



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Public Safety and National Security

EVIDENCE

NUMBER 071

Friday, June 9, 2023

Chair: Mr. Ron McKinnon



Standing Committee on Public Safety and National Security

Friday, June 9, 2023

• (0845)

[English]

The Chair (Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.)): I call this meeting to order.

Good morning, everyone, on this early Friday morning. Welcome to meeting number 71 of the House of Commons Standing Committee on Public Safety and National Security.

We will start by acknowledging that we are meeting on the traditional unceded territory of the Algonquin people.

Today's meeting is taking place in a hybrid format pursuant to the House order of June 23, 2022. Therefore, members are attending in person in the room and remotely using the Zoom application.

Pursuant to the order of reference of Friday, November 25, 2022, the committee continues consideration of Bill C-20, an act establishing the Public Complaints and Review Commission and amending certain acts and statutory instruments.

Today we have two panels of witnesses.

With us in the first panel, for the first hour, we have the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police. We have Michelaine Lahaie, chairperson, and Joanne Gibb, senior director, strategic operations and policy directorate.

Ms. Lahaie, you have seven minutes for an opening statement. Please go ahead.

Ms. Michelaine Lahaie (Chairperson, Civilian Review and Complaints Commission for the Royal Canadian Mounted Police): Thank you, Mr. Chair.

[Translation]

Good morning, and thank you for this opportunity to speak to you today.

Bill C-20 will expand the mandate of the Civilian Review and Complaints Commission—or the CRCC—to include not just the Royal Canadian Mounted Police, or RCMP, but also the Canada Border Services Agency, or CBSA.

I believe the CRCC is well placed to take on an expanded role based upon 35 years of experience in civilian review of law enforcement, and expert knowledge of the complaint and review process.

I'm pleased to see that the proposed legislation to establish the Public Complaints and Review Commission, or PCRC, incorpo-

rates a number of previous recommendations the CRCC made to the Minister of Public Safety and this committee.

[English]

These recommendations include the following.

One, we recommend stand-alone legislation. Having the PCRC enabling legislation in a stand-alone statute reinforces its independence.

Two, we recommend statutory timelines to respond to PCRC reports. I am encouraged that Bill C-20 includes statutory timelines for the CBSA and the RCMP to respond to PCRC reports. Any system where accountability is critical must include clearly set out timelines that are publicly available and reported on.

Three, we recommend stakeholder engagement and public education. Bill C-20 makes public education mandatory. If adequately funded and properly resourced, it will ensure that those who want to access the complaint review process are aware of its existence, know how to access it and know what they can expect.

Four, we recommend annual reporting on the implementation of PCRC recommendations. Requiring the CBSA and the RCMP to provide an annual report to the minister outlining the status of implementation of the PCRC's recommendations increases transparency and reassures the public that they are held to a high standard of public accountability.

However, I would recommend that the committee examine the timing of that reporting in comparison to the timing of the PCRC annual report. Ideally, the PCRC would have an opportunity to analyze the implementation report and include any observations or concerns in its annual report to Parliament.

• (0850)

[Translation]

While I am heartened that the bill before you will establish an enhanced independent review and complaints body for the RCMP and the CBSA, I suggest there is an opportunity to further strengthen the oversight regime by making some amendments.

[English]

These amendments include, first, diversity and inclusion. In order to ensure diversity and inclusion in PCRC membership, I recommend amending clause 3(1) to include due consideration by the government of indigenous and racialized representation. Similar provisions exist in other federal legislation.

Second is on data collection. I recommend broadening the language of proposed paragraph 13(2)(f) so that the PCRC must report on demographic data, which includes but is not limited to race-based data. This will allow the PCRC to collect, analyze and report on trends across complainant demographics.

Third is on systemic investigations. Greater accountability is achieved through effective oversight not only for public complaints, but also through reviews of systemic issues. That is why I have long called for the removal of the condition on the initiation of specified activity reviews, or what we refer to as systemic investigations. Such investigations have yielded important RCMP-wide changes, but in order for the CRCC to initiate a systemic investigation, I must give notice to the minister that sufficient resources exist for conducting the investigation and that the handling of public complaints will not be compromised. In my experience as chairperson, both the public complaint process and systemic investigations are equally important to RCMP accountability.

Last is on chair-initiated reviews of a public complaint. At present, the CRCC must wait for an individual to re-engage with the public complaint process if they are dissatisfied with the RCMP's handling of their complaint. In the absence of a request for review from the individual, the process stops. Currently, if the chairperson is dissatisfied with how a public complaint has been handled by the RCMP, the CRCC would have to launch its own investigation of the same complaint. This is resource intensive and can take a year or more to complete. For reasons of efficiency among others, I recommend that Bill C-20 include a provision that would allow the chairperson to initiate a review of a finalized public complaint. Such an authority would permit the PCRC to examine some or all of the allegations contained in a public complaint.

Just as the chairperson can currently initiate a complaint with or without a public complaint being made, the authority to initiate a review would further enhance accountability.

[Translation]

In closing, Bill C-20 provides a robust mandate for the review of the CBSA and the RCMP. With appropriate funding, the PCRC will provide a much-needed independent public complaint mechanism for the CBSA, systemic investigations of the CBSA and an enhanced accountability regime for the RCMP.

I'm pleased to answer any questions. Thank you.

[English]

The Chair: Thank you, Ms. Lahaie.

We'll start our first round of questions with Mr. Motz.

Go ahead, please, for six minutes.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): Thank you very much, Chair, and thank you both, Ms. Lahaie and Ms. Gibb, for being here today.

I'm pleased with some of the recommendations you have to strengthen this bill.

First off, with my background, I completely support the idea of having public oversight of law enforcement. I think it's absolutely necessary to maintain trust in that institution.

I do have some concerns and I'll get to those in a minute.

Currently, what are your timelines for getting complaints resolved using the CRCC, on average?

• (0855)

Ms. Micheline Lahaie: Do you mean on average using my own resources?

Mr. Glen Motz: Yes, I mean with what you have going right now.

Ms. Micheline Lahaie: It depends, obviously, on the complexity of the complaint. When we looked at Boushie, the time to get the report to the commissioner was around 20 months. It was a very complex investigation.

Mr. Glen Motz: On average, what are you looking at? Is it a couple of months, three months or five months?

Ms. Micheline Lahaie: For a standard complaint, you're looking at six to 12 months.

Mr. Glen Motz: How many people resources do you have at your disposal?

Ms. Micheline Lahaie: At the commission right now, we're sitting with between 85 and 90 staff. We have a lot of students right now for the summer.

Our staff consists of lawyers, investigators, policy officers, communications analysts and our administrative staff.

Mr. Glen Motz: What would your budget be now, approximately?

Ms. Micheline Lahaie: We recently were given program integrity funding, so my budget is sitting at around \$15.2 million.

Mr. Glen Motz: If the things you're recommending improve the PCRC coming up, how do you reconcile the fact that now we're going to add the CBSA to this? The complaints against the RCMP and the complaints against the CBSA I don't see diminishing any time soon, unless there's some drastic change.

Do you feel that your budget allocation of \$18.6 million for the first six years and \$19.6 million thereafter is adequate? How many new people are you going to have to step up to handling those two?

Ms. Micheline Lahaie: The funding that's been attributed to this particular bill is actually not just for the PCRC. There is also funding that is going to CBSA, as well as to NSIRA. What I will tell you is that the total amount of funding that is being given for this bill is less than what we submitted at the lower end when we put forth our proposal for financing.

Mr. Glen Motz: I would agree. One of the concerns I have is that we're underfunded. We might still face the same issue we've had previously in that we don't have enough resources to meet the timelines as set out in the proposed legislation. We would certainly be open to any submission you would have to our group on where you think that needs to go.

One of the things that I think people still have some confusion about, Ms. Lahaie, is how the CRCC handles complaints now, what role the RCMP plays in that complaints process, and with the PCRC how that will be different moving forward.

Basically, what I'm getting at is what threshold has to be met for a public complaint to be handled by the RCMP detachment, where it originates, or before the PCRC, the new commission, steps in. How do you see that working so that the public understands there is some confidence they can have in this particular process?

Ms. Michelaine Lahaie: What I would share with you is that right now, about 90% of public complaints are made to the commission. There was a point in time when it was about 60%, and 40% were going to the detachments. Now the majority of public complaints are made to the commission.

When a complaint comes in, we have a look at that complaint. In most cases, we send them to the RCMP for investigation. The reason for that is it's a resource-based decision. Before we received our program integrity funding, my budget was \$10.5 million.

My choice has been to focus on complaints that are coming from individuals who are marginalized and who are vulnerable. That has been my focus.

The majority of public complaints, 90%, go to the RCMP for investigation.

Mr. Glen Motz: Do you see that changing moving forward, Ms. Lahaie?

Ms. Michelaine Lahaie: With additional funding, I would like to be able to take on more investigations myself, absolutely.

Mr. Glen Motz: We heard from the CBSA union that part of the issue that happens there is a breakdown between management and frontline staff, and sometimes management has some issues. Does the PCRC see themselves being involved, maybe in a complaint process against management, and how do you see that happening?

Ms. Michelaine Lahaie: The commission in the past did a specified activity review on harassment in the RCMP, so we have done that—

• (0900)

Mr. Glen Motz: It's the CBSA that I'm referring to.

Ms. Michelaine Lahaie: Yes, but I'm referring to what we have done in the past.

When we receive public complaints, we make recommendations with respect to supervision, so it's not just the individual who's on the ground. We will make recommendations with respect to the supervisory capacity. Of late, the commissioner of the RCMP has even doubled down on that, so I see that being very much the same way with CBSA.

Mr. Glen Motz: All right. Thank you.

One of the things that—

The Chair: I'm sorry. You're done. Thank you.

Ms. Damoff, please go ahead. You have six minutes.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you.

I want to start by thanking you and your team for the work that you do and the empathetic and thorough investigations you conduct. The change we've seen since you've taken over the CRCC has been tremendous. I know it's not just you. I know you have a whole team behind you, but the leadership sets the tone for the whole commission. I want to thank you sincerely for your work.

I'm sure you've been following the testimony and know that I've brought up the issue of a reservist not being someone who can be subject to review. I'm wondering if you think that's something we can fix with a legislative change in the bill, or if a directive from the minister might help in directing to help fill that gap.

I know that right now, it's not something you can review yourself as a commission.

Ms. Michelaine Lahaie: I think this is an issue the government really has to look at. Right now, when a Canadian has an interaction with a member of the RCMP, they have no way of knowing if they're a reservist or a regular member. Every individual has the same authorities when it comes to use of force, powers of arrest and the equipment that they can use, so this is obviously a critical gap that needs to be filled.

In terms of the mechanism, I'm not sure if putting it into this legislation would work, because I'm really not sure about the labour pieces that go along with this. This is an issue that needs to be studied, but it is definitely a gap, and it needs to be filled and resolved.

Ms. Pam Damoff: Thank you.

When President Obed was here, he was talking about the need for investigators to have knowledge of Inuit culture and language. Are you able to do that when you're investigating, particularly with respect to Inuit individuals who come forward?

Ms. Michelaine Lahaie: Right now, I don't have any investigators on my team who are Inuit, but we can certainly make use of contract resources to do that. The commission has used contract resources in the past for complaint investigations.

Ms. Pam Damoff: I'm wondering if you could talk a little bit more about the need for you to be able to do these systemic reviews and why it's important to change the bill to allow you to do that.

Ms. Michelaine Lahaie: I refer to systemic reviews as our opportunity to fix policing before the police officer walks out the door. That's how I see them. We deal with large systemic issues. I refer back to the commission's report on personal searches and strip searches. We made some seminal recommendations in that which fundamentally changed the way the RCMP is doing their business when it comes to these searches, because obviously, a search like that takes away a great deal of an individual's personal liberty.

These are the types of investigations where we could identify trends, look at different things that are happening in the world and actually dig in and make some recommendations to fix policy, fix procedures and fix training. The other part about systemic investigations is I also see them as really enabling the police officers who are out doing the important work they do to better do their jobs. That's the way I see them. I think that these investigations are absolutely critical. They can't take second place to public complaints. They have to be on the level with public complaints.

Ms. Pam Damoff: Thank you.

As you know, Mel Cappe did a report on this. We have heard a lot of testimony about police investigating police. He said:

I think...you have to keep the responsibility for doing these investigations on the agency.... I think you want to keep the burden of responsibility on the agency.... I want the agency to be responsible for its own efficiency and for its effectiveness in delivering service, so I'd keep those resources in the agency.

I wonder if you could comment on that and how you see your role versus the complaints that might come in and then are investigated by either the CBSA or the RCMP.

• (0905)

Ms. Micheline Lahaie: I also watched Mr. Sauvé's testimony, and I think that I fall somewhere in the middle there.

I currently have this authority. I can initiate an investigation at any time. I have that authority as the chairperson. What the commission needs is additional resources to be able to do that more often. I think there is great strength and sometimes having the agency look at these things, because for a minor issue....

Let's say a police officer swore at somebody in the course of giving out a ticket. I would suggest—and I know, Mr. Motz, you were of the same opinion when I watched one of the earlier sessions—those are the cases that the agencies themselves should be handling. But when we're getting into serious incidents of use of force or when individuals' personal liberties have been violated, then those are the cases where the commission needs to step in. I fall in the middle of this, but it really is a question of resources for me more than anything else.

Ms. Pam Damoff: I only have about 30 seconds, but I think you can probably answer yes or no to this one.

When it comes to NSIRA, would you be supportive of the annual report that comes out including the number of times that you refer a case to NSIRA?

Ms. Micheline Lahaie: Yes, there's no issue with our doing that. We already have that data available right now.

Ms. Pam Damoff: There's talk about the data that you're going to get. Would you be supportive of expanding that to be demographic data?

Ms. Micheline Lahaie: Absolutely. I think that's really important. We need to look at all the intersectionalities as opposed to just race-based data.

Ms. Pam Damoff: Thank you very much.

That's it.

The Chair: You're right on the dot.

[Translation]

Thank you.

Ms. Michaud, you have six minutes. Go ahead.

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

Thank you for being here, ladies. We appreciate it.

You talked about how the commission works now, saying you conduct a review when a complainant is not satisfied with how their complaint was resolved. You recommended that the new commission have the ability to initiate a review on its own if the complainant decides not to pursue the process.

I saw in the news that, in January 2019, you rendered a decision on the disappearance and death of Amanda Michayluk, a young woman in Saskatchewan. In your report, you criticized the work of the RCMP officers involved. You called their conduct “unconscionable”, and said that the investigation was hampered by shoddy policing, tunnel vision and stereotypes. You also say in the report that the officers failed to conduct an adequate ground search.

I assume you were able to look into that particular case because a complaint had been brought forward. Had the complaint not been made, you wouldn't have been able to conduct a review. Do I have that right?

Ms. Micheline Lahaie: Yes, that's correct.

Ms. Kristina Michaud: I'd like you to talk more about how important it is to be able to initiate reviews on your own initiative in situations where people do not file a complaint or choose not to pursue the process. Have you identified cases in which certain issues do indeed need to be brought to the RCMP's attention?

Ms. Micheline Lahaie: I'll use the Colton Boushie case as an example. We conducted a major investigation into his death. His uncle, Alvin Baptiste, submitted a complaint to the RCMP first, but he wasn't satisfied with the outcome of the RCMP's investigation into the complaint, so he requested that the case be reviewed. That's when the commission decided to conduct its own investigation. Mr. Baptiste showed tremendous strength in sharing with us what his family had been through and how horrific it was.

When people are at risk and tell us that they want to give up after they've gone through the whole investigation process, that is when I can step in. I can tell them that the commission is going to review their case and that I will be responsible for the decision regarding the complaint and that they won't have to submit another complaint.

Ms. Kristina Michaud: Thank you.

You talked about conducting systemic investigations, and that's something we've heard from a few witnesses, including the CBSA union president. He said that, in some cases, the specific officer's conduct is what needs to be investigated, but that in others, the problem seems to be systemic because it's coming from upper management.

He suggested that officers themselves be allowed to submit complaints regarding their supervisors to the commission. As of now, our understanding is that the commission was created specifically to address complaints from the public. However, what do you think of the idea? Should a separate commission be created? Could the same mechanism be used, and if so, would you need more resources?

• (0910)

Ms. Micheline Lahaie: In that case, I think they really need to go through the grievance system. I think that's the approach they should take, supported by the union. That's not to say that the commission can't look into problems within the agency, as it does with the RCMP. However, the commission's mandate is more about addressing complaints from the public than about dealing with problems in the agency.

Ms. Kristina Michaud: Thank you.

You said you have about 90 people on your staff and a yearly budget of \$15.2 million. The government said that it would invest \$112.3 million in the new commission over six years, which is about \$18.7 million per year. After those six years, the commission would get about \$19 million annually.

Do you think that's enough funding, given that the new commission will have to review complaints against not only the RCMP, but also CBSA? I don't know whether it will amount to double the work, but the funding doesn't seem to match. What do you think? Does the funding seem adequate?

Ms. Micheline Lahaie: The most important thing to identify will be how many complaints come in. When we submitted our request for funding, we based it on three scenarios: 6,000 complaints, 9,000 complaints and 12,000 complaints. We don't know which amount we will get, but as I said, we asked for more than we'll get, as with the agency and the National Security and Intelligence Review Agency. I think we could have better funding, but we really have to wait to see how many complaints come in.

Ms. Kristina Michaud: Thank you.

In your opening statement, you talked about the deadlines for responding to reports. Can you talk more about that?

Ms. Micheline Lahaie: Of course.

The last time I was here, I asked that the RCMP commissioner or the president of the agency be required to respond to our reports within six months. Even the Federal Court raised the issue. It was included in the bill, and I think it's very important. We are quite glad.

The Chair: Thank you, ladies.

[*English*]

We go now to Mr. Julian.

Mr. Julian, go ahead, please. You have six minutes.

[*Translation*]

Mr. Peter Julian (New Westminster—Burnaby, NDP): Thank you, Mr. Chair.

Ms. Lahaie and Ms. Gibb, thank you for your insight and for the work you are doing. We all know that you take this work very seriously.

I'd like to talk about how many investigators the commission has. You said you had a staff of 90. How many of them are investigators, and how many are contract employees that you use from time to time to conduct investigations or handle complaints?

Ms. Micheline Lahaie: We have seven full-time investigators right now. They are employees who work for the commission. We also have a list of people we can reach out to when we need experts to look into certain aspects of policing.

Mr. Peter Julian: You have seven full-time investigators, but how many of the contract workers you mentioned can you contact to conduct investigations?

Ms. Micheline Lahaie: It depends on our resources, of course. It's a pretty long list. We have about 20 investigators we can hire as contractors, if we have the funding.

• (0915)

Mr. Peter Julian: Thank you.

[*English*]

This seems to be the issue that comes up repeatedly, the issue of resources. You talked about the fact that the funding, in terms of what you thought would be appropriate—we were talking about \$19.4 million, as Madam Michaud mentioned—is the lower end. Could you share with us the resources that you were looking for at the level of 6,000 complaints, 9,000 complaints and 12,000 complaints?

Ms. Micheline Lahaie: My colleague here is pulling up the numbers.

At 6,000 complaints, if I recall correctly, \$23.5 million was the amount we were looking for just for the commission itself. For option two, which was 9,000 complaints, it was \$35.9 million, and for 12,000 complaints, it was \$45.9 million.

Mr. Peter Julian: Thank you.

This is very helpful, because this issue comes up repeatedly. Given the current level of complaints from the CBSA, it is a reasonable scenario that the number of complaints will increase. In fact, if this system is working, that should be what happens in the normal course of things.

What was the most likely scenario of those three that you saw in your budget submission?

Ms. Micheline Lahaie: The one we were expecting was 9,000. Of course, right now, the numbers we get from CBSA are that they get somewhere between 2,400 and 3,000 complaints. With the fact that there's going to be a public education campaign and the fact that you have an external independent agency, our anticipation was that the number of complaints would rise.

Mr. Peter Julian: Would it be fair to say that the budget allocation currently in place is about half of what your reasonable expectation is for the number of complaints that most likely will come forward?

Ms. Micheline Lahaie: That's a fair statement, yes.

Mr. Peter Julian: We're shortchanging you right from the get-go by about a factor of 50%. You're getting only 50% of what the reasonable likelihood is, and even less if there is real success in terms of the public saying that they have to raise these concerns.

In terms of resourcing, you talked earlier about having to already refer complaints back to the RCMP because of a lack of resources. You've talked about the importance of systemic investigations. How many times, even in the current format, have you had something you felt was really important to do but you've had to hold off because of the lack of resources?

Ms. Micheline Lahaie: I would say there probably isn't a month that goes by that I don't see a complaint where I say we should be investigating this ourselves. You heard about the complaint of Mr. Joudrey. That was an absolutely tragic situation that we should have taken on ourselves, but we just didn't have the resourcing to be able to do it.

The other thing, of course, is that we're now looking at the community-industry response group in British Columbia. That's a big investigation. It's taking up a lot of my resources, but it's absolutely critical that we do it. We had to wait for additional program integrity funding to come in before I could actually launch that investigation.

The Chair: Thank you, Mr. Julian.

Mr. Peter Julian: I still have a couple of seconds left, Mr. Chair.

I would just like to say that it is a major problem that the under-resourcing is so significant.

The Chair: Thank you, Mr. Julian.

We'll start round two now with Mr. Shipley.

Go ahead, please. You have five minutes.

Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC): Thank you, Chair.

Thank you to the witnesses.

I want to build off something Mr. Julian just asked about. I was trying to catch it in translation. Did you say that you have only seven investigators at the current time?

Ms. Micheline Lahaie: Yes. That's correct. I have seven investigators.

• (0920)

Mr. Doug Shipley: That's out of a total staff of how many?

Ms. Micheline Lahaie: I have a total staff of between 85 and 90, but also, when we're doing reviews, those are lawyers who are doing that. Obviously, I would like to increase my stable of investigators, but we have policy analysts who assist with the investigations. There are seven who are specifically classified as investigators, but my policy analysis team also gets involved in that.

Mr. Doug Shipley: Could you tell me a little bit about the background of those seven? Are they retired law enforcement? What background do they have?

Ms. Micheline Lahaie: We have two who are retired law enforcement. They're former police officers. Neither one of them served with the RCMP. The other five come from a mix of other tribunals or social services backgrounds.

Mr. Doug Shipley: Okay.

We've talked a lot today about resources. You mentioned—I was scribbling this down very quickly—that you have to bump a lot to

the RCMP. We heard when they were here, and we heard from their association too, that when they go to do their investigations into complaints, they're obviously taking frontline officers off too.

Do you get push-back sometimes? We're hearing about a lot about resources. If we're going to pass this important legislation and there aren't the resources there to do it, then we're wasting our time. Let's do it right. Are you getting push-back from them also, then?

Ms. Micheline Lahaie: No, we haven't really had push-back from the RCMP. I mean, the process is well established. It's been in place for 35 years. I know that the union has made its point, but there are also the professional responsibility units that are doing a lot of this work as well. The RCMP doesn't push back, but clearly the union is.

Mr. Doug Shipley: Okay.

You mentioned at the beginning that a public education portion is mandatory. You submitted some documents to us. This was the flow chart of how your complaints system works. Quite frankly, I read the flow chart and it's still confusing. How do you make the process...?

If they're a new Canadian or someone who doesn't speak English or French, one of our official languages, how do they possibly get through this system and know where to go? I was shocked when you said that most complaints come to your office. I'll be honest and say that until we started this, I had never heard of your office. I'm from Ontario, so there aren't as many RCMP. They have the SIU here.

Could you explain how we could possibly make this a little easier? How are people finding you now?

Ms. Micheline Lahaie: Because public education right now is a "nice to do" as opposed to a mandated activity, it's something that's done off the corner of a desk and only if I have enough resources left. What I'd like to focus on is the fact that we've had some really big successes.

When you look at the territory of Nunavut, we have been up there five, six or seven times with commission staff. The territory is getting to know the process. The MLAs are engaged. We've talked to the mayors. We've talked to the community justice workers. That's what it's going to be. It's about finding advocates but also building up the team so that we can explain this process, which is complex and needs to be broken down. That's why we have the public complaints forms available in 16 different languages. It's to help with that sort of thing.

Mr. Doug Shipley: Okay.

I have to get something you mentioned in your opening remarks clarified. It might have been in one of your answers. Ms. Damoff was talking about the reservists. You said that reservists have the same powers of arrest as a regular RCMP. I was a little shocked to hear that. I know that in Ontario, auxiliary don't have peace officer status.

Do RCMP reservists actually have the same powers of arrest, or are they civilian?

Ms. Michelaine Lahaie: They're not auxiliary; they're reservists. They do. They have all the same powers as a regular member.

Mr. Doug Shipley: I didn't know that. Thank you for that clarification.

When they're on duty, is that the difference, or is it when they're not on duty?

Ms. Michelaine Lahaie: When they're on duty, absolutely.

There are some places in this country, like in Nunavut, where members are given an opportunity to take some time away, so the backfill is covered by reservists. There's a large number of reservists serving up in Nunavut.

Mr. Doug Shipley: I know you're not RCMP. This would be a good question if we get them back. I'd like to know what training they go through as reservists. Do you know?

Ms. Michelaine Lahaie: Most of them are former regular members who have retired and are doing the job as reservists.

Mr. Doug Shipley: I didn't know that.

Conversely, in somewhere like Ontario, usually they are younger people who want to get on a service. I know you're saying that auxiliary is different, but I didn't realize....

That's good information to have. Thank you for that.

Chair, how much time do I have left?

The Chair: You have six seconds.

Mr. Doug Shipley: I'm not that quick of a talker.

Thank you very much.

The Chair: Thank you, Mr. Shipley.

We go now to Mr. Noormohamed, please.

You have five minutes.

Mr. Taleeb Noormohamed (Vancouver Granville, Lib.): Thank you very much, Mr. Chair.

I would like to begin where you left off on an answer to Mr. Motz.

You've heard this come up a couple of times in responses to Mr. Motz, Mr. Shipley and Mr. Julian. It's the idea that you've had to refer more cases than you would have liked to back to the RCMP.

What would best practice look like? In an ideal universe, where you said that from everything you've seen around the world, best practice would look like this, what would that look like?

● (0925)

Ms. Michelaine Lahaie: I think the complaints that are...I don't want to say minor, because no complaint is minor, but complaints that really involve sitting down with the officer and looking at attitude issues need to be referred back.

When you're talking about people's liberties being infringed upon and when you're talking about individuals who are from vulnerable groups or groups that are at risk, I think it's really important for the commission to be able to take those on and use a proper approach. As we've seen in some cases, for an individual who has been seri-

ously traumatized, there's nothing more traumatizing than having an RCMP member show up to their door to ask them questions for the investigation.

Mr. Taleeb Noormohamed: In that vein, as a ballpark, what number or percentage of the existing cases do you refer back? You said that not a month goes by, but what percentage of those cases do you have to send back that you would rather keep?

Ms. Michelaine Lahaie: It's an interesting question. I would really be ballparking this, especially with the CBSA mandate. I'd say—

Mr. Taleeb Noormohamed: Start with the RCMP today.

Ms. Michelaine Lahaie: I would say there are 15% to 20% of cases that we would like to look at ourselves.

Mr. Taleeb Noormohamed: Okay.

I don't want to belabour the funding point. For me, personally...I can't speak for my colleagues, but I think that everybody we've heard from so far says we need to make sure you're able to do this right. I think that's an important construct for us to go into this with.

Looking at the CBSA now, you obviously have this added potential responsibility of all of this coming on. We've heard some resistance or some perspectives from the union. They've expressed some concerns about these things. You have to bring an entire agency, its team and its staff along for the ride, on the journey. In my experience, one thing that doesn't work well is when you impose a solution on people. Success often comes when you can bring people along.

When you think about day zero, once this bill gets passed, and hopefully it will, with some of the changes that you're proposing, which are excellent, how do you foresee making sure the CBSA folks on the front line come along on this journey with you so the outcomes are successful?

Ms. Michelaine Lahaie: That's a place for public education. I see public education as not only applying to members of the public, but also to members of the organizations that we're overseeing. We do public education right now with the RCMP, as we can. I would suggest we're going to need to do exactly that with CBSA.

Mr. Taleeb Noormohamed: When you open this conversation, one thing you're obviously going to deal with as part of that public education process is this idea that you are, in many cases, the voice of people who have had a very difficult time with these agencies. You are, by definition, the place where they currently come, from the RCMP perspective, and where they will hopefully be coming, from the CBSA perspective, to try to rectify these situations.

How do you see yourself as managing that kind of bridge? It's not like the agencies are coming to you and saying that they have a complaint. It's actually the public coming to you and saying that they have a complaint. You have to be that bridge.

How do you manage that going into this new agency that has never had this type of oversight before?

Ms. Michelaine Lahaie: I think a key facet of that is stakeholder engagement. In fact, my team has already started meeting with some of the non-government organizations and civil society groups so we get an idea as to what their concerns are. That is a big part of it, doing that stakeholder engagement and, as I mentioned, public education and just making sure that we're heading in the right direction.

There's going to be a lot of training for the team. My organization is almost going to double in size as a result of this legislation so it's really critical that we get the word out there and identify individuals who really need our services.

Mr. Taleeb Noormohamed: Sounds good.

With the time that I have left, which I think is about a minute and a half—20 seconds—I want to very quickly talk about data. You've talked a lot about data. Everyone has been harping on this point.

In an ideal world, what are the data points you have that allow you to have the best perspective on how we can move forward with change?

Ms. Michelaine Lahaie: That's under study right now, in fact. We've received one report and we have a second report that's coming with recommendations in terms of what data we should be collecting. It's a partnership that we're doing with NSIRA. We're working with NSIRA on this so that we make sure we get it right.

It's something I've been looking at for a long time, but for me it's important that we get it right. We have Dr. Akwasu Owusu-Bempah who is doing some work for us, as is Scot Wortley.

• (0930)

The Chair: Thank you, Mr. Noormohamed.

[*Translation*]

Over to you, Ms. Michaud. You have two and a half minutes.

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

Before you start the clock, I have a point of order to raise. Can you refresh us on how it usually works with the cameras? I noticed that some of the cameras that were off are now on. For quite a few minutes, however, it seemed as though there were only three Liberal members at the table and no NDP members. I'm not sure what it says in the motion on a hybrid Parliament. I realize that people may get up to go to the washroom or get something to eat, but when the cameras are off for minutes on end, it makes it seem as though committee members aren't at the meeting. It would be helpful if you could remind us what the usual practice or rule is when it comes to that.

[*English*]

The Chair: I'm not 100% sure, but I think it's a good policy to stay on screen. We will check into that and we will try to do better.

We'll start your time now.

[*Translation*]

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

Ms. Lahaie, clause 38 of the bill provides for third parties to bring forward a complaint on someone's behalf, and that has been

well received. Public interest groups, refugee advocacy associations and other groups would like the bill to go further. They would like it to give third parties the ability to report a systemic problem, to bring forward a complaint on their own or without the permission of the individual concerned. I wondered what you thought about that.

Personally, I don't think it's a bad idea, but I worry that it would increase the number of complaints and bog down the process. If someone takes the time to submit their own complaint or if a third party does it for them, the person is obviously hoping for a fairly quick response. However, if groups started bringing forward complaints about any issue, wouldn't it mean longer wait times for those who submitted their own complaints?

I still haven't made my mind up, so I'd like to hear your view.

Ms. Michelaine Lahaie: Third parties can be put into two categories. There are those that submit a complaint on behalf of the person who had the negative experience, and there are those who submit complaints based on what they've seen on YouTube or the news, say. Those are two different groups of third parties.

I agree that the first group should be able to submit complaints. However, lawyers sometimes want to bring systemic issues they have observed to our attention, and we listen to what they have to say. It doesn't mean that I'm going to initiate a review, but I am willing to listen. I am also well aware that non-governmental organizations are usually the ones who examine these issues.

Ms. Kristina Michaud: Actually, it's usually refugee advocacy groups and lawyers that want to initiate the process on behalf of clients who are reluctant to bring forward a complaint out of fear that it would hurt them in the immigration process. If those people are removed from the country, they don't necessarily have the means to pursue the process, so it struck me as a worthwhile option. Thank you for your comments.

Thank you, Mr. Chair.

The Chair: Thank you.

[*English*]

We'll go now to Mr. Julian.

Go ahead, please, sir, for two and a half minutes.

Mr. Peter Julian: Thanks so much, Mr. Chair.

I've really found this a very valuable session.

Thanks very much, Madam Lahaie and Madam Gibb.

We've talked a bit about resources and responding to the quantity of complaints. I'd like to address the issue of resources in terms of responding and getting it right, as you mentioned.

You talked earlier about having a contract resource for handling complaints from indigenous peoples whose first language is Inuktitut. We know that the number of complaints is proportionally higher because of the number of incidences among racialized Canadians who are often of diverse origins and indigenous peoples.

I'm concerned about the underfunding. It seems to be perhaps less than half of what is needed when it comes to responding to the needs of those communities. For example, if you are unable to hire an investigator who speaks Inuktitut, you have to rely on contract resources. How does that have an impact on your overall work?

In a world where you're adequately resourced, would you not be hiring investigators that can speak indigenous languages and some of the many languages of the diasporas of new Canadians?

● (0935)

Ms. Micheline Lahaie: As the chairperson, I would love nothing more than to have indigenous representation within my investigators and all of the different diasporas within our investigations. In cases where we don't have that, we do use translation services.

We're in the process of completing an investigation up in Iqaluit. We used translation services as well as social support services to conduct an interview with an Inuk man.

Mr. Peter Julian: It's fair to say that translation services are not ideal not only in terms of the quantity of complaints coming forward, but also in terms of how you can effectively deal with them to really get to the bottom of things.

Would it be fair to say that the substantial underfunding that you've really testified to is primarily going to have an impact on investigations linked to indigenous peoples or to racialized Canadians?

Ms. Micheline Lahaie: Yes, that's a fair statement, absolutely.

The Chair: Thank you, Mr. Julian.

We go now to Ms. Dancho.

Ms. Dancho, please go ahead for five minutes.

Ms. Raquel Dancho (Kildonan—St. Paul, CPC): Thank you, Mr. Chair.

Thank you to both of you for being here.

This is such an important discussion. As Mr. Motz said in his opening, certainly the Conservative Party, the official opposition, recognizes the need for very strong oversight on those who wield considerable power to enforce our laws, whether that's CBSA frontline officers or RCMP frontline officers.

I'm going to build on a lot of the questions that have already been asked about resourcing and how you're going to be able to manage this broader workload. It sounds like the funding that has been announced, although welcomed, is not nearly enough for what you'd like to do.

I have a few logistic questions. You mentioned that your average case takes six to 12 months to investigate. Is that an accurate assessment?

Ms. Micheline Lahaie: Right now, with the RCMP doing investigations, their service standard is six months.

Ms. Raquel Dancho: That's the RCMP's investigation.

When it gets to you, those are exclusively serious cases. Is that correct? It's the use of force or a violation of personal liberties, right?

Ms. Micheline Lahaie: Yes, those ones will depend, obviously, on the complexity of the situation.

On the Boushie file, for example, the investigation and preparation of the report were just under two years.

Ms. Raquel Dancho: Just to be clear, then, you get the cases that are the most serious. Is that accurate?

Ms. Micheline Lahaie: I would like to investigate the cases that are the most serious. Right now, I'm not resourced effectively to be able to investigate all of those very serious cases.

Ms. Raquel Dancho: Okay, but with the example of an RCMP officer swearing at someone when they gave them a ticket, you're not getting those types of cases.

Ms. Micheline Lahaie: Those ones would be referred to the RCMP all of the time for investigation.

Ms. Raquel Dancho: How many cases do you investigate annually? You may have mentioned this, but could you repeat it?

Ms. Micheline Lahaie: Right now, we're investigating about one or two annually. That's what we're doing.

Ms. Raquel Dancho: There are one or two cases.

Ms. Micheline Lahaie: Yes.

Those are where we are using our own resources to do investigations; however, on the review side, when an individual re-engages with the process, we're doing about 300 to 350 reviews a year.

Ms. Raquel Dancho: Okay.

When an individual makes a complaint, you do about 300 a year.

The ones you get to initiate under your purview are one to two, but you would like to do many more, as you mentioned. Correct? Okay.

Of the 300, it takes you six to 12 months. Is that correct?

Ms. Micheline Lahaie: Our service standard when somebody requests a review is 120 days after we have received all of the relevant material from the RCMP. At present, we're meeting that service standard about 65% of the time.

Ms. Raquel Dancho: Okay.

How long does it take for you to get all that information from the RCMP?

● (0940)

Ms. Micheline Lahaie: It really depends upon the situation. In fact, one of the recommendations we have put forth is that it should be entrenched in regulations how long they have to provide that information.

Our current MOU speaks to that with the RCMP. I think it's six weeks that they're supposed to give us the information. They miss that timeline frequently.

Ms. Raquel Dancho: Everyone has standards, but it's difficult to meet them given the resources you have right now.

The reason I am asking and drilling down on this is just to try to get a sense of how complainants have to wait and how long RCMP officers who are the subject of that complaint have to wait.

How often would you say the investigation finds that the officer is guilty—I'm not sure if that's the right terminology—or that it's unfounded? Can you give me a ballpark assessment of that?

Ms. Micheline Lahaie: Our process speaks to “satisfied” or “not satisfied”.

If an individual requests us to do a review, we will issue either a satisfied report or we'll issue an interim report.

In 90% of the cases that come to us on review, we find that we are satisfied with the way the RCMP handled the investigation.

Ms. Raquel Dancho: I understand. It's 90% of the time, so the RCMP is doing a pretty good job in your assessment.

I think you may have mentioned this as well, but how many more serious cases would you like to take on? Would you like to do all of the use of force and personal liberty issue cases? Is that your vision?

Ms. Micheline Lahaie: We'd like to do the serious use of force and personal liberty issues. We will get a use of force allegation, for example, that an individual felt that the handcuffs were too tight. I don't think it's a judicious use of the commission's resources to look at that, but if it's a more significant issue, I would like to take those on.

Ms. Raquel Dancho: Just to wrap up in our last few seconds here, you've been asked this, but can we nail down what amount of funding from government you feel you would require to fully implement the vision you have for a complex and robust oversight system for both the RCMP and the CBSA?

Could you give us an annual operating budget number?

Ms. Micheline Lahaie: Right now we're at \$15.2 million. We originally asked for another \$23 million. I would say that if we were sitting at about \$40 million or \$45 million, that would be a reasonable operating budget for us to be able to do these important investigations using our own resources.

Ms. Raquel Dancho: Thank you very much for your insights.

The Chair: Thank you.

Our clerk has checked into the requirements for being on screen, so we have to follow the practice of the House, which is that if you want to be counted in quorum, you have to have your screen on and you have to be in frame. We will try to adhere to these standards more closely.

We'll go now to Mr. Chiang, please, for five minutes.

[*Translation*]

Mr. Peter Julian: I have a point of order, Mr. Chair.

[*English*]

The Chair: Yes, Mr. Julian.

[*Translation*]

Mr. Peter Julian: I had to step out for a moment. That's something that often happens around the committee table. I didn't understand what you just said, but it seems odd to me. That aspect has never come into question before. We are allowed to get up from the table to get a coffee when we are attending the meeting in person. We also have the right to leave our desk when we are participating virtually via Zoom. I've never heard such a point of order. I just wanted to have that clarified.

[*English*]

The Chair: Thank you.

I think that as we are in the room, we step away from our desks sometimes, but we're generally in the room. However, to be counted for quorum in the House, you have to be on screen, and we're supposed to adhere to similar rules here as in the House.

I don't think anybody is going to be concerned if you disappear for a minute, but if there is a quorum call, for example, we may have to give a little bit of latitude there.

Anyway, thank you, Mr. Julian.

Mr. Chiang, go ahead, please, for five minutes.

Mr. Paul Chiang (Markham—Unionville, Lib.): Thank you, Mr. Chair.

Good morning to the witnesses. Thank you for your time and thank you for being with us today.

In regard to your comments about reservists, what kind of training do they have? Do they have annual training like regular police officers or is there no training once they are retired from the police service?

Ms. Micheline Lahaie: I think that's a question that's better placed for the RCMP. I'm not 100% sure in terms of what their refresher training program is.

• (0945)

Mr. Paul Chiang: Thank you. If there is any sensitivity training or diversity and inclusion training, would you be aware of that?

Ms. Micheline Lahaie: I know that in some of our reports we've recommended diversity and inclusion training, and former commissioner Lucki was supportive of that. They have put together some programs that they're using. I'm not sure if reservists are being trained with those new programs or not.

Mr. Paul Chiang: Wouldn't you say it's an important component for policing? With Canada being such a multicultural nation, we have people from all parts of the world living here. It will be important for both full-time officers and reservists to have that sensitivity training so they can better serve the community at large

Ms. Micheline Lahaie: I'd say, yes, I agree with you. It's absolutely critical that they have that type of training.

Mr. Paul Chiang: When you receive complaints about officers or actions that an officer has taken, do you keep track of if it's the same officer causing the same problem repeatedly? Are there any ramifications? Is there anything you can do about those problem officers?

Ms. Micheline Lahaie: The commission kicked off a project about a year and a half ago. It's called the multiple complaint subject member project. We track the number of complaints that are received about certain officers and we share that information back with the RCMP leadership. Once it goes into the RCMP, I will admit we don't have visibility on what happens with that. I would like to see that information shared more broadly through the operational chain as opposed to through the administrative chain, but we are doing that. It is a new capacity that we've built within the commission in preparation for starting to collect more data with this new mandate.

Mr. Paul Chiang: In regard to public trust, it would be more feasible to have it posted somewhere for the sake of transparency that we are open to accountability for officers who are doing the job that the country has entrusted them to do.

Ms. Micheline Lahaie: Sometimes those things will be available, proactively disclosed on our website. There are also privacy concerns that are out there, so we're sensitive to that, but we do highlight cases where an individual has multiple complaints and multiple issues. We will highlight those in the reports.

Mr. Paul Chiang: Thank you so much.

You said you need six weeks to get information from the RCMP about any complaints. Is that adequate or would you need a shorter time frame to get that information from the RCMP?

Ms. Micheline Lahaie: Less time is always going to be better. The issue is if they're not meeting the timeline right now, I don't see that reducing the timeline is going to help the situation any more.

Six weeks is what's agreed to in the memorandum of understanding that we have with them.

Mr. Paul Chiang: Thank you.

What are your thoughts on Bill C-20's plan to collect and publish race-based data to help assess and address systemic racism within law enforcement?

Ms. Micheline Lahaie: I obviously called for this when I came before the committee when you were doing your study into systemic racism in policing. I think we need to understand who's complaining, but we also need to understand who's not complaining, and why aren't they complaining. For example, we would say that in the territory of Nunavut they are vastly under-represented in the public complaint process because we don't get a lot of complaints, but it's a population that I believe you would all agree is over-policed.

It's important for us to know so we can target our public education. It's also so we can actually look at whether there are certain marginalized groups that are experiencing greater issues with their interactions with police or with CBSA.

Mr. Paul Chiang: In regard to complaints, in every RCMP detachment, do you have information for the public to pick up in regard to if they have a complaint against an officer?

Ms. Micheline Lahaie: Yes, we do. We did a brochure distribution project. In fact, up in Nunavut, they're all available in Inuktitut.

Mr. Paul Chiang: Is that information readily available for communities to look at?

Ms. Micheline Lahaie: It is supposed to be available at all the detachments. That's the deal we have with them.

The Chair: Thank you, Mr. Chiang.

Mr. Paul Chiang: Is my time up?

The Chair: Yes.

That wraps up our second round of questions. That actually wraps up our panel.

I'd like to thank both Ms. Lahaie and Ms. Gibb for their time here today. It has been most valuable. We appreciate your expertise and sharing your time with us today.

We will suspend for a few minutes to bring in the next panel.

• (0950) _____ (Pause) _____

• (0955)

The Chair: I call this meeting back to order.

I'd like to welcome our second panel of witnesses for today. We have three groups represented here.

In person, from Breaking Barriers Together, we have Ms. Cheryl Jarvis, retired sergeant, Royal Canadian Mounted Police; and Janet Merlo, retired constable, Royal Canadian Mounted Police. With the Canadian Association of Refugee Lawyers, we have Aviva Basmann, president; and Kate Webster, co-chair of the advocacy committee.

With us by video conference we have from the File Hills First Nations Police Service, Mr. Dan Bellegarde, chair, board of police commissioners.

Welcome, everyone. Thank you for being with us today and helping us with our investigations.

We will start with up to a five-minute statement from each group.

We'll start with Breaking Barriers Together.

I believe Ms. Jarvis will start.

You have five minutes, please.

Ms. Cheryl Jarvis (Retired Sergeant, Royal Canadian Mounted Police, Breaking Barriers Together): Thank you very much.

Breaking Barriers Together is a group of former RCMP officers and public service employees. We're all retired from the Royal Canadian Mounted Police. We have made a group because we believe strongly in making the RCMP better.

We believe there are four areas within Bill C-20 that need to be addressed. Bill C-20 needs to include internal misconduct and a clear definition of what misconduct is. No RCMP members who are retired or serving or their family members should be involved in investigations of complaints by the commission. The use of non-disclosure agreements should not be allowed through the commission. All of the decisions the commission makes need to be binding. There needs to be some form to hold people accountable for what we feel needs to be done.

Breaking Barriers believes that Bill C-20 must include internal misconduct.

Daniel Touchette created a report that shows that \$2.68 billion has been spent or is deemed to have been spent for internal misconduct within the RCMP. Despite all the promises that were made during the Merlo Davidson settlement process, the investigation is still causing incredible harm to the victims. The process is fraught with personal bias, cultural bias, threats and intimidation.

We still need to remember that it's the RCMP investigating the RCMP. We have to remember that hundreds of the complaints, through the Merlo Davidson lawsuit, were originally investigated by the RCMP and were found to be unfounded. As soon as those complaints went to an independent investigation area, they found, all of a sudden, that they were founded. This creates a lot of harm for the victims.

The Honourable Michel Bastarache, the independent assessor for the group, came up with three key areas in discipline that he found were a problem. There was perception of bias and the unfairness of the process, the likelihood of retaliation for making a complaint and the lack of meaningful discipline or consequences for the officers' actions. We've heard from hundreds of serving RCMP officers that this process is still taking place and that it is still a problem within the process.

The problem with the RCMP is the culture. It is a toxic workplace. Bill C-20 has the ability to address that culture and to try to make it a better place to work.

There are 130 of us identified in the Merlo Davison lawsuit who were victims of rape by other RCMP officers. Not one of those perpetrators, even though we have made criminal complaints, has ever come to justice for that. They retired with a pension, and there were no problems.

We need to remember that Bill C-20 is supposed to make all Canadians equal, feel safe and get fair treatment by the RCMP and by CBSA. Therefore, we need to allow internal misconduct to be part of that, so that part can be rectified.

We believe that no RCMP officers or their families should ever be involved in or have anything to do with serious conduct problems within the RCMP. We need to remember that they are part of the group. They have loyalties to the RCMP, even though they're

retired. We need to make sure that they are investigated by external organizations.

We also need to remember non-disclosure agreements. The RCMP is famous for, when there's a problem, making sure that they cover things up by using non-disclosure agreements. All that does is allow for the victim to be silenced and for the problem to go away, and no one ever finds out about the problem. They need to be prohibited in Bill C-20 so that we can't hide those problems anymore.

The most important thing is that we can say, "no RCMP members". We can say "internal misconduct". We can say all of those things, but, if we don't make the decisions that the commission comes to binding, then we will be in the same place we are.

We've had recommendation after recommendation made for 10, 15 or 20 years that these are the problems, and that's what needs to change.

- (1000)

Until those decisions that the commission comes to are binding and will actually force them to make a decision to follow the direction that is given to them, the problem will continue. It won't change, and then we're right back to where we started.

The Chair: Thank you.

We'll go now to the Canadian Association of Refugee Lawyers.

I believe it's Ms. Basman, but whoever wishes to speak, go ahead for five minutes, please.

Ms. Kate Webster (Co-Chair of the Advocacy Committee, Canadian Association of Refugee Lawyers): Thank you, Mr. Chair, for the opportunity to testify before the committee today.

I am here with my colleague, Aviva Basman, representing the Canadian Association of Refugee Lawyers. We are a national organization engaged in advocacy, strategic litigation and education to promote and defend the rights of refugees and immigrants in Canada.

We are, overall, supportive of Bill C-20. However, certain amendments are necessary to ensure that the resulting oversight body is both accessible and effective. The absence of oversight is especially problematic, considering the CBSA polices a sometimes vulnerable non-Canadian population who may lack English skills, may be traumatized, including at the hands of state authorities, and may lack secure status in Canada.

The stakes are high. There have been at least 16 deaths in immigration detention in the last 20 years. CBSA has faced allegations that it engages in racial profiling in carrying out its statutory duties, targeting certain groups for increased scrutiny, arrests and detention.

Our written brief focuses on three amendments, including red-lined provisions of how they could be implemented.

Our first recommendation concerns the ability of the commission to receive general or systemic complaints. As drafted, Bill C-20 does not require the commission to respond to complaints about systemic issues or general policy, and that's a problem. Often, abuse or mistreatment, especially on issues like racial profiling, is only apparent when one aggregates cases. The commission must be able to examine issues at a systemic level, as opposed to solely on a case-by-case basis.

While clause 28, the clause that permits review of specified activities at the commission's initiative or at the direction of the minister, may be a valuable tool, it is inadequate to address the issue. If the intent is that the commission had the power to investigate and address systemic issues, it must be able to receive systemic complaints. It must also be properly resourced to investigate and address them.

We appreciate the minister's recognition at the outset of these hearings of the pervasive nature of anti-Black and anti-indigenous racism in policing and in our justice system. We applaud the intent that the commission be empowered to help in combatting this legacy, but the commission must be given the tools to properly do so.

The question of who is best positioned to identify and raise systemic or policy issues leads us to our second recommendation. As you are aware, Bill C-20 allows the commission to refuse a complaint simply because it is brought by a third party—that is, if it is not brought by someone directly affected, by a witness or by someone with express written consent.

As I mentioned, certain issues are only apparent when viewed in aggregate across a number of cases. It is third parties, such as human rights organizations, that are uniquely positioned to bring such systemic issues to the commission. You heard in compelling testimony from the Canadian Council for Refugees the myriad ways in which refugees and migrants are vulnerable in Canada and face substantial barriers in making complaints. We echo those concerns and are strongly urging an amendment that will allow for third party complaints. We have proposed specific wording in our written brief.

Our third recommendation relates to overbroad limitations on the commission's jurisdiction, including expansive language requiring that a complaint be refused if it has been or could have been adequately dealt with or could more appropriately be dealt with according to another legal process. This section does not require that any other procedure be under way before the prohibition applies.

Restricting the commission's jurisdiction to investigate alleged misconduct on the mere possibility that another agency might investigate is deeply problematic. We urge that this clause be amended to set out specific circumstances where an investigation may be refused. We recommend a similar amendment regarding ambiguous language in another part of the same clause.

As I mentioned, we have proposed specific wording in our written brief to address these concerns.

• (1005)

Finally, having reviewed the written submissions of other civil society organizations, we endorse numerous additional recommen-

dations. We welcome the opportunity to elaborate on those issues in questions.

Thank you.

The Chair: Thank you.

We'll go now to Mr. Bellegarde.

Mr. Bellegarde, please go ahead. You have five minutes.

Mr. Dan Bellegarde (Chair, Board of Police Commissioners, File Hills First Nations Police Service): Thank you. Good morning, Mr. Chairman, and good morning to the committee and my fellow panellists.

I'm from Little Black Bear's Band of the Assiniboine Cree in Treaty No. 4 territory, a board member of the Canadian Association on Police Governance, and chair to First Nations Police Governance Council. I'm also chair to File Hills' board of police commissioners, a first nations police service in Saskatchewan.

There are 36 self-administered police services in Canada. There are 22 in Quebec, nine in Ontario, only six west of Ontario and none in the north and in the Maritimes. That's because primarily there are federal-provincial-territorial policing agreements...20 years where the RCMP provided contract to leasing to that jurisdiction.

There are 114 RCMP detachments in Saskatchewan, many of them near the reserves of my people. Some are in larger cities like Yorkton, Battleford, North Battleford, Swift Current and Lloydminster. Alberta has about 118 detachments. British Columbia has 149. Manitoba has 86. New Brunswick has 39. Newfoundland and Labrador has 43. The territories have 22. Nova Scotia has 55. Nunavut has 26. Ontario has 13. P.E.I. has seven. Quebec has nine. Yukon has 14. Clearly, interaction between the RCMP and the public, particularly first nations people, is highest on the Prairies.

I'd briefly mention the Colton Boushie complaint of sloppy investigation. We find that on use of force complaints.... Recently there was an incident where an RCMP officer was accused of violence against first nations women. There are pictures of black eyes and bruises...concussions. Unfortunately for the officer, one of the women is a lawyer.

My first recommendation to the commission is that there should be a large footprint in the west, particularly a potential suboffice in the Prairies, possibly in Edmonton.

The board of police commissioners, municipal and first nations police services across the country are there to provide governance, not particularly oversight as such, although many boards have a particular emphasis on dealing with public complaints as well. They are the link between the police service and the community.

First nations with community tripartite agreements have something called a community consultative group, which is a far cry from a board of police commissioners.

As far as I know there are no police boards in any of the detachments that the RCMP has to be accountable for.

That brings it closer to the community. Boards are the voice of the public, and I don't know in terms of dealing with public complaints, but they should be the first level of dispute resolution.

Accessibility and protection of complainants is a problem in some of our areas. Small communities with an external police service will have a natural fear of reprisal through over-policing and under-protection. The "starlight tours" in Saskatchewan.... In the 1970s, Neil Stonechild froze to death in Saskatoon after being left on the road.

Now that has led to the development of something that I think is important.

● (1010)

[*Translation*]

Ms. Kristina Michaud: I have a point of order, Mr. Chair.

[*English*]

The Chair: Excuse me, Mr. Bellegarde. We have a point of order.

[*Translation*]

Ms. Kristina Michaud: My apologies, Mr. Chair, for interrupting the witness, but the poor audio quality is making it very difficult for the interpreter to interpret what Mr. Bellegarde is saying. Can you see whether there's a way to fix the problem? The interpreter is having a very hard time right now.

[*English*]

The Chair: Mr. Bellegarde hadn't provided speaking notes, so they're interpreting live.

Mr. Bellegarde, I would ask you to speak very clearly and slow down a bit so the interpreters can keep up. I'll give you a bit of extra time to do that.

Please go ahead.

Mr. Dan Bellegarde: A special investigation unit in Saskatchewan was set up after the "starlight tours" inquiry, the Stonechild inquiry, as it's called. It's managed by the federation of [*Inaudible—Editor*] indigenous and works closely with Saskatchewan's Public Complaints Commission and the Saskatchewan Police Commission. They provide access to first nations who would otherwise not go to a system that they distrust, perhaps a system they do not have access to in the first place. It does provide that bridge, I think. This might be important.

Bill C-20 has a lot of RCMP discretion still built into it on whether to deal with complaints and how they deal with them. Also, a recommendation there would be to deal with complaints of various seriousness.

I think that most police services have what I would refer to as professional conduct and standards units that deal with the administrative or other complaints that can be dealt with without having to go through the long road of, essentially, an inquiry by the commission, which may take a year, or more than a year to deal with.

The thing is to work with first nations infrastructure for public education and to build trust in the complaints process and to move things along, the advocacy that first tribal councils, PTOs, as they're called, as well as various police boards across the country can provide, and also training and education for commission members. Investigators and staff have to be culturally sensitive and trauma-informed when dealing with first nations people in the communities. There should be some discussion on that.

I'll set that before you and wait for your questions.

Thank you, Mr. Chair.

● (1015)

The Chair: Thank you, sir.

We will start our first round of questions with Ms. Dancho, please.

You have six minutes.

Ms. Raquel Dancho: Thank you, Mr. Chair.

Thank you to all the witnesses for being here. I very much appreciate your presence and your testimony.

I have some questions for Ms. Jarvis and Ms. Merlo.

Thank you very much for your courage and for sharing your thoughts and your lived experience of how this bill can be improved to better protect RCMP officers themselves, along with others who are making complaints.

I have some questions on how we can address some of the things you've said. I think we're hearing commonality with others who have come forward.

When the CBSA frontline union president, Mark Weber, was here, he mentioned that there are cases. He gave the example that there was a middle manager who had ordered a strip search of a busload of kids. He wants to see Bill C-20 have the ability for officers to make those complaints about their superiors, certainly when they impact the public, or perhaps in your case, other officers.

I got the sense that you share that perspective. Could you provide a bit more information on how Bill C-20 should be improved in that regard?

Ms. Janet Merlo (Retired Constable, Royal Canadian Mountain Police, Breaking Barriers Together): I'll try to answer that.

We have found over the years that there is nowhere for the RCMP employees and personnel to go to report those types of things that are happening. They created an independent centre of harassment resolution as part of our lawsuit, but it's woefully underfunded and understaffed. It deals with harassment; it doesn't deal with a lot of the other issues that are there.

Yes, for years, even in my case, they did a two-year investigation of themselves and came back and said that nothing had happened, that everything was unfounded. Then later on, 3,200 women came forward in our lawsuit. I was the representative plaintiff after the RCMP said that everything was unfounded.

As long as you have that entity investigating themselves on internal misconduct and internal crimes that are happening, nothing is going to change because they investigate themselves. “Unfounded” seems to be the word that results.

It's just one thing after another, year after year. Like my partner here said, we still hear from women, almost weekly, who reach out to us for help and advice because they're stuck in some level of hell within the RCMP, with nowhere to go to make those complaints.

On the first day, when Mr. Mendicino was here, I saw the meeting. He said that Bill C-20 was to give all Canadians an equal, fair and respectful place to make these complaints. But if you don't include internal misconduct, what you're doing is basically leaving out all the employees, the public servants, the volunteers, all the people who work within the police force, support staff and members, who still have nowhere, really, to go.

Ms. Raquel Dancho: Thank you for that.

Did you say 3,200 women came forward after your initial...?

Ms. Janet Merlo: Yes.

Ms. Raquel Dancho: Thank you very much for your bravery, ma'am. It's very inspiring and certainly—I would imagine, I can't speak for those women—you really gave them courage and probably changed their lives. Thank you for that, very much.

To build on your feedback, we also heard a similar vein from Brian Sauvé, the head of the RCMP union, who also says that RCMP officers should not be investigating each other. I'm hearing that you would agree with that. Is that correct?

Ms. Janet Merlo: Absolutely. It creates a tormented workplace when you have people who are committed police officers and want to do the right job, yet they're having to investigate their superior or their colleague. It puts everybody in a very bad conflict of interest.

I think the pressure is on from within to find things that are unfounded because even the investigators fear some sort of retaliation. It puts them in a very awkward position. I would never have wanted to investigate someone for whom I had received a complaint...and I was directed to investigate a harassment complaint. The pressure is on to find a certain conclusion, let's just say.

Ms. Raquel Dancho: Certainly. Not only does it impact perhaps the morale between officers—having to investigate a buddy or something like that—but also, I would imagine, the experience from the complainant internally on whether they can trust that investigation.

I'm hearing that, in your case in particular, you felt very much that you could not trust the finding, and that 3,200 women came out saying similar things to you after they said that yours was unfounded. I'm very sorry, ma'am, that you had to deal with that.

Just to conclude, I want to commend you both very much for what you've done. It's bravery like this—although it probably

seems very slow—that really does spark a conversation that is desperately needed. It takes those first ladies to come forward to do that. I can understand on a personal level how difficult that must have been. I really appreciate your courage. Thank you very much.

I have about 25 seconds left. If there's anything concluding on this in terms of the importance of RCMP officers not investigating themselves when it comes to things like this and the point that Bill C-20 needs to have a mechanism to allow external review on not only public complaints but internal complaints, do you want to give your last few thoughts on that to wrap it up?

• (1020)

Ms. Janet Merlo: From the membership and from my own personal experience, I think there's a lot of institutional betrayal there, where you feel that it's no good going within to make a complaint because you're just going to be blacklisted as a problem child or you're not going to get a promotion or courses that you wanted because now you have a big mouth. It's that type of thing.

I think it's very important that it's all done by an independent set of eyes because for those within who still have complaints who want to complain, there's no faith in the system. That's what we want to see restored.

Independent eyes, which is the same thing that's recommended year after year and decade after decade and never been done, are the solution. This is your chance to do that and get it right.

We would appreciate that.

Ms. Raquel Dancho: Thank you for the mandate. I appreciate that.

The Chair: Thank you, Ms. Dancho.

We'll go now to Mr. Noormohamed.

You have six minutes.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

I want to thank you all for being here with us today, as well as Mr. Bellegarde, who is here remotely.

All of what you're sharing with us is incredibly helpful and insightful in making sure that we are able to get to a good outcome on Bill C-20 and the whole question of oversight.

I'd like to start with you, Ms. Webster and Ms. Basman.

For the work that you are doing, thank you. You speak for a lot of folks who don't have a voice and folks who have, in many cases, never had a place where they can go to try to address some of the issues that they have dealt with, particularly with CBSA.

As I look at this whole question of oversight for CBSA, there are really two things that come to mind. One is the need for institutional, systemic, cultural change to occur in the organization. We've all heard stories. Some of us with names like mine have experienced those things at the border. I think we have to figure out how we address this.

I'm also very conscious of the fact that you are bringing transformative change, hopefully through this legislation, to an organization that has never had this type of oversight before.

What do you think needs to happen to ensure that the organization, particularly those on the front lines who may never have had this type of oversight before, comes along in a way that is positive? I don't believe you can get to a good outcome by trying to beat people over the head with a hammer. I think you have to do this in a way that ensures people understand their obligations and responsibilities and that you give them the tools to be successful in that.

What are some things you would like to see happen from an implementation perspective going forward?

Ms. Kate Webster: We certainly agree that the question of culture change at CBSA is something critical. That does relate to our first and second recommendations, really, in terms of the need for the commission to be able to receive systemic complaints and for those complaints to come from third parties. That is one mechanism whereby broad issues that are arising across a number of cases and perhaps impacting the most vulnerable, who may not feel comfortable bringing a complaint.... If there's a pattern of behaviour that becomes apparent to a third party, I think that mechanism is critical.

The other way, I would say, that we could tweak Bill C-20 relates to the data collection and publication. We are certainly happy to see the inclusion of the collection of disaggregated race-based data. We do note, however, that the way in which that data proposes to be collected is going to inherently give a partial picture. Not only is it partial in terms of the demographic data, but it's just collecting data based on race. We certainly have heard at our organization and among partner organizations a lot of complaints regarding discrimination according to religious background, nationality, language and individuals with mental health issues facing disproportionate enforcement action by CBSA, so we think that there's an important element of collecting a broader demographic set of data.

Also, collecting data solely from individuals who make complaints doesn't tell us who isn't making the complaints. We miss the most vulnerable individuals, who still face barriers in bringing complaints to the commission. We would suggest that it's important that CBSA and the RCMP be empowered to collect data regarding who they interact with on a more regular basis so we have a broader picture of what that population looks like. Who is complaining and who isn't? What systemic issues are coming through third parties that give us the evidence and the facts upon which to make policy recommendations to see that change?

• (1025)

Mr. Taleeb Noormohamed: I'd like to build on the answer you just gave and reflect a question that my colleague Mr. Shipley asked Chair Lahaie when she was here, which was the whole issue of language and the capacity to engage with the complaints process.

Obviously, making sure that all of the types of data you've just talked about are collected is important. It's essential to being able to do it right. I do think there's a broader conversation on the type and the nature of the intersectional data that people are collecting, and how it's collected is important.

How important do you think it is to use that data but also some of the experience folks have to ensure that language does not become a barrier to people? How do third party organizations become actively engaged in ensuring that isn't the case? How do we make sure that this has provisions in it such that language and third party engagement is something that can happen with the consent of individuals who may have had these situations happen to them?

Ms. Kate Webster: I will say that I believe we can learn something from the experience of the RCMP and the CRCC in terms of its efforts to engage publicly with different linguistic communities across the country and ensure that they feel the commission is accessible to receiving complaints from them. I note, however, that the population that CBSA deals with in particular is significantly more diverse; there are many non-Canadians and many individuals who do not have status. Oftentimes, their very first interaction on Canadian soil is with a CBSA officer. They may be detained at that point. They may never have an opportunity to engage with a community group.

It's critical that interpretation services are readily available. Again, so much of this comes back to the ability of third parties to bring complaints, because the members of our organization are refugee and immigration lawyers. We have a lot of partners who are service providers, whether they are service providers in the detention facilities who provide settlement services, who provide English classes and who assist in enrolling newcomer children in school. It's through those interactions where issues can come to light and patterns of behaviour can emerge. Those relationships are significantly more trusted often than relationships with law enforcement. It's critical that that type of systemic access be given to ensure that different communities feel that the commission is accessible.

The Chair: Thank you, Mr. Noormohamed.

[Translation]

Go ahead, Ms. Michaud. You have six minutes.

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

Thank you, Ms. Merlo and Ms. Jarvis. I won't repeat what Ms. Dancho said, but I completely agree. Thank you for your bravery. You have no doubt helped hundreds of women. It's a shame that the changes we want to see still aren't coming. Nevertheless, I am certain that you will help us arrive at those changes eventually.

You talked about how important it was to get rid of non-disclosure agreements, stressing that they allow for victims to be silenced. It also raises questions from a financial standpoint, as you point out on your website, if I'm not mistaken. You said that hundreds of millions of taxpayer dollars are being used to compensate victims of RCMP misconduct or crimes, but that neither the RCMP nor the federal government is doing anything to fix the problem. Just think of all the things that could be done if Canadian communities had that money to invest in law enforcement.

I'd like you to talk specifically about the importance of banning the use of non-disclosure agreements, both for victims and for law enforcement, as you mentioned. I don't know how that might fit into Bill C-20, but I'd be happy to hear any suggestions you have.

• (1030)

[English]

Ms. Janet Merlo: I think one thing that has made the problems in the RCMP so bad is that the people who've complained along the way and the settlements they've had have rendered those people then voiceless. In order to settle their complaint, they are forced to sign off on these agreements. Part of the reason we all got so sick and got to the point we did was that no one could talk about it. I think if people's voices weren't taken away in these non-disclosures, if people could speak publicly, it would help their journey to get better after they've gone through these issues.

There seems to be a groundswell of movement right now to deal with non-disclosure issues as well as whistle-blower legislation that needs to be made better in Canada. We're one of the worst countries in the world for whistle-blower protection laws. I think those non-disclosure agreements just need to go. They're something of the past. In order to heal and move forward, everybody needs to be able to talk.

It needs to be transparent. The whole process needs to be transparent. By doing that, I think that's how you restore public faith, because 90% to 95% of the RCMP are good, honest, hard-working police officers. It's just that potent minority that needs to be dealt with. If everyone is rendered silent and forced to sign these agreements, then, as we have seen, it just continues.

[Translation]

Ms. Kristina Michaud: Thank you.

I imagine that when someone goes to the trouble of bringing forward a complaint, they have experienced something traumatic. They certainly relive that trauma as they go through the complaint process, so it's understandable why someone wouldn't want to keep going and take the complaint to the commission.

I heard Ms. Lahaie say earlier that, in some cases, the commission would like to have the ability to initiate reviews on its own, without a complainant first submitting a complaint or requesting a review of their file. What do you think of the idea? Do you feel the

commission should be able to initiate a review of a case on its own initiative?

[English]

Ms. Janet Merlo: That's very important, because a lot of us have ended up with anxiety issues, depression and PTSD. There are times when we can engage and take on this issue, and there are times when, for our own mental health, we just have to back away for a bit. If someone lays a complaint and then goes silent for a little bit, I think it's very important that the commission has the power to reach out to that person or keep something going while they re-group and re-engage.

Yes, I think that's very important.

[Translation]

Ms. Kristina Michaud: Thank you.

You recommended four changes to Bill C-20. They related to internal misconduct and non-disclosure agreements, but I didn't catch what the other two were. I would appreciate it if you could go over those again.

[English]

Ms. Cheryl Jarvis: We feel that no RCMP officer can be involved in either the commission or investigating complaints that come to the commission. The complaints need to be independently investigated. They cannot go back to the RCMP to investigate, which unfortunately is what happens.

As well, all the decisions made by the commission need to be binding. As was brought up earlier, when they determine that an officer has broken the rules and has created misconduct or whatever, they send their recommendations off to the RCMP. They never hear what happens. Unfortunately, what happens is that nothing happens, usually.

If the commission comes back and says that an officer needs to be terminated, it does not matter if they are a friend of the commissioner or a high-ranking officer: They are terminated. Unfortunately, though, what happens a lot of times is that if you have friends, nothing happens.

• (1035)

The Chair: Thank you.

We go now to Mr. Julian.

Go ahead, sir. You have six minutes.

Mr. Peter Julian: Thank you very much, Mr. Chair.

I want to thank our witnesses for their very, very powerful testimony.

Ms. Jarvis and Ms. Merlo, my colleagues have already spoken about your courage in coming forward. There is no doubt that your testimony...which I found profoundly disturbing. Many of the facts we were aware of, but it's unbelievable when you think about crimes being committed within the RCMP that have happened with impunity. Be assured that your testimony has an impact. Everyone around the table takes this very, very seriously as we look forward to the next step, to actually making Bill C-20 respond to the issues you are raising.

I wanted to ask you both two questions. First, a toxic workplace is so often a symptom of what can be a very toxic approach by an organization. In other words, we can't pull apart how the public may be treated in certain situations from what is happening internally. You've spoken to that toxic workplace. Is that essentially your message, that if we're taking a complaint process seriously, we need to make sure that the institution is functioning at the highest possible level, with respect for both police officers and the public at all levels?

Ms. Cheryl Jarvis: That is one of the most important things we've said. If you look at it, if an RCMP officer can assault another female RCMP officer or intimidate them or harass them, in a way, how do you think they are behaving towards the general public? If they will do that internally, what are they doing externally? That is what we're saying. You need to fix that toxic workplace so that it is not acceptable.

All people must be treated fair and equally before you ever get the type of service you want in the communities. If you don't deal with the bad actors internally, unfortunately, those are the individuals who are going out to police your streets and trying to keep the general public safe.

Mr. Peter Julian: Thank you very much.

Muzzling victims, which is what happens with non-disclosure agreements, is very much part of that. That keeps the toxic workplace hidden. It sweeps it under the carpet. Is that not your point?

Ms. Cheryl Jarvis: It is 100% my point. Because so many victims can't speak about what happened to them, they can't disclose that millions of dollars have gone missing in the RCMP and that nothing has ever happened to the individuals responsible for that.

Unfortunately, when the victim comes forward, they become the one who's considered to be the bad actor. They're the one who has to retire. The other individual continues along with a great career. Nothing happens to them. That's the problem. The victim is always the one who signs the non-disclosure agreement and the perpetrator continues their career. Nothing happens to them. That needs to change. By getting rid of the non-disclosure agreement, the victim can actually come out and say publicly what happened.

If these things come out publicly, there will be an incredible outcry about what's actually going on. Lots of times we feel that people think we talk about conspiracy theories. If they only knew what was really going on in the organization, they would be horrified.

Mr. Peter Julian: Thank you very much.

I would like to move on to Ms. Webster and Mr. Bellegarde.

We had testimony, just before you came on, from Madam Lahaie, the chairperson of the Civilian Review and Complaints Commission. She's raised broad concerns about the lack of resourcing.

Given what you, Ms. Webster, pointed to in terms of treating new Canadians and non-Canadians, and responding to some of the horrific cases within the CBSA, and your comments, Mr. Bellegarde, about some of the appalling treatment of indigenous peoples, is it not fundamentally important that we get the resourcing right?

Ms. Lahaie spoke about how the most reasonable likelihood is that this commission could be resourced at about 50% on the dollar of what is actually needed. Are those concerns that both of you have?

• (1040)

Ms. Aviva Basman (President, Canadian Association of Refugee Lawyers): Thank you for that question.

The Canadian Association of Refugee Lawyers absolutely agrees it is important to get the resourcing right. We feel strongly and agree with what Ms. Lahaie testified, that there is equal importance in investigating individual complaints as well as systemic issues. It's critical, therefore, that the commission be able to do both and not be prevented from either conducting specified activity reviews or, as we are also suggesting, investigating systemic complaints, because it might take resources away from investigations of individual complaints.

We agree with the various witnesses before you who have emphasized the critical importance of systemic issues in order to effect culture change and tackle, for example, systemic racism. We see, as my colleague testified earlier, the types of regular abuses of authority through our members and our own clients in their engagement with the CBSA, particularly in the removals context and in the entry to Canada context. Those need to be investigated.

The Chair: Thank you, Mr. Julian.

That wraps up our first round. That's actually the only round we can have today. We're out of time.

Mr. Peter Julian: I have a point of order.

The Chair: I'm going to ask the committee if we can do a lightning round, with maybe two minutes per party.

Is that what you were going to speak to, Mr. Julian?

Mr. Peter Julian: Yes. Sure.

The Chair: I'm going to ask if it's okay to do a lightning round.

Mr. Shipley and Mr. Lloyd have to be in the House for members' statements. I've assured them that we will not conduct any substantive votes in their absence.

That being the case, we'll go ahead for two minutes with Mr. Motz.

Mr. Glen Motz: Thank you very much.

I don't know if we're going to get to Mr. Julian's question. I would really like to hear Mr. Bellegarde's response to Mr. Julian's question.

Concern has been raised by the opposition on resourcing. I would like to hear your experience, Mr. Bellegarde. You're the first and only stand-alone first nations policing service in Saskatchewan. It would be interesting to hear how you guys handle your complaints in relation to Mr. Julian's question, and if you have any recommendations on how we might be able to fix what may be lacking in this regard with this legislation.

Mr. Dan Bellegarde: Yes, thank you, Chair.

Absolutely. I think resourcing has to be looked at from two perspectives. One perspective is from the operations of the commission itself. It has to be adequately resourced. I don't know exactly what level of complaints there will be.

It's also for the advocacy groups or for the individuals who are coming forward. Many of the people who would like to have public complaints put forward do not have the resources to do so. That issue of accessibility is critical to trust in the process and the accessibility to get the kind of support they require in order to put a public complaint forward.

It has not been easy for people to challenge such an overbearing institution like the RCMP in the lives of first nations people in the west, beginning with the North-West Mounted Police. It's going to take a lot of support.

That's why I brought up the special investigation unit of the FSIN, which is funded through the province, but it deals with municipal and RCMP complaints in the first stage. They then move on to the other institutions within the province.

We've never been very successful with the RCMP. It's cumbersome. It's difficult to get an answer and it just takes too long to go through it.

We absolutely need the kind of resources to make this commission work—\$45 million, I think.

• (1045)

The Chair: Thank you, Mr. Motz and Mr. Bellegarde.

I apologize. I didn't mean to cut you off before you could answer Mr. Julian's question. I was too focused on the clock.

If you would like to offer a brief response to his question directly, I'll give you some time.

Mr. Dan Bellegarde: I think the question of \$45 million would be good for the commission. As I mentioned, I think there has to be a support mechanism as well for the complainants in terms of advocacy.

The Chair: Thank you very much.

We'll go now to Mr. Chiang.

Sir, you have two minutes, please.

Mr. Paul Chiang: Thank you, Mr. Chair.

Thank you to all the witnesses for being with us today.

My question is for Mr. Bellegarde.

Through Bill C-20, the government will mandate that the PCRC engage in a public education campaign to ensure that Canadians are

aware of the option for recourse should they wish to launch a complaint against the CBSA or the RCMP.

How important is it that this public education campaign be indigenous centred?

Mr. Dan Bellegarde: It's absolutely important. I mentioned that the commission would be wise to take into consideration the current organizational infrastructure across the country. In Saskatchewan, we have 10 tribal councils, one federation of sovereign indigenous nations and a number of other institutions that can really assist the commission in bringing this forward.

I think it has to come from our own people. It has to be our own advocates, our own individuals, who are working within the tribal council justice portfolios to be able to come together and share this with our own people. To have someone come in and try to educate us on the commission of inquiry such as this will not be as effective as having our own people doing it within our own structures.

Mr. Paul Chiang: My next question is more regulatory than operational. Would you support additional training for members of the PCRC surrounding indigenous rights?

Mr. Dan Bellegarde: Absolutely. I think there are two areas that should be highlighted. One, of course, is cultural competency, how they talk about indigenous people. The Métis, the Cree, the Dene, the Nakota, Lakota and the Sauteaux are all different tribal groups, and they will have different needs, ways of working and ways of governing as well.

Yes, it's cultural competency not only in actual culture but actual governance systems of first nations people and also the trauma-informed method of investigation. There's a great deal of historical and contemporary trauma in first nations communities and with first nations individuals, and there are ways and means of working with that that allow people to express themselves and give them a sense of respect, if you will, for what people have gone through in the past and what they're going through now. Things are changing very rapidly, and I think the commission will be part of that change.

The Chair: Thank you, Mr. Chiang.

[*Translation*]

You have two minutes, Ms. Michaud. Go ahead.

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

Ms. Webster and Ms. Basman, thank you for the important work you do with refugees. Thank you, as well, for your recommendations.

You talked about the importance of the commission being able to receive complaints about systemic issues within the organizations and being properly resourced to investigate them. You also said that the commission could refuse to look into a complaint or conduct a review if the complaint was brought forward by a third party. How do you think the bill should be amended?

Ms. Kate Webster: Thank you for your question, Ms. Michaud.

[English]

In our written brief we do provide a concise red line for how we would suggest approaching the question of third party complaints. We're happy to see that third parties can, under the current draft of the bill, bring complaints with the express written consent of an individual.

However, we would like to see the bill amended to explicitly allow the filing of complaints as they relate to systemic or policy issues. This could easily happen through changes to clause 52, which currently allows the commission to refuse to deal with a complaint if it's not from an individual. That is the sort of circumstance where the commission has the power to decline jurisdiction. An easy tweak there would allow organizations to bring those complaints.

I would note additionally that third parties are critical and are only really helpful in bringing these types of complaints if they are well informed. Part of that comes from the experience of their members, such as our organization, but also part of that comes from publication of information from the commission itself.

Right now there are limitations on the types of publications that are available. Certain reports are only published in summary, as opposed to the full report. We would like to see more transparency because that can inform further third party complaints going forward.

We would also like to see, in a similar vein, the commission having more powers of redress, not only in terms of actually enforcing recommendations, but also in being able to suspend removal or have interim measures available. This would allow a complaint to go forward to inform the commission and its activities without an individual being deported in the midst of that process.

• (1050)

The Chair: Thank you, Madam.

We go now to Mr. Julian.

Please go ahead, sir, and bring us home in two minutes.

Mr. Peter Julian: Thank you very much, Mr. Chair.

Thank you to all of our witnesses for the very powerful and very wise testimony that I think will help us, as committee members, to work on the shortcomings of the bill, for sure, and improve the legislation so it's the best possible legislation.

As Madam Lahaie mentioned in the previous panel, we also have the problem of substantial under-resourcing. That is a major problem.

I had asked Ms. Basman and Ms. Webster about the CBSA side. I didn't really have the time to follow up with Mr. Bellegarde, so I'd like to follow up with him now.

On the resource side, as Ms. Lahaie testified, for complaints in Inuktitut-speaking communities in the north, for example, the com-

mission does not have the resources to provide those supports in Inuktitut.

How important is it that this commission be adequately resourced? For example, when it comes to indigenous communities where there may be a language like Inuktitut where the investigator would be much better off having that language, how important is it to ensure indigenous representation within the new commission and support for indigenous languages with adequate resources?

Mr. Dan Bellegarde: I think it's critical. Again, it speaks to the question of accessibility, respect for the process and trust in the process.

In northern Saskatchewan there was something called a Cree court, where the judge addressed the defendants in Cree. The interpreter was there for the RCMP and for the defence lawyers. This really assisted the individual communities to have a trust in the system, so I think it's critical.

In Saskatchewan, northern Ontario and Alberta, Cree is one of the main ones, as well as Dene. We have others besides Inuktitut.

There are people in the communities who are working as justice officers or justice advocates when they have tribal councils, supporting them in the north, so I think the infrastructure is there. The question for the commission is how best to use that infrastructure to have a mutually agreeable way of dealing with public complaints so that the advocates, the complainants themselves and the commission, at the end of the day have a really solid relationship built on language, if you want to call it that.

Absolutely, we do need consideration. There are 68 first nations languages in the country. Not all of them are required, of course, but for those who need them, we're going to have to find a way to provide them.

• (1055)

The Chair: Thank you, Mr. Julian.

That brings this panel to a close.

I would like to thank the witnesses.

You've been most helpful. I appreciate your time and your expertise. On behalf of the committee, I thank you.

To the members of the committee, I would remind you that we are trying to get in as many amendments as are reasonable by the end of day Tuesday. There may well be additional amendments that flow from our Tuesday meeting, but the more we can get and the sooner we can get them, the better we can get the context of what we are working with.

Thank you.

We are adjourned.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>