

Public Hearing

Audience publique

Commissioners / Commissaires

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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Appearances / Comparutions

Ms. Emily Hill

Commission Counsel / Conseillère de la
commission

Ms. Gillian Hnatiw

Commission Counsel / Conseillère de la
commission

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Dartmouth, Nova Scotia

--- Upon commencing on Thursday, September 15th, 2022, at 2:02 p.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, our public proceedings are virtual and form part of our ongoing participant consultation process. These are opportunities for organizational participants taking part in the Commission's work to discuss potential recommendations.

We will hear from justice-related organization, including the BC Civil Liberties Association, the East Coast Prison Justice Society, and the Nova Scotia Department of Justice. We will also hear from the Avalon Sexual Assault Centre as they share a report and insights from a community outreach work with marginalized communities.

I will now ask Emily Hill and Gillian Hnatiw from the Commission Council team to begin the session. Thank you.

--- ROUNDTABLE: JUSTICE-RELATED ORGANIZATIONS:

MS. EMILY HILL: Thank you, Commissioner Fitch. My name is Emil Hill. I'm one of the Commission Council team members and, as you noted, my colleague Gillian Hnatiw and I will be facilitating this afternoon's session.

I just want to start by saying good afternoon to those of you who are attending and those of you who are watching on the webcast.

Today's consultation with justice participants are part our phase 3

1 proceedings which is a part of the work with the aim of helping Commissioners develop
2 meaningful recommendations to improve community safety for everyone.

3 The conversation today will build on consultations we've held with
4 other participants and it will also build on some themes that have been explored through
5 the roundtables last week and this week focused on policing. And so I would encourage
6 those of you who are joining us today to pick up on ideas or questions that may have
7 been touched on in those other sessions but perhaps would benefit from further
8 conversation today.

9 I'd like to begin by introducing those of us who around the virtual
10 table and then I will hand it off to Gillian to introduce the first question.

11 We are a small group and so our thought on how we would proceed
12 is will start each question by asking one of you to start our conversation but, after that, if
13 individuals want to just raise their hand to indicate that they've got something they'd like
14 to say, we'll just call on you and have the conversation proceed that way.

15 And we may just keep a bit of time to make sure that we get
16 through all the questions in the time that we have and also to ensure that everyone's
17 had the chance to share their comments.

18 So we're joined today by Meghan McDermott, who's the Policy
19 Director at the British Columbia Civil Liberties Association; Sheila Wildeman, who's Co-
20 chair of the East Coast Prison Justice Society; Harry Critchley, who's also a Co-chair at
21 the East Coast Prison Justice Society; and Hayley Crichton, the Executive Director of
22 Public Safety and Security with the Department of Justice, Nova Scotia. Thank you all
23 very much for being here today.

24 Gillian?

25 **MS. GILLIAN HNATIW:** Thank you, Emily. I'd like to start with my
26 welcome to everybody around this virtual table today. And we'll just dive right into the
27 discussion.

28 So the first question that we will be discussing this afternoon is --

1 justice organizations such as the CCLA and East Coast Prison Justice have
2 experienced working with marginalized persons and groups who have come into conflict
3 with police as well as with the wider justice system and I'm wondering if you can reflect
4 upon what connections there are between the invisibilization and exclusion of
5 marginalized groups and the causes, contexts, or circumstances of the mass casualty.

6 And for this question, I believe we're going to start with Sheila. And
7 as Emily mentioned a moment ago, after that, we'll sort of go around the table based on
8 hands, virtual hands or, if you're like me and often can't find the virtual hand button, I'll
9 try and keep my eyes open for real hands on the screen as well.

10 So over to you, Sheila.

11 **MS. SHEILA WILDEMAN:** Thank you. And I just wanted to say,
12 others -- I think perhaps everybody here has appeared at the Commission before
13 except me and so I just wanted to start as -- with Harry, representative of East Coast
14 Prison Justice, by marking the horrific losses of life and expressing my own and, of
15 course, East Coast Prison Justice's deepest sympathies to the families and the friends
16 of those whose lives were taken. So that's just to start off.

17 And so you asked -- let me just refresh -- what connections there
18 are between the invisibilization and exclusion of marginalized groups and the causes,
19 contexts, circumstances of the mass casualty.

20 So let me just frame my response briefly about the aspirations of
21 our coalition with BCCLA, and certainly, the East Coast prison justice in particular.

22 And one of our aspirations is to help the Commission in hopes that
23 the Commission will ensure that in making its recommendations and its analysis of this
24 tragic event, to help prevent similar incidents in the future, the Commission does not
25 inadvertently cause further harm to marginalized people and communities. And in this
26 ambition, we're concerned also to inform what we aspire hope maybe a profound
27 redirection and reorganization, and rethinking of priorities on how to promote public
28 safety, and indeed, a rethinking of what public safety is, so public safety as speaking to

1 a public that is inclusive, and a safety that is not inadvertently corrosive of precisely
2 safety and justice for all.

3 So in short, we again, as framing, we hope to help avoid a
4 response that moves from constructing this as a problem of order or law and order to a
5 response that is a law and order based intensification of investment in policing and in
6 other what we will call carceral responses to disadvantage and marginalization.

7 And our worry is that that path could worsen the violence that many
8 communities, Indigenous, Black, disabled, LGBTQ, women, so communities are
9 experiencing precisely from police as well as from the wider community at large, and so
10 they are -- I -- you know, want us to be mindful of the constant surveillance, the threats
11 and facts of interference, and the episodic lethal force that is added for members of
12 these communities to the slow violence of ongoing disproportionate incarceration, and
13 with that, community and family dislocation, perpetuating intergenerational trauma and
14 deprivation, and leading ultimately to a profound corrosion of public safety and safety in
15 society.

16 So that's kind of an opening frame.

17 But then I want to zero in on a core point that's come up and a
18 theme that's come up among many of the folks that you've heard from, and that
19 includes many of our allies and colleagues across other non-profit organizations, and
20 that's the theme of lack of trust on the part of folks who you're referring to as invisibilized
21 and marginalized groups, lack of trust in state institutions and in the police in particular.
22 And that's obviously a really important precedent fact in the failure of state institutions,
23 to be protective and preventive of the violence that erupted in the mass casualty.

24 So that lack of trust is something that's been on my mind as I've
25 watched the proceedings and listened to folks, Emma Halpern, talking about here
26 constituencies at E. Fry; folks representing the women's shelters and transition houses;
27 and so on.

28 So we're talking about a lack of trust on the part of communities

1 that have been subject to state institutions and to state interventions as expressions of
2 or reinforcements of misogynist and racist, colonialist and ableist state power, so
3 expressions of state power falling disproportionately on those communities.

4 So just to put it simply -- and I think this is something that you've all
5 heard in really powerful ways already, so I don't need to belabour it too much, but if the
6 state is understood to be a source of harm, a source of violence, a source of
7 deprivation, including referring to work that East Coast Prison Justice does, deprivation
8 of social contact and the ability to live with family and community, if that's how the state
9 has primarily asserted its presence in the lives of those affected, then one is, you know,
10 logically going to be reluctant to reach out to the state whether for social assistance or
11 for child welfare, you know, child -- or for, in this case, public safety responses.

12 And so let me just conclude by putting, if I have a moment to do
13 this, by putting a slightly finer point on what I'm saying with reference to the facts at
14 hand.

15 So I'd like the Commission to think about the actions of the
16 perpetrator, not as -- and this is -- it's a difficult thing to say -- but not as socially deviant,
17 but actually as expressive of the kinds of stratified power relations that were pre-existing
18 in our social structures, and here, I mean stratified power that the perpetrator leveraged
19 in order to acquire and assert dominance over marginalized individuals in particular.

20 So a moment -- sorry.

21 And to this point -- so the facts, as they've come out to the
22 Commission suggest that the perpetrator used his social position, so his position as a
23 White male of a typically well-off and able-bodied person to cultivate relationships with
24 police, and those are relationships -- both the relationship we've heard about from Cst.
25 Wiley as an informal informant, and to cultivate sort of symbolic relationships and
26 alignment with police in ways that reinforced his exercise of power over vulnerable and
27 marginalized persons.

28 And I won't go into the details of the testimony that you've heard,

1 but one of the things that stood out to me as so shocking and profoundly disappointing
2 was the way that the perpetrator exercised his role as a denturist to cultivate
3 relationships with poor and otherwise marginalized women in particular in order to
4 manipulate them for sex.

5 And there are other examples where the perpetrator singled out --
6 we've had evidence of him singling out racialized and poor men for beatings, for the
7 doing of violence.

8 And the testimony that I have seen on that from members, I
9 believe, of marginalized communities, if I'm reading the testimony correctly, is that the
10 perpetrator understood that these were disposable and discreditable -- discreditable
11 persons, that they were persons who would not have an easy time, for all the reasons I
12 have said, reaching out to the state for support and for safety.

13 So when I say that the perpetrator's trail of coercive and violent
14 practices was, in a way, expressive of state stratification of power, I mean that it built on
15 and leveraged the kinds of harm and violence, slow and fast, that police and actually
16 other organizations have done to those same populations and communities over time.

17 And the last thing that I'll say -- because I know we have so many
18 others here who have so much of importance to say -- is that it's not only police, you
19 know, the background sort of reinforcement and reproduction of socially stratified power
20 that I understand to have alienated invisibilized and marginalized communities, but I
21 asked the same questions of the Social Assistance system and the College of
22 Denturists, so the Denturist Licensing body that has a complaint mechanism, right, and
23 the Social Assistance caseworkers were making the referrals, as I would understand it,
24 or at least approving, you know, those practices of referring poor persons to the
25 denturist, they were not reached out to either on these points, or if they were, they were
26 not responsive, and I have no information about that.

27 But I'm concerned about the way that the Social Assistance system
28 that the Denturist Licensing body was similarly inaccessible in some deep sense to

1 individuals that have experienced, from the record that I've read, profound threats and in
2 some cases physical harm by the perpetrator prior to the events. And what would have
3 happened if there had been an outreach and if there had been, you know, a space for
4 folks to register their concerns? If there had been trust with the institutions charged
5 with public safety? I wonder what would have happened.

6 So sorry, that was a long bit, but that's just speaking from, again -- I
7 should have perhaps said East Coast Prison Justice itself and working with criminalized
8 and incarcerated persons in communities it's profoundly concerned with the kinds of
9 alienation and dislocation that are, you know -- that are deepened and sort of elicited
10 through state carceral systems . And we can talk more about that next as we go on.

11 Thank you.

12 **MS. GILLIAN HNATIW:** Thank you, Sheila. I don't think that was
13 long at all. I think it sets the table for us well, and all of the different connected issues
14 and topics in relation to just this one question that arises from the Commission's existing
15 record already.

16 Is there anybody else who would like to offer comments on the
17 connections between the experience of marginalized groups and some of the causes,
18 contexts, and circumstances of the Mass Casualty?

19 They have asked us not to used the -- Harry, I was just going to say
20 that they've actually said, "Don't use the electric hands because I think it's going to
21 potentially disrupt the broadcast feed. So we will perhaps try and use old fashioned
22 hands and Emily I and will eagle eye for them.

23 So to you, thanks.

24 **MR. HARRY CRITCHLEY:** Thank you so much. You know, I echo
25 a lot of what Sheila said.

26 And I want to thank the Commissioners for their time today and
27 also for the invitation to speak last week as part of the roundtable on the structure of
28 policing in the province. And really to me it's a great honour to be able to come and

1 provide related experiences and provide testimony. It's really valuable. And my hope is
2 that, you know, as has been front of mind, I think, to all of the Commissioners especially
3 recently is that recommendations will come out of this process and will be acted upon in
4 an equal way.

5 And I think I want to make just two brief points. The first is maybe
6 just to echo a lot of what Ms. Wildeman said and just put a sort of finer point on the
7 points as it related to the ways in which the perpetrators were surrounding themselves
8 with -- in terms of cultivating police relationships. And I think there -- you heard
9 testimony obviously from Constable Wiley that there was a number of visits in that --
10 there was this idea that this was someone in the community who was perceived as
11 being pro police. I think that was the phrase that was used. And for that reason he was
12 a sort of reliable source of information for the police, you know, a sounding board in the
13 community, someone who could provide them with information.

14 And you know, I think Sheila has provided some really powerful
15 points about the manifold ways in which that's a problem. But I think sort of the flip side
16 of that is that if we relate that back to the governments and the police investigative
17 techniques, employed by the police, the manner of the police operations, and how the
18 police are conducting themselves in the community.

19 This idea that this would be a sort of appropriate way to receive
20 information about a community, to find certain people who are in one way or another
21 perceived as being pro police, and then acting on that information when it's so received,
22 I think is itself troubling, and it speaks to kind of larger concerns that, you know, being
23 before the Commission recently -- the relation things like police culture. And you know,
24 I think a piece of that police culture to me is related to sort of an "us and them"
25 mentality, right? And that's something that manifolds in a number of forms.

26 And last week I spoke about it in terms of reticence or reluctance to
27 share information and I'm hoping to speak about that a little bit later on. But simply as a
28 manner of nothing in intelligence gathering, right, as an investigative technique this idea

1 of maintaining a relationship with pro police members of the community, I find a very
2 concerning, something that to apply to culture.

3 And then one other point I want to raise. So in order for -- and I
4 think everyone's acknowledged we've heard from various chiefs and various. you know,
5 senior police management. There is a desire both through advisory boards and through
6 police boards to ensure that community stakeholders are faulted, there's community
7 engagement and ultimately kind of the co-creation of policing priorities.

8 And I think there's for various reasons these boards have not been
9 seen historically as a source of government oversight, particularly by marginalized
10 communities for very obvious reasons. You know, I noted, for instance in the report
11 prepared by Professor Murphy and Mr. Corley that there was concerns there that the
12 Police Advisory Board in Colchester County hadn't met in over a year in the lead-up to
13 the mass casualty.

14 No, I would suggest that, you know, even before we get to the ways
15 in which the views and perspectives of marginalized communities are not reflected in
16 policing priorities, policing governance, you know, our governments mentioned to the
17 police that attributes that was somehow a state of affairs that was allowed to continue.

18 And I would suggest that was despite the fact that, as the
19 Commissioners well know, the minister has general supervisory authorities for ensuring
20 adequate and effective policing in the province. And then the minister has a variety of
21 powers under section 6 including the ability to assume the administration of a, you
22 know, a Police Board or a Police Advisory Board in any municipality.

23 So I wouldn't suggest that there was concerns there about the
24 extent to which the government comes in place, even if people want to engage with
25 them on a good faith basis. Are they there to do something? And you know I think, you
26 know, you've heard from my friend and colleague, Smith, Wendell Smith from the Police
27 Board talking about the handling of street techs and concerns there about kind of the
28 inefficacy and the inaccuracy and the force response there.

1 And so I think that's another way in which, in a kind of larger sense
2 but also particularly in the context of Colchester County, they started to atrophy and the
3 government's mechanisms for the police, I would suggest plays a role in creating
4 barriers to, you know, members of the community having real engagement with the
5 police services. And you know, I would suggest that that engagement would be a
6 precondition for the trust that I think only people are before you saying that they want to
7 encourage when I call.

8 **MS. GILLIAN HNATIW:** Thank you very much. Interesting
9 reflections.

10 Is there anybody else who would like to reflect or contribute on this
11 question? Meghan or Hayley?

12 Now I can either invite the Commissioners to raise any questions
13 they may have at this point in time. Or to hand things back to my colleague, Ms. Hill.

14 Seeing no hands, and not having the advantage of being in the
15 same room as you all, to watch your body language, I think that I will pass things over to
16 Emily to continue our discussion.

17 **MS. EMILY HILL:** Thanks, Gillian.

18 And I think it's -- I think, Harry, you've given us a good segue
19 because I think your comments with regard to sort of the links between the challenges
20 or the barriers to have folded in the experiences and knowledge of marginalized
21 communities into policing, and how that may relate to what you described as the
22 atrophy of these oversight organizations and the kinds of connections between those
23 two, I think leads well into the next question..

24 Which is, we've heard a lot of discussion, especially over the last
25 few weeks but even right through the Commission's work, about changes that may be
26 needed in the area of policing and public safety in Nova Scotia. And so we wanted to
27 draw on your knowledge and experience as individuals who have worked in this area
28 and thought about this a great deal to understand a little bit more about what might be

1 barriers to this change. And so the question that we've asked you to take up, is drawing
2 on your experience. What are some of the institutional barriers to achieving structural
3 change in policing and public safety in Nova Scotia? And I would just say that that --
4 you know, about structural change can be a big change but it can also be a small
5 change in terms of scope and in terms of thinking about what might be needed to make
6 it happen,

7 So I think to start off this discussion I'll turn to you, Meghan, if that's
8 all right, just to sort of offer your comments about institutional barriers to achieving
9 structural change.

10 **MS. MEGHAN McDERMOTT:** Thank you, Emily. I'm Meghan, the
11 Policy Director with B.C. Civil Liberties Association, and although we have the province
12 of B.C. in our name, we're actually national in scope, and -- so we have appeared
13 before national inquiries and we do have a history of trying to hold state agencies in
14 Nova Scotia accountable too. So I'm going to draw on some of these experiences as
15 well and not just those from my own backyard here.

16 Thank you so much for the question, Emily, and it's really an
17 invitation to discuss so many different aspects and I think a lot of our answers and
18 discussion here will have overlapping features because of all the intersections.

19 So one of the core institutional barriers from our experience in
20 engaging with all different levels of government and in trying to promote public safety
21 and enhancing the rights of individuals in communities has already been touched upon
22 many times. And one of them is just this very kind of -- well, first of all, that the
23 government is kind of very traditional, I would say, in terms of always kind of deferring to
24 police and policing agencies to be the main kind of institution to be providing public
25 safety. So I think that's just like a cultural fact of our governments. It's part of Canadian
26 culture I would even say and it's just kind of like this conservative traditional way of
27 doing things and we're very encouraged by discussions now in looking at alternatives to
28 the way that things have been done, just because, particularly around issues of

1 criminalization and potential decriminalization.

2 We've seen now for the first time next year the Province of B.C. is
3 going to get an exception to some parts of the *Controlled Drugs and Substances Act*.
4 So that's just to say that, you know, people involved in the decriminalization of the drug
5 realm, which there's a lot of evidence about the harm that the policing of substance
6 does across Canada, and how devastating it is for communities and families, that voices
7 are starting to be heard. But, again, this kind of just stigma or wanting to stay with
8 traditional structures is something that we come up against over and over and over
9 again.

10 And I think part of that too, or what's particularly frustrating in the
11 Canadian context, and the Commissioners have all heard about this a lot, and Hayley
12 I'm sure is extremely well versed in this -- actually I've heard Hayley talk about this too,
13 it's just the notion of federalism, right, and how complicated that can be to inspiring
14 change and transformation change or just getting people out of tradition or what we've
15 done or just to think about new ideas.

16 It's really difficult I think for a lot of people to even understand what
17 level of Government does what and how they contribute to public safety, municipal,
18 province, federal and then of course over top of that are all the international treaties that
19 legal practitioners will bang on about and point to about our rights.

20 So we end of having this labyrinth of governance structures and
21 contracts that make it really difficult and inaccessible to really talk about public safety
22 sometimes in really plain language, and it ends up getting into a conversation that's
23 really, again, inaccessible, about jurisdictions and mandates and who can do what. And
24 that can really bog down a lot of conversations when we engage with institutions or
25 what institutions to do things. There's a lot of pointing fingers, who has the power to do
26 what? And the backdrop to a lot of this is again looking to the Ministers really who have
27 the mandates to, I would suggest, cut through the noise and be able to provide more
28 streamlined services, more streamlined accessible education to the public about how

1 the world works and about how public safety is delivered and cultivated in our
2 communities.

3 So you know -- I mean even when we -- we've talked a lot about --
4 or I've heard a lot of witnesses talk about the issue of street checks, but I think that
5 that's just such a good example, both in Nova Scotia and across Canada, of where
6 people have been asking for change or trying to even just figure out what is being done
7 by police and who is authorizing it and for what purpose, like what's the value or
8 benefit?

9 And we heard, for instance, that it was -- I think it was, you know,
10 over a decade after the Human Rights Tribunal in Nova Scotia recommended a study.
11 We're in a similar situation right now in B.C. We're actually out here envious of what
12 Nova Scotia has done. It took a long time to act but when it did, the government
13 provided clear direction to the Community and to public safety agencies about what was
14 acceptable and what wasn't, and that was after a very thoughtful review of the evidence
15 about how it was impacting communities and harming people, and also wasn't even
16 legally authorized. And in our advocacy around similar issues in other parts of Canada,
17 we consistently come across this finger-pointing about who can do what, and again, a
18 real deference to the way things are -- a deference to police agencies investigating why
19 they do it themselves in providing reports and then police boards will just take them at
20 their word and not dig any deeper.

21 All right. I also -- instead of just talking about barriers which people
22 have gone on and on about and, you know, highlighting things that are difficult, there
23 are also some opportunities that we see on the horizon for transformative change. For
24 instance, I don't think Nova Scotia has tabled anything, but definitely at the federal level
25 the U.N. Declaration of the Rights of Indigenous Persons has been enacted into law.
26 It's still unclear how that will be implemented, but that theoretically has massive
27 implications for how public safety could be delivered in Nova Scotia. It could inspire
28 transformational change. Again, it remains to be seen whether or not the province, and

1 even the municipalities would endorse the path that the Federal Government has taken,
2 but we're starting to see other provinces adopt that and it's going to be very interesting
3 given that that U.N. Declaration provides that indigenous people have control over
4 internal governance, including community safety and well-being, I think -- and we're
5 excited about opportunities and conversations for that to maybe overcome some of
6 these institutional barriers that are familiar to organizations like ours. And -- I have a
7 whole bunch of notes about this because I can go from the macro to the minor level as
8 well.

9 One aspect of our work at the Civil Liberties Organization too is to
10 look into matters of privacy and national security and surveillance, and so we're also
11 really interested in and like to figure out and evaluate government secrecy.

12 And so something else that I can point out that's not necessarily at
13 issue in or -- yeah, issue in the mass -- the events of this mass casualty itself but that I
14 think is really, really important to issues of public safety and how state agencies are
15 working, and also how our society is developing, is that there are a lot of tools now from
16 private industry that could be made available to the state for public safety purposes.

17 So as an example -- and -- sorry, my point is that we don't -- it's
18 very disturbing to us, and to other organizations -- I think, like, East Coast Prison Justice
19 -- that we don't know about this. A lot of the acquisition of very powerful equipment
20 that's supposed to be for public safety purposes and that the public doesn't find out
21 about it until after the fact, and that gets at this kind of opaqueness that public safety
22 institutions in Canada and in Nova Scotia will use.

23 So for instance, we find out through the media that the RCMP or
24 our municipal policing agency is using a tool that could potentially be infringing on
25 people's rights. And on example is, a few years ago, we found out that the RCMP in
26 Nova Scotia had actually acquired a tool to kind of get around privacy tools in social
27 media and that they were able to see a bunch of information about people without
28 having to get a judicial warrant first.

1 And as a civil liberties organization, we're finding more and more
2 that there are a lot of partnerships like this that policing agencies -- but I shouldn't just
3 say "police" but -- although there's such an issue in terms of police being able to acquire
4 new types of equipment without any kind of democratic oversight. And the fact that
5 we're finding out about it after the fact -- and the tools that we have that have been
6 provided to us in terms of privacy Acts and access to information Acts, they are not
7 updated. They're very out of step with how quickly this technology and the provision of
8 these kind of tools are being made available.

9 So yeah, that's just another area I wanted to highlight where there
10 are a lot of barriers to even just civil society, let alone marginalized communities and
11 people who have historically been erased, that were just unable to know what is
12 happening in our name and for our safety. So I'll end it there because I think I've been
13 going on for a while.

14 **MS. EMILY HILL:** Thanks, Meghan, for, I think, pointing out some
15 really complicated -- some very complicated barriers, you know, that we see in -- and
16 with regard to a number of, you know, public police challenges, certainly in Canada,
17 things like federalism but also your identification of resistance to new ways of thinking
18 about community safety and public safety. So thank you for sort of setting that up for
19 us.

20 Harry, I saw your hand, so please go ahead.

21 **MR. HARRY CRITCHLEY:** Thank you. I want to just make two
22 points, though, two points with respect to barriers. So I think there's, you know -- and
23 this is not going to be anything new. You know, these are points that you're hearing
24 over and over again.

25 But I think there's fundamentally two types of barriers that are
26 particularly relevant in the Nova Scotia context, the first being in relation to capacity,
27 and the second being in relation to culture. And so I'm going to talk about the first of
28 those because, in terms of capacity, there's been lots of testimony provided so far and -

1 - and I wish I'd come up with it myself. You know, my colleague, Professor Perryman,
2 counsel for East Coast Prison Justice, provided this phrase, "We're funded to fail," this
3 idea that oversight agencies in this province, you know, when you compare the budgets
4 for such agencies to the budgets of other types of oversight and, importantly, to the
5 budget of police forces, you know, it simply couldn't possibly achieve the mandate set
6 out for them.

7 You know, Commissioner MacDonald obviously made headlines
8 talking about his concerns in relation to the CRCC and their ability to engage in
9 systematic reviews, right, where there -- if the budget is so limited that there's a need --
10 and provide a business case to the minister before doing that, you know, in what
11 meaningful way are these system -- you know, there needs a really systemic analysis to
12 be done, right, for the purpose of a meaningful policy change.

13 So, you know, part of that speaks to this issue of financial capacity,
14 right. So I find it a little strange that a board with the lofty duty of ensuring that the
15 delivery of policing services in a municipality is in keeping with community values,
16 needs, and expectations, whatever that might mean, would be expected to do on a
17 volunteer basis. I don't think that in other kinds of oversight settings that we ask people
18 to volunteer to fill such a weighty role, particularly in relation to a well-funded and very
19 complex area of our society.

20 So I would such that financial capacity is one piece but it really to
21 the larger issue of what I would call "governance capacity". And so, for instance, I
22 believe there was a question that Dr. Cunliffe asked last week in relation to what steps
23 are being taken by, you know, municipalities and that province to respond to calls for
24 justice for Missing and Murdered Indigenous Women and Girls Report. You know, and I
25 made known that there was very, if anything, being done at a municipal level. And I
26 was interested to hear, at the provincial level, you know, Hayley made mention of the
27 auditing function of the minister, right.

28 So the minister has this ability to audit municipal police service,

1 audit, you know, both the RCMP to ensure compliance with standards as their set and
2 to provide training. But I think, like, one thing that's important to keep in mind is that,
3 you know, they have to be realistic about what the capacity of those auditors are. And
4 so, for instance, I would note that just earlier this year, one of the senior staff from the
5 province testified at the Desmond Inquiry that between 2003 and 2022, the number of
6 full-time auditors employed by the province reduced from eight to one. There's now just
7 one auditor employed by the Provincial Minister of Justice -- unless there's been change
8 since that testimony was provided -- who's tasked with doing that. And although the last
9 such audit occurred in 2019 -- asked how these agencies were responding to intimate
10 partner violence -- that auditor testified at the Desmond Inquiry that it was unlikely that
11 any further audits would be occurring in the near due to a lack of capacity.

12 So again, I would really, you know, stress strongly for the
13 Commission that the minister has important and weighty duties in respect of policing
14 related to funding and ensuring adequate and effective policing. And I don't think that's
15 -- you know, here, I'm speaking as respectfully as possible, I wouldn't suggest that in
16 recent years the minister's made good on that. So again, that's the point I would make
17 with respect to capacity.

18 You know, I think yesterday you heard Professor Roach speak
19 about a distinction between kind of ex-ante and ex-post governance. Or he says,
20 "When it comes to the police, a lot of times we're interested in, ex-post governance,"
21 right. We're interested SIRT-type bodies. We're interested in police-complaint bodies.
22 And those are tremendously valuable but what the -- you know, in order to really
23 galvanize culture change, there needs to be sufficient ex-post -- you know, proactive
24 policy-making and proactive governance. And I would suggest that that's really quite
25 limited in this province.

26 You know, we know that the policing standards haven't been
27 updated since 2003, although there have been subsequent one that have been put
28 together like the Policing Standard on Conductive Energy Weapons, you know,

1 following from the Hyde Inquiry. So at the provincial level, there's concerns about
2 proactive governance. We know that boards have weighty responsibility in respect of
3 proactive governance but I will tell that a major in that respect is the provision of policy,
4 provision of policies to police services and a review of existing policy.

5 And I think this is tremendously important because, you know, you
6 heard Professor Roach mention yesterday -- you know, he gave the example of the
7 *Golden* decision from the Supreme Court which set out new requirements in relation to
8 strip searches. And, you know, as many people know in 20 -- just recently, the YPRE
9 did an analysis on how police agencies on how these agencies in the Province of
10 Ontario were complying with *Golden* policy level. They found that only 10 of 53
11 agencies in the province even had the correct definition of a strip search in their policy,
12 you know?

13 And partly, this related to an advocacy responsibility on the part of
14 the province. The province there hadn't updated their policing standards since the year
15 2000.

16 But again, there's really no mechanism in place, given the way our
17 Boards are currently functioning, to ensure that decisions from the courts, guidance
18 from the courts, guidance from other kinds of exposed oversight agencies, are making
19 their way into prospective policy.

20 And I'm just going to give a very personal example in relation to
21 some of my work on the Halifax Police Board.

22 And so for many years before I joined the Halifax Police Board, I
23 worked -- and we have an individual named Corey Rogers. And Corey died in the drunk
24 tank in 2016 in Halifax.

25 And his treatment by police was the subject of an Nova Scotia
26 Police Review Board decision. And at the very end of -- you know, and there were
27 some disciplinary findings in that case -- at the very end, the Police Review Board said,
28 "We know it's not our role. We know that we can't impose this or direct this occurs, but

1 we feel, based on this hearing -- " now, remember, this was a very extensive hearing; it
2 was about two weeks -- "that we want to make these recommendations to HRB for
3 training and policies and implement."

4 And thankfully, you know, all credit to Chair Smith (phonetic), you
5 know, he identified that and said, "Look, you know, we really need to ensure that this
6 happens."

7 But that was -- that's one individual playing that role, and doing so,
8 you know, while juggling a lot of other responsibility. So there's not, I would suggest,
9 consistent energy or consistency across these different kinds of agency. That's one
10 example, and I could provide more.

11 But as it relates to ensuring that there's sort of some level of kind of
12 unity and coherence of the governance structures for police, that's currently missing in
13 the province.

14 So that's one point with respect to capacity, and I'm happy to
15 answer any questions about that.

16 The second is, you know, relationship culture, and here, I sort of
17 want to make three very brief points.

18 So the first is that you've heard a lot so far about tasking,
19 particularly in relation to things like mental health crisis. And there is a suggestion that,
20 you know, all of this is going to have better outcomes for the individuals who police
21 interact with; also better for the police. It is also going to be better for the police, right?
22 It's going to allow the police to go back to what's often called "core policing".

23 And I think one point that I want to echo is one that Professor Goold
24 raised yesterday, which is that there's, in Canada, not a long of understanding about
25 what police do on a day-to-day basis, how the police actually spend their time. A lot of
26 our conceptions of how the police are spending their time are just that, you know,
27 they're not based in fact, they're not based in any office of the number and types of calls
28 that the police are responding to.

1 You know, there's -- in chronological literature, there's a long-
2 standing idea that 80 percent of the stuff that the police are doing isn't in their law
3 enforcement capacity, right? They're not enforcing laws. They're resolving disputes
4 between neighbours, you know, they're acting -- they're acting as community liaisons,
5 only that remaining 20 percent, right, that's the law enforcement function. And then
6 within that, there's a very small component that is confined to -- for violence.

7 So I would suggest that at a fundamental level, that we don't really
8 have much of an understanding of how the police are spending their time, and whether
9 they're adequately trained, in light of what they actually do.

10 And you know, I think this comes up in a lot of different ways, so
11 some people might know I was one of the lead authors of the report for the City of
12 Halifax on defunding the police. And not a lot of people know where that report came
13 from, which was that we were actually asked to provide a definition of defunding the
14 police, because the City of Halifax had proposed their own definition and had three
15 bullet points.

16 And the first bullet point said, "Police should perform policing
17 function."

18 And the second one said, "Non-policing agencies should be
19 adequately funded."

20 And we sort of said, "Well, you know, isn't that a little bit circular,
21 that police perform policing function? You know, for the longest time, we thought that
22 responding to drunk and disorderly individuals was a policing function."

23 Now we know that in light of -- you know, of new understandings of
24 addictions and mental health that that is not appropriate to have the police respond to
25 the same individual with substance use disorder (audio failure) over the course of the
26 year. Well, maybe that's not a good thing for them to do.

27 So I think in terms of -- I would not want you to be guided by
28 assumptions about what it is the police do. I -- you know, and I think that as Professor

1 Goold suggested, there's a need to actually do research in that area, and that's an area
2 where the United States, there's been significant amount of research, you know?

3 In the defunding report, we talk about that a little bit.

4 The second point with respect to culture relates to the issue of
5 information sharing, you know, and I spoke to it at some length, and perhaps for too
6 long, about information sharing, when I appeared last week.

7 But I would suggest that, you know, I'd kind of adopt the points I
8 made last week in relation to information sharing between police agencies and police
9 oversight agencies, that there's really not, you know, clear expectations about what sort
10 of information the police should be providing to oversight bodies, in particular, advisory
11 boards and police boards.

12 And you know, I think this manifests in a variety of ways, right? So
13 in that report by Professor Murphy, there was a concern there from the Colchester
14 Council that, you know, not only had the Board -- the Advisory Board not met in a year,
15 but there was always at the same questions that they asked the RCMP that weren't
16 answered, right?

17 And what mechanism was in place for them to, you know, compel
18 an answer, right?

19 You know, you heard Professor Cunliffe talk about this idea from --
20 about operation responsibility, right, that sure, the police have independence as you
21 know, confirmed by court with respect to investigative decisions, you know, the laying of
22 charges and the like, but they're ultimately responsible to the public, right, and to these
23 Boards, to provide information about that.

24 And I don't think that's something that's historically gone on.
25 There's not a clear understanding or expectation about what are the sorts of information
26 to be provided. And I would suggest sort of in keeping with Justice Epstein and Justice
27 Morden that there's really much more information that should be provided than is being
28 provided, you know?

1 So both those justices in their various reviews talk about this idea of
2 critical points, right? So this idea that really, anything that engage kind of a senior
3 management level for the purpose of making decisions, some kind of operational plans,
4 you know, major incidents, that's something that the Board should be receiving
5 information about because of the possibility that those kinds of plans or incidents could
6 have policy implication.

7 And that simply doesn't happen. That's not something that occurs,
8 and when there's -- questions are asked, there's often a sort of reticence to provide
9 answers about these sorts of things.

10 So I would suggest that, you know, this information sharing is a
11 huge issue, and I mean, I know it's one that's been talked, mind, mission. I wasn't in on
12 the environmental scan. There was concerns there with respect to even issues around
13 disclosure, right?

14 So I would suggest that there are sort of cultural issues there in
15 terms of what is the information that oversight agencies are entitled to? What is the
16 information that the public is entitled to, you know? And on the flip side, what are police
17 comfortable providing, right?

18 And (audio failure).

19 **MS. EMILY HILL:** Harry, I'm sorry to -- I know you've got one more
20 point you want to make. I'm just going to ask you if you could just make that point,
21 because I did see Hayley's and Sheila's hand go up on this question, and I want to
22 make sure we get a chance to get to them.

23 **MR. HARRY CRITCHLEY:** For sure, yeah. I -- just the third and
24 final point is just coordinating the information sharing point, which is that oftentimes,
25 there's a lack of willingness or a lack of desire to engage in critical questioning to ask
26 uncomfortable questions. You know, nobody likes conflict, but I would suggest that in
27 this context that there's really strong culture underpinnings of our desire to not to
28 question the police or to be too demanding with respect to information and this is

1 something that, you know, I find comes up quite a bit.

2 And so I would just suggest that as well, that there are also these
3 culture underpinnings in terms of to what extent are we, as the public, have
4 expectations of ourselves in terms of you know, information (audio fail), and you know,
5 the extent to which we're willing to question them for that information.

6 So sorry for prattling on so long.

7 **MS. EMILY HILL:** No, that's okay. Thanks so much. And I hope
8 that we're going to pick up probably on some of these ideas in our next question, so I
9 appreciate you sort of taking some time to explain that.

10 Hayley and Sheila, I think I saw both of your hands go up.

11 Hayley, your hand was first. I don't know if that works for you just
12 to perhaps offer some comments now.

13 The question we started with was the barriers, institutional barriers
14 to achieving structural change around policing and public safety, but please feel free to
15 comment on that or anything you've heard so far.

16 **MS. HAYLEY CRICHTON:** Thank you very much, Emily, and good
17 afternoon, Commissioners.

18 I'd like to frame my response, actually, first, in responding to a few
19 comments being made by Mr. Critchley, and I'll kind of move to my broader answer to
20 this question.

21 So I appreciate Mr. Critchley bringing up the policing standards and
22 audit functions and for brevity I won't go into too much detail because I recognize we've
23 spoken about these two topics quite a bit at the Commission, but I just wanted to
24 provide the information that we are indeed updating the provincial policing standards;
25 that is an ongoing process to ensure that they remain in line with the current societal
26 context. So that's an ongoing project that we are looking to complete.

27 But, secondly, the audit modernization project is also a similar
28 project that's acting in tandem with the standard update as well. The new audit regime

1 will actually look to measure compliance with the provincial policing standards. So the
2 new audit function will indeed occur cyclically to ensure that it happens consistently over
3 periods of a couple of years. So I just wanted to provide that information, that we very
4 much do intend to audit all police agencies in Nova Scotia; that's RCMP and municipal
5 police agencies and that there is an audit regime modernization project under way at
6 the moment to ensure that that project -- program sorry is updated and refreshed as
7 well.

8 More broadly-speaking though, I think two areas that I will speak to,
9 and I feel really work in tandem together and are very much inextricably linked to make
10 structural change slower. And the first that I'll speak to is that policing can never really
11 be looked at in isolation. And this has been a really fundamental frame of the
12 conversations at the Commission thus far. I know it was talked about quite a bit last
13 week as well. But a reform in the eco-system – so I'll use that word, the eco-system is
14 really required such that police reforms are also made within a changing eco-system as
15 well.

16 And so there are finite resources, quite frankly, in dealing with a
17 response to community concerns related to the police role, police visibility and
18 relationships of trust, so I think when we look at the question of reform associated with
19 what police should be responsible for, what should police be doing, how are we newly
20 defined in core policing because I appreciate Mr. Critchley's comments and some of the
21 Commissioners comments in previous roundtables that what constitutes core policing is
22 mostly certainly changing the definition of changing and needs to change. But as we're
23 looking at that, I think we also need to consider what are other areas of the eco-system
24 able to take on at this time? Because that's an imperative question to be asking as
25 we're looking at these functions, we need to say look at other transformation that's
26 occurring in other sectors supporting each other.

27 So I'm putting mental health calls aside for a moment, just because
28 I think we've discussed them quite a bit, but there are lots of tasks for which police are

1 the agency of default, and I'll kind of use that terminology, the "agency of default" such
2 as acute crisis. Medical transport when an ambulance is not available, police are often
3 responsible -- or the only available response to acute medical crises outside of mental
4 health call, things like property disputes, non-court order custody disagreements,
5 enforcement of various provincial regulatory statutes and the list goes on.[]

6 So while we're turning our minds to this broader eco-system, in an
7 emergency at 1:00 a.m. quite frankly, or when another response is not obvious because
8 there hasn't been a transformation in that sector, police are still called. They're still the
9 agency of default, and in part because they're often the only 24-hour service provider
10 that's visible, especially in rural communities where service provision isn't as robust or
11 does not operate 24-7.

12 And so while Meghan had previous referred to this challenge in
13 government culture, I think it's also very much a broader culture outside of just
14 government as well. So I'm using the word "eco-system" because I want to refer to the
15 breadth of sectors that are affected. And if we agree police should not be the agency of
16 default for specific areas, then I think we need to look at what areas are more
17 appropriately identified and a broader societal shift needs to occur to gradually shift the
18 expectation as well, so even in an emergency at 2:00 a.m., because that's really the
19 landmark test of whether or not that cultural shift has occurred.

20 I think one way of working towards that, I think Ontario has
21 mandated community, safety and well-being planning. It's a really interesting approach
22 to starting to grapple with the unanswerable questions that we have. Looking at an eco-
23 system in totality option can appear very daunting, it's an overwhelming task to look at
24 its eco-system in totality, but mandating communities to look at it was a really interesting
25 approach that they had taken to kind of establish the current state of the eco-system
26 within which all of these factors operate, police being one of them, of course, but one of
27 many.

28 And the second -- and I'm sorry, I'm trying to be a little brief to allow

1 others to participate as well, but I think that this is also inextricably linked to this
2 question of eco-system ensuring that transformation is happening throughout the eco-
3 system. But that is -- and it's also been discussed in -- it's top-down cultural change in
4 policing.

5 Police culture drives police behaviour. And so addressing the
6 cause and not the symptoms result in looking at policy and procedural change as
7 secondary to the importance of cultural change, despite the fact that policy change is
8 often perceived as a cleaner resolve when we're looking at police reform discourse. It's
9 often the first component of reform that's discussed. But I think policies exist but it
10 takes people to operationalize them, it takes the police resources to operationalize
11 policy. And so overarching culture in a policing organization is largely reliant on how
12 each individual officer, civilian staff or leader, has come to internalize assumptions
13 about what behaviours are acceptable within the institution, or within the agency.

14 So transformational change is really complex but I do think police
15 leaders have the most integral role to play with respect to police cultural change. I think
16 it's a perpetual and exhaustive process of changing those internalized assumptions and
17 setting new expectations.

18 So I think while policies and directives are still a critical part of
19 reform -- so I don't want to be mistaken here by saying that they're not important; I
20 absolutely think that they're fundamentally important, but I think that culture of an
21 agency or an institution is what's needed so that those policies and procedures will be
22 operationalized.

23 I do know that police leaders in Nova Scotia have all come to the
24 table with a willingness to be open to these conversations and want to meaningfully
25 engage in what transformation they look like. And this includes being open to having
26 some quite difficult conversations and also being at the table where they do not lead, ie.
27 being a participant in a broader process about eco-systems. I think we're in a position
28 that they have sat at the table and at least that's from my perspective in the work I've

1 completed. So I don't want to speak for anybody else.

2 So those are my two points that I wish to make, and, again, I think
3 they're inextricably linked, the need for an eco-system reform and then also a need for a
4 cultural shift as well. Thank you.

5 **MS. EMILY HILL:** Thanks very much. Sheila, I think you have a
6 chance to now respond to the question and/or to what you've heard so far.

7 **MS. SHEILA WILDEMAN:** Thanks so much. And I'm really glad
8 again to be here and to be able to respond. The themes that have come up are all
9 themes that I'd like to kind of pull together, so the themes of culture and capacity. And
10 I'd really like to sort of push the focus back to where Meghan started, particularly with
11 her reference to (inaudible) and other sort of deep transformative approaches to the
12 work of revisioning public safety.

13 And so I just want to start with the depth of the challenge when we
14 talk about shifting police culture or cultures because I -- the penetration of systematic
15 misogyny and racism, as well as classism and other forms of discrimination in the very
16 -- in the culture and in the practice of policing, is something that I think we have to
17 recognize has gone deep enough that that is going back to, you know, invisibilized
18 marginalized populations. That is what policing is as it's been constructed in the
19 relationship between communities and the state. And so I'd like to just give a couple of
20 comments on that.

21 And I want to remind you, for instance, of the Bastarache Report
22 on the RCMP, you know, speaking to the depth of toxic misogyny within that institution.
23 But I want to also refrain from overly vilifying one expression of policing and policing
24 agencies because I'm also mindful of, for instance, the Toronto Police, you know, review
25 of strip searching which again, you know, disproportionate targeting and doing a
26 violence, I would describe it as, on marginalized communities. And I don't think it's too
27 far -- again, on this theme of culture and the depth of the infiltration of the cultures we're
28 talking about into policing. I don't think it's too far to reach to go back to a quote, a

1 statement from Constable Wiley from this interview that was provided in the
2 foundational documents prior to his appearing as a witness last week.

3 And he said this, I quote:

4 "When you go out on the job and you have a uniform on
5 you're going to be a magnet for poor people's negative
6 emotions." (As read)

7 And I say that in, you know, in the context of my earlier statements
8 about marginalized persons who the perpetrator cultivates relations with, knowing that
9 they were discreditable and disposable. And the second statement he said was, "I hear
10 all about the systemic racism in the Force" and added that every time he had witnessed
11 racism on the job it was "coming back at us" at the police, saying, "I've been the
12 recipient of racism. And as a police officer I have never been the racist."

13 And of course, he concluded that set of statements with a comment
14 on Critical Race Theory and said:

15 "With all these programs coming in and stuff to address
16 systemic racism, it divides people rather than unites
17 people." (As read)

18 And I understand that in quoting one individual officer, I may be a
19 part of what I would really like to avoid which is a possible isolation and vilification of the
20 bad apple. You know, the bad seed within the bad apple, the badder apple being, you
21 know, RCMP versus other policing..

22 But I want to go back to some of the possibilities that are before us
23 in taking seriously the invitation to rethink public safety in a way that is responsive to the
24 experience of policing, of the institution that we call the police, and that through history,
25 as Robin Maynard's work points out, for instance. Through history has been used to
26 reinforce dominant social strata over against -- back to Harry's "us and them" -- over
27 and against subordinate social strata.

28 How do we detach this and today we call the police from that. And

1 so my remarks, although I welcome and support everything that Harry in particular has
2 said, and also that Meghan has said, I want to go beyond the focus on, you know, sort
3 of community engagement, this kind of -- we want to have more throughways for
4 community conversation in order to shift culture. And I even want to go beyond the focus
5 which is so important, but go beyond the focus on police oversight and come back to
6 these questions that Meghan put on the table -- and I'm sure we can come back to --
7 around alternatives. What would it mean to shift the locus of public safety and
8 resilience?

9 And there, one of the barriers -- you asked whether some of the
10 institutional barriers to achieving structural change -- one of the barriers goes to an
11 ethos that's described as the carceral ethos or the carceral logic. And just what is that
12 exactly? It's something that encourages us to think beyond police, much as Hayley was
13 saying, to think in an eco-system informed way, but to think of our eco-system more
14 broadly, not just the policing function as a carceral system.

15 And what do I mean by that? Well, scholars have used this word
16 "carceral", you know, logics and carceral structures as a way of getting at the violence
17 that is done, the structural violence that is done to marginalized and oppressed
18 communities, expressive of white supremacist colonialist patriarchal and class
19 supremacy.

20 And I start to feel like an -- you know, I'm just telling you ideology
21 here. But these are very concretely expressed, the us-them divisions, done not simply
22 through policing but through a whole set of state institutions. And what the central logic
23 is is a logic of responding to social structural problems and their consequences, so lived
24 deprivation and need and trauma, and poverty in, you know, racism, responding to
25 these through strategies of isolation and confinement and control. So that's kind of the
26 definition. Responding through isolation, confinement, and control.

27 And so a question for us is, you know, what do we even have to
28 envision as the problem beyond policing in order to respond to this problem of public

1 safety which is a problem that I'm suggesting is worsened, exacerbated through our
2 reliance on what I'm calling these carceral responses.

3 Another way to put the problem, sort of the culture, the endemic
4 culture I'm getting at, is a culture that's predominantly focused on risk prevention and
5 risk containment. And that goes beyond policing. It actually extends to some of the
6 institutions that we're looking at, almost reflexively, when we talk about alternatives to
7 policing. And we can come back to this but I'm including here the health and in
8 particular the mental health systems and the social assistance system itself which is
9 also reliant on surveillance, on punishing forms of administration, on you know profound
10 destabilization of the lives of those who rely on social assistance.

11 So let me just put a concrete point on the concern, as I talk about,
12 you know, institutional barriers to structural change, and I link this up to what I'm calling
13 carceral predominantly sort of overwhelmingly risk preventative approaches to the
14 problem. We're calling the problem of public safety. And I want to use the example of
15 remand, the high rates of remand, persons remanded to custody pretrial in Nova Scotia
16 provincial jails, because that's something that east coast prison justice, you know, has
17 been preoccupied with for some time and we work with many of the folks who are
18 remanded in custody right now.

19 And this is my example to help us think about how the risk
20 containment isolating, confining approach to public safety is not just a problem of what
21 the police do and how the police are overseen, but it's a deeper problem in our wider
22 criminal justice system and correctional systems as intersecting, interacting, mutually
23 supportive systems. The police are but a throughway. Yes, the police are potentially a
24 source of violence and harm and risk to marginalized and invisibilized communities, but
25 one of the greatest risks of encounters with police -- and here we have to think, what
26 would an alternative to police be -- is the risk of incarceration. And in Nova Scotia we're
27 talking in particular about a great risk of being remanded to custody pretrial. And it's
28 something I could pick up on later.

1 But let me just say to conclude. What do I mean or what am I
2 getting at? In 2020-21, 76 percent of all adults in provincial custody in Nova Scotia
3 were remanded to custody pretrial. Only 17 percent were in sentence custody; 7
4 percent of the others were in immigration detention. And what we know as we dig down
5 into that 76 percent remanded is that Indigenous persons and African Nova Scotians
6 continue to be over-represented in significant ways in our provincial jails.

7 So in fact, disproportionate representation of Indigenous persons
8 remanded to custody and in Nova Scotia it's getting worse. In 2019-20 Indigenous
9 persons were 6 percent of the Nova Scotian population but accounted to 13 percent of
10 remand admissions, 13 percent and that's an increase of 5 percent over the 2018-19
11 figures. Indigenous women were particularly over-represented in remand in provincial
12 custody in Nova Scotia, making up 23 percent of female identified remand admissions
13 to Nova Scotia's correctional facilities. That's in 2019-20.

14 And in sentence custody as well, Indigenous persons were over-
15 represented 11 percent of those admitted to sentence custody.

16 And African Nova Scotians who make up about 2 percent of the
17 Nova Scotian population in 2019-20 represented 10 percent of remand admissions and
18 11 percent of those sentenced to custody.

19 So I tell you those -- you know, these are -- I worry that in a way
20 these are sort of familiar refrains. You're likely all too aware that in the federal system,
21 you know, Indigenous women now make up nearly 50 percent of those in sentence
22 custody among federally incarcerated women in particular and Indigenous persons in
23 general make up over 30 percent of the federally incarcerated population.

24 And the point I'm not just going to, you know, conclude is the one
25 that -- again, I think it's very familiar to all of you, the thesis which has much evidence
26 behind it, that prisons and jails do not rectify problems of social instability and public
27 safety; they intensify them, at the very least -- and these are things that we witness at
28 East Coast Prison Justice -- by disrupting already tenuous access to social and health

1 supports by disrupting relations to community and family, and by subjected those who
2 are incarcerated to routine degradation and violence, both sanctioned and
3 unsanctioned, so back to sort of the routinization of the strip search for some members
4 of our community.

5 So I say this to remind again of the concrete, I guess, expressions
6 of what I'm saying when I talk about the basis of the lack of trust and of the rift between
7 the marginalized and often invisibilized populations that -- that we started our
8 conversation speaking of, so invisibilized in a sense but invisibilized, in part, through
9 containment, and isolation, and subjection to what -- you know, what's called "carceral",
10 very controlling behaviours over the long term, not just through the police encounter.

11 And I'll leave it there an perhaps we can come back to some of
12 these things.

13 **MS. EMILY HILL:** Thanks, Sheila. Yeah, I hope -- I think what
14 we'll do if -- the next question, after I turn to the Commissioners, and perhaps after we
15 take a break, is we will pick up with the next question and I hope we can focus -- you
16 know, we've talked a little bit about barriers and you've articulated, all of you, you know,
17 some of the really complex and challenging, deep, long-lasting, you know, barriers to
18 change, and so I hope in our next sort of round, we can focus on the need for change.
19 We've focused that question on looking at oversight but I think with regard to all of the
20 barriers that have been identified, thinking about concrete ideas for change and sort of
21 the pathway to change as we focus on our -- on our mandate which, of course, is
22 forward looking and trying to improve public safety and improve the institutions that
23 protect and lead to public safety.

24 But before we sort of shift to that conversation, I wondered if we've
25 heard anything so far or there's any questions or comments that Commissioners would
26 like to make at this point.

27 **COMMISSIONER MacDONALD:** I'm fine. Thank you so much,
28 Emily. Just to express my thanks to all the presenters so far for some very thought

1 provoking and helpful interventions.

2 Commissioner Stanton?

3 **COMMISSIONER STANTON:** Thank you.

4 Just I wondered if -- Hayley, could you just confirm if -- I mean it's
5 good that there's an audit modernization project underway. Is Harry correct that you
6 staff of auditors has gone from eight to one and, if so, what -- how will that project be
7 operationalized and will it be properly resourced to achieve that end?

8 **MS. HAYLEY CRICHTON:** Thank you very much. So yes, he is
9 correct in stating that we originally started with eight auditors that were specifically
10 trained to perform the audit functions, so the old kind of version of the audit program.
11 There now remains on staff person who maintains that specific training for the old audit
12 regime.

13 Part of the new modernization and the work we're doing, actually,
14 with a hired consultant group through the modernization is to identify what capacity is
15 needed to properly do this work, and we will be responding by ensuring that we are
16 staffed appropriately to do the work effectively. So part of that modernization project is
17 to understand what capacity is needed and then to respond appropriately to that
18 capacity requirement.

19 **COMMISSIONER STANTON:** And what is the timeline for that
20 project?

21 **MS. HAYLEY CRICHTON:** It will dovetail with the completion of
22 the Provincial Policing Standards to ensure that they align because the -- the approach
23 taken is that a new regime will audit the new complete standards, so by the end of the
24 fall. And then there's the process to formalize the policing standards which will take
25 some more time but for the audit modernization, that is the timeline.

26 **COMMISSIONER STANTON:** Okay, thank you very much. And
27 just briefly, I wanted to thank Sheila for her discussion around the perpetrator's use of
28 privilege and perhaps just ask her to expand a bit on what she meant when she said

1 that it was used also in a symbolic sense. I was wondering if you were referencing
2 police paraphernalia there or if my inference is incorrect. Thanks.

3 **MS. SHEILA WILDEMAN:** That's exactly what I was referencing.

4 And so I want to be clear that I'm -- you know, I'm hypothesizing as to intentionality, but
5 it certainly seems like a reasonable read of the effects. In fact, one of the deponents, or
6 one of the witnesses, did speak to, as you well know, you know, having seen a couple
7 of unmarked cars in the driveway and having heard him refer to his relationships, sort of
8 vaguely or not, with police, and it seemed to me that -- I mean the symbol is really an
9 important thing because it gets back to the point we're making about culture. You know,
10 this was not a person who, as we understand it, was a member of the police service, but
11 it was an individual who was very attracted to a certain understanding of masculine
12 domination -- white, masculine, I would say, ableist domination. And I say that because
13 of my understanding of the perpetrator on the record, not what he did in the last, you
14 know, days of his life, or not solely that.

15 And yeah, I think that that -- the culture -- the response of the
16 cultural symbol speaks to more than just the peculiarity of one mind. It speaks to a
17 certain power that that symbol holds culturally for all of us, and a special salience of that
18 symbol when dealing with people who that individual clearly had a pattern of targeting
19 and seeking to dominate, possibly humiliate, use, abuse individuals, that -- my
20 understanding is that there was a pattern there and that others in the community have
21 come forward to say that. And that pattern for -- on my read, is very much centred and
22 expressed through the deep connection that the perpetrator for policing.

23 And I know that that's a harsh and hard thing for the many good
24 people who are engaged in policing as a vocation, the many good people who are there
25 to try to help, and to serve, and all -- you know, I want to recognize that because I'm
26 talking about systems and structures and patterns of behaviours and ways that
27 culturally and socially -- recognizing the stratification of our society. And who will feel
28 comforted when the police car comes down the street and who will feel terrorized is

1 something we have to be absolutely mindful of when we say in an almost cavalier way,
2 “Let’s change the culture.”

3 Let’s change the cultures much more than having some meetings
4 between, you know, upper and lower, you know, representatives of policing. It goes to
5 a long, long history and deep -- yeah, deep reasons why those symbols have the
6 resonance they do, and they can be leveraged by police and non-police the way that
7 they clearly can and are. Thank you for the question.

8 **COMMISSIONER STANTON:** Thanks very much.

9 **MS. EMILY HILL:** Commissioner Fitch, did you have any
10 question?

11 **COMMISSIONER FITCH:** Not at this time. Thank you, Emily. I’m
12 very much appreciating the wisdom around the table that is being shared. Thank you.

13 **MS. EMILY HILL:** And I want to make sure, Commissioner Stanton
14 -- it is hard when we’re not in the same room together -- had I cut you off or did you
15 have another question, or did you get your questions answered?

16 **COMMISSIONER STANTON:** No, I was going to turn it back to
17 you, Ms. Hill, to perhaps take us to a break. Thank you.

18 **MS. EMILY HILL:** Okay. So thank you very much, everyone, for
19 your contributions so far on all of the questions. And yeah, I would propose we take a
20 15-minute break now and come back at 3:45 to pick up on the third question around --
21 about oversight and about what we need to change to make oversight mechanisms
22 effective. Thanks so much.

23 --- Upon recessing at 3:28 p.m.

24 --- Upon resuming at 3:49 p.m.

25 **COMMISSIONER MacDONALD:** Thank you. And welcome back,
26 everyone. And over to you, Ms. Hill.

27 **MS. EMILY HILL:** Thank you so much. We’re going to pick up our
28 conversation on one of the same themes that we were discussing just before the break

1 which was really about thinking about police and about improving police organizations
2 and the oversight of police organizations. And this is something I know was the subject
3 of a roundtable yesterday and has come up a great deal in our work and especially in
4 the past few weeks.

5 And I think what we would like to hear especially from this group
6 today on is about what do we need to change for police oversight mechanisms to
7 succeed? We're kind of thinking some sort of concrete or focused solutions. Gillian
8 and I have sometimes talked in other sessions about magic wands and if people had
9 magic wands, what they would do to try to make change for the community that they
10 work in and that they're speaking for today.

11 So I think we'll start, Harry, with you leading us off on that question.

12 **MR. HARRY CRITCHLEY:** Thanks, Emily.

13 I'd like to make two basic points with respect to possible changes.
14 So the first point is that I think police oversight in Nova Scotia needs to be made more
15 democratic.

16 And the second point is that police oversight in Nova Scotia, more
17 aspects of it need to be made mandatory.

18 And so with respect to this first point about democratic
19 accountability and democratic engagement within terms of police oversight, this is an
20 argument that I've developed in a much greater length than I can get into here in a
21 paper that I provided to the Commission. And I hope I -- my hope is that that will be
22 helpful for the purpose of your deliberations and for the purpose of the report.

23 And so I'd really only like to make one point right now with respect
24 to democratic engagement. And that's with respect to the ongoing standards review at
25 the provincial level. And I think, you know, when you've heard a tremendous amount
26 about the standards review so far, as far as this Commission, but I guess I would ask
27 the question, to what extent there has been engagement with sort of civil society groups
28 like our own, and public engagement as part of the standards review. And I'll just

1 provide one anecdote.

2 Earlier this week I had the opportunity to speak to a good friend of
3 mine, Brandon Rolle, the senior legal counsel, at the Justice Institute, the African Nova
4 Scotian Justice Institute. And I think it goes without saying that EPAD, the forerunner to
5 the Justice Institute is the civil society group in the province that is, I think, the largest
6 role in terms of galvanizing police reform and police policy reform in particular in the
7 province of Nova Scotia in the last decade.

8 And I asked Brandon Rolle about this policing standards review and
9 I said, "What involvement does your organization have in this review?"

10 And he indicated that he had no involvement himself and the
11 organization didn't either.

12 And so I was really encouraged and I know that there's
13 membership on various police boards around the province in the standards review but I
14 would say if there's a desire to move forward with new standards that, you know, there
15 really needs to be engagement with civil society groups and with the public more
16 generally.

17 So I think the first point I want to make around kind of them making
18 our police oversight more democratic. And the second point I want to make is about
19 making more aspects of our police oversight framework more mandatory. And so you
20 know, I actually agree really strongly with Ms. Crichton that the community safety and
21 wellbeing plans contemplated in Ontario are a really positive thing. I think it's important
22 that things be mandated but I would also commend the Commissioners to remember
23 Professor Roach's point that reviewing those plans, they're often the same difficulties
24 we've heard a lot about just in terms of a lack of clarity and who's responsible for what,
25 so jurisdictional issues, and a lack of enforcement attached to those plans, and finally a
26 lack of funding attached to those plans..

27 While I think that's very important, you know, I would commend the
28 Commissioners to really consult with Professor Roach on that point.

1 There's other things that I think could be made mandatory as well.
2 For instance, in Ontario under the *Comprehensive Police Service Act* there's a
3 requirement there that a police force be required to create certain policies and that's
4 provided for in the Regulations and in the Act. That's not a requirement that exists
5 under our Act; there's no requirements for required policies that Police Boards create.

6 And there's actually, under the new -- the Act has not yet been
7 proclaimed -- a requirement that the Board engage in consultation with the community
8 and then publish the findings of that consultation. Again, that's not something that goes
9 on. You heard me say last week that although the board is statutorily responsible for
10 approving the budget annually, it is required under 56.2 of the legislation to ensure that
11 the budget is in keeping with the duties of the board which includes the duty to act as
12 the conduit for the community.

13 Before last year there was no process in place to engage the public
14 or consult with the public about that budget. If members of the public had the
15 wherewithal they could sign up and attend a meeting or speak for five minutes. But
16 there was no efforts made to act on those duties for the purpose of making it accessible
17 to the public to provide their views until this year. So that's a very very new change.

18 So I think there's things that can be made mandatory there. And
19 I'm going to speak about one last thing that I think is absolutely essential to this
20 Commission and is directly relevant to the facts of this Commission. And something
21 that needs to be made mandatory in this province because the fact that it's optional in
22 our province is actually a tremendous aberration from almost every other province in
23 and outside the length of Canada.

24 And that I'm speaking about the issue of fatality inquiries in the
25 province. This is the point I was able to make very very briefly the other day and I'm
26 hoping to just speak out at a little more length about it.

27 So as I mentioned, you know, I became really involved in police
28 policy work through working with the family of Corey Rogers And Corey's mother,

1 Jeannette, and I actually presented to the Board in 2020 this idea of creating a sobering
2 centre, a civilian alternative to the drunk tank. And I think you've heard about that as
3 part of some of the work that the safety strategy complex is doing. But unfortunately,
4 Corey's death was not unique. In the province of Nova Scotia, there's been four such
5 deaths in drunk tanks since 2009. So there's the death of Victoria Paul known in Truro.

6 There was an individual named John Burke died in the -- after
7 being detained in the Halifax drunk tank in 2013. In 2013 a 40-year-old man died after
8 being detained in the drunk tank in Liverpool by the RCMP. And in 2019 a man died
9 after being detained in the drunk tank in Amherst. And I'm talking about that one in
10 particular because in that case the officers had only received basic First Aid training.
11 And as a result the officers did not have necessary training to identify the symptoms that
12 the man was exhibiting which were actually the result of him having had a stroke and
13 not him being intoxicated. The fact that this man had a stroke was missed by the
14 officers and unfortunately he died shortly after being detained.

15 And these are not the only such police involved deaths in the
16 province. And what I would suggest is that in any other province outside of Atlantic
17 Canada these deaths would be subject to a mandatory coroner's inquest or a fatality
18 review as overseen by the medical examiner and undertaken by a judge. And our
19 Fatality Inquiry Act in the province differs in that there are no circumstances under
20 which a fatality inquiry must be held, and rather the discretion of holding the inquiry
21 rests entirely with the chief minister -- sorry, the chief medical examiner, which is a
22 political appointment, and/or the Minister of Justice. And this is different from every
23 province west of Ontario.

24 And as a result of the fact that fatality inquiries in this province are
25 optional, there have only been two such inquiries in the last two decades. There was
26 the Hyde Inquiry and the Desmond Inquiry. For comparison, in British Columbia the
27 Office of the Chief Coroner has the power to call an inquest themselves and there are
28 mandatory circumstances under which they must be held. And in that province there

1 were 12 inquests conducted in 2018 of which seven involved either individuals who had
2 died when they were in police custody, or as a result of police use of force. So again,
3 this is a huge discrepancy between our province and effectively every other province in
4 Canada.

5 And I would note that the former Chief Medical Examiner of Nova
6 Scotia, Dr. John Butt identified this troubling issue with the legislation. And what he said
7 is:

8 “What you're seeing here is a bit of Nova Scotia politics at
9 play. Some of the politics are a bit self-serving to favour
10 the government so that it avoids scrutiny.” (As read)

11 And what I want to suggest is that this change, in particular, needs
12 to be made mandatory so that we can learn from our mistakes. I would suggest that's
13 not happening currently because in addition to those four individuals who died in police
14 custody that I've just mentioned, there's a number of other police-involved deaths
15 resulting from the use of force in Nova Scotia that also haven't been subject to fatality
16 inquiries.

17 So in 2019 that was the shooting Mitchell Speight in Truro; in 2020,
18 there was the shooting death of Richard Wheeler by the RCMP in Eastern Passage. He
19 was a man who had been described by his neighbours as having significant addiction
20 and mental health problems; and then death Bradley Clattenburg in Westphal; and then,
21 just two weeks ago, the shooting death of a Dartmouth who had barricaded himself
22 inside his home with a weapon.

23 And I think the point I want to mention here is that, you know,
24 you've heard a tremendous amount about the need for greater openness and transparency as
25 part of this inquiry and I would suggest that this an area in which our province, unique
26 amongst most provinces in Canada, is actually moving in the opposite direction.

27 So in 2019, the province made changes to the legislation that
28 allowed for the creation of what are called “Death Review Committees”. They created

1 two such committees, one to deal with child -- you know, the deaths of children, and
2 another to deal with deaths -- domestic homicides, intimate partner homicides. And I
3 would suggest that these committees are sort of fundamentally flawed in a number of
4 respects, including that their use continues to be discretionary.

5 And I would, sort of in closing, that the province took the
6 extraordinary step under the legislation of isolating the work of Death Review
7 Committees from the *FOIPOP Act* and from *PHIA*, and so you can FOIPOP the work of
8 Death Review Committees. There is no requirement that any information from the
9 Death Review Committees, whether they're findings, they're recommendations, that
10 they have to be made public. And since those legislations -- that legislation has come
11 into force, that's been the trend with our province.

12 And I would note, also, that this was an amendment to legislation
13 that the Privacy Commissioner strongly resisted and wrote a letter to the lawmen on this
14 committee at that time saying that this was inappropriate. And so again, I want to close
15 on that point. I know it's perhaps a fairly narrow one but I think it's highly relevant to the
16 work your Commission -- of this Commission, in particular how this Commission came
17 about. There was, at one point, before this Commission was created, discussions as to
18 whether the Chief Medical Examiner might instead call a fatality inquiry. And it's
19 tremendous that in our province, you know, in the year 2020, so much power would be
20 left with one individual to make that decision, and that individual being a political
21 appointment. So I'm going to close with that.

22 **MS. EMILY HILL:** Thanks very much.

23 I see Meghan's hand and Sheila's hand.

24 Sheila, do you -- and Hayley. So I'll just perhaps call on you in the
25 order that you've raised your hands, but if you think it would be more appropriate for
26 someone else to go first, feel free to say that. So Sheila, I think, that was you.

27 **MS. SHEILA WILDEMAN:** I was going to yield to Meghan but I
28 would like to, if -- with your permission, Meghan, follow up because I wanted to follow

1 up specifically on the fatality inquiry piece that Harry's just raised, which is something
2 East Coast Prison Justice has spent some time thinking about and looking at.

3 So as Harry and I are both, you know, with East Coast Prison
4 Justice, folks who work with people in Nova Scotia jails, I feel compelled to add that the
5 call -- that calls for fatality inquiries beyond the police-involved deaths that Harry
6 mentioned, calls were also ignored in the following other cases: So one, the death
7 Gregory Hiles at the East Coast Forensic Hospital in 2019; second, the death of Joshua
8 Evans who was a young man with intellectual disabilities. He died at the Central Nova
9 Scotia Correctional Facility in 2018; Jason LeBlanc dies at the Cape Breton Correctional
10 Facility in 2016; and the federal correctional environment but located in Nova Scotia at
11 the Nova Institution in Truro, Veronica Park and Camille Strickland-Murphy died each in
12 2015; and last, in 2014, Clayton Cromwell died at the Central Nova Scotia Correctional
13 Facility. And in each of these cases, as I said, there were calls for fatality inquiries and
14 those didn't happen. So this is just continuing on that theme of oversight that Harry
15 raised.

16 If I can take a moment, I'll just pick up on -- further on the question
17 that was raised which goes to oversight and challenges, and I think you've also asked
18 us to be more forward-looking and thinking about alternatives in this answer so I'll give
19 that a go.

20 So there's three sort of levels of responsiveness that I want to think
21 about. And in a sense, I'm building on the idea of, "How can we limit and discipline
22 police discretion?" which is one of the key, you know, preoccupations of this case. And
23 we've heard a lot about how culture and all kinds of unwanted forces are acting through,
24 intentionally or not, police officers when they exercise their discretion, including to
25 arrest, to strip search, and to become the throughway for the rest of the sorts of carceral
26 responses that the state potentially has in store.

27 And my last example is going to be one that goes a little more
28 directly to discipling or overseeing the exercise of police discretion but I want to start by

1 actually, you know, moving way, way ex-ante, to go back to the ex-post -- no, sorry,
2 well, before -- I want to go way, way upstream, is what I'm saying, and think about
3 changes that might be made by reinvesting in community and, specifically to start, in
4 preventive community supports.

5 And here, I'd mentioned that I was at the Standing Committee on
6 Community Services last week and speaking they were speaking to Department of
7 Community Services about the slowness, so of the closure of large institutions for
8 person with disabilities in Nova Scotia and why that is and wanted an update. And one
9 of the things put before government at that time -- and my theme here again is investing
10 in preventive, supportive mechanisms to strengthen community.

11 One of the things put before the committee was that almost a
12 thousand people are unnecessarily in large disability institutions -- large, midsize
13 disability institutions. And that's contrary to a ruling of the Nova Scotia Court of Appeal
14 that said it was discrimination to force people with disabilities to be, you know,
15 insupportable choice of living in an institution far from home or staying on a waitlist, sort
16 of languishing on a waitlist with no supports or not adequate supports. There are
17 almost 2000 in the province who are languishing waiting for appropriate supports and
18 recognized as such. And some of them have been doing that for decades.

19 So when I say, "Invest in -- invest in community safety," there are
20 so many investments that we can be mindful of, so investments in access to the social
21 determinants of health, including housing and food security, including opportunities for
22 recreation, including responsive services for children in crisis and children experiencing
23 trauma. And I do want to bring to this case and ask ourselves, you know, sort of
24 meaningfully, is there anything we can imagine -- you asked us to imagine -- us sort up
25 popping up or being present in the life of a young man who's being subjected to trauma
26 at home that might have cut, even potentially cut, a slightly different path for that
27 person, and so investing in supports for children and lifting children out of poverty. And
28 we have so many in Nova Scotia.

1 These all are things that, I think, at the big-picture level, we have to
2 put on the table as we think about modes of preventing the kind of violent, tragic act that
3 we're speaking to today.

4 Moving down just one level, providing sustainable funding for
5 supports specifically directed at persons involved in the criminal justice system. And so
6 here, I'm thinking of wraparound social, and health, and addictions supports as well as
7 access to housing where that's needed, the kinds of supports that have been innovated
8 and delivered in ways that I understand to be profoundly responsive to the lives in the
9 circumstances of in particular women and non-binary people in our province who are
10 just as involved. And that service is provided by Coverdale Court Work Society and the
11 Elizabeth Fry Society. So this goes back to my point in the high rates of remand,
12 because I felt that I had sort of left you with that, you know, 75 per cent of folks kind of
13 languishing in jail, remanded, pre-trialled, some of those folks will not be found guilty;
14 they will have just served a lot of hard time and experienced all the corrosive effects that
15 I am saying are destructive of public safety on a thesis of risk prevention. One of those
16 risks being, you know, preventing the possibility the person will not show up at their trial.

17 You – the legal folks around the table know that it's a legal
18 requirement that pre-trial detention be resorted to only where necessary and as a last
19 resource. That's the *Antic* case in 2017. And the same goes for placing conditions on
20 pre-trial release.

21 Well, for so many what is missing, and in particular for people who
22 our colleagues at Coverdale Court Work and E. Fry would describe as people with
23 needs of high acuity. What's missing, is a place to stay, an address, but more than that,
24 the supports to be able to avoid breaching conditions, the supports needed in order to
25 live sustainably and as well as possible in circumstances where one is just as involved
26 in the community.

27 And we have a lovely example, and I'm not going to belabour it, but
28 it's really an important example here in the province of an innovation of that sort that

1 was short-lived because of failure of sustainable funding. And the theme that I want to
2 pick up, is I briefly – very briefly developed this example – is a theme that you also
3 heard from Heidi Marshall when she was speaking to the organization Paula’s Place in
4 Cape Breton that was supporting indigenous woman who were experiencing various
5 kinds of struggles and who were for all kinds of profoundly understandable reasons,
6 very suspicious of the state.

7 One of the things that I heard in that testimony was the terrible
8 scarcity that community-based organizations like Paula’s Place and like Coverdale
9 Court Work Society and E. Fry, the terrible scarcity that they face as an environment of
10 funding and sustainable funding for the kinds of absolutely important innovative work
11 that they do.

12 So the example that...

13 **MS. EMILY HILL:** Sheila, I’m sorry to cut you off; I just – I’m aware
14 that we have about 20 more minutes on this conversation...

15 **MS. SHEILA WILDEMAN:** Oh shoot; okay.

16 **MS. EMILY HILL:** ...and I want to make sure that we give Meghan
17 and Hayley a chance on this topic, because I think you’re also dovetailing into the next
18 question. If you don’t mind...

19 **MS. SHEILA WILDEMAN:** Oh, I’m so sorry, I somehow thought
20 that we were keeping -- I thought we were going to collapse the two questions somehow
21 from what you had said. So I’ll be very quick then; I’m going to park that example and
22 I’ll just speak to two -- very briefly two ways of placing limits on or disciplining police
23 discretion point of contact with folks who potentially maybe pulled into the carceral
24 system.

25 And one of the examples is pre-charge screening. So pre-charge
26 screening is a system of, you know, Crown review and oversight and the decision of
27 officers to lay charges in criminal cases. And this system is in place in New Brunswick,
28 in Quebec, in B.C.; I’m not sure where it’s at in Alberta but I know I was piloted with

1 optimism. It led to the Alberta pilot, I understand, a 21 per cent decrease in
2 commenced cases and 29 per cent decrease in criminal charges laid with little to no
3 impact on the timeliness of laying charges. And so I give that example as one way that
4 oversight of police decisions and exercise of discretion at point of laying charges which
5 commences, as you know, so many consequences for folks in terms of their
6 involvement with the criminal justice system, as something to consider as we talk about
7 ways of reigning in the kinds of harms that are done by police actions.

8 And the second very briefly thing that I'd mention, is something
9 that's raised in one of the appendices to the Defund Report that Harry was one of the
10 authors of, and it speaks to section 496 of the *Criminal Code* that came into effect in
11 2019 on administration of justice offences and it's says where a person is suspected of
12 committing a breach, an administration of justice offence, a peace officer can issue an
13 appearance notice to attend at a judicial referral hearing rather than lay charges.

14 And what's pointed out in the Defund Report after an access to
15 information request, is that Halifax Regional Police officers had at the time of writing the
16 report, used their authority under that section brought into force in 2019, only eight
17 times as I understand it. And so that's a lost opportunity potentially as well. Okay, so
18 I'm going to stop there. Thanks very much.

19 **MS. EMILY HILL:** Thanks so much. So I'll just turn I think to
20 Meghan and then to Hayley just maybe answer as succinctly as you can with regard to
21 the change that's needed to make effective police oversight and then we'll do one short
22 round with regard to the fourth question. So go ahead, Meghan.

23 **MS. MEGHAN McDERMOTT:** Thank you. All right. I'm going to
24 pick that up on some comments that I made yesterday after the police oversight
25 roundtable, and it's -- you know, a desire for our democratic elected officials to use their
26 policy-making powers a lot more and proactively provide clear policy and direction, to
27 both public and police about -- particularly around issues where force could be used or
28 detention and arrest, a lot of things are left to policy and I'm actually going to really

1 recommend that the Commissioners and the Commission staff not necessarily accept
2 that the standard-making process that has been used or in the past, is the best going
3 forward.

4 So for instance, we have policing standards in B.C. And from what
5 I can tell from looking at the Nova Scotia policing standards, they seem very similar in
6 that they apply to the Chief Constable or the people at the top of a particular policing
7 agency. And what it says, it says something like if you do this, then you must have
8 policies about that kind of thing.

9 Now from a rule of law perspective, there's a lot of issues I think
10 with this approach. First of all, I'm the only civil society representative on the standards-
11 making body in B.C., which in and of itself is not a gripping thing, and this goes to
12 Harry's point about more inclusion and community inclusion and democratic governance
13 when you are setting these standards to begin with, is that community should be
14 involved and they should be aware -- they should see drafts. And actually as a legal
15 practitioner and somebody who used to be involved in the legislative-making process,
16 when I first got into the area of police accountability I was struck by how strange it was
17 that the standards were being made from what I can tell, without any kind of legal
18 services branch being involved.

19 And so even the language of the standards, at least in the context
20 of British Columbia, is it more so seems to be like a political exercise, arriving at a
21 compromise around a table and the table is heavily, heavily resourced by policing
22 people. So it will be, you know, police union, police chief. I can provide membership
23 lists, and it's unclear to me who is at the table in Nova Scotia, but when it comes to how
24 police are going to provide a 16-year old with their rights upon arrest and detention, or
25 how they can use force, I think it's really, really important, definitely for the legal
26 services branch to be involved, but it doesn't appear that that's the case.

27 So it seems like there's a really loose strange way to get at how the
28 police can actually behave on any given day. And this has a really upshot when it

1 comes to the policing practices potentially discriminating against people or going the
2 wrong way.

3 So an example that I can give is, that there was a – somebody was
4 stopped a couple of years ago here in B.C., in Vancouver, he was quite sophisticated
5 enough and he wasn't from a marginalized community, so he felt comfortable to use it in
6 and he wasn't from a marginalized community, so he felt comfortable to use an
7 accountability mechanism.

8 He had been searched and the police searched him for his identity
9 documents, and collected his identity without having an -- without actually having the
10 right to do that, right?

11 And if you look at -- on paper, the policing standards, sure, the
12 Minister has told police that they have to, you know, advise everybody of their rights, but
13 there's a lot of disconnect in terms of that flowing downwards to actually the beat cop on
14 the ground because in the case where the beat cops, their training isn't updated or they
15 just haven't even been told about the latest case law.

16 Like, if there's a new Supreme Court decision, it's unclear that if
17 they even get a briefing about that, right?

18 But again, if you look at the standards, it will say things like, "The
19 Chief of Police has to make sure that the police know where the -- what -- where the
20 case law is at," right?

21 But there's not enough resourcing going into this. So when the
22 rubber hits the road and people actually try to hold police accountable for these
23 violations of their rights, the oversight bodies, as they're currently struck, and the way
24 that they look at everything and misconduct is that police will continue to be not held
25 accountable.

26 In the case that I mentioned, it took the fellow three years to get
27 before a hearing to say that two Vancouver police officers had searched him and gotten
28 his wallet and gotten his personal information, when he wasn't a criminal at all and

1 hadn't done anything wrong. And three years later, the -- it was found that there was no
2 misconduct.

3 So we have -- associations like my own have many, many, ample
4 stories about this, how even after the fact, the accountability mechanisms won't work,
5 which is why we're so focused on getting it right at the outset so that hopefully, the
6 people who are enforcing laws understand it all very clearly, and that the people that
7 they are surveilling or just interacting with also have a good understanding of what to
8 expect in that interaction, and that what they can do if they think something might have
9 gone awry.

10 Yeah. So yeah, I just really, the standard making the approach to
11 governing policing through standards seems very disproportionate or out of step with
12 really just how important a service policing is in our community right now, and it's just a
13 really strange governance approach.

14 So I would just say, if you're thinking that the standard making
15 approach, and if it can be re-invigorated and properly funded, that that will take care of
16 everything, I just really want to caution you otherwise, because it's a really strange legal
17 instrument, if it even is a legal instrument, because it's not -- frankly, it's not even a
18 regulation. It's just kind of like words on a piece of paper that were arrived at through a
19 compromise, at least from my experience with standards, and it's just a really strange
20 way to get a -- you know, like I say, such important aspects of how we interact with the
21 state.

22 I guess a final point I'll make is just there are also -- we heard a lot
23 about the good work that's going on at the Civilian Interview and Complaints
24 Commission on how there is a bill before Parliament about the oversight mechanism for
25 the RCMP. I'd like to highlight that there are some really big gaps even with how the
26 oversight agency -- basically, civilian employees of the RCMP and even reservists, from
27 our experience, aren't included in that oversight mechanism. And frequently, these are
28 people that are used, they're in charge of a lot of important things, and when people

1 have come and tried to hold them accountable, we realize that there's just that massive
2 gap in the law, and from what we know, the bill before Parliament isn't going to fix that
3 gap either.

4 So I just hope that you would also look at how comprehensive
5 these mechanisms should be as well, and that they should probably also apply to
6 civilian staff and reservists. Thank you.

7 **MS. EMILY HILL:** Thanks, Meghan.

8 Hayley, you've got -- there's been a lot of ideas thrown around, and
9 starting from very upstream, and then in the development of standards, and then what
10 accountability looks like at the after-effects.

11 So I'm not sure what you'd like to comment on, but I'll hand the
12 microphone over to you.

13 **MS. HAYLEY CRICHTON:** Thank you very much. And I think -- I
14 guess I'll just begin by saying that there's no way that we can -- you know, cover all of
15 the facets of these topics in the time that we're allotted in any of these roundtables. If
16 we could have, you know, much more time, I'm sure we would all gladly take it.

17 Firstly, I just wanted to speak with respect to the comment on the
18 standards. I completely respect and appreciate the experiences that you've had,
19 Meghan, with standard fail in process in BC.

20 From a Nova Scotia perspective, we are currently looking at how to
21 involve community more broadly in the review process. I'll also note that membership
22 includes police, but it also includes our police board resources, Department of Justice
23 Policy Information Management Division, and also legal services as well in our drafting
24 process.

25 At the end of the day, these policing standards will be enacted as
26 regulations under the *Nova Scotia Police Act* as well, so they will become formalized
27 regulations in the future.

28 Again, trying to be brief, but also acknowledging not to speak too

1 quickly, obviously, I do think that policing standards are important, but I would be remiss
2 if I didn't acknowledge Mr. Critchley's earlier comments about capacity. You know, I
3 have the utmost respect for the people that work in public safety and security division.
4 Of course, I have admiration for all of their work; however, you know, we also look for
5 resources as well, so I acknowledge, you know, that's going to be part of this process, is
6 ensuring that these new projects are resourced appropriately to build that capacity.

7 Forward thinking, though, I think that there should be or ought to be
8 greater and more meaningful connection between local police governance bodies and
9 the province. I think that that's quite well needed.

10 And I think, you know, from Public Safety Division's perspective, we
11 have established two training programs, one training program for municipal police
12 boards and a secondary program for police advisory boards, and we are actively going
13 out into community and providing those training.

14 However, what's needed is a really formalized approach to ensuring
15 a consistent and sustainable engagement between the municipal level boards and the
16 province as well. I think that's one very tangible area that can be looked at.

17 I think also addressing self-oversight jurisdictional confusion to
18 clearly map out which level of government or community level is responsible for what
19 and formalize, again, how we're required to speak to each other, so this is especially
20 important for complex areas of share responsibility, for example, policing on First
21 Nations and also the provincial PPSA resources that are deployed to provide municipal
22 level policing.

23 So I think that there is a need to ensure clearly-defined areas of
24 responsibility and then require different levels of communication.

25 And finally, noting the time, I'm just going to make one more point,
26 and that is I think it's important as we look to the future to establish that sharing
27 requirement to support appropriate levels of transparency, respecting a need to ensure
28 individual level privacy considerations, of course, and also to ensure integrity of

1 investigations is upheld.

2 And so I'll measure my comments with those two factors as well.

3 And I think that what comes hand in hand with that is also
4 establishing responsible data reporting requirements as well to contextualize findings.

5 So just as police might be required to provide data, I think that
6 those who receive it must be required to responsibly report it by ensuring that they
7 address the contextual variables of the data that they're looking to report.

8 So in trying to be brief, Ms. Hill, that is my time, thanks.

9 **MS. EMILY HILL:** You covered a great deal in a short period of
10 time. Thank you for that.

11 Given the time, my suggestion is that we just do one round,
12 perhaps in the same order that we went through last time, just one idea, just one under-
13 60-second-idea about what is needed to support non-carceral approaches to justice and
14 community safety.

15 Sheila, I acknowledge that you spent some time addressing that
16 question intium upstream responses addressing childhood poverty, addressing issues
17 with access of bail, so I appreciate those comments, and I'm thinking about them in
18 response to this question. But I wonder if, just out of respect for the time, we can just
19 ask Harry, then Sheila, then Meghan, then Hayley, just to give us one quick sentence
20 on what you thought of with regard to that last question?

21 So Harry?

22 **MR. HARRY CRITCHLEY:** Sure, maybe just within the non-
23 carceral approaches that, again, focus specifically on police oversight, I think there's a
24 need for consistency. And here, I'd echo a recommendation from BCCLA's
25 submissions to the Special Legislative Committee in BC on the review of the Police Act
26 there that bodies like SIRT in our province have the ability to investigate the RCMP as a
27 result of federal-provincial agreements. And I know that's the same in BC.

28 And so I'd encourage the Commission, again in the interest of

1 thinking “goal”, to think about, “How can we bring consistency to the standards of
2 accountability and oversight for the RCMP and municipal agencies through those kinds
3 of federal-provincial agreements?” So, for example, would it be possible to provide
4 advisory boards with the same powers as police boards vis-à-vis the RCMP? Would it
5 be possible to hold the RCMP to the complaints process under the *Nova Scotia Police
6 Act* via federal-provincial agreements?

7 You know, and again this is an important point, bigger than the
8 Halifax context, we have integration between police forces. And I can tell you that this
9 results in really tricky situations, and particularly in the context of CID, where you may
10 have an RCMP officer and an HRP officer working on the same investigation. And if
11 there’s concerns that requires the launching of two different complaints, both fall under
12 two different processes.

13 **MS. EMILY HILL:** Thank you.

14 Sheila, one point you can make in a brief period of time.

15 **MS. SHEILA WILDEMAN:** Yes. And again, I want to apologize as
16 I was sort of cramming two things into my answer to the last question, but I will go back
17 to the example that I was going to give. And just to frame it briefly, there’s been a lot of
18 focus on non-coercive approaches to mental health crisis, so non-police-involved, you
19 know, responses to mental health crisis, and we would, you know, add our voices to
20 that. But I think we want to take it a little bit further and think harder about preventive
21 approaches, and we also need to think carefully about how we can avoid replicating,
22 you know, coercion in the actions of the professionals and others who may be tasked
23 with that role. So accountability and data sharing, disaggregated data sharing, and so
24 on, sensitive to experiences of coercion and that field is something that I would want to
25 just put on the table.

26 And then last, I just want to back to the point of -- and on the same
27 point -- sustainable funding for organizations, community-based organizations that are
28 doing the work of preventing the kinds of crisis that the policing and wider correctional

1 and justice system are now sort of picking up the pieces of. And while I can't develop it,
2 the example I was going to give, which was a collaboration between, John Howard,
3 Elizabeth Fry Society, and Coverdale Courtwork Society responding on the quick to the
4 mass decarceration in our province that accompanied the onset of Covid 19, so 40
5 percent of the jailed population was released within about two weeks.

6 And what was demonstrated in that time and in that one experiment
7 of the three organizations coming together was how much possibility and potential there
8 is and the knowledge now held by community-based organizations to support and
9 prevent crisis so none of the folks that were supported through that JEC breached.
10 That was during a period, 2020, when the crime rate in Nova Scotia actually went down.
11 That mass decarceration was accompanied by a lessening in the crime rate. And to my
12 mind, that's a place to start as we think about, you know, what to invest in sustainably
13 through core funding, not simply project funding, to build on those kinds of successes.

14 And again, you know, very last point, because it seems like we've
15 come so far from our topic of public safety and preventing the kinds of atrocities as, you
16 know, happened in this case, in the mass casualty, but those connections are
17 absolutely front of mind for our organizations, for others, and for the folks we -- for the
18 folks we represent who are the most vulnerable to state-backed violence and all of the
19 consequences of that for communities. Thanks.

20 **MS. EMILY HILL:** Thank you and I do appreciate that the -- your
21 comments earlier and how it related to this question.

22 Meghan, just -- if you had one thought you wanted to share about
23 supporting non-carceral approaches to justice and community safety, if you have a
24 comment on that very briefly.

25 **MS. MEGHAN McDERMOTT:** I agree with my colleagues who
26 have spoken and just to say that -- that the services, and the experts, and the people,
27 are there. We have them in our communities. It's just a matter of transforming our
28 systems and sustainably funding them. I mean I don't even want to talk about funding

1 but just basically saying, you know, like, this is a transformational choice we're making
2 as a culture, particularly around mental health. We need -- I would say stop with the
3 pilot projects. Just go for it. We've got the expertise. We've got the people there.
4 They just don't have the funding. So it's just shifting resources as a culture. And that's
5 about it. Thank you.

6 **MS. EMILY HILL:** Hayley, did you have any comment on this
7 question?

8 **MS. HAYLEY CRICHTON:** Quickly just acknowledging the need
9 for societal and contextual shift as well as we move towards alternative forms of service
10 delivery. I always go back to the example of an emergency occurring at 2:00 a.m.; who
11 is an individual going to call? Through normalization of the system that we currently
12 have, often the answer is police regardless of other viable options being available. So
13 just to acknowledge that kind of a broader societal cultural shift is also required to
14 support the options. Thank you.

15 **MS. EMILY HILL:** Thank you.

16 And so, Commissioners, I'm not -- we've covered a lot of content
17 since our break and I haven't given the microphone path back to you, so I would invite
18 any questions or comments that you have at this stage, recognizing that we do -- we
19 have just gone over time but I know that -- I expect that our panellists would stay with us
20 for a few minutes longer if there were questions that you had.

21 I see Sheila's ---

22 **COMMISSIONER FITCH:** Thank you.

23 **MS. EMILY HILL:** Oh, sorry, Commissioner Fitch.

24 **COMMISSIONER FITCH:** No, I was just going to say -- I was just
25 going to say a thank you. I don't have any questions of the panel today and -- but,
26 again, appreciate all the wise input and the papers that have been presented and the
27 articles. I'm sure that it is going to go a long in informing our recommendations, which
28 is really the purpose of today's exercise in a lot of ways, so thank you very much.

1 **MS. EMILY HILL:** Sheila, I think you're trying to get in to say
2 something.

3 **MS. SHEILA WILDEMAN:** I'm so sorry. I wanted to just correct
4 something that I said earlier since it's on the record. I made a statement that the
5 number of judicial review hearings since the introduction of Section 496 into the
6 Criminal Code -- that's the one on, you know, review of breach of conditions -- it was 12
7 between 2019 and 2021. I think I said eight so I just wanted to clarify that. Sorry about
8 that. It was a response to an access-to-information request that I'm just looking at now.
9 Thank you.

10 **MS. EMILY HILL:** Thank you.

11 **COMMISSIONER STANTON:** Thank you. I hope you can hear me
12 now. I apologize. I have been listening along and reading on the interpretative screen
13 but I had some internet connectivity issues that meant my video was not on, but I've
14 been paying close attention.

15 Harry, I didn't see in your chapter, and I might have missed it I
16 might just not be recalling because it's a while ago, the article that you sent, or that was
17 included in the roundtable package for September 8th, but you did mention in your -- in
18 that roundtable about having -- advisory boards have the same powers as municipal
19 boards and I wonder if you could just give a few examples of what you have in mind
20 there, please.

21 **MR. HARRY CRITCHLEY:** Well, I mean -- so advisory boards
22 work in an advisory capacity. They can recommend priorities. They can recommend
23 policies. I think there's now a clear understanding through, you know, legal opinions
24 that have been provided about our municipal police force that so long as municipal
25 forces don't extend into the areas of prohibited jurisdiction under the Act, under 55.1,
26 that they are able to impose those polices and that they provide direction to chiefs of
27 police, and that direction is binding, right. So I would suggest that that's a major
28 difference between the work of advisory boards, which are -- make recommendations,

1 and police boards, which provide direction, and particularly direction in respect of policy.

2 And, you know, that's -- I would suggest that even within Professor
3 Roach's point that this is an area where there is a need for significant policy review and
4 policy development and Boards are an important vehicle for that curve. I provide some
5 examples in the paper of what I see as effective Board governance, and I'll give you
6 some examples of the Toronto Police Services Board, of providing policies to the police
7 that are mandatory.

8 But, again, I would also stress in keeping with some of Meghan's
9 points, that policies and standards are themselves a sort of squirrely form of governance.
10 You know, I think -- as you heard from Professor Roach and a number of other
11 individuals, there's been an advocacy both by Parliament and provincial legislatures of
12 providing clear and statutory powers for the police and clear and statutory direction.
13 There's, you know, concerns around the enforceability of full standards and policy. You
14 know, I appreciate Ms. Crichton's point that there are going to be regulations under the
15 *Act*, but I mean one concern as well, beyond enforceability, is accessibility and
16 transparency. So it might be the case that you have a standard that says any police
17 service that has a K-9 unit is required to have these policies in respect of that K-9 Unit.
18 But currently there is only one police force in the entirety of Canada, which is the
19 Vancouver Police Department, which provides its policies in a publicly accessible form.
20 You know, that's an initiative that my colleagues and I have been working on; Halifax
21 has been working on to make sure that the Halifax police provide their policies to the
22 public on line.

23 Like it's -- I would suggest it's a major failing of transparency to
24 create public standards that require the creation of policies that are not themselves
25 available to the public.

26 **COMMISSIONER STANTON:** Thanks so much, I really appreciate
27 that, a couple of examples, and thanks to all of you for your contributions, both today
28 and throughout our process. It's been very valuable to us, so thank you very much.

1 **COMMISSIONER MacDONALD:** Yes, let me add to that, thank
2 you all so very much. You know, one thing with the Commission that we are so very
3 fortunate for is the fact that people have stepped up to help us whenever we ask people
4 to step up, and you've done that today to assist us, and many of you have done it more
5 than once and we greatly appreciate it, particularly because it's obvious to us that
6 you've put a lot of thought into this; you've put a lot of preparation into it and your
7 comments are pragmatic and thoughtful. Some common themes that are emerging on
8 collaboration and consistency, and we've been asked to courageously re-examine
9 public safety and what you have said is consistent with that and we greatly appreciate it.
10 And we greatly appreciate your day-to-day work. All of you are all so dedicated in the
11 work you do and the important interests you represent and if I may be so bold to add to
12 your work, when we make our recommendations, which will be enriched by your
13 participation, we would ask you to become champions and advocates as well for our
14 recommendations, because that will be very important for all of us to help keep our
15 communities safe. So I would greatly appreciate that on behalf of my fellow
16 Commissioners, and I'm so elated to see the nods around the virtual table. So thank
17 you so much.

18 And I'm happy to see that Kristina Fifield, Ms. Fifield from Avalon
19 Sexual Assault Centre is now with us and as Commissioner Fitch has said, Ms. Fifield,
20 you have a presentation for us, a report to present on insights from community outreach
21 with marginalized communities, including potential recommendations again to help with
22 community safety. So it's my pleasure indeed to thank you for appearing yet again and
23 for presenting your reports; so whenever you're ready, thank you so much.

24 **MS. KRISTINA FIFIELD:** Hi, can you guys hear me there?
25 Perfect.

26 So I would just to acknowledge that I'm here in Mi'kma'ki, the
27 ancestral and unceded territory of the Mi'kmaq people, and I just want to thank the
28 Commission for allowing me to come here today to present the work that Avalon has

1 been doing in the community with individuals that have been impacted by the
2 perpetrator of the mass casualty events.

3 And I just want to do a little -- give a few little details before I get
4 into this just around how this report has been structured and why it's been structured in
5 the way it has.

6 So this report is not going to look like other reports like Commission
7 reports, I guess foundational documents where there's a lot of trauma specific details
8 around events of violence, so it's more rather gathering themes of gender-based
9 violence that was perpetrated in marginalized individuals.

10 And I'm looking at the barriers to services, why individuals -- you
11 know, why there's a silence around violence and the gaps in services and then the
12 recommendations moving forward.

13 I want to acknowledge for the families that have been most
14 impacted by the April 18th and 19th mass casualty events, that this report on gender-
15 based violence may not be -- it's going to be difficult to hear for families and it might not
16 be helpful to you all, but Avalon does believe that these conversations are necessary for
17 creating safer communities for all individuals in our province moving forward. And our
18 thoughts and our prayers continue to be with you all.

19 And I also just want to acknowledge too that this report may provide
20 information to Lisa Banfield and her family, and I want to acknowledge that that also too
21 may be very difficult to hear, and that Avalon believes too that these voices of
22 marginalized individuals who have experienced violence from the perpetrator are crucial
23 to the Commission's work and our thoughts and our prayers are continuing to be with
24 you all and for health and wellness moving forward.

25 The other -- I want to just for people that are, you know, have not
26 been aware of what's been going on with the work, this work took place fairly quickly in
27 trying to get it together to get something in making sure that these voices were not
28 missed in the work of the Commission, so I do want to acknowledge that we were not

1 able to reach all individuals, marginalized individuals, racialized individuals, who
2 potentially had an impact by the perpetrator. And that we know from hearing and
3 through this work, that there sounds like there might be others who may not be ready to
4 share, or if never ready to share, that's okay, but we just want people to know that we
5 will be here, Avalon will be here if you're needing to reach out for services. And at the
6 end of the report there is information about our services and if anything that is coming
7 up that's triggering or for other survivors that have been impacted, please note that we
8 are here for you.

9 So basically what has happened is, this work definitely would not
10 have been able to take place without the work of a community navigator, Shy Gordon,
11 and I've talked to previous roundtables that I've been apart of, about Shy's work and
12 this new position over the last year two years here at Avalon where Shy is working as a
13 Navigator in the African Nova Scotia communities and the importance of that role and
14 how it's been a key role in providing a stepping stone approach and creating more
15 pathways for individuals who would not normally engage with that one services, to come
16 into services and to be unconnected. So I just want to acknowledge how important Shy
17 has been in this work. Shy was one of the facilitators in this work so I just need to
18 acknowledge that.

19 So basically with -- the Avalon Sexual Assault Centre is in a
20 coalition with Youth and Wellness and that in our participation in this public inquiry as a
21 direct service provider to sexual violence and sexual harassment, and other forms of
22 abuse and oppression and marginalization, that we felt that there was a gap in, you
23 know, what we were seeing with all of the work that was being done, and we just felt
24 that because we had knowledge of information from individuals that Shy specifically is
25 connected to and working with, that we wanted to try to create safe space for individuals
26 to be able to ourselves feel that there is a space to come together and to be able to talk,
27 and that that was somehow reflected back to the Commission in this work ahead as you
28 guys are, you know, as your team is working towards recommendations and doing this

1 final report.

2 So we put in a proposal. Basically, what it looked like was just
3 making sure that seeking confidentiality, if it's trauma informed and culturally
4 responsive, that there were safe spaces being set up in the community, and that we
5 were listening to what the needs were for those individuals who were looking for that
6 space and what that was going to look like for them.

7 And the gathering -- so we did four gatherings -- and it's reflected in
8 the report -- one over at Cole Harbour, two in Baddek North, and one at Halifax North.
9 There has been other communities identified that we -- like, me to be doing this work in,
10 specifically around individuals that have been impacted by inappropriate care based on
11 feedback from other survivors that attended these spaces.

12 So Commission -- some of the Commission staff was a part of all of
13 these meetings, so I want to thank the staff from the Commission that showed up, and
14 how safe space was created, and how everyone showed up to those meetings. And I
15 think it worked well, you know, taking a step back and really listening to what has
16 happened here and what is needed, moving forward.

17 So the spaces that we -- that were determined with the facilitators,
18 that was made -- that was determined with the individuals that were going to be using
19 those spaces and making sure that that space was safe in the community, because
20 there's oftentimes, spaces that are not safe for some individuals. And so that was
21 carefully done with our facilitators, both Shi and Deb, in making sure that people were
22 feeling safe about where those engagements -- where those meetings were going to
23 take place.

24 And individuals were provided information about the options
25 regarding sharing of evidence with the Commission, so the Commission staff, along with
26 Avalon, had lots of conversations with individuals and provided, you know, options for
27 what people wanted to see with the information. So if individuals wanted to speak to the
28 Commission and provide evidence, then that was done through anonymization and

1 making sure that the confidentiality and safety was protected, while other individuals
2 wanted to, you know, be in the spaces, share, and really be a part of what they're
3 identifying, what the voices and survivors in the space were identifying as major, I
4 guess, gaps, major themes of normalization of violence and violence being perpetrated
5 against those community members.

6 So I wanted to talk a bit about specifically, some of the themes that
7 came up with individuals who had direct experiences with the perpetrator. And again,
8 based on the work we do here at Avalon, we don't -- in our work, we don't need every
9 trauma detail from these survivors. I want to make that -- I really want to stress that
10 point because I think through this whole Inquiry that this has come up in many different
11 ways, and I know Avalon and our coalition with LEAF and Wellness, you know, was
12 doing work around the lead up to Ms. Banfield testifying, and the victim blaming that
13 happens, and people really getting focused on, you know, what we were talking about
14 yesterday, and Ms. Stewart said this yesterday about a person needing to recount and
15 have every single trauma-related detail aligning with maybe a previous report to the
16 police, and we don't operate like that here. That's not part of -- that is actually, to be
17 really harmful at times to survivors and victims who have experienced trauma.

18 So that's why we're not going to talk about all of those trauma-
19 specific details.

20 So a common theme identified by all individuals, whether they
21 attended all of the engagement meetings or one or two or three of them, was that the
22 perpetrator of mass casualty events was a well-known household name among many
23 African Nova Scotia communities, and that the perpetrator's privilege in his role as a
24 White dentist allowed a continuum of violence to occur, and this violence oftentimes
25 looked like preying upon individuals that were vulnerable and marginalized.

26 And one quote from one of the women that attended was that he
27 was known to exploit racialized women.

28 And there's lots of quotes, and I'm not going to present them all, but

1 in the report, there's a lot of information that I think really shows what -- you know, what
2 has been going on, especially in Nova Scotia, themes around violence.

3 The other theme was -- that came up was that the -- at the meeting,
4 was that all participants shared that when interacting with the perpetrator, he presented
5 to them as having a lot of confidence. He often bragged about providing dental work
6 and services at a reduced cost, and that when individuals cannot pay that full cost for
7 the dental services provided to them, that the perpetrator was known to use -- to
8 sexually exploit those who sought his services. And he had a reputation of being known
9 to exchange in situations and with some of the individuals that had attended our
10 sessions, dental work for sex.

11 The perpetrator was known to make sexually suggestive comments
12 to marginalized clients who visit his clinic, and was known to some individuals to have
13 crossed professional boundaries in violating his codes of ethics, and abuse his position
14 of power over vulnerable and marginalized, racialized individuals within communities
15 that we engaged.

16 And I just want to point to two of the -- well, one specifically --
17 foundational document that I think there's some really important things, and I was
18 revealing again, I had already read this, but after doing this work, I was reading it
19 earlier, and I think there's many themes that come out in other information that is done
20 in that foundational -- that is documented in that foundational document, and it's the
21 foundational document of the perpetrator's violent behaviour towards others.

22 And the themes and what was disclosed in meetings with survivors
23 and victims who were impacted by the perpetrator, after going back and reading that
24 document, it really, really highlighted common themes, common things that he was
25 doing, you know, not just with women, with other individuals he was engaged with, and
26 it really speaks to how -- you know, the depth of violence the perpetrator was using
27 over, you know, a long period of time.

28 There was also a theme, and I'm going to talk about this. I think

1 this is important for the recommendations part and trying to figure out where things, you
2 know, how this happened. And one thing that continued to come up was the
3 Department of Community Services, DCS, provided provincial funds to the perpetrator
4 to deliver services to marginalized members of the community who were receiving
5 Employment Support, Income Assistance, and those on Disability Support Program.

6 And I'm not sure of the nature of this with -- it looks like it's
7 subsidies and there might not have been a direct contract with him, but he was an
8 individual that could bill the province when individuals were coming in who fit into -- who
9 were receiving Income Assistance or the Disability Support Program.

10 And one thing that was highlighted was that because the individual
11 was -- when people are getting quotes for receiving services, oftentimes, individuals are
12 asked to get, you know, some quotes, and the perpetrator in this situation was, you
13 know, falling -- was providing a service at a reduced cost from -- like, a lot of his -- other
14 people that were providing the same service.

15 And I'm sure that individuals felt that for -- that DCS would have
16 done the cover screening and vetting of any individuals who were being able to provide
17 those, you know, services. And I'll come more to that at the end when we're -- like I
18 said, when we're getting to the recommendations.

19 We learned that the perpetrator encouraged some marginalized
20 and racialized individuals to consider getting their teeth pulled so he could give them a
21 mouth full of beautiful teeth. He was also known to encourage individuals who were on
22 income assistance recipients to refer their friends and family to his clinic and he would
23 provide them with cash compensation for a referral incentive. And that the perpetrator
24 was known to be bragging about the low rates.

25 As findings from the engagement with the individuals who attended
26 it seemed like the Halifax dental office was the place where a lot of the sexual violence
27 was taking place. Individuals were aware of the Dartmouth office but it seems that more
28 activity was taking place over in the Halifax location; I'm just highlighting that.

1 And then there was individuals who self- identified as being sex
2 workers who were directly involved and engaged with the individual but also had shared
3 that so because of what they were seeing with him and that they had a fear of him and
4 stopped engagement with him, based on different things that were taking place around
5 violence and his anger and aggression.

6 Now I'm going to turn to talking about what individuals felt was
7 really important for your team to know about violence that's taking place in marginalized
8 and Aboriginalized communities and what is really important as the Commission moves
9 forward but also our province moves forward in addressing gender--based violence that
10 is taking place. And I know there's been many conversations that have been happening
11 with this Commission's work around the normalization of violence. And it was continued
12 to be reinforced throughout our work with survivors through these engagement
13 meetings around the normalization that is internalized from a young age in both the
14 African Nova Scotian, Black, and Indigenous communities.

15 Sexual violence towards young girls and young boys is normalized
16 and common and too often sexual abuse is not viewed as violence but rather as a right
17 to which men are entitled.

18 I had two individuals who have reviewed this report who attended
19 the meetings, the engagement meetings, the safe spaces. And they wanted me to
20 share something that they felt is really important for the work of the Commission but
21 also to be stated. It's that there's a lot of incest that is taking place in rural and
22 marginalized communities and it's not safe to talk about this. And when individuals do
23 try to talk about it, that they're rejected by family and friends and community and
24 retaliation can even take place. And that it's really important that as we continue to
25 figure out the roots, the systemic issues, what needs to be -- what areas we need to
26 focus on moving forward, that there needs to be a focus here. And there needs to be
27 this code of silence that is taking place -- we need to start talking about it because it's
28 not safe to talk about it.

1 And they wanted me to let you all know how important that is and
2 how difficult that is for them living in communities, small communities, African Nova
3 Scotian communities to be able to talk about that without being further rejected or
4 silenced.

5 I think that some important quotes that came up is that “violence
6 that happens in the home must stay in the home.” “I internalized. I’m disposable.” “I
7 knew nothing but abuse as a young adult.” “There’s a code of silence in Black
8 communities.” And you know this -- why is it not safe? So this conversation happened
9 at all of our meetings and, you know, a theme that there’s -- it comes to this is that
10 individuals don’t feel they will be believed. And in small communities, in rural
11 communities, in Black and Indigenous communities, there’s further -- they feel that
12 they’re further not going to be believed by heir families and friends. And that this
13 directly puts them in a situation within their small communities to be again rejected for
14 more abuse to happen, right? And to be further silenced.

15 And how that isolation happens when you think that a family
16 member or a friend -- that they’re a safe person and then when you get that message
17 back.

18 So it’s even harder, I think, but you know we need to acknowledge
19 that for racialized individuals that it’s hard for so many survivors and victims to come --
20 it’s even harder when that rejection is taking place among small communities between
21 families, in their own family, and in the home. And how that further isolates you from
22 being able to be safe and move on from violence that is being perpetrated.

23 Another area that was identified in our work was that overall
24 schools today are not tailored to address violence taking place in Black and Indigenous
25 communities and there continues to be little mention of sexual exploitation and
26 trafficking of young people. So often teachers avoid dealing with violence in their
27 classrooms and are not adequately equipped to handle the complexities of violence
28 happening in marginalized homes and communities that show up in school.

1 And due to large part of a lack of resources, our education system
2 in Nova Scotia fails to meet the unique needs of children whose families have been
3 impacted by generational trauma. And those currently experiencing violence in the
4 home that is -- and that when individuals do respond in schools, sorry, that they're not
5 being met when their teachers or guidance counsellors or principals -- that that
6 response is not happening in a culturally responsive and survivor sensitive way.

7 One thing that really I want to really emphasize and I know it's been
8 coming up as well, but there's no third party reporting options and this is vitally
9 important, especially for individuals that have had a long history and continued history of
10 violence being used against them by police, people in positions of power. And third
11 party reporting options that fall outside of police need to be taking place and that is in
12 our recommendations; and that individuals need options around what that third party
13 reporting looks like and having individuals that are both from the African Nova Scotian
14 and Indigenous communities being a part of those teams that are supporting survivors
15 and victims that are coming forward and reporting so that they feel safe.

16 And another theme is the lack of diverse staff in doing this work,
17 both in police but also in community-based organizations and services, and the lack of
18 leadership, diverse individuals.

19 And I think it's important to note here about how -- so this came up
20 in the -- this conversation, you know, this was a theme that came up quite a bit is that
21 when organizations or the police or, you know, any service provider is having one staff
22 person looking after the entire community's needs -- so if it's an African Nova Scotian
23 support worker placed in their community to work, how the community is looking at that
24 individual and how they're not often supported but also how the community is seeing
25 how overwhelmed the person is by what is taking place and the unique needs of the
26 community.

27 And when we're looking at violence, services that provide gender-
28 based-violence, intimate-partner-violence services, is that the weight of that -- and I

1 think we heard that earlier this week from Heidi in Cape Breton who was talking about
2 there's no separation. So for a lot of us that are doing this work, there's a separation
3 between our work and our community. But when our, you know, African Nova Scotian
4 and Indigenous workers are working in their community, because of the trauma that
5 they have experienced and their communities have experience, that it makes it even
6 more difficult for that person, and that oftentimes individuals will not reach out to that
7 person because they see that their burdening that individual who's in that role, and that
8 we should be concerned about for the individuals who are doing those roles but that
9 some community members see it that the person is failing them and the community and
10 that's really not fair. We're really setting up our African Nova Scotian and Indigenous
11 staff to fail in those positions and they're carrying a lot in doing the work in their
12 communities and they need to be properly supported and properly staffed.

13 And then about services and how services are even funded, that
14 most of our services and most of our funding is based on this western perspective, right.
15 And again, most -- a lot of our services are this one-size-fits-all, right, and we've talked
16 a lot about this in the Commission's work already, and that doesn't work. That doesn't
17 work for any individual and it definitely doesn't work for individuals that have
18 experienced so much racism, so much violence, and we need to be finding ways to
19 make sure that there's alternative ways that services are provided, reducing barriers to
20 services.

21 I'm going to stop there before I get into recommendations and ask if
22 there's any questions or -- from Commissioner.

23 **COMMISSIONER MacDONALD:** I have none. Thank you so
24 much, none so far.

25 **COMMISSIONER FITCH:** Same, same here, Kristina. Thank you.
26 I'm listening intently.

27 **MS. KRISTINA FIFIELD:** Okay.

28 **COMMISSIONER STANTON:** As am I. Pleas continue.

1 **MS. KRISTINA FIFIELD:** Okay. We'd really encourage everyone
2 to read the full -- like, this report. I can't possibly talk about everything that's in the
3 report. I'm trying to reflect the most important things that came out of this work but I do
4 think there's a lot of other important work that is reflected in the report that helps a
5 better understanding -- a better acknowledgement of what needs to take place here.

6 So some of the key recommendations is that the province needs to
7 be responsible for introducing mandatory gender-based violence and bystander
8 intervention training and curriculum in our systems and that this education really
9 focuses on two -- on sexual exploitation and trafficking and consent.

10 All provincial and federally funded services be required to have
11 transparency and visibility regarding their code of conduct and complaint processes
12 available online and posted in locations where direct services are provided to the public.
13 Professionals registered to a professional body should additionally be required to post
14 their code of conduct, ethics, and standards of practice with their registration numbers
15 visible to all service users. All service providers should be required to discuss their
16 codes of ethics, codes of conduct, and complaint processes with all individuals who
17 access their services so that an individual is informed of their rights.

18 And I just want to talk -- give a little more context to this. So it was
19 said by a number of individuals that have attended these spaces that when they go into
20 a doctor's office, or into see their dentist, or to, you know, another service their seeing,
21 counselling, oftentimes, too often what they see is how they're supposed to act, right.
22 So they see, like, a code of conduct, basically, that they need to adhere to, but they
23 don't see any -- any transparency or anything that's visible around, "If I experience,
24 violence, harassment, or abuse, or harmed, or there is any unethical things that come
25 up while here as a client, right, or as a patient, how do I navigate that? How do I bring a
26 complaint forward? How I address this?"

27 Oftentimes, people don't realize that there's professional regulatory
28 bodies that are also attached. So a person, you know, could be in a private practice, or

1 they could be working for an organization, non-profit, or, you know, under Nova Scotia
2 Health, so there could be separate complaint processes that happen in regards to
3 handling those situations. Just like we were talking about, you know, RCMP and
4 policing, over the last number -- you know, the last two weeks, there's very little
5 transparency when individuals are also coming into other services outside of the police,
6 including non-profit organizations but also individuals that are going to places where
7 people have a private practice.

8 And there should full transparency around this. Individuals have
9 identified that to feel safe as marginalized, racialized, as Black individuals going in, they
10 need to see this so that they know that if something does happen that there is a clear
11 pathway to report that -- also that those standards of practices, and codes of ethics, and
12 that violence is not going to be tolerated. That would help in feeling safer in going into
13 and meeting with professionals, going into a doctor office where they're behind closed
14 doors, or going and sitting in a dentist chair. And these are really, really important.

15 And I know that from hearing this and hearing this from individuals
16 who, you know, were communicating this. I know we took this back to Avalon to
17 address immediately and it's a really, really important thing that I think is needed moving
18 forward around when we're talking about transparency. And it's not just transparency
19 but police policy and complaints. It's for all of us. And if we're really going to address
20 ending violence and dealing with violence, there needs to be transparency in all of these
21 organizations and all of these other services as well.

22 The province needs to implement a third-party reporting program.
23 We don't -- we didn't even -- this comes up all the time for survivors and victims,
24 especially of sexual violence. Going to the police, we know that sexual assault,
25 oftentimes, individuals are not believed. Oftentimes, there's not enough evidence.
26 Oftentimes, people are trying to weight whether, you know, it was consensual sex. And
27 this -- all of these different messages that individuals receive when interacting with
28 trying to make a report or, you know, going and reporting and those secondary

1 wounding traumatization that takes place, and then the institutional betrayal that takes
2 place -- and we talk about that in the report as well, so I encourage people to reference
3 that, but there needs to be people properly trained to handle when individuals are
4 coming forward and that should be taking -- we should be really reimagining what that
5 looks like and making sure that people are properly trained in handling, handling
6 reporting when individuals are reporting around sexual violence or other forms of
7 violence.

8 And that there needs to be more services for men and individuals
9 that perpetrate for violence. You know, individuals have shared the need that not
10 everyone wants to leave their partner, not everyone what their -- you know, they want
11 their communities and their men to be healthier. They want individuals not using
12 violence, right. So I think it's really important that -- I can tell you from doing, you know,
13 intimate-partner-violence work, there's been a complete lack of services for men. And
14 the African Nova Scotian communities have identified this is a must going forward. So
15 that's, I think, really important.

16 And there needs to be more designated African Nova Scotian and
17 indigenous navigators and legal advocates to help with navigating these systems, these
18 systems that have caused a lot of harm and, you know, child protection is part of that
19 too, police, and really helping individuals being along side of them, you know, when
20 they're interacting with these systems. And you know, it's a form of accountability to
21 making sure that there's like a witness, that there's someone present, that there's an
22 advocate with them helping the victim and survivor, and helping them amplify their
23 voice, right, in what their needs are and how to navigate these systems that are, you
24 know, continue to cause a lot of harm, a lot of re-victimizations taking place for all
25 individuals who experience violence and try to navigate these systems.

26 And I think this one's important, and I don't know where there is
27 going to land with people, but I think this -- you know, when we're talking about yes,
28 should I be involved, I think we need to rethink right now these subsidies. And it's not

1 just about subsidies for dental work, it's all of these subsidies that are taking place in
2 our province. And I think both -- you know, whether it's federally or provincially funded,
3 must increase the screening of professionals in organizations that are funded, that are
4 providing services, especially to marginalized and vulnerable people.

5 I think that more needs to be done with the regulatory bodies, it's
6 been identified in regards to handling these complaints, and from the document, the
7 foundational document, around the perpetrator of this violence towards others. I think
8 there's clear -- I think that document really, really talks about what happened here as
9 well in the individuals that we've been working with about how proper screening, proper
10 accountability with all of these different reports, you know, that came in from different
11 individuals in the community over the course of this, you know, time as -- you know,
12 providing services to the community is that there was a lot of things missed but there
13 was a lot of things also -- there was people speaking up, right? And too often people
14 are like, well, no one talked; well, there's actually lots of indications of people talking
15 and still nothing being done; right? So how do people that, you know, are marginalized
16 or racialized and they're seeing these things happening, right? So why go forward,
17 right? Why go forward? Is it safe to go forward? Right? There was retaliation that was
18 happening when people were speaking up, right? There was things happening and a
19 lot of people in positions of power that, you know, I'm going to say either manipulated or
20 just did not see the violence that was taking place as being serious, and I think there
21 was a long continuum of violence that hasn't been indicated through all of these -- all of
22 the reports that have been done by the Commission. So there needs to be more
23 screening; there needs to be more oversight and accountability attached to, you know,
24 when funders are funding or providing subsidies to individuals, especially vulnerable
25 individuals. I can't stress that enough and I see that as being a huge -- like a very
26 important thing that needs to be addressed.

27 And I also want to say this, the red flags of professionals providing
28 services at a reduced cost to marginalized groups. And when people are preying on

1 predators, right, they find opportunities, and when people are providing a service to
2 individuals that are most vulnerable and marginalized individuals, that should be red a
3 flag and our province should not be like, pick the lowest quote. And if the quote is
4 significantly lower than other individuals providing the same services, that should be a
5 red flag. And in this work of gender-based violence and looking at red flags that are
6 taking place, that should be a red flag for anyone who has control over funding,
7 professionals that are providing services. And if it's, you know -- and then there are a
8 lot of the other things, and I'm not going to go into, but a lot of the stuff that has come
9 out of the other work around, on tasking defunding, and this reimagining services taking,
10 you know, services that should not be with the police, services that should be with the
11 community, you know, that was continuing to come up, and for individuals that don't
12 trust police, there's been no real examples of, you know, where they've seen being able
13 to trust because they continue to see situations where violence is continuing to being
14 used against their communities and individuals within it.

15 So we will providing our coalition more around that; we've got our
16 recommendations but there's more in this report and I would encourage all three of
17 you, that you really take a look at them and how they align with a lot of the other
18 conversations that have been coming up in other roundtables and conversations.

19 **COMMISSIONER STANTON:** Thank you so much, Kristina. The
20 three of us have listened carefully and of course we'll read the paper, if we haven't
21 already, and we'll follow all of the submissions that we get from participants further and
22 appreciate your presentation and all of those who worked to bring forward those
23 insights.

24 I do – I actually would like to just acknowledge the contribution of
25 the Commission's Research and Policy team members who also worked to bring this
26 forward initially and we're grateful to everyone who was involved; it's an important piece
27 of the work to bring those voices forward.

28 Also thank you to Senior Commission Counsel, Emily Hill, and

1 Gillian Hnatiw for organizing and facilitating the participant consultation earlier this
2 afternoon. It's the last of the participant consultations in this phase and very much
3 appreciate all of the participant contributions in these consultations.

4 Please do remember members of the public, you just have two
5 more weeks to share your suggestions for recommendations with us. You can learn
6 how to do that on the website where you'll also find the discussion guide and the scan
7 of prior recommendations for support.

8 To learn more, go to masscasultycommission.ca/share. Next week
9 we will be back in person at the Glengarry Best Western in Truro for the final week of
10 public proceedings. Over the course of the week we will be hearing final oral
11 submissions from participants. So thank you everyone. Even though we're virtual
12 today, we'll be back in person next week. The holiday that was declared on Monday
13 has shifted our schedule, so we'll be seeing you there on Tuesday, so thanks again and
14 take care.

15 --- Upon adjourning at 5:26 p.m.

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CERTIFICATION

18

19 I, Wendy Clements, a certified court reporter, hereby certify the foregoing pages to be
20 an accurate transcription of my notes/records to the best of my skill and ability, and I so
21 swear.

22

23 Je, Wendy Clements, une sténographe officiel, certifie que les pages ci-hauts sont une
24 transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et
25 je le jure.

26

27



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Wendy Clements