



LETTER TO THE COMMITTEE CHAIR

The Honourable Jim Carr
Chair of the Standing Committee on Public Safety and National Security
House of Commons
Ottawa, Ontario
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Dear Colleague:

As the Minister of Public Safety, I am pleased to respond to the Report of the Standing Committee on Public Safety and National Security Report (the Committee/SECU), *Systemic Racism in Policing in Canada* (the Report), on behalf of the Government of Canada (GoC).

I would like to commend the Committee for its efforts to examine the complex challenges facing policing in Canada today and to find innovative and practical new ways to address systemic racism in policing.

The Government agrees-in-principle with both the overall tenor and with a majority of the Committee's recommendations. There are many programs and initiatives in place that respond to issues raised in the Report, and it is my hope that this Government's Response clearly demonstrates our commitment to addressing systemic inequities in law enforcement and ensure that all Canadian communities are treated with fairness and respect.

PART I: Royal Canadian Mounted Police (RCMP) Organizational Changes to Promote Increased Accountability

Many of SECU's recommendations focus on steps to modernize and strengthen police services by: enhancing accountability; improving conduct; increasing equity; diversity; inclusion and police competencies; and improving data collection and statistical reporting.

Enhancing RCMP Accountability

In recognition of the importance of accountability in policing, the RCMP agrees to report to Parliament, annually, for three years on the progress made to implement the recommendations in this Report which fall under its purview (**Recommendation 7**).

The Civilian Review and Complaints Commission for the RCMP (CRCC) undertakes reviews of increasingly complex public complaints and, when required, Specified Activity Reviews (SAR) (**Recommendation 1**). SARs are initiated on a discretionary basis with costs ranging from \$350,000 to nearly \$1 million, depending on the nature and scope of the review. To initiate a SAR, the CRCC must be satisfied that sufficient resources exist to conduct a SAR without compromising the handling of public complaints. Of note, this condition does not apply in instances where a SAR is initiated further to a request from the Minister of Public Safety or a provincial minister. The GoC is equally committed to enhancing civilian oversight and review of federal law enforcement agencies, including the RCMP, by ensuring that: the appropriate bodies responsible for criminal investigations of police conduct are informed when needed; and the RCMP upholds their commitments to adhere to established timelines in responding to CRCC reports. The Minister has been mandated to establish defined timelines for the RCMP to respond to CRCC recommendations. A decision by the Federal Court in January 2022 (*BCCLA v Brenda Lucki et al.*, 2021 FC 1475) further underlined this point with its determination that the "as soon as feasible" requirement for the Commissioner to respond to CRCC interim reports should, absent exceptional circumstances, be reasonably interpreted to mean within six months. In support of this endeavour, the RCMP has made concerted efforts to improve the timeliness of responses to CRCC interim reports: all reports received after April 1, 2021 were responded to within six months, in accordance with the Memorandum of Understanding with the CRCC; and the backlog of responses was eliminated on November 26, 2021.

The CRCC aims to make the public complaints process as accessible as possible and is committed to conducting periodic reviews to address issues or concerns (**Recommendation 2**). In 2018, the complaint form was simplified with further revisions currently being contemplated. Available in 16 languages, the form can be submitted either to the CRCC or the RCMP. Information regarding the review and complaints process, e.g., A Guide to Making a Public Complaint, Frequently Asked Questions, and a public complaint and review flowchart are available on the CRCC and RCMP websites. Individuals who file public complaints are entitled to monthly investigative updates, and the CRCC works with the RCMP to ensure that this statutory obligation is met. Furthermore, upon requesting a review, individuals are provided with letters acknowledging the review and informing them of the status of the interim and final reports. As of 2021, depersonalized summaries of completed complaint reviews and Public Interest Investigations are posted on the CRCC's website, as are Chair-Initiated complaints in their entirety. Recommendations supported by the Commissioner and the status of their implementation are posted on the RCMP's website, as are the conditions for all exceptions to public accessibility and transparency, e.g., complaints regarding the Witness Protection Program or confidential informants.

The GoC and CRCC are also committed to meaningful engagement and consultation with local Indigenous groups and leaders in the Civilian Review Process, including when the CRCC Chairperson determines it is in the public interest to investigate a complaint involving Indigenous persons (**Recommendation 3**). The CRCC supports the inclusion of Indigenous investigators when an investigation involves an Indigenous person, and efforts are ongoing to recruit and retain Indigenous staff, including to positions as investigators and in leadership. The Chairperson has recommended that an Indigenous member be appointed to the CRCC, so that the organization may benefit from an Indigenous voice and viewpoint at the senior executive level. Moreover, an Indigenous member would help to build trust in, and further enhance the civilian complaint and review process by: facilitating the development of an informed public education plan for Indigenous and racialized communities, and of communication materials for Indigenous and racialized communities and stakeholders regarding the complaints process; and by helping to guide outreach to Indigenous and racialized communities in an effort to obtain input on use/interpretation of data. The GoC will continue to exercise its discretion to appoint candidates who are well-qualified for the position, while also considering individuals who are representative of the diversity of Canadian communities, including Indigenous, Black and other racialized people, and residents of Northern communities (**Recommendation 4**).

Harassment and Conduct Regimes

On June 30, 2021, the RCMP launched the Independent Centre for Harassment Resolution (ICHR), which introduced a new workplace harassment and violence reporting and resolution process for all RCMP employees (**Recommendation 6**). It complies with the new *Canada Labour Code* regulations (2021), which strengthened the existing framework for harassment and violence prevention in federally regulated industries and workplaces. The ICHR is a centralized, independent unit composed of public service employees and external civilian investigators who report through an Executive Director to the RCMP's civilian Chief Administrative Officer. This structure keeps the resources responsible for harassment resolution outside the employee's chain of command. The ICHR also provides support to current and former employees who have previously experienced criminal offences related to workplace harassment and violence, and connects them with victim and/or other services if desired. A review is ongoing on the externalization of the ICHR.

Decisions regarding alleged breaches of the RCMP's *Code of Conduct* (2014) are made by Conduct Authorities (CA), who are designated by the Commissioner either directly or by virtue of the *Commissioner's Standing Orders (Conduct)*. If the CA finds that a contravention is established after holding a conduct meeting, disciplinary actions proportionate to the nature and circumstances of the contravention may be imposed. When dismissal of the member is one possible outcome, a Conduct Board will be initiated. Conduct Boards are already deemed public under the *RCMP Act*, and the results are published online (**Recommendation 5**). However, conduct matters addressed in a conduct meeting are considered personal information under the

Privacy Act, and cannot be disclosed unless identifying information is redacted. While information cannot be shared on specific conduct files, under the *Ministerial Directive on the RCMP Disciplinary Process* (2008), annual reports are submitted to the Minister of Public Safety on the management of the conduct process. The RCMP is also exploring the possibility of publishing the results of conduct meetings while keeping personal information confidential per the *Privacy Act*, and will review the following for viability: whether anonymizing decisions would change the dynamic of conduct meetings to the detriment of the process; resourcing; funding and technological requirements.

The ICHR is monitoring the outcome of conduct and discipline processes arising from harassment complaints, with a goal of enhancing accountability in the RCMP. In addition, per the Minister's Mandate Letter, an external expert is currently conducting a review of the RCMP's Conduct Measures Guide to assess the adequacy of conduct measures and their application, and to ensure that they meet modern expectations of fairness, transparency and effectiveness. The expert's preliminary recommendations have been received and will be used to guide efforts to modernize conduct measures.

Modernized Approaches to Policing

The GoC is contractually committed to providing front-line provincial, territorial and municipal (PTM) policing services to 164 jurisdictions until March 31, 2032, unless either party to the contract decides to terminate the arrangement. Public Safety (PS) and the RCMP are currently reviewing the contract policing program, which has long faced sustainability challenges, and has impacted other organizational business lines for the RCMP, such as federal and specialized policing (**Recommendation 10**). This work supports the Minister in delivering on his mandate commitment to conduct an assessment of contract policing, and will be done in consultation with provinces, territories, municipalities, Indigenous partners and stakeholders. In the interim, the GoC is open to supporting and working with jurisdictions that wish to create their own police service, such as the police service transition currently underway in Surrey, British Columbia.

To date, the RCMP has implemented a number of changes to modernize its historic paramilitary style (**Recommendation 8**). For instance, a review of its Cadet Training Program curriculum is underway to further reduce paramilitary aspects. In addition, experienced civilian public service employees now occupy senior leadership positions, e.g., the Chief Human Resources Officer, Chief Strategic Policy and External Relations Officer, Chief Financial Officer. The creation of the Management Advisory Board (MAB) in 2019 also promoted increased professionalization, as it continues to provide the Commissioner with external advice on the management and administration of the RCMP, including on establishing the ICHR and increasing representation of Indigenous people within the RCMP. Furthermore, the Minister has been mandated to enhance the MAB to create an oversight role of the RCMP.

Equity, Diversity and Inclusion in Policing

The RCMP's Equity, Diversity and Inclusion (EDI) Strategy is an important aspect of its commitment to addressing systemic racism and discrimination. It was developed in close collaboration with employees from equity-seeking groups and 2SLGBTQQIA+ communities. The development of a Gender-Based Analysis Plus (GBA Plus) resource, which provides evidence-based guidance on the factors that impact workplace diversity is another key component of the RCMP's ongoing efforts to create a more equitable and diverse workplace. EDI and GBA Plus lenses are being used to examine a variety of programs, policies and processes within the RCMP, e.g., implementing modern applicant screening tools to promote diversity and ensure candidates are screened for bias, racism, and discriminatory attitudes and beliefs. Greater inclusion is also being sought and supported through the RCMP-Indigenous Co-Development, Collaboration and Accountability office, which is mandated to strengthen relationships with Indigenous peoples by listening to their perspectives and taking respectful action.

The RCMP is enhancing its Talent Management and Succession Planning Strategy to facilitate the organization's capacity to effectively identify, develop and place its talent in keeping with the

needs of the programs and the diverse communities the RCMP serves (**Recommendation 38**). To better attract diverse candidates, the RCMP is hiring recruiters who are representative of the communities in which it serves, including Indigenous, Black, racialized and 2SLGBTQIA+ communities.

In support of enhancing diversity in recruitment, the RCMP has actioned initiatives to: increase access to RCMP employment for permanent residents; diversify front-line recruiting functions; identify and begin to remove systemic barriers across the career continuum; and increase diversity in the leadership cadre. The RCMP is also enhancing recruitment of Indigenous people through the Assisted Applicant Training Program, which provides targeted support to key applicant groups (**Recommendation 37**). Training material to increase cultural awareness for all front-line recruiters is also under development, with a key focus on implicit bias and cultural awareness training, and new approaches to recruiting applicants from diverse communities.

The RCMP is committed to addressing, reducing and eliminating systemic racism and discrimination across the organization, in large part by prioritizing modernization of their Recruitment Program (**Recommendation 39**). Efforts to date include: modernized applicant screening tools; a business plan for implementing new recruiting processes; and a pilot project which tests all police officer applicants to identify any held biases; racial stereotypes; and other discriminatory attitudes. Data collected is being used to determine what training applicants may need to effectively serve diverse communities. A review is ongoing to identify additional technology changes required to support this modernization.

The Report also encourages the RCMP to consider Inuit language skills and community knowledge when evaluating candidates and making decisions surrounding the deployment of police officers (**Recommendation 40**). In line with Vision 150 and the RCMP's People Strategy, the RCMP will review its staffing and Official Languages policies to explore how to leverage existing legislative and policy frameworks which permit the consideration of language skills other than English and French. It will also update staffing guidance and develop promotional materials to help hiring managers understand and use existing flexibilities to take into account Inuit language and community knowledge when considering postings to areas with large Inuit populations.

The RCMP was also asked to consider establishing programs and to review and revise policies to encourage police officers stationed in Northern and Indigenous communities to accept longer postings, so as to better establish ties with the community (**Recommendation 19**). To better understand the impacts of remaining in Limited Duration Postings for extended periods, the RCMP will consult with stakeholders and review its staffing policy framework for police officers.

Building Competencies

The GoC supports the advancement of modern, professional and bias-free policing through the provision of preparation, training and education to current and future police officers, in consultation with Indigenous, Black and other racialized people. However, it does not support the delivery through a National Police College (**Recommendation 9**). Given that, constitutionally, the administration of justice is a provincial/territorial (PT) head of power, provinces may refuse to recognize national training, or may cite division of powers concerns pertaining to a National Police College. Further analysis is required to address concerns that training received by candidates in one jurisdiction may not be recognized in other jurisdictions. However, the RCMP works to support modern, professional and bias-free policing in a variety of ways, including by developing and adding to a suite of learning products known as the Intercultural Learning Strategy, and works collaboratively to make learning products available to other police services in both official languages. This is achieved either through Memoranda of Understanding or via the Canadian Police Knowledge Network. Additionally, the Canadian Police College (CPC) operates as part of the RCMP's National Police Services, and offers specialized training and education for law enforcement agencies across Canada and internationally. Several educational programs, including courses offered through the CPC's Professional Development Centre for Indigenous Policing, include modules on racial and cultural awareness imbedded within the curriculum design.

To implement effective, ongoing training on enhanced de-escalation to help prevent excess use of force (**Recommendations 5, 35**), the RCMP has initiated curriculum reviews to improve training on implicit bias and help prevent racial profiling. The RCMP has developed specialized training for experienced officers, has a new Scenario Based Training featuring de-escalation and continues to assess approaches to update its Police Defensive Tactics curriculum for Cadets. It has also implemented courses on Anti-Racism and Cultural Awareness and Humility. The latter was developed in collaboration with First Nations, Inuit, and Métis communities and is mandatory for all RCMP employees. To date, a majority (90.2%) of RCMP employees have taken the course (**Recommendation 36**). The RCMP is committed to continuing to work with Indigenous and racialized partners and communities to develop intersectional and trauma-informed training on the importance of relationship building, respect, communication, and knowledge of various communities' cultures, histories, and lived experiences, as well as community-specific awareness training.

Building on the foundation laid by *It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence* (federal GBV strategy, launched in 2017), the GoC has developed a National Action Plan to End Gender-Based Violence (**Recommendation 35**). As part of the GBV Strategy, Budget 2017 announced \$2.4 million over five years and \$0.6 million per year ongoing for the RCMP to design and develop Cultural Awareness Training, which was offered to all RCMP employees beginning in 2019-20. The National Action Plan to End Gender-Based Violence will seek to ensure that all individuals in Canada facing GBV have reliable and timely access to services, no matter where they live. Implementation of the National Action Plan over its 10-year lifetime will require Women and Gender Equality Canada to collaborate with over 20 federal departments (including the RCMP), PTs, Indigenous partners and civil society.

The Report also asks the GoC to collaborate and consult with Indigenous communities, leaders and organizations in creating specialized training (**Recommendation 14**). Since its creation in 2010, PS's Aboriginal Community Safety Planning Initiative (ACSPI) has engaged with over 200 Indigenous communities nationally. The ACSPI, which is available to urban Indigenous communities, delivers an Indigenous-designed community safety planning process that is strength-based, community-led, and fosters Indigenous self-determination and reconciliation. While it is not a formal training program for police services on Indigenous history, culture, etc., police are often included and participate directly with Indigenous communities when requested. As such, ACSPI provides learning and relationship-building opportunities directly between active police officers and the Indigenous communities they serve. In December 2020, as part of the Government's response to the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG), the ACSPI was renewed and provided with ongoing financial support. Budget 2021 also included funding to enhance Indigenous-led crime prevention strategies and community safety services, which includes funding for expanded delivery of the ACSPI, with increased support for the inclusion of relevant partners during community safety planning development.

The RCMP has and continues to develop specialized law enforcement training with Indigenous leaders, organization and communities on the importance of relationship building, respect, communication, and knowledge of Indigenous culture and history. Approximately a dozen specialized courses have been developed by the RCMP to support Indigenous learning. Online cultural/community awareness training is made available to all police officers, who upon being posted to Indigenous communities also receive community-based awareness training as part of their orientation. The RCMP is also committed to continuing to work with Indigenous partners and communities to further develop training and resources examining Indigenous cultural knowledge, history, and lived experiences, as well as community-specific awareness training.

The GoC is committed to encouraging PTM partners to create specialized training in consultation and collaboration with Indigenous leaders, organizations and communities.

Data Collection and Statistical Reporting

The RCMP's police intervention reports record the details of interactions between police officers and subjects, and are mandatory for all incidents where an RCMP police officer applies and/or displays physical force involving weapons, or where someone is injured. These reports do not currently record race-based data, however the RCMP is conducting a pilot on the collection of race-based data and will apply these learnings to future initiatives. The pilot will facilitate the development of race-based data collection practices using an RCMP-authored policy framework that addresses various issues such as: data standards, privacy concerns, operational policy review and disclosure of data and findings to the public (**Recommendation 31**). The RCMP will also consider SECU's recommendation to collect additional identity factors from the public to allow intersectional analysis, though notes that collecting and analyzing more data may pose privacy concerns, and require additional effort and consultation with communities.

Statistics Canada (StatCan) is collaborating with the Canadian Association of Chiefs of Police (CACP), which includes the RCMP, to examine the collection, analysis and reporting of disaggregated race-based data concerning victims and accused individuals in Canada's crime statistics (**Recommendation 42**). The scope of this work is to expand the Uniform Crime Reporting (UCR) Survey, which collects data on criminal incidents that come to the attention of, and have been substantiated by, police. It is the source for Canada's crime statistics. The goals of this project are to better understand the experiences of racialized populations and Indigenous peoples within the criminal justice system and to provide annual national, provincial, territorial and if possible, regional statistics to inform evidence-based decision making.

To ensure that racially disaggregated police data is used in a manner that does not further stigmatize or marginalize Indigenous and racialized people (**Recommendation 41**) all analysis regarding populations is reviewed by experts with StatCan's Centre for Diversity and Sociocultural Statistics, and its Expert Advisory Committee on Ethnocultural and Indigenous Statistics is consulted on sensitive issues and how to interpret data, as required. StatCan's Centre for Indigenous Statistics and Partnerships provides expert peer review and advice, and further partnerships ensure National Indigenous Organizations (NIOs) have the opportunity to review these analyses. As part of its Disaggregated Data Action Plan, StatCan will also review processes to identify and make enhancements such as guidelines for the analysis of disaggregated data. The RCMP requires that all police officers collect data in a manner that is culturally sensitive and respects the individual dignity of the public. As part of the pilot, the RCMP will: consult Indigenous, Black and racialized communities on the collection and analysis of race-based data to reduce possible stigmatization; seek to form an agreement with an independent third-party to analyze the data collected; and work with an internal committee of diverse community representatives who are experienced in the collection of race-based data to help guide the application of this policy.

StatCan does not currently collect police statistics on use of force (**Recommendations 32 and 42**), but its mandate would allow the agency to work with the CACP, RCMP, federal, provincial, territorial (FPT) governments and other partners – including, for example, racial minority groups and community stakeholders – to examine the feasibility of standardized data collection on use of force across all police services in Canada, including disaggregated data. The collaborative initiative to expand disaggregated data on Indigenous and racialized identity of victims and accused in crime statistics also provides a foundation upon which to explore expansion of data in other types of police information. The RCMP is developing a policy and framework on the Collection, Analysis and Disclosure of Race-Based Data to guide the annual disclosure re. occurrences involving police officers and members of the public, including those involving use of force. The policy will outline parameters for disclosure that respect individual privacy rights and comply with the principles of Bias-Free Policing.

The CRCC for the RCMP has initiated a study of the collection of race-based data in relation to public complaints, which will be published when completed. In addition, the CRCC is committed to the collection of disaggregated data on race/ethnicity and gender identity, and considers it a key component of the GBA Plus analysis needed to identify and find solutions to existing barriers

to, and systemic issues with the complaints process. While the collection of disaggregated data has not yet begun, doing so will enable the CRCC to improve monitoring and reporting on GBA Plus and will improve its capacity to implement and apply the GBA Plus lens within the organization. The CRCC also intends to make the data publicly available once collection begins. The collection of such sensitive data will require strong policies, governance structures, outreach and engagement and thoughtful dialogue concerning the use of data through various mediums i.e., communication materials, reports etc. As such, the CRCC has contracted a leading academic to examine the collection of race-based data related to public complaints.

It should be noted that data collection work is also taking place, or is being considered, in many of the initiatives mentioned as part of this Government Response. This data collection, looking at areas of interest that go beyond the few examples listed in this section, will ensure that information is available so that progress on these efforts can be evaluated and appropriate reporting takes place. In all cases, the development of data collection efforts which incorporate engagement and consultation with impacted individuals and groups or associations that represent their interests will help ensure that data collection efforts occur in a respectful, meaningful manner.

PART II: Modernizing Canadian Policing

Many of SECU's recommendations focus on modernizing how Canadians are policed, with a focus on addressing the use of force, racial profiling, the intersection of policing with mental health and victim services, GBV, improving and bolstering Indigenous policing, and restorative justice.

Use of Force and Racial Profiling (Street Checks and Carding)

Recommendation 30 asks that the GoC work in consultation with civilians, Indigenous peoples, Black and other racialized Canadians to review the federal use of force framework. This framework was developed and published by the CACP in 2000. The GoC is committed to encouraging the CACP to review and update the framework in conjunction with partners and stakeholders and to ensure that it reflects the recommendations made by SECU.

The RCMP has recently updated its training and programs to more fully integrate and emphasize crisis intervention and de-escalation techniques and strategies to help guide police officers during interventions (**Recommendation 33**). There has also been expanded oversight for reporting and publishing the rates of police intervention, and increased engagement and collaboration with Canadian crisis intervention, mental health and police sector academics and researchers. The RCMP has also launched a national dialogue with Canadian police chiefs to collaboratively re-examine the current de-escalation framework, in consultation with the policing community and specific groups, including those representing racialized people.

The RCMP employs a Bias-Free Policing policy and affirms that racial profiling is not a permitted practice (**Recommendation 26**). During all interactions with the public, RCMP police officers are required to treat individuals equitably in the performance of their duties, and in accordance with the law. When conducted within these parameters, the RCMP considers street checks to be one way to gather information in support of intelligence-led community policing. The CRCC reviewed the RCMP Street Checks policy in 2018 and, following receipt of the CRCC's Report in 2021, the RCMP initiated a revision to its current policy to provide clearer guidance to front-line police officers and to continue to emphasize that street checks must comply with the RCMP's Bias-Free Policing policy. The revised policy also emphasizes the need to enter appropriate street check information into police records management systems to facilitate auditing and review. Of note, RCMP members engaged in provincial policing must also comply with provincial legislation relating to street checks.

Mental Health Calls, Victim Services and Counselling

FPT Ministers of Health endorsed the Common Statement of Principles on Shared Health Priorities (CSoP), which represents a commitment to work together to ensure health care systems

continue to respond to the needs of Canadians. To this end, the federal government is investing \$5 billion over 10 years (2017 to 2027) to support PTs with expanding access to community-based mental health and addiction services (**Recommendation 20**). The funding is flowed through bilateral agreements with action plans outlining how the federal funds are used. The current five-year bilateral agreements are set to expire in March 2022. They will be renewed for the next five years (2022-23 to 2026-27), thereby providing PTs with the opportunity to continue progress in implementing priority initiatives.

In addition, Indigenous Services Canada (ISC) provides approximately \$450 million annually to support access to mental health and wellness services, in partnership with Indigenous communities. Recent GoC investments enhanced ISC's funding for mental wellness services: Budget 2021 proposed \$597.6 million over 3 years, starting in 2021-22, for distinctions-based mental health and wellness strategies with First Nations, Inuit, and the Métis Nation. This funding will enhance community-based supports and capacity and increase substance use treatment and prevention. Budget 2021 also announced \$774.6 million over 5 years, beginning in 2021-22, to ensure continued care through the Non-Insured Health Benefits Program, which provides supplemental health benefits like mental health counselling services, medical travel, and medication to eligible First Nations and Inuit residing anywhere in Canada.

The JUS Federal Victims Strategy (FVS), established in 2000, is a key federal vehicle for increasing access to justice for victims and survivors of crime. In addition to criminal law reform, the FVS also takes a leadership role in designing and supporting federal policy initiatives on a wide variety of ongoing and emerging victim issues, leads FPT coordination, and has a multi-faceted program funding component, the Victims Fund. The Victims Fund is a grants and contributions program (with \$29.4M in funding for 2020-21) made available to NGOs and PTs to meet shared objectives and to support a wide variety of actions, innovations and services. The FVS works closely with federal partners whose mandates impact victims, as well as PT governments who have the responsibility for the delivery of victim services. In moving forward to implement the recommendations, the RCMP will continue to collaborate with the FVS.

The CRCC has engaged with the subject of wellness checks, and its Chairperson issued a statement on the practice in July 2020 (**Recommendation 22**) but initiating a SAR of wellness checks will require the allocation of sufficient resources so as not to affect the CRCC's responsibility for handling public complaints. In addition, the RCMP has highlighted the difficulties related to the effective study of wellness checks given inconsistencies with available data. It is currently developing a suite of national operational policies regarding mental health calls, which will provide front-line police officers with more detailed guidance to support the planning, response and handling of calls involving persons in crisis.

The RCMP is engaged with provincial, territorial, and local agencies to refine procedures for responding to calls involving persons in crisis, and the development of national standards to support divisions in their communication with health and social services is underway (**Recommendation 21**). Whenever possible, healthcare providers and social service or community/cultural specialists lead the primary response. Where RCMP police officers are the first or sole responders they are committed to seeking alternate solutions and to mobilizing partnerships with civilian, community and family resources to support persons in mental health crisis. The RCMP has also piloted collaborative approaches with health and social services partners related to mental health calls, which are designed to support individuals experiencing mental health issues, addiction/substance use, and homelessness. The RCMP are also addressing the areas of mental health and de-escalation with policing colleagues as part of the monthly Chiefs of Police National Roundtable, which is hosted by the RCMP Commissioner and attended by municipal, provincial and First Nations police chiefs. Of note, the establishment of joint mental health responses services is contingent on resources and support from PTM health and social services, as they set the resources, priorities, goals and objectives in this regard for the police of jurisdiction.

The Public Health Agency of Canada (PHAC) also works closely with distress centres and suicide prevention organizations providing immediate crisis support services across Canada, including

through the pan-Canadian suicide prevention service. These crisis services connect with police services for calls that require emergency responses. PHAC is supportive of efforts by key distress line sector stakeholders working closely with police services on community-specific and culturally appropriate mental health responses, which can include wellness teams, training and support for first responders, and access to mental health expertise.

The GoC recognizes the urgent need for mental health services for Indigenous survivors of violence across Canada, and is committed to continuing to work with Indigenous and PT partners to close gaps in service and ensure adequate funding for shelter services and programs (**Recommendation 23**). ISC's Family Violence Prevention Program seeks to improve the safety and security of Indigenous women, youth, children, 2SLGBTQQIA+ people, and families. The Program provides funding for day-to-day operations of emergency shelters that provide services for Indigenous people ordinarily resident on reserve. In November 2020, the GoC committed \$724.1 million to launch the Comprehensive Violence Strategy which will support the operation of additional emergency shelters and transitional housing for Indigenous peoples across the country, including on and off reserve, as well as in the North and in urban areas.

In Budget 2021, the GoC announced \$64.6 million over five years and \$18.1 million ongoing to enhance Indigenous-led crime prevention strategies and community safety services. Funding will support coordination between FPT partners and local governments and stakeholders, and provide increased focus on community safety and wellbeing approaches to Indigenous crime prevention projects, and will enable a streamlined process for Indigenous communities with completed community safety plans through the Northern and Indigenous Crime Prevention Fund. These programs support Indigenous people on- and off-reserve.

Gender-Based Violence

The Report asks the GoC to work with Indigenous peoples to prioritize action on all outstanding recommendations and Calls to Action from the National Inquiry into MMIWG and the Truth and Reconciliation Commission (TRC) regarding systemic racism against Indigenous and 2SLGBTQQIA+ people in policing (**Recommendation 12**). The GoC remains committed to implementing the TRC's Calls to Action, and commitments in Budget 2021 aim to accelerate this work. Currently over 80 percent of the Calls to Action under sole or shared federal responsibility are complete or well underway, including many which directly respond to systemic racism against Indigenous and 2SLGBTQQIA+ people in policing. Specifically, recent progress has been made through the implementation of 10 Calls to Action (#25, 30, 31, 32, 34, 36, 37, 38, 42 and 50) as described in the "Delivering on Truth and Reconciliation Commission Calls to Action" report.

In addition, in response to Call to Action 41, a National inquiry into MMIWG was established. Its final report called for the development of a National Action Plan (NAP), and in June 2021, the co-developed and Indigenous-led plan was released. Over 20 federal departments and many stakeholders and partners supported the NAP, which elaborates on the priorities and commitments from its contributors. Among the federal commitments in the area of justice and policing under the MMIWG Federal Pathway is JUS's mandate to develop, in collaboration and consultation with provinces and territories and Indigenous partners, an Indigenous Justice Strategy to address systemic discrimination and overrepresentation of Indigenous people in the Canadian justice system. JUS received \$24.2M over three years in Budget 2021 to advance this commitment. Early engagement with Indigenous partners indicates that the Indigenous Justice Strategy will identify the need for reforms in areas along the entire justice system continuum, including policing.

Budget 2017 allocated \$10 million over five years to PS to implement the Indigenous Community Corrections Initiative. Funding was awarded to 16 organizations to support the development of alternatives to custody and/or reintegration projects for Indigenous offenders. From 2018-2020, PS funded a review of police policies and practices to identify gaps and challenges in the delivery of culturally competent policing services and provide recommendations on how to foster better relations between law enforcement and the Indigenous people they serve.

The RCMP agrees that there is a need for family liaison officers in jurisdictions where it provides policing services (**Recommendation 17**), and is committed to working with other federal partners and PTs to determine the needs – and corresponding financial and human resource requirements – of particular communities, including for Victim Services. The RCMP also supports the presence of female police officers and officers who are appropriately trained in cultural competency, intersectionality, reconciliation and violence- and trauma-informed approaches to address GBV. JUS partners in this area as the lead for the FVS. The FVS has policy, legislative and programmatic levers to support increased access to justice for victims and survivors of crime. Innovative initiatives led by the FVS include Family Information Liaison Units for families of MMIWG, Indigenous-led services; victim services for families of missing persons; Child Advocacy Centres, and specialized supports for victims of gender-based violence.

The RCMP recognizes that an intersectional approach is essential to victim-centred police responses to victims of crime, including violence against Indigenous women and girls, and have therefore undertaken several intersectional initiatives to address systemic racism and end violence against Indigenous women, girls and 2SLGBTQIA+ people (**Recommendation 18**). The RCMP's National Office of Investigative Standards and Practices provides national expertise and oversight on major case investigations and has dedicated resources to support work related to missing and murdered Indigenous women and girls. The office has taken a lead role in creating and updating national training initiatives, and continues to examine ways to collect information and address cases where the victims are Indigenous. The RCMP has also made changes to its policies, procedures and training to improve quality, oversight and communication with families. The RCMP has also established a Victims of Crime (VOC) section to support front-line police in providing effective, timely and informed assistance to victims. The VOC section applies an intersectional victims lens to the development of policy, procedures, training, awareness tools and other resources. In collaboration with trauma and GBV experts, and an advisory council of Indigenous elders, the RCMP has also developed two courses for RCMP employees on how to use a trauma-informed approach when conducting investigations, and the impacts of culture and personal identity on actions, perceptions, interactions and experiences.

On July 22, 2021, the RCMP published its first report on reconciliation, *Royal Canadian Mounted Police Path of Reconciliation: Strengthening Trust in the RCMP*, which is a reflection of its collaborative and community-driven approach to reconciliation with Indigenous communities, peoples and employees. The report is intended for all audiences and acknowledges the RCMP's historical role in colonization, while also highlighting the actions taken to date in response to the TRC's Calls to Action and the MMIWG Inquiry's Calls for Justice.

In addition, the RCMP's Guide to Supporting Transgender, Non-Binary and Two-Spirit (TNB2S) Employees was launched in June 2020 and aims to help support TNB2S employees and highlight how all RCMP employees can contribute to an inclusive culture by providing information and resources for TNB2S employees, including but not limited to those who are transitioning as well as providing information and advice for coworkers, supervisors, managers or those who have responsibilities in supporting TNB2S employees. The Guide also helps educate all RCMP employees on the experiences and rights of TNB2S employees and highlights the role all employees have in creating an inclusive environment, including ensuring that RCMP policies and practices do not pose barriers for TNB2S people.

Bolstering Indigenous Policing Efforts

The GoC has committed to co-develop a legislative framework for First Nations policing and has reached a contribution agreement with the Assembly of First Nations (AFN) to support its participation in the co-development process, including regional engagement. Complementary to this, the GoC will engage with Inuit and Métis to identify their unique policing and community safety priorities (**Recommendation 13**). The GoC is financially supporting culturally responsive policing and community safety services in recognition of the importance of supporting Indigenous communities in determining policing services specific to their needs. To address the inequities between policing in Indigenous and non-Indigenous communities, Budget 2021 announced \$861 million over five years in additional funding and \$145 million ongoing, which

permits the expansion of the First Nations and Inuit Policing Program (FNIPP) footprint for the first time since the mid-2000s, prioritizes Indigenous police services, and offers other meaningful choices such as community safety officers and community safety planning to augment additional investments in police services. Budget 2021 also provided investments for a new Pathways to Safe Indigenous communities, which will support holistic community safety and well-being models that could offset the need for policing responses. Inequalities in the funding of other service providers, notably child, youth and family services, have been held to constitute discrimination under the *Canadian Human Rights Act* (First Nations Child and Caring Society v. Canada, 2016).

While the act of policing and policing models fall within the purview of provinces and territories, the Government of Canada is supportive of the exploration of policing models that consider the unique needs of Indigenous peoples and communities (**Recommendation 15**). To that end, the mandate letter of the Minister of Public Safety includes a commitment to co-develop First Nations policing legislation, expand the First Nations and Inuit Policing Program (FNIPP), fund Indigenous policing infrastructure, and engage Metis and Inuit in discussions about their policing priorities. In 2019, Public Safety Canada funded four separate organizations; the Université Laval, Pauktutit Inuit Women of Canada, St. Francis Xavier University and the Community Safety Knowledge Alliance, to examine police policies and practices in Indigenous communities and identify possible interventions and recommendations to promote positive police-Indigenous relations and reduce violence against Indigenous people. All four reports were undertaken in response to the Interim Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. These reports can be found on the Public Safety Canada website (www.publicsafety.gc.ca)

Preliminary evidence on the performance of complementary alternative service delivery models, such as the Kwanlin Dün First Nation's Community Safety Officer (KDFNCSO) program, demonstrates that this type of program can bridge the gap between the community and police, build trust and free police to manage more serious matters (**Recommendation 11**). PS has provided co-funding for similar models on an *ad hoc* basis and is currently supporting the KDFNCSO program. Budget 2021 also dedicated funding under the FNIPP to address this demand and PS has initiated discussions with PTs to create a framework, including cost-sharing to support federal funding of these community-based projects.

Canada has Police Service Agreements with the territories for contract policing from the RCMP, meaning the RCMP are the police service of local jurisdiction (**Recommendation 16**). Moreover, there are currently Community Tripartite Agreements (CTAs) with Inuit communities for RCMP services under the FNIPP, namely in Labrador. CTAs are trilateral agreements between Canada, the jurisdiction (province/territory) and the First Nation or Inuit community, whereby a contingent of police officers from an existing provincial or municipal police service provide dedicated policing services to a First Nation or Inuit community. In addition, there is one Inuit police service in Quebec, Nunavik Police Service, in which the community is responsible for the police service, as per territorial legislation, and managing the operations of the service. As per these Agreements, the police services provided are meant to be professional, dedicated and responsive to the needs and cultures of the Inuit communities.

Additional funding announced in Budget 2021 has provided the FNIPP with sufficient resources to expand into Nunavut, and PS has initiated discussions with the Government of Nunavut on exploring their policing priorities. Budget 2021 also dedicated additional resources for new FNIPP agreements in the Territories, and consequently new agreements with Inuit communities can also be expected to be created. The GoC will work with Inuit organizations and communities via a variety of fora, including bilateral relationships with National Inuit Organizations (NIO) and Inuit Women's Organizations, to better identify, define and understand Inuit policing priorities and how Canada can best support them while new resources for the FNIPP are being implemented. The input received through this process will be used to help inform plans for potential Inuit policing services reforms. The GoC will also collaborate with PTs throughout this process. While Métis are not currently eligible recipients under the FNIPP, the GoC will also work with Métis organizations and communities via a variety of fora, including bilateral relationships with

National Métis Organizations and Métis Women's Organizations, to better identify, define and understand Métis policing priorities and how Canada can best support them. The GoC will also collaborate with PTs throughout this process.

The RCMP will continue to collaborate with Indigenous people via various advisory groups (**Recommendation 34**), including the RCMP Commissioner's National Indigenous Advisory Committee (CNIAC). Established in 1990, the CNIAC has diverse representation from each province and territory and provides the Commissioner with strategic advice in areas including: delivering high quality policing to Indigenous communities, recruiting, training, community and intercultural relations, and RCMP employment equity. In addition, Commanding Officers have Indigenous Advisory Committees to provide distinctions-based advice, guidance and recommendations on provincial/territorial policing concerns. In 2020, the RCMP also established the Indigenous Lived Experience Advisory Group, which is made up of current and former Indigenous RCMP employees and provides advice to the organization on reconciliation and addressing systemic issues. The RCMP will also consult with NIOs by establishing advisory committees composed of Indigenous leaders, to determine the types of future engagement with police that would benefit their communities. Collaboration at the community level will also help inform Indigenous representation for future engagement with the RCMP.

As part of FNIPP-funded CTAs for RCMP services, First Nation and Inuit communities establish Community Consultative Groups (CCGs), which are advisory bodies created to work with RCMP police officers to help define and communicate community policing priorities and facilitate community-police relations. CCGs are demographically reflective of each community and their distinct cultures and seek to involve Elders, women and youth. Budget 2021 allocated funding to support CCG training and costs. Additionally, divisional Commanding Officers have Indigenous Advisory Committees who provide advice, guidance and recommendations on provincial/territorial policing concerns.

To address the importance of diversity and representation in police services, additional resources were announced in Budget 2021 to support existing First Nation and Inuit police services, including funding for additional police officers as suggested in **Recommendation 37**. The anticipated co-developed Federal First Nations police services legislation would support a stable funding mechanism which could aid in the recruitment and retention of Indigenous police officers and women.

Restorative Justice

Restorative justice is used in every province and territory, and is supported by FPT government programs and policies, an active FPT Working Group, and funding, including through JUS programs. In December 2018, FPT Ministers Responsible for Justice and Public Safety approved a minimum target of a 5% increase in restorative justice referrals and processes for victims and offenders, if possible (**Recommendation 27**). The FPT Working Group on Restorative Justice is undertaking annual data collection to report on the use of restorative justice in Canada. In addition, the Fall 2020 Economic Statement provided funding support for: Indigenous-led community-based restorative justice approaches to help reduce the overrepresentation of Indigenous peoples in the criminal justice and correctional systems; and the implementation of Gladue and Impact of Race and Culture Assessment Reports, which will allow sentencing judges to consider the disadvantages and systemic racism that contributed to Indigenous, Black and other racialized Canadians' interactions with the criminal justice system. The implementation of these reports could result in increased opportunities for referrals to restorative justice processes for Indigenous, Black and other racialized Canadians. Budget 2021 also provided funding, to be delivered through cost-shared agreements with PTs, to help Indigenous families navigate the family justice system and access community-based family mediation services, including community-based restorative justice programs currently funded by the Indigenous Justice Program.

Through the FPT Aboriginal Justice Working Group (AJWG), PS and JUS are leading the development of a Pan-Canadian Strategy to address the overrepresentation of Indigenous People

in the criminal justice system (**Recommendation 29**). There are 19 FPT draft recommendations falling under four pillars: crime prevention, restorative and Indigenous justice approaches, reintegration, and addressing structural barriers. The Minister of Justice is also mandated to co-develop a Black Canadians Justice Strategy in consultation and cooperation with provinces, territories and Black Canadians.

The *Youth Criminal Justice Act* (YCJA) requires police officers to consider the use of extrajudicial measures before deciding to charge a young person and encourages their use in all cases where they are adequate to hold a young person accountable (**Recommendation 28**). The consideration of extrajudicial measures should occur indiscriminately in all incidents of alleged offending, regardless of gender, ethnic, cultural and linguistic differences and respond to the needs of Indigenous young persons and of young persons with special requirements.

Of note, in some instances, the reason for not offering an extrajudicial measure may have to do with other factors, including a lack of programming in the community. In recognition of the role that programming plays in addressing systemic inequities and overrepresentation of certain groups in the criminal justice system, Budget 2021 proposed significant funding (\$216.4 million over five years, starting in 2021-22, and \$43.3 million ongoing) for the Youth Justice Services Funding Program, to increase funding to PTs in support of diversion programming and to help reduce the overrepresentation of Indigenous peoples, Black Canadians, and other racialized groups in the youth justice system.

The GoC recognizes that substance use is a health issue. Regarding simple possession, it supports efforts to divert people who use drugs away from the criminal justice system and toward health services and social supports (**Recommendation 24**), as appropriate, while still addressing drug production and trafficking, including that perpetrated by organized crime. In August 2020, the Public Prosecution Service of Canada issued a directive to only pursue charges for simple possession offences in the most serious cases that raise public safety concerns. In addition, Bill C-5, introduced in December 2021, would further support actions to treat substance use as a health and social issue, rather than as a criminal one, and encourage pre-charge diversion of individuals found in simple possession of drugs at the earliest point of contact, including by referring them to health and social services where appropriate. Bill C-5 would also remove all mandatory minimum penalties for certain offences which have had negative disproportionate impacts on Indigenous peoples, Black Canadians, and other members of racialized and marginalized communities. The GoC recognizes there are increasing calls from a wide range of stakeholders to decriminalize the simple possession of drugs as another tool to address opioid related overdoses and deaths, reduce the stigma towards people who use drugs, and address the impacts of criminalization of simple possession on people who use drugs, particularly Indigenous, racialized and marginalized peoples. The CACP's July 2020 report recognizes that substance use disorder is a public health issue and endorses alternatives to criminal sanctions for simple possession of illegal drugs, supported by integrated partnerships and access to diversion measures.

In addition to the decriminalization of simple possession of illegal drugs, SECU asked the GoC to issue pardons to all individuals convicted of such offences (**Recommendation 25**). The GoC is committed to advancing reforms to the record suspension program to address systemic barriers, promote reintegration and ensure the system is fair and proportionate. Individuals convicted of simple possession of illegal drugs are currently eligible to apply for a record suspension (also known as a pardon) under the *Criminal Records Act*. A record suspension reduces barriers to reintegration by removing the social stigma of a criminal record, thereby facilitating access to meaningful job opportunities, educational programs, stable housing, and the ability to volunteer in communities.

Budget 2021 announced \$88.2 million over five years and \$13 million in ongoing funding to advance reforms to the record suspension program to address systemic barriers, promote reintegration and ensure the system is fair and proportionate. On January 1, 2022, the record suspension application fee was reduced to \$50, from the previous cost of \$657.77 and on February 3rd, 2022, the GoC announced new support for organizations that assist in obtaining

records suspensions. The GoC will continue to evaluate whether further policy or legislative changes are needed to the Record Suspension Program and the *Criminal Records Act*, with a continued focus on addressing systemic inequities that exist in all phases of the criminal justice system.

Conclusion

The Government appreciates the insights and recommendations provided by the Committee, and this Report will be a valuable resource as the Government takes action to combat systemic racism and all of its manifestations.

Sincerely,



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