's ours. That's going to look good in the transcript. Lindell, either way, I'm just going to put you on pause while we figure our what's happening, if you don't mind. And I'll stay in the room until I get a thumbs up from tech that we're back online.

Emma, please go ahead.

MS. EMMA ARNOLD: Thank you. A large concern that we find working the vulnerable populations that are frequently considering, at least, filing complaints is how scary and intimidating the system is. And I think a good solution to that would be to have someone being able to walk them through the system and preferably an external resource to walk them through the system.

Elizabeth Fry tries our best but again the rules, even, like, evidence rules, or timelines, or everything like that, they're confusing, and a lot of the times, they're not published so being able to have a support person that can facilitate the process to make it easier for the person submitting the complaint to speak with the police, in general, and make it more accessible for them by them not having to, basically, press on their life to try and navigate the complaint system that can take years.

We're working with people who have had complaints in with the RCMP and HRP for going on years now because of technical logistical concerns that, luckily, they were able to find legal representation but, if not, it would have been on their shoulders. And they're up against multiple lawyers representing the HRP and the RCMP so being able to have someone that can facilitate that process for them, give them instructions, and act as kind of a liaison between the procedural aspects and the complaint itself so that they don't need to burden themselves and take away their

capacity to focus on the complaint instead of worrying about the procedural aspects.

DR. EMMA CUNLIFFE: Thank you for sharing that perspective, Emma.

Corry, what would be your top strategy for reforming either governance or accountability or addressing police culture?

SUPT. CORRY PYNE: I think that we need to increase trust with our community partners. And to do that, I think we do need to work on initiatives and programs allow us to be, where legally possible, more transparent.

The other thing that I think we should be doing, and are trying to strive to do, is, you know, increase independence. So one of the things that our organization is -- has done since the Bastarache Report actually is we set up the Independent Centre for Harassment Resolution. So it's an independent unit with no uniform officers who actually are now the central intake for harassment for the organization and they look after all violence and harassment complaints within the organization.

And finally, there was a really important discussion this morning about culture and diversity and I think that we need to be more diverse so that we can tackle some of our systemic issues that we have such as systemic racism, and we could really benefit from that.

DR. EMMA CUNLIFFE: Thank you, Corry.

And just for the purposes of the record, it looks like our virtual participants have rejoined us. I'm glad to see that the problem was at our end, Lindell, and I apologize for the interruption.

Corry, I'm just going to ask one follow-up, which is the Independent Centre for Harassment Resolution, how does that relate to or integrate with the system of police misconduct processes that you described to us earlier?

SUPT. CORRY PYNE: So the Independent Centre for Harassment Resolution or, what we call, the ICHR, they are, as I said, the central intake, and -- but

their -- their main mandate is really the Canada Labour Code Violence and Prevention Regulations. So they take notices of occurrences from all of our employees. And it is assessed by an alternate conduct authority right now to determine if it meets the threshold or if there's an appearance of a contravention of a code of conduct. And if it does, a conduct investigation is mandated because there are serious considerations that need to be done on the conduct side.

For example, we may have situations where we need to remove someone from the workplace because they're making it unsafe for others, so that's why we have to have that discipline process available to this process. And then, from that point forward, the discipline process that I described earlier would continue to a point where the conduct is either established or not.

DR. EMMA CUNLIFFE: Thank you very much indeed for explaining that.

And so I'll return now to our question, which I appreciate may have gotten lost. So I'll share it again, just in case anybody has lost track.

So the question that we're currently addressing is, what is your top strategy for reforming the present system of policing oversight, including governance or accountability, or the culture of policing for policing in Nova Scotia and in Canada?

And Emily, if I can turn to you, please.

MS. EMILY STEWART: Thank you. In social work, that's kind of what we call the "magic wand" question. If you had a magic wand, what would you do to change everything? And I appreciate that I'm supposed to give a very straightforward answer here and say this is what I'd do, but upon particularly reading the environmental scan and reviewing 422 pages of recommendations that have been put forth, it's hard not to think of all that background.

And we've had the discussion around these tables about the lack of political will, so I suppose I would suggest that there's a lack of political will and there's a lack of social will. So I think that inroads in trust and education need to be a priority.

However, we do need to look from a top-down approach and examine democratic processes and how they interact with the current state of policing in Canada.

DR. EMMA CUNLIFFE: Thank you so much, Emily.

And for the benefit of the virtual participants, I'm just going to finish asking those who are in the room, because otherwise I'm going to get hopelessly muddled with the order of questions with this many participants. So I apologize for that.

And Luc, I'll go to you next if I can.

M. LUC CÔTÉ: Yeah, I think an important part of the reform is the accessibility, the education. I think it's important that our oversight agency reaches out to all the communities that we -- or the police service and that we have those representations in the communities. I think it's critically important as well that victims services are provided to those affected by the actions of police which we're investigating. For us, obviously we're a very small office, and it is an important part that we don't have available for our service, which is access to service for the victims, those affected by police action.

DR. EMMA CUNLIFFE: Thank you very much indeed, Luc.

Jihyun, if I could please turn to you.

MS. JIHYUN KWON: Thank you. I think one of the most important issues to address here is the governance of oversight mechanisms. So we've talked about different oversight processes or agencies around this table today, and here I'm going to talk about the disciplinary process.

And it's important for us to think of it as -- or recognize that it is an administrative, labour-relations issue, not a criminal proceeding, and sometimes we tend to forget that. In our attempt to uphold the due process rights of the police officers, I think we tend to treat these mechanisms or processes as if it's a criminal justice proceeding. And of course, we need to balance the due process rights of the police officers as employees with the overarching principle or the delivery of a community policing model.

And it's also important for us to think about policing -- like why is it different, or why is it being treated differently from other law enforcement activities or agencies or authorities, and other governmental authorities? For that, I think we will always return to the fact that our whole notion of policing or police organizations are really based on the model of paramilitary policing model -- "us versus them", the "other", the enemy that we need to control.

And when we think of reforming the oversight mechanism, I think we need to also return to the old criminological literature on deterrence. So the literature says for us to deter unfavourable behaviours, there needs to be certainty and swiftness and certain severity. There's a discussion of what amount of severity of punishment is appropriate, but the literature finds that certainty is the most important factor here, so if we consistently tell -- or if the public and the media is criticizing police officers for not behaving or conducting themselves with the principle of community policing, but our system of oversight, including the disciplinary process, is not consistently or certainly upholding the principle, then I think it gives a confusing message for the officers. So for that, I think different oversight mechanisms such as SIRT and CRCC also need to be in conversation. In Ontario, where my research is located -- or is focused, the OIPRD and SIU do not talk and that causes problems, so I hope that's not repeated here. Thank you.

DR. EMMA CUNLIFFE: Thank you so much, Jihyun.

Wesley.

S/SGT. WES BLAIR: Well, I guess I'd mention two point. From a public perspective, it's unfortunate that it looks different if they're dealing with one police agency over another. Certainly, uniformity of policy, training, process would help the public, whether it's the CRCC, being to my knowledge the only national public complaints program that of course we fall within in the RCMP -- so whether it was a consistent way to initiate police complaints or policy, training, et cetera, which would help a police board have a better understanding and consistent understanding of what

police do, while still allowing some regional differences for community policing needs.

And then internally, a conduct authority is an administrative decision-maker but legally empowered. Those decisions are subject to appeals. We have an external review community who would review those appeals and make recommendations. All those decisions are also appealable to a federal court, so there is that judicial oversight that is available. So that speaks a little bit more towards both the internal governance and oversight, but also something that I think would help consistency and would help service delivery but also the public's ability to understand how they could initiate a complaint, whether they are in this community or that community or on the highway. Thank you.

DR. EMMA CUNLIFFE: Thank you very much

Joanne.

MS. JOANNE GIBB: My recommendation would be that -- policing today is very highly integrated, but civilian review isn't, although there is a lot of effort to cooperate and exchange information and good practices. The Commission, for example, has the authority under the *RCMP Act* to undertake joint investigations of a public complaint, but we've never done it. We received that authority in 2014 and that's because none of our provincial counterparts have that authority. They can't work with us. We can work with them but they can't work with us. Bill C-20 includes that provision as well.

I would like to see that our provincial counterparts have that authority, and I would extend it one further and say it would be nice if the provincial counterparts could also do systemic reviews and that they be capable of doing joint reviews with the Commission. If there's an incident in Halifax that involves the RCMP and Halifax Regional, we could investigate only the RCMP and the door would shut there.

So on the national security side federally, following the Arar Commission, there's the idea of following a threat, and they created an oversight body

that could follow the threat. But in policing we can't. So I think a practical and even doable solution would be to have our provincial counterparts have the same authorities that we do we could collaborate more and get a holistic view of an incident or a systemic problem.

DR. EMMA CUNLIFFE: Thank you, Joanne.

Lindell, I'm going to go back to you. And I'm not quite sure exactly when we lost you, so I'm going to invite you to start again from the top, if you don't mind doing so.

MR. LINDELL SMITH: No, I don't mind. I'll be very quick.

So the first comment I had was of transparency -- a better way for folks to not only follow a complaint, but maybe look at complaints that have happened in the past so they can be aware of -- if they are making a complaint against an officer and they feel that it's a cultural thing that maybe this officer has done a lot, they can go on a database which shows x complaint had been lodged against an officer just to allow some better transparency.

Ways that intakes can happen when it comes to complaints -- so for example, folks have to get forms from police stations or they have to send emails or they have to make phones calls, and that can be intimating for some folks, especially those from different demographics. So having community partners -- maybe people that they trust who are trained and who work with forces or organizations or bodies -- that can take those intakes and pass it on could be very helpful for getting more people to feel comfortable lodging complaints.

The last one is better resources for boards to undertake investigations when it gets to that point. So for us a commission, we've done some front-facing investigations and reviews and some private, because of complaints against internal officers, and that takes a lot of time for the chair as myself, but even our staff and other folks, who are really doing this as support for the board but it's not their daily job.

So you know, it creates a lot of -- a time lapse, because we're trying to manage, you know, complaints and issues involved with that with very little resources, so I think those aspects would be helpful.

DR. EMMA CUNLIFFE: Thank you so much for sharing those ideas, Lindell.

Kent, if I can please turn to you?

PROF. KENT ROACH: I would urge the Commissioners to be bold. On the issue of culture, I think the RCMP should consider shutting down Depot, which is a paramilitary kind of boot camp, by all reports, and think about training and allowing officers to remain in communities if they are to continue to contract police.

I think you need to look at something like Newtown Police Council, which has Deputy Ministers from the territorial government sitting with the commander in the province. I think something like that should be looked at.

And I also think we might learn something from England with police and crime commissioners, who I note have the ability -- I'm not sure how often they exercise it -- to also take on other duties with respect to ambulance and fire.

And so if we're moving towards broader community safety, we should have a more holistic approach and not double down on fragmentation. Thank you.

DR. EMMA CUNLIFFE: Thank you very much indeed, Kent.

Meghan, if I can turn to you next?

MS. MEGHAN MCDERMOTT: Sure. I'm thinking what I'd propose is a huge question, and so I'm trying to put a lot in here, but I want to shift to a more proactive governance model rather than assume that we can't do anything. I would really like to urge the Commissioners to in turn urge the government and the people who are our democratic officials to use their policy making powers and to prioritize how we want policing to work across our nation, and to set that out more clearly, both for the police so that they understand how they should be using their discretion, and for the

public so that we know what to expect when we have interactions with police.

It's ridiculous for a country as educated and wealthy as ours to be so illiterate about police powers and where they start and end, and especially for people, even elected mayors of really big cities getting into spats about where their jurisdiction starts and stops.

To this end, I would also -- I must talk about privacy. We hear about privacy here and there around this, both in terms of protecting police and their disciplinary records, but also about the inability to get at some policies and practices sometimes, that the *Privacy Act* can be invoked, or that documents will be withheld. So I would also urge that we have a careful consideration about how privacy intersects with policing generally, and to consider how other professions are treated.

For instance, I want to give a shout out to some -- a grass-roots organization who is trying to get disciplinary records that are already, in theory, in the public realm, online, and in a database. And there's a lot of concern that they're going to be targets of litigation, but I want to urge the Commissioners to understand that this is what the public is looking for and this is what will enhance trust between the public and the police agencies, and also with out government officials.

And then finally, if and when things do go sideways, I really do want to say that the public -- the average person, there's not a level playing field when you're up against trying to seek police accountability. People have to come out to civil society non-profits like mine, like, BC Civil Liberties. We can't even provide legal representation. We have to keep applying for grants from organizations just to educate the public and make fact sheets about how to navigate through the labyrinth.

And I really feel for, you know, a number of the academics here today who even need to bring maps with them about where you go in the process and what happens where, and just that it makes it so inaccessible to the average person, let alone people having the emotional feeling that the system isn't built for them to begin with. Thank you so much.

DR. EMMA CUNLIFFE: Thank you, Meghan. And you're absolutely right. It's such a striking image that an expert of the intelligence of Jihyun has to map it out and put it in front of there so that she can articulate it. What hope does an ordinary person -- particularly, Holly, to a point you made earlier today -- one who's already involved in the justice system have at that point?

And Holly, on that note, I will turn to you.

DR. HOLLY CAMPEAU: So much has already been said, and I had a few points and possibly not to even mention, but -- so maybe I'll be very academic about my response and stay in my lane and answer it in a way that's about analytical lens, my -- and you know, the policy makers' adage for maybe approaching innovative reform might be that the master's tools will never dismantle the master's house, right?

And while yes, it is true that police wield unique powers, the effect of being persuaded by the reasoning that, well, policing is unique; or well, people just don't understand how policing works, as is sometimes done, the effect of being persuaded by that just sends us all back to the master's tools.

And so I guess I would, you know, kind of echo the call to be bold -- I think it was Kent that said this -- and resist the temptation, right? Resist that temptation at this current moment, and that's what the current moment calls for, right?

To put it another way, ignorance of the way things work here or ignorance of that box can promote out-of-the-box thinking.

And so my view is that we also need to be looking at organization reform strategies outside of the criminal justice system, maybe even outside of public sector, to expand and diversify just the realm of possible paths forward.

And my final point is that, I think related to this, is a coffin needed here? And leave it to the sociologists to say this, but it relates to how easily we forget about individual actors in our discussions about high-level legislative reform, because the common denominator of organizational life is that they are comprised of people, and ultimately, how people make sense of their work; their position relative to others; how

not only punishment or discipline is distributed, but also rewards are distributed. All of that impacts how efforts toward change are either absorbed or buffered or refracted entirely, right? And that's true whether we're talking about police agencies, hospitals, universities, or NASA, right, which is one of the best organizational culture studies by Donald Vaughn.

Policing is unique, is, in my view, too easily turned into a shield for innovative change.

DR. EMMA CUNLIFFE: Thank you so much, Holly.

Julie?

MS. JULIE THOMPSON: Thank you very much for the question, and I'll keep it brief. I too will try to stick to my layout a little bit. But in addition to the excellent commentary we've heard so far, I too was crossing things off my list.

I would say that data and the work that's going on around data, disintegrate -- the desegregation of race-based data is of critical importance for the future and to promote transparency, and in addition to all of the activities that are happening that we've heard about to accelerate actions required in the RCMP, I'd just go back to something that was talked about this morning which was policing in the context of community safety, and understanding of policing in the context of community safety, and not only community safety, but well-being. Communities need to not just, you know, survive, but thrive, because accountability also can happen between partners, not just up and down the organization and through hardwired governance systems, but maybe focusing on partnerships at a broader level for community well-being would be really important in this context to help inform policing and drive forward accountability and transparency.

DR. EMMA CUNLIFFE: Thank you very much indeed, Julie, on anticipating a question that I will come to soon.

Kanika, you've been very patient, thank you.

DR. KANIKA SAMUELS-WORTLEY: No, thank you, Emma. It's

an important question, and from the many responses, I echo everything that my colleagues have mentioned, and too have -- might be repeating some of the things that have been said, but I think for me, when I'm looking at a change in police culture, there has to be meaningful and positive community engagement must come first, and the idea of enforcement should be second, or seen as one of the last resorts.

And I think why there needs to be a focus on the community is that there needs to be an understanding when there's a mutual positive relationship between the community and the police. This is what can lead to public safety. And if both are on the same page this is what can lead to, one, the legitimacy of the police as public protectors if each person can or each organization can rely on the other.

But also speaking to what Holly mentioned in terms of the award system, like what is awarded within policing, and I think that there needs to be a focus on awarding that community engagement. So we often see that those who may raise issues of misconduct might actually be punished. And among their own peers and potentially even within the media, being punished for raising issues that really they shouldn't be punished for. So those who raise issues of misconduct should be awarded, and also for upholding professional and the moral standards of policing.

So in essence, when it even comes to the public complaint system, all should feel comfortable -- citizens should feel comfortable to raise issues within policing and then police should be able to adopt and fine that as a meaningful way also to engage with the community that if there are issues then the police should be grateful for having a better understanding as to what's going on in the community between the police and community.

So in essence, community comes first and truly law enforcement to be last.

DR. EMMA CUNLIFFE: Thank you very much, indeed, Kanika. And that's a lovely note, I think, to pause.

I'm going to suggest that we take a very short break and that is a

request for a short break. I'd like to reconvene at 10 minutes past the hour, please, to make sure that we can do our last round of questions and give the Commissioners time to ask any questions that they may have.

And the question that we'll ask next will expand things out into that decentred policing community safety lens, just to give people a chance to think about it, if you wish.

--- Upon recessing at 3:02 p.m.

--- Upon resuming at 3:16 p.m.

DR. EMMA CUNLIFFE: Good afternoon, and welcome back.

So just before the break we had a round of questions about top strategies for reforming the current system of policing. And towards the very end of that round Kent urged the Commissioners o be bold. So let's take that invitation for a moment and imagine a world in which community safety is the organizing principle by which we are thinking about the questions that this Commission faces. And so police become a decentred part of an ecosystem in which prevention is emphasized and other agencies may be first responders much of the time.

How would policing be governed in such a world?

Kent, I'm going to take this back to you in the first instance.

PROF. KENT ROACH: Yes. Well, I don't think that there is any one answer. I think that each locality and each province and country should be able to engage in a certain amount of democratic experimentation. I do think the Yukon Police Council is a promising instrument. It has representatives from the Indigenous community which we haven't talked about too much today. I think Indigenous communities should be given their own funds to devote to community safety the way they want to.

But I also think that the debate about the CMP contract policing, yes or no, is a simplification. I think in many parts of the country the RCMP is always going to have to be there to offer more technical help and help where they have

economies of scale. But I do think that the RCMP needs to fundamentally change if they are going to work with a multi-agency approach to public safety that will involve both health injections and, as some of the speakers have talked, the role of civil society, women's groups, and other groups.

So I think that we need to look at a future where our police are, you know, well-paid knowledge workers and we shouldn't train them simply in a way that reverts back to a kind of paramilitary origins that especially the RCMP has. But I also think that when there is a public danger -- and we saw this, you know, recently in Saskatchewan -- people have a right to look to the police to do the most that is possible.

I also -- so I think whatever we do, as break down silos at the ground level, we also have to make sure that the silos are broken down at the governance level.

And the last thing I'll sat is, in my book -- and it wasn't one of the chapters that you included, but in my book, I take a look at the first tranche of community safety and wellbeing plans that are require under Ontario legislation. So these are comprehensive plans that are, you know, partly derived from hub tables, which are also multi-agency, and they're designed to break down silos. But one of the thing that I found in examining those public reports, and especially the one in Toronto, is that they often don't have the research that is needed to back them up. In many cases, the police seem to be playing only a distant-partner role. They don't provide a lot of transparency about what the police can and can't do and the resource challenges that they face. And many of those plans say, "You are downloading to localities an unfunded mandate to deal with problems of addiction, to deal with problems of lack of housing, and domestic violence, and so on."

So I think that, you know, the trick is to break down silos to measure what the results are so we have a sense of what is working and what is not working, including having targets. And so, in my book, although the Toronto plan, I'm quite critical of, I also look at a community safety plan that was drawn by 20 civil society

organizations in Toronto including the Gerstein Centre, including Black Lives Matter, including the Canadian Civil Liberties Association. And that document, which I think is only about 20 pages, is really, I find, quite powerful in that it engages with the research literature, which many of my colleagues on the panel have said, "We need to invest more, both at the police level and at the funding level, in researching community safety, what works and what doesn't work."

But really, it was a lead that was taken by community groups and I only hope that whether it's the Police Service Board, whether it's the municipal council, whether it's a management advisory board which becomes, perhaps, a national police board, or a provincial or territorial police board, as they have in the Yukon, that these structures will then work with and listen to the community because democratic policing is important but it is democracy, and that means that no one size fits all. And we have hard choices to make but we should make them in a democratic, transparent, and measured, and evaluated way. Thank you very much.

DR. EMMA CUNLIFFE: Thank you very much indeed, Kent, and indeed, the entirety of your book is available to the Commission and as is -- the report that Kent alludes to by the Toronto not-for-profits has been tendered as part of our record.

Kanika, if I can please turn to you next.

DR. KANIKA SAMUELS-WORTLEY: Thank you, Emma. To be completely honest, my colleague, Professor Roach, beautifully explained exactly what a decentred form of policing should look like and the importance of having the community. And I think what that also speaks to is when we're looking at, perhaps, the complaint system, the importance of also having community and civilian part of that process.

To be honest, I don't want to repeat exactly what Professor Roach mentioned because explained it quite beautifully but I think it is quite important to ensure that we have both community and community members and citizen members a part of the process, meaningfully a part of the process, more so than we've seen in the

past.

We often see community engagement done with the police but we don't actually see where that goes. So I think if we actually have individuals, community leaders that re[resent the community and are actually meaningfully part of the governance process, we might see a better relationship between both the community and the police. So I think it's quite important to make sure that both relationships of meaningful and it simply isn't a form of window dressing and a box that's being ticked to say that the community has been consulted, that they really should be part of decision-making and processing within policing.

DR. EMMA CUNLIFFE: Thank you, Kanika.

Julie, if I can turn to you next, please.

MS. JULIE THOMPSON: Sure. This is a topic near and dear to my heart, and I would very much agree the others who have just spoken on the issue but I will add one piece of information that might be useful to the Commission, which is an example in the Indigenous communities around the issue of Aboriginal community safety planning, which is something that Dr. Roach had spoken about.

Particularly in the Yukon, Public Safety Canada does have a program for Aboriginal community safety planning with communities, which actually puts Indigenous communities in the driver's seat. It is by and for them, where they -- it's the very example of planning that is done by the community with a coalition or collection of services in the community who are most needed to address community safety issues. So whether that could be infrastructure issues, street lights put up in certain corners, you know, all the way to policing interventions in a certain way, where those conversations need to take place, it's an opportunity for communities to actually plan their own community safety plan, and it's very successful, and we've heard in the Yukon that is in example of something that they very much like.

And I would add there's also some funding available through budget 2021 for communities to implement those plans. So that's an example on that

front but -- just to add on to Dr. Roach's comments there. Thank you.

DR. EMMA CUNLIFFE: Thank you, Julie. And thank you very much for addressing how those initiatives are funded. And so I heard you say that there is some funding available through the 2021 budget. I wonder if you can give a sense of -- is that grant funding? Is that funding that communities need to apply for?

MS. JULIE THOMPSON: So there's two -- I'll mention two sources of funding that are -- well, there's actually three sources of funding available. There's funding for the planning itself, so through the Aboriginal Community Safety Plan Initiative. And there's planning for implementation through a separate contribution fund that communities can apply for to receive funding for the implementation of elements of their plan related to community safety. There's also the Pathways Program that is under my colleagues over at Indigenous Services Canada, which provides funding to Indigenous communities for the purposes of community safety and wellbeing as well. So there's sort of three areas where funding can be accessed.

DR. EMMA CUNLIFFE: Thank you for sharing those details.

Lindell, if I can turn to you next.

MR. LINDELL SMITH: Thank you. I don't have much to add. I'll just echo the comment from Kent. So I agree wholeheartedly with the comments there. The only thing that I'll add from a municipal end is thinking of how municipalities can play a role in the conversation of re-tasking or reallocation of what police services are doing.

We're going through a process right now here in HRM of looking at that very -- re-tasking. We have a consulting firm that is helping us with that -- is, you know, "What can we be doing in terms of re-tasking for our police forces?" and that, for an example, our crossing guards fit within our HRP. So that's something very simply that could put into put into our Community Safety Office and be managed at that office. So things like that I think are very important for the town to step up and say, "You know what? There are services that we offer that we can actually take away from police

services and change the way that we look at -- not just enforcement but how policing acts in its very essence..

DR. EMMA CUNLIFFE: Thanks so much for adding that piece, Lindell. We've heard a bit about the defund or detask report, and the work that the Halifax Regional Municipality is doing on community safety and public safety over the course of our proceedings. And we appreciate you sharing that tie--in in particular.

Meghan, if I can please turn to you.

MS. MEGHAN McDERMOTT: Sure, thank you. I agree with all the points so far. And I guess I can just reiterate, you know, the need for the democratic governance and to proactively govern. Definitely I agree with what Kanika is saying about the lack of community input. Often organizations like my own are seen as a proxy sometimes for the -- that we're in touch with community so the government doesn't need to be.

And I see also in the standards making process in B.C. they're very rarely shared and open to public input. So really engage with the community. Have the community as your full partner in figuring out how the police are going to operate in a community and have really good comprehensive discussions with -- especially with historically oppressed communities. I know we've heard a lot about difficulties there and the lack of trust but again I think that if government and policing agencies can keep centering that, because those folks, especially ones who have experience with the criminal justice system or with discrimination in the past are some of the best experts to refine the models so that we can have good models into the future and restore trust.

And aside from that, I think again just really having sustainable resourcing for all the civilian oversight, be they local boards or yeah, any kind of boards or even after the fact complaint mechanisms. We know that even in Vancouver, Vancouver is seen in B.C. as being one of the wealthiest and most modern policing agencies and there are critical issues with even the extent to which the police force here is even able to understand its role and do research. Very similar to what we heard

about the Halifax HRP board as well..

So yeah, just shoring up resources for civilians and including and centering community voices.

DR. EMMA CUNLIFFE: Thank you very much indeed, Meghan. And just for the purposes of the record, Lindell has conveyed his thanks for today. He unfortunately has to leave us to catch a plane.

And just as a reminder, we are a big table today and I have one more really important question I'm hoping to get to about implementation. And so I invite you to keep response from here to about a minute.

Holly, in about a minute, how do we reimagine the whole world?

DR. HOLLY CAMPEAU: Such a fair question. You know, yeah, I really want not to echo things that were already said. I think it was a mistake to start with Kent Roach on this one. He observed all the answers.

One thing that comes to mind, at least in my recent research engaging directly with people who have been arrested, directly with people who are justice involved and often this is not their first arrest, right? So it's I guess, a little less on governance. Governance is not my area. But certainly this would be a population that we consult and who often, you know, just aren't even thought of as part of this process. Meanwhile, they are the group that have the most to gain and the most to lose in whatever steps we take next.

And speaking with this population, one of the most common comments that come through are, "I'm so rarely treated like a human." And so I think that the pathway forward is this sort of humanity first approach. And going back to this point about training, the fact that so much of this training is rooted in paramilitary, you know, history and rules and norms and practices and marching and traditions. It's honestly -- why?

So I mean, I know the justifications for having paramilitary structure. I understand them. But when you are now reframing a model or an ecosystem around

community wellbeing, that's not how that training experience should be delivered to those entering this very important career. And it's such an important career if now we're reframing it as community while being part of this broader ecosystem.

So humanity first, remembering I have several colleagues that are in the world of trauma informed policing and this is very much tying policing to the public health model, understanding that those that they're engaging with are often victims of trauma themselves, right? So just reimposing trauma is not the path forward and is certainly going to have to be part of an ecosystem that thinks more broadly about community wellbeing.

The last point I'll make -- hopefully this is within the minute -- is we have to cultivate the common ground. So the narrative around defunding or detasking the police often is met by those in the world of policing with, you know hostility, that's there's some headbutting. But actually, there is a lot of common ground in this view which ism, you know, many police leaders and many frontline police officers are saying, "We do too much. I'm not trained for this type of thing. This should not be my problem."

And that is another way of saying that policing are usurping too many resources for issues that are better dealt with by more suitable bodies.

DR. EMMA CUNLIFFE: Holly, thank you very much.

Ben, if I can please turn to you.

DR. BENJAMIN GOOLD: Yes, and thank you.

So maybe just to double on some of the points that have been made about detasking and particularly some of the things that Holly just said right now and earlier.

In my experience, it's often the case that police are very skeptical about civilian expertise in areas that I've overlapped with things that they do and so I think other than echoing everything that's already been said I would encourage the police to actually be thoughtful about the sort of relationships they have with the community and community partners, and to recognize that the seeding responsibility or

the sitting expertise often strengthens their position, not weakens it. And so I would encourage that when they think about community partnerships they take seriously the expertise that exists in those communities.

DR. EMMA CUNLIFFE: Thank you, Ben. And beautifully timed.

Bethan?

DR. BETHAN LOFTUS: Thank you. I think for -- and this is kind of bringing sociology, I guess, but I think first on my list would be to try to kind of reduce some of the societal ailments that bring disadvantaged groups into contact throughout conflict with the police. We know across many different democracies, the welfare state is just kind of simply retreating and retreating. And this is, you know, causing lots of fractured and divided communities which then police officers are more or less tasked to kind of come in and kind of clean up, you know, after those kind of social problems.

And so I think practically kind of strengthening the welfare state for sure, and trying to come and reduce inequalities within communities would be -- certainly that would be on my list for sure.

Secondly, you know, I totally agree with the detasking discussion that we've been having as well. I think their role without doubts and circumstances in which I think professionals would be much better equipped to, you know turn up at some emergencies, for instance, somebody in the throes of a major mental health crisis, for example. You know, do you want a police officer with a gun turning up to that kind of situation or perhaps somebody who is much more better trained than -- they are professional mental health services.

So I absolutely agree with the detasking discussion that we've already had.

And I like hearing about how some ideas and practices from Indigenous communities is kind of being pulled out and kind of brought into this discussion as well. And it made me just think about restorative justice practices. You know, perhaps one way forward would be, you know, kind of truly getting members of

the community and perhaps the experienced, you know, a side of policing that perhaps they wish they hadn't into the room with that particular officer, and just kind of sitting down and talking through, you know, what happened and how it happened, you know, almost like a victim impact statement within there as well.

And I just wonder what this restorative justice .principle might be a way forward. I'm not saying it's perfect by any means, but I think in terms of the principles of just getting two people together and talking about the particular incident which was upsetting or which was harmful in some way. And I think part of that probably does need a bit of police culture as we've been talking about too in the sense that I think police are through various training and on-street experiences do come to see civilians as somehow distinct and separate from them. And if we go back to the very early Peelian principles that the police are the public and the public are the police -- if that kind of guiding principle could be embedded within the discussion as well, I think that would probably be quite useful.

And kind of picking up on something Holly mentioned too around ---

DR. EMMA CUNLIFFE: Bethan, I'm just going to interrupt you. I'm so sorry.

DR. BETHAN LOFTUS: It's okay. I know it was coming.

DR. EMMA CUNLIFFE: Everything you're sharing is fabulous and you're way over your minute.

DR. BETHAN LOFTUS: I'll stop.

DR. EMMA CUNLIFFE: My sincere apologies.

DR. BETHAN LOFTUS: Thank you.

DR. EMMA CUNLIFFE: Thank you very much for the ideas that you've shared.

Kristina, I'm going to turn to you, if I can.

MS. KRISTINA FIFIELD: Yeah, so I think that being bold in this work ahead is that the most vulnerable, marginalized, and racialized voices need to be

centred in all of the work ahead.

De-tasking the roles and jobs that the police are currently doing is a must for community safety. Engagement with our most vulnerable and justice-involved individuals cannot be about just checking boxes. It involves working side by side individuals in community on an ongoing basis in all interactions.

The individuals that have the final decision in what the policing structure will look like moving forward cannot be left to white individuals. It needs to involve the voices and individuals from our marginalized and vulnerable communities being in positions of leadership so that true change and different perspectives are incorporated in how we move forward. And this is vitally, vitally important in being bold and creating community safety. Thank you.

DR. EMMA CUNLIFFE: Thank you very much indeed, Kristina.

Jihyun.

MS. JIHYUN KWON: Thank you.

So far we've been talking about mostly in terms of community-based policing in relation to our understanding of the role of policing within the broader community or network of available professional help. So yes, policing should be seen as part of this ecosystem, and liaising with known police partners is definitely important to deal with social disorder. But in terms of oversight and accountability, I would like to also -- I would like us to think about the importance of community-based policing as a guiding principle when we determine whether or not the police officers before different proceedings have fulfilled their duty. As I mentioned earlier this morning, our system has been focused too much on the proscriptive rules, on what not to do, the prohibited conducts, rather than prescriptive norms and expectations of policing, and with that, higher order laws and principles, such as community- based policing again.

And the second point, if I'm within the minute, that I want to make is in relation to Holly's earlier analogy, which was quite accurate. She talked about how to think outside of the box, we have to forget the box. And she's given some examples

such as thinking about other professions, how they are doing and to learn from those lessons.

I would like to also urge -- this is lunchtime discussion I had with another gentleman in the audience. Sometimes you only think about Anglo-Saxon countries as if those are the only countries in this world, but there are other countries who are doing things differently. And there are some countries who have done -- or made significant changes. The two jurisdictions that come to my mind is Georgia and South Korea. These jurisdictions are not perfect but they have made strides when it comes to transforming their paramilitary policing forces into community-based police forces, so I think it's important for us to explore that. Thank you.

DR. EMMA CUNLIFFE: It certainly is, Jihyun, and we really appreciate you sharing that perspective. Thank you.

Wesley.

S/SGT. WES BLAIR: Well, I guess I would start by saying that the RCMP certainly has taken and continues to take great strides to try to interact with our communities that we provide a service for and that we live within, and certainly are making great effort to listen. You know, I appreciate all the views that are shared here today, and I think my time is best spent listening to what's being said as opposed to prescribing where I think it should it go.

DR. EMMA CUNLIFFE: Thank you so much for being available today, Wesley. I appreciate your thoughtful remarks.

Joanne.

MS. JOANNE GIBB: I'm going to pick up on Meghan's comment about a community-centred approach. A number of years ago we did some work with the BCCLA and with the RCMP and Public Safety, and a particular Indigenous community in BC, whose leadership sought a resolution process for complaints that followed their particular traditions and laws and culture. And at the time, I was really hopeful that this was something that would happen and that it could be replicated

across other Indigenous communities, but then across other communities, so that what is informal resolution in one area maybe looked different. But at the end of the day, the community, the individuals involved, including the RCMP members, felt that the issues were addressed, that the concerns were aired, and the community is stronger as a result. Unfortunately it didn't quite work out that way, but I feel like there's still hope that, again, listening to the communities partnering with them could yield some really favourable results.

DR. EMMA CUNLIFFE: Thanks so much, Joanne. That sounds like a really exciting imitative, and if you're able to share the lessons you learned out of the fact that it didn't take wings, I think we'd be very interested to hear them.

Okay. We can do that another time.

Michelaine.

MS. MICHELAINE LAHAIE: So I'm going to say we need to have an increased use and increased authorities for complaints commissions to do systemic reviews, especially when we're talking about dealing with the community. Community members are an essential part of that. I think that they need to be involved in these system reviews so they can share what their experiences are with policing, but without having the jeopardy of having to file a public complaint. So I think that that's a very important piece.

The government is aware of this. In the 2014 change to the *RCMP Act*, the provinces were actually given the authorities, in contract provinces, to be able to send a letter to the Minister of Public Safety saying, "We'd like you to look at this systemic issue." So I think that that exists out there and I think it's very important, because, really, it's through these systemic reviews that we fix policing before the police officer even goes out on the street.

DR. EMMA CUNLIFFE: Thank you very much, Michelaine.

Alfredo.

A/COMM. ALFREDO BANGLOY: Thank you.

So I can say that the RCMP strives to work with all our partner agencies, wherever we're located, and provide the best service possible. I know some of the issues in some of our remote communities is the lack of other agencies or other partner agencies to assist us in that regard. However, we try to do what we can.

An example of what's occurring in Saskatchewan, for example, is for some time now, we've had psych nurses embedded in our division operational communication centre, so they're able to provide assistance to front-line members, no matter where they are in Saskatchewan, with respect to dealing with persons in a mental health crisis. And that's an initiative that's ongoing and just one example of some of the other initiatives that we have ongoing throughout the organization. I'll just leave it there.

DR. EMMA CUNLIFFE: Thank you so much.

Emma.

MS. EMMA ARNOLD: Thank you.

I'm going to push a little on the idea of re-tasking. I was half-heartedly joking with my colleagues the other day that I would love to live in a society that put us out of work because they didn't need our services, and I view the police in the same way. I think it would be great to live in a society where we didn't need the police, where there wasn't harm and there wasn't the need to resort to control and power and confinement. And I think that decisions should be made in that sense, so having the different partners or players in the roles in the community that they hold seen as equals rather than having the police above the other community partners and having the police before the first go-to response -- but having them as equal playing partners where the funding is resourced appropriately, where police have to establish that what they're doing with the funding is working, just like community resources have to. And with the lessons that we have already learned through the community partners, we can continue implementing those instead of having offspring start now that we're trying to re-task. We don't need to redo it. We already know some of the solutions out there, so

relying on that and treating the different players as equals would be my advice.

DR. EMMA CUNLIFFE: Thank you very much indeed.

Corry.

SUPT. CORRY PYNE: There's a lot of good suggestions that have already been said and maybe I'll just speak to a few of those.

Julie mentioned community safety plans, so of course community involvement is critical, but they would have to be properly resourced, like the police is for the most part. Somebody mentioned -- I think it was Kent talked about decision-making in whatever advisory board. I think that's something that would be interesting to look at. Drawing on expertise at the community level -- there's a lot of expertise out there, but I think we probably could do a better job in reaching into marginalized groups to hear their perspective. And finally, yes, Indigenous communities, I think we need to engage them further, and that will go along with our reconciliation efforts.

DR. EMMA CUNLIFFE: Thank you very much indeed.

Emily?

MS. EMILY STEWART: Yeah. This is a topic that's very interesting and potentially has a lot of room for change. I think back to the Maxwell George Inquiry here in Nova Scotia, which led to the high-risk case protocol that we currently have, as well as the family violence inter-agencies that exist in every community in Nova Scotia that bring partners to the table to address violence happening at the community level from individual perspectives.

I would caution also against, you know, the use of partner without examining power imbalances and dynamics there. If I am responsible to report to you and you're not responsible to report to me, you can sit on my board, I can't sit on yours, that doesn't feel like a partnership in the way that the women's sector would view a healthy relationship.

So I just would like to bring that up, as well as the idea of trauma-informed policing. So the MacNeil report in 2014, MacNeil noted that trauma impacts

on memory, and that the officers responding had inconsistencies in their story. That didn't mean what they saw wasn't true; however, when we support clients going through the justice system and there's inconsistencies in their story, that is seen as they are propagating evidence, they have lied, they're making up a story. And one of the practical implications how this comes up in the Maxwell George Inquiry, Ms. Maxwell's inconsistency was that she said he dragged her out of the car by her hair in one statement to police, and that he drug her out by her throat on the other. So that led to a breakdown of charges being laid.

So that's just one example.

And it also would mean that organizations like mine who are also frontline responders, we are 24/7. I think a lot of times, people assume that the only people you can call is the police; however, we are crime prevention. I think we're just not very well known in the pandemic and this Mass Casualty has kind of shifted the discourse, which is great, but we continue to be overwhelmed and under-resourced, so I would -- I'm at this table because I believe change is possible, and I'm happy to find the way forward, and I look forward to seeing what comes next.

DR. EMMA CUNLIFFE: Emily, thank you so much indeed.

And Commissioners, just to remind you and the participants, the three reports focus the Maxwell George case, form part of the environmental scan and have been tendered accordingly.

So thank you for that reference, Emily.

Luc?

M. LUC CÔTÉ: I don't have a lot to add to what's already been said. All I'll say is the Commission has the power to bring change and I urge you to do that. The current system is not working, and there has to be change, moving forward. So I'll leave my comments to that.

DR. EMMA CUNLIFFE: Thank you very much indeed.

So for the final question that I want to ask, I'm going to suggest that

rather than going around the table, I'll take a speakers' list. And so I'll invite those of you who are joining us virtually to post a note in the chat if you'd like to join the speakers' list, and those of you who are here in person, just to catch my eye and I'll just prepare a list.

So the question that I want to ask you is about implementation of the recommendations that the Commission issues. We've heard a huge amount of evidence about the history of commissions such as ours, doing good work such as the work that we're doing today in this room, creating good recommendations, sometimes perhaps creating recommendations that aren't as good as the Commission might think they are, and having challenges when the Commission is disbanded and implementation phase begins.

We've also heard a range of good ideas about how to ensure that the implementation is monitored and scrutinized and becomes a civil society activity, not least.

But that's the question that I'd like to ask each of you at the table today, is do you have suggestions for this Commission about how to ensure that the recommendations that come out of the good work that you're all doing will be implemented?

Michelaine has kindly offered to go first, and I'll look for -- I'll keep looking for other hands and other notes in the chat.

MS. MICHELAINE LAHAIE: Thank you, Emma.

I think that this has to go beyond just a list on a website with a series of checkmarks. One of the key features of the *RCMP Act* is the fact that the Commissioner is responsible to the Minister of Public Safety.

I believe that your recommendations that you put forward, there needs to be that level of accountability. It needs to be at the ministerial level where the Commissioner needs to be reporting to the Minister of Public Safety in terms of what's happened with the recommendations and how they've been implemented.

I think that far too often, these are left within the chain of command of the police service to do. It becomes an exercise in "we do not have the resources to be able to implement that recommendation, so we're going to set it aside for the time being."

So I believe that really, what you're looking at is ministerial accountability and the accountability of the Commissioner to the Minister to get it done.

DR. EMMA CUNLIFFE: Thank you very much indeed.

And while we're on the topic of recommendations and their uptake, we did have a request from the Federal Department of Justice at lunchtime to give Corry an opportunity to speak to the ways in which it will possibly upgrade the RCMP's tracking responses to CRCC reports on its website. I understand that there's a new public facing website that seeks to provide the tracking feature, so ---

A/COMM. ALFREDO BANGLOY: Yes. As of, I believe, 2020, 2021, the -- all the CRCC recommendations that the RCMP has agreed to are -- the status of those -- of the implementation of those recommendations are being -- are publicly disclosed on RCMP website.

DR. EMMA CUNLIFFE: Thank you very much indeed.

And so as a Commission, we'll make sure that we follow up and get a copy of that website, and we appreciate being pointed to it.

Jihyun, please go ahead.

MS. JIHYUN KWON: Thank you.

One thing I would like to recommend for -- as the committee to recognize the word "recommendation" really signifies that there is no enforcement power. It signifies that there is no teeth, although the recommendation may have been formed based on, you know, expert or, you know, with the community input.

So there have been some reports that phrase the recommendation in different ways, so such as calling for action. So that means when they make recommendations and they don't implement it, then, you know, they just didn't

implement because they don't have to follow that recommendation. But if you phrase -- or if the Commission phrases it as calling for action, that means those who didn't implement it didn't take action. It was inaction. I think that has different rhetoric and I think it's important for the public to see that kind of sensitivity.

And also, I think it's important to use very specific language in making recommendations for -- some examples to look at is the Thunder Bay Independent Expert Panel Report. I think the interim report is being finalized very soon. I don't know if that can be made available for you.

Also, Honourable Sinclair's Truth and Reconciliation Commission's Report, and also the -- his Thunder Bay report would be some good examples.

And in his Thunder Bay report, he did recommend an appointment of an administrator and he specified the duration and responsibility. And some of that is really being implemented, and you see the exact reflection of his implementation and what's going on in Thunder Bay right now.

And part of my -- related to that, I did some work on correctional oversight, and my work involved enforcing human rights consent order between the Human Rights Commission and the Minister of the Solicitor General of Ontario. And as part of that consent order, we -- there were two people who were asked to be -- or required to be appointed to monitor the progress of the implementation of the terms. And we had unencumbered access, and I think it was really important to have that kind of oversight.

And we had the -- our responsibility was to monitor the work or the changes being made, but also, we were required to report that annually, and also ensure that the Ministry, in relation to the prison oversight and in their dealings with solitary confinement issues, they -- we were helping the Ministry to make their annual -- sorry, I'm losing my train of thought -- to make their annual reports, we're making sure that the ministry make their data available to the public and we're making sure that those were really within -- following the terms of the Consent Order. So I think it's

important, when you make the recommendations, it's not just the implementation but just, you know, phasing out the implementation process with a different oversight authority or individuals, yeah.

DR. EMMA CUNLIFFE: Thank you so much for sharing those ideas, Jihyun.

Meghan, please go ahead.

MS. MEGHAN McDERMOTT: Thank you. We've made a suggestion. In BC, there's legislative review of the *Police Act* but -- so I can tell you what we recommended to them about this issue because it's tragic when so many thoughtful initiatives are left on the proverbial shelf.

So in this case, we did ask for the Director of Police Services -- and there's probably an analogous position in Nova Scotia -- to maintain a public registry that's accessible and in clear language online and to provide at least -- at least once a year, an update to confirm which recommendations have been implemented, which ones are undergoing implementation, and clear timelines and statuses. And then, if some of them are not going to be implemented, providing the rationale for that.

Now, I appreciate Michelaine's point about how, no, we don't just want a website, that somebody should really be accountable. There should be an onus on somebody. In an ideal world, if we did have an independent civilian police commissioner that reported to parliament or to the legislature, I think, ideally, maybe this could be the person that maintains that registry. Maybe the policing agencies under their purview could report to them. But unless and until we get that kind of civilian independent oversight, then maybe we could just have something more like a public website that's accessible for all where we can keep track of it. Thanks.

DR. EMMA CUNLIFFE: Meghan, thank you very much for sharing those ideas.

So on my speakers list, I have Kanika next.

DR. KANIKA SAMUELS-WORTLEY: Thank you so much, Emma,

and I echo exactly what Meghan said and I think when we speak to recommendations, there's a great deal of fatigue. And I'm speaking specifically from Black communities, that we've consulted for decades about what we can do to change policing and there simply is fatigue in that we continue to see the same issues raised over and over again. So I think there is an importance of making sure that we see action and no longer simply recommendations.

And to be honest, the only way we can see whether anything has been done is, again, to focus on the community, is to ask them, "Have you actually seen any changes in the way that there is engagement with the police." And I think what that will look like is conducting regular community surveys and not just when an incident happens and we want to know, "How does the community feel about it?" But I think the community needs to feel that they are an important part of policing and changes to policing, and to be regularly consulted. And think, therefore, it's quite important to make sure that we have regular strategies to do that, whether that be townhalls and actually demonstrating -- not focusing on the police voice and the police saying that, "Yes, we've made these changes and this what we're doing," but actually having the community say, "Yes, we've noticed these changes."

The only way that really -- there can be a level of accountability is the police have to answer to whether there are any changes being done. And the only way that we can be aware of this and know this is based on what the community says, not what the police say.

DR. EMMA CUNLIFFE: Thank you very much indeed, Kanika.

Emily.

MS. EMILY STEWART: Yeah. Like you've probably noticed, I'm not an expert on police accountability. However, I have thought a lot about this question over the two and half years. I started my position April 2020 and so this has been the experience of my entire tenure as executive director so I've had a lot of time to think.

So I think it comes down to mandate. Recommendations are not

enough. I don't think there's enough faith in them being implemented by an ask. We are a democratic country. We have elected officials and we need -- why is there no political will? That's a very good question. And we can say that it has to do with resources but we know that that is only part of the story. Resources go where political will dictates. So I think I would encourage that not only do we talk about police accountability but social accountability. That is an important part of community safety and wellbeing.

I'm grateful to be here today but I know it's at the expense of many lives lost as well as millions of dollars to be here, so we are all accountable. We have all paid the price one way or another. And the sentiment I've heard since day one is that this never happen again, and how do we make that happen without doing all of the things we have decades worth of experience and all of these knowledgeable people here today telling you the roadmap forward? So thank you.

DR. EMMA CUNLIFFE: Thank you very much indeed, Emily.

Julie, somewhat without notice, I'm very interested in your perspective given your role. What can the Commission do to ensure that our recommendations are taken up?

MS. JULIE THOMPSON: It might be a difficult question for me to answer. Representing Public Safety Canada at the table today, I can say that inside the organization, inside the department, there's a very keen interest in the recommendations that will be coming out. And certainly -- a "genuine willingness" is too light of a word -- to be looking at these recommendations in a real way with of our partners and talking about how they can be implemented. So that's what I would say about that one but -- but yes, very, very highly committed. Thank you.

DR. EMMA CUNLIFFE: Thank you so much for sharing -- for sharing what you can, Julie. It's much appreciated.

I'm just going to pause and give people an opportunity to let me know if they'd like to speak to this question before turning to the next.

Kristina.

MS. KRISTINA FIFIELD: I think that even before public inquiries like this one starts, it is about going to that mandate. And I can tell you as a person that has been doing frontline gender-based-violence work, I really struggled with finding out that the recommendations are not going to be binding. I think there is a problem with us using recommendations. It should be required -- requirements. If there is -- all of this money that has gone to the work that's happening -- and I'm -- this is important work. But there's been a lot of money put forward by both the Federal and Provincial Government to get -- to have this inquiry happening.

And I want to just bring back to the voices of other individuals that I have worked with over the years and have been working with who have lived experiences and the constant harms and betrayals of going through these inquiries. And when we're consulting with them and asking what's needed -- and to continue to see that failure and betrayal happening, where nothing is changing, and just -- and to the families with this event that happened in our province, if there's no changes, the harms -- the long-term harms of that is huge betrayal.

And when you're looking at trauma and trauma-related impacts of this, there's more of a trail and impacts that can result of these public inquiries that don't have action attached to them. And I think it's about language. I think it's about mandate. And I think it's about, if we're going to go through these processes, there needs to be results. Thank you.

DR. EMMA CUNLIFFE: Thank you so much, Kristina.

So the last question I'd like to ask you today -- and again I'll invite you to add yourself to our speakers list if you'd like to answer it before I turn over to the Commissioners -- is whether there's anything that you came today hoping to share that you haven't had the opportunity to speak to yet.

Emily, please go ahead.

MS. EMILY STEWART: I heard the topic of police discretion come

up a lot this morning and I'd just like to share with those who might not have experience in what we see and work with how this impacts on, specifically, women's decisions to disclose abuse.

So if -- and we've heard it echoed throughout different parts of the inquiry in terms -- the word I've heard used is "ticky-tacky" scenarios where, if you've got limited time, and there's no physical evidence, there's a reluctant witness, and there's no other witnesses present, how much -- as a police officer, you're using your discretion. You have to use foresight. "Is my commanding officer going to support the charges?" "Is the Crown going to support the charges?" "How far do I think this has?" "How much legs do I think this has?" when you're responding to the incident in somebody's home.

Also, the pressure for statistics and how that impacts -- so if you are measuring success in terms of arrest rates, you're not going to spend your time investigating cases with a low probability of arrest or conviction, which we know gender-based or intimate partner crimes are, despite that these are violent offences. And we see the -- I suppose, if I want to be very simplistic in saying this, it's easier to get a drug conviction than a violence conviction, so this is where resources go; this is where effort goes. Why are dugs illegal? Why are drugs bad? Because they hurt people and they're harmful. I think we're sending a lot of mixed messages by putting drug offences -- more resources to fighting those than violent offences.

As well, I'd just like to mention that there's the Butlin case. There's been a lot of incidents in Truro. I have a lot to draw from. But I've heard from a client that her abuser said to her, in relation to this case, "You know what Junior did to Suzie? That's going to be you" -- in the same community this happened. She reported it to RCMP and they said that's not a threat. And she told that to us and she didn't want us to take that any further because there's only three RCMP officers at that attachment. The next time something happens, who's going to be at her door?

So yes, there's a lot to do, but I think discretion at the police level,

especially in the context of gender-based violence and intimate partner violence, is particularly challenging.

DR. EMMA CUNLIFFE: Thank you, Emily.

Emma.

MS. EMMA ARNOLD: Thank you.

I wanted to mention briefly -- I know it was mentioned in passing this morning, but the idea of mandated fatality inquiries. It's not for the purpose of holding anyone responsible of the fatality, but for learning lessons, and that is what I gather many people see as the hope of complaint processes as well. So I think when we're looking at the ability to hold governments and institutions accountable for pursuing meaningful police complaint processes, it should be similar with the fatality inquiries in that we should use it an opportunity to learn instead of having it based on discretion as to when they're order and when they're not ordered. So we could potentially lose a lot of lessons that we could have learned if we had done the fatality inquiries, and it's frankly not fair to put it on the family member's of the victim to have to advocate non-stop to try and get a fatality inquiry if they think there was some sort of wrongdoing involved. It should be mandated or automatic by the province, and should be seen as a learning opportunity rather than an area to place guilt or blame or a hassle and burden.

DR. EMMA CUNLIFFE: Thank you very much indeed.

And on that note, Ms. Parris, I understand you had a correction to the record from this morning. I'm afraid I didn't quite understand the note that I received, and so I'll follow up with you offline and make sure that we get that correct and get that onto the record. I apologize.

Having nobody else on the speakers list right now, Bethan, I'm really conscious that I cut you off midstream a little while ago and I wanted to give you an opportunity to pick up the thread.

DR. BETHAN LOFTUS: Well, thank you, and I was actually just about to type that I'd like to ask something as well, please.

I mean, I guess I wondered what you colleagues thought about the prospects of new technologies and mediatisation for enhancing accountability today. I mean, we've talked a lot, haven't we, around governance structures and policies and mechanisms through which people can garner accountability, but I don't think we've really touched upon some of the new ways in which we can do that via our smartphones and liaising with the police that way. And I guess I just wondered what people's views were on that, whether there is some real opportunity perhaps. Is the ability to record officer behaviour or even review body-worn camera footage, for example -- are these kinds of instruments through which we could be using to shape new experiences and enhance accountability?

DR. EMMA CUNLIFFE: Thank you for opening up that question, Bethan.

Does anybody wish to speak to it?

Please, Joanne.

MS. JOANNE GIBB: We know that the RCMP is going to equip their front-line officers with body-worn cameras. I think by next summer is the plan. From our perspective, if I may, Michelaine, there's a lot of discussion that it's going to enhance accountability, and it may very well do that, but my concern is that there will be a whole lot of camera footage that's never actually examined. So unless someone looks at it and is identifying trends or patterns, it's just there. We'll use it when a complaint comes in. We will try to access it with a systemic investigation perhaps, but the value becomes limited if it's just data that's collected and it's never analyzed. So how do you know that a particular member has an issue -- perhaps maybe an improper attitude -- regularly when he's dealing with a certain member of society or a certain group of people in society if no one ever takes the time to look at it? And maybe I can put my RCMP colleagues on the spot, because perhaps there is plan to audit the body-worn camera footage. But in the absence of that, then it's just going to be reactive when there's a public complaint or a code-of-conduct investigation. So I'm not

convinced yet that it will be the panacea of accountability that some folks are hoping that it will be.

DR. EMMA CUNLIFFE: Thank you for sharing that perspective, Joanne.

I'll give the RCMP folks a moment.

A/COMM. ALFREDO BANGLOY: I'm sure I can respond.

I'm not aware of any plan to review every second of camera footage, but certainly that is an issue. I know the existing video camera footage that we do have in some of our vehicles and in our detachments is very useful when it comes to complaints or code-of-conduct situations where we can quickly review the video footage -- and sometimes there's audio as well -- to get to the bottom of a situation fairly quickly.

DR. EMMA CUNLIFFE: Thank you.

And I'm just trying to read your body language, Luc. Is that something you'd like to speak to?

M. LUC CÔTÉ: Yeah, sure.

I mean, for us, obviously the presence of video speaks volumes. There are a few municipal forces within the province that currently have body-worn camera. The ones that do often tell us that they'd rather not go on the streets without their body cameras, so they're always on. They welcome the body cameras. Initially there was some reluctance on some of the -- I'll be careful with my words, but some of the older officers on how they've always done business. However, there's been buy-in from all the officers that we've dealt with, and some serious events, even to the point where in the delay in the RCMP providing body-worn cameras to their officers, we're now seeing officers on their own purchasing their body-worn cameras and having it on duty for their own protection. We just had a very serious event that an RCMP officer was involved in and he had a body-worn camera, and it's a purchase that he made on his own. And it becomes a logistical issue and there's other administrative issues surrounding that. However, in my role, when we have body-worn cameras -- really

brings the point of accountability.

The opposite is also true, where officers are equipped with either body-worn cameras or in-car cameras and choose not to have it on. That, again, is very concerning. And we've had issues that we've investigated where, for whatever reason, either officers did not have their body-worn cameras on or especially the police vehicles not being equipped with them. So that causes different issues, but I think officers welcome the presence of body-worn cameras to increase that accountability.

DR. EMMA CUNLIFFE: Thank you very much indeed, Luc.

And Ben, I think you feel able to speak to this question as well.

DR. BENJAMIN GOOLD: Thank you. And I'm very mindful of time, so I'll be as brief as I can.

I'd like to suggest that the research on body-worn cameras that's emerged, particularly out of the United States, I think is quite mixed vis-a-vis the question of accountability. But I'd like to add a couple of points. One is to say that by it's very nature body worn cameras gives the police perspective. And that is important to think about when we think about how it sort of represents what's going on.

The other thing I'd say is it also turns -- spaces and disavowed spaces, particularly for marginalized communities who may, for example, be living in the street. And so I think it's very important to remember that there are other implications to body worn cameras that are -- that go well beyond whether they hold the police accountable or not.

And so maybe to sound a note of caution, I do think -- well, saying that is, well, is this question about who gets to decide when they're on or off? And that raises really serious implications for everyone concerned, not just the officers but those whom they are interacting with.

DR. EMMA CUNLIFFE: Thank you so much.

And on that note, Commissioners, I'd like to turn over and invite you to ask any questions that you have.

COMMISSIONER FITCH: Thank you, Dr. Cunliffe.

You might be please to know that I don't have any questions. I've been deeply attentive to all of the input that's been shared around the table today. The various topics that we've touched on are critically important and really do weave in to all aspects of our work that we've done for close to two years now. And to hear from such a wide range of perspectives around the table is truly appreciated.

But if you don't mind, Emma, Dr. Cunliffe, I'll take just a moment for a little bit of commentary if you don't mind.

One of the -- some of the things that we've heard over the last several weeks in particular is about the need not just to reform policing but to transform it. And we've talked a lot about the community safety and wellbeing approach to policing and how it takes all communities -- people coming to the table in relationships, not just partnerships. We've heard so much and it reminds me of a quote, and I'm sure some of you have heard this before from a former Chief Ramsay down in Chicago some years ago when he was trying very hard to disrupt the thin blue line mentality, and to break that "us versus them" and the blue wall of silence and the solidarity.

And he talked about the importance of the thin blue thread and that that thin blue thread is meant to weave itself through the community as a meshing, as part of the community, to be part of the community safety and wellbeing. And even though that language wasn't necessarily used so much back then, we've been talking about this for also a very long time among community organizations, NGOs, government branches, police agencies.

I look at the work that's been done at the Canadian Association of Chiefs of Police in changing the name from the Crime Prevention Committee to the Community Safety and Wellbeing Committee, probably 10 years ago and to try and challenge the language around the economics of policing to the economics of community safety and wellbeing, because we all have a hare of responsibility to that.

I do want to say that we've heard a lot about the need to recruit

differently and for diversity in recruitment. And while that is very important, if we're recruiting into a system that still trains and then coaches and then mentors and then promotes the same thing, we're not going to be any further ahead. So if there's going to be a transformation in policing that really does take a reimagination or a rethinking from the ground up.

And I have to say to this day I cringe when I see police recruit videos that show helicopters and guns and dogs and police cars and car chases because the reality is 80 percent -- and all of you would know this -- of a police officer's time is spent in intervening and disrupting, should be on prevention because when we are responding to serious incidents we have failed as a community and we have failed as a society collectively.

So I'm hoping that some recruiters maybe are going to change their approach to recruiting videos.

I want to also say that one of the favorite expressions that I've heard today and maybe it's been around for a while and I'm slow to the race on this. But Dr. Campeau, when you talked about the police continuing to think that they are unique, and how that is used as a shield not to transform and not to change, I think is hitting the nail right on the head. When we think of all of our positions as unique, in keeping our community safe, then I think that we're going to be, you know, have a better start on getting out of the gate. So I want to thankyou for that.

And just on a final note for anyone who has had the opportunity to attend World Safety Organization conferences, they are fabulous because they take almost eery sector of community safety and wellbeing from traffic accidents to mental health to intimate partner violence and is a true example -- I think somebody had asked, you know, are we looking afield to other countries and things that are being done and there are plenty of wonderful examples out there of successful approaches to making our community safer.

So with all of that said -- see, it was just commentary, not a

question. I just couldn't help myself today. So thank you very much for your time.

COMMISSIONER MacDONALD: Thank you all very much. Emma, I'll leave it to you to express on our behalf the thanks to the wonderful panel that you've assembled and such richness and diverse views which is so helpful.

I just wanted to particularly thank Emily and Christina, if I could, for really bringing us back to why we're all here. There has to be meaningful change for keeping our communities safe because a huge price has been paid for our existence. We exist at a tremendous, tremendous price, a price of sorrow and pain. So we owe it to the -- and we have as our backdrop the ripple effect and the cascading effect, so we owe it to one of the lives that have been taken, to the families, to those who have been injured, to the traumatized first responders, to the communities, to the province, to the country, and the family in the United States of America.

We owe it to them not only to come up with meaningful recommendations and thank you all for the -- or many of you for the invitation to be bold. But I know for myself when I'm thinking about what we can do to have those recommendations implemented, that's what will be the motivating factor. And I would invite all of you rt do that as well.

So thank you, Christina and thank you, Emily for those observations. And thank you all.

DR. EMMA CUNLIFFE: I think you've heard that we're very interested in why it is that a multitude of past recommendations that have been made on the same topics haven't been implemented. And so I would invite those of you who are making submissions to us to consider what the barriers to some of the -- to implementing some of those past recommendations might be and how we might assist in giving guidance to those that we want to take up the recommendations in addressing some of those barriers.

And I was going to ask, because there's actually quite a lot of agreement around the table, and perhaps it was people politely demurring from

disagreement, but in submissions as well I'd be interested of course to -- I'm sure we'll hear about the points with which you disagreed today, what you heard that didn't -- that you thought, "That will never work. That won't make sense."

If you have that response, then please unpack it for us, and help us through that because that will help us make better recommendations that are implementable.

I'm just going to leave it there. I'll pass it over to Dr. Cunliffe for a final word and then I'll just make some closing remarks.

DR. EMMA CUNLIFFE: Thank you, Commissioner Stanton.

So let me begin briefly by thanking the participants on today's roundtable; it's been a very rich discussion. You've been very generous with your insights and your expertise. We couldn't do the work that we're doing without your generosity and so I wanted to begin by saying that you to each of you.

It's the Research and Policy Team's last roundtable today. And so this is work that we began in a public way six months ago but we've been doing for some time before that, and so I wanted to make sure that I acknowledged the contributions of the entire Research and Policy Team because it really has been a team effort. And while I sit up here, there are a dozen people who are making sure that each of these roundtables really works, and so I wanted to acknowledge and thank you for your work, and also thank the participants in our process who've shared ideas about who should be sitting at each table, who've made sure that people come along. And thank you for your contributions.

Most of all, I wanted to acknowledge those who are most directly affected by the events that have brought us all together and say I hope that you feel that we've honoured in the work that we've done. We've certainly tried to and we will remain dedicated to learning the lesson that can be learned from the loss of those you loved. And I'm sorry for your loss. And I wish you all the best.

COMMISSIONER STANTON: Thanks so much, Emma. And Dr.

Cunliffe has anticipated our thanks to all of you, of course. There was -- and then we've heard a number of times from so many people that there is goodwill amongst all of the people that are here that still have hope despite working in really hard circumstances with very big hills to climb in civil society, in policing, throughout the institutions that we're hearing from, and we -- we do rely on the fact that regardless of which perspective people come to this table with that there is a common shared goal of making -- helping to make our communities safer, and that's -- and so if we can all just keep that in mind as we go forward, then I think we can maintain some of that hope that Emily expressed.

So we are also cognizant that is the last roundtable of the Commission and we do, of course, express our thanks to Dr. Cunliffe and to her whole team, and everyone who works behind the scenes to make the roundtables possible. In addition to over 20 roundtables and over 100 experts, these have been framed by over 30 commissioned reports, these excellent reports. I do commend to you. They're very constructive and provide some hopeful and concrete insights into the issues that are in our mandate. And Emma and her team have combed the world for the people that are doing the work to really understand some of these issues so that we aren't just reinventing the wheel but actually trying to move the who project forward.

And again, to echo what she has said, that the -- the other thing that her team has done is really talked to participants and liaised to hear what the issues are that we need to focus upon and bring to the table. So thank you so much to all the participants and their counsel for their engagements.

It's through these discussions of the issues that are in our mandate that we can have that opportunity to explore the root causes of what happened, of why we're here, and it is important that we consider both the events themselves but also the underlying reasons for them so that the final recommendations can lead to some meaningful and lasting change.

Public proceedings will resume tomorrow afternoon. We'll be fully

virtual again tomorrow. We'll hear from justice-related organizations who are part of our participant consultations.

Also, Kristina Fifield is going to return tomorrow to share a report with insights from community outreach work that Avalon Sexual Assault Centre has facilitated with marginalized communities through this process.

So -- and thank you to the Hilton in Dartmouth for hosting us and to everyone. And we'll see you again tomorrow. Thanks.

--- Upon adjourning at 4:33 p.m.

C E R T I F I C A T I O N

I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sandrine Marineau-Lupien, une sténographe officiel, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.

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