

# Standing Committee on Public Safety and National Security

*Systemic Racism in Policing in Canada*

Opening Remarks

Micheline Lahaie, Chairperson

Civilian Review and Complaints Commission for the RCMP

DATE: July 24, 2020

*CHECK AGAINST DELIVERY*

Good morning and thank you for this opportunity to speak to you today on the subject of systemic racism in policing services in Canada.

The Civilian Review and Complaints Commission for the RCMP is an independent body established by Parliament.

The Commission makes broad-ranging recommendations regarding policies, procedures and training, with the ultimate goal of improving policing and enhancing RCMP accountability.

Greater police accountability is achieved through effective oversight, not only for public complaints, but also through reviews of systemic issues.

As the Minister of Public Safety recently indicated to this Committee, Indigenous people, Black Canadians and other racialized people experience systemic racism and disparate outcomes within the criminal justice system.

That system includes all police forces, including the RCMP.

The work of the Commission is not immune to the long-term and ongoing effects of systemic racism.

For example, it has been reported that there is an over-representation of police use of force incidents involving Indigenous and racialized people. However, many of these use of force incidents do not result in a public complaint.

Why is that the case?

In the Commission's Northern British Columbia investigation, which was undertaken as a follow-up to a Human Rights Watch report, we asked members of Indigenous communities why they do not make use of the complaints system.

We found out that many Indigenous people are either unaware of the public complaint process or do not trust it. The process can be excessively bureaucratic and difficult to navigate.

The Commission has taken some action to improve the accessibility of the public complaints system including making the public complaint form available in 16 different languages.

We most recently worked closely with the territorial government of Nunavut to ensure that the complaint form and additional materials on the complaints process were available in Inuktitut.

Even with these strides, the Commission still needs to do more to ensure greater accessibility, trust and transparency in the complaints process.

Ultimately, my goal is for people to believe that they can file a complaint with the Commission and be treated fairly, without fear of reprisal.

To achieve that, we need to consult Indigenous and racialized communities to identify and break down the systemic barriers that exist within our current system and implement *THEIR* suggested changes. We must adopt a regime that better serves all communities.

In that regard, the Commission, along with the RCMP, was involved in advancing an informal resolution process put forward by Indigenous leaders.

Such projects are key to combatting systemic racism and restoring public trust.

In terms of the RCMP, I must highlight that the Commission's lens tends to focus on individual allegations of bias, discrimination or racism—we do not get complaints of systemic racism as a rule. It is only when we take a step back and analyze our findings that the systemic nature of racism becomes apparent.

One such area is in the disparity of treatment between Caucasian and Indigenous women detained for public intoxication in Northern British Columbia, as noted in the Commission's public interest investigation into policing in that area.

In a review of occurrence reports involving the policing of public intoxication, the Commission noted that there were differences in treatment between Indigenous and Caucasian women when it came to detention for public intoxication.

73 percent of Indigenous women arrested for public intoxication were held in cells until sober.

In contrast, 54 percent of Caucasian women were held in cells until sober.

As well, Indigenous women were four times less likely to be taken home rather than lodged in cells, as compared to Caucasian women.

The Commission is also currently working on a systemic review of the RCMP's bias-free policing model.

This review is examining the RCMP's bias-free policing policies and training and assessing the broader application and accountability framework that is in place to ensure that RCMP members adhere to these policies.

Accountability and transparency are key to addressing systemic issues and bringing about change.

To that end, I would suggest that there is an opportunity to further enhance the oversight regime with Bill C-3 and would make the following recommendations to strengthen the bill.

First, I recommend statutory timelines for responses to Commission reports, to codify the schedule established in the CRCC-RCMP MOU.

At present, the legislation requires the Commissioner to respond as soon as feasible.

Responses to Commission interim reports now take an average of 17 months. One of the Commission's reports has been waiting for a response for over three and a half years. This is unacceptable in any system where accountability is critical.

Second, public education and outreach to Indigenous and racialized communities must become statutory requirements.

Bill C-3 currently makes public education mandatory for the Commission's new oversight mandate for CBSA, but these activities remain optional under the RCMP Act.

The only way that the public complaint process works is if people trust the system. The only way to build that trust is through consultation, education and ongoing assessment of our outreach efforts.

Third, I would like to see both the Commissioner and, once Bill C-3 comes into force, the President of the CBSA required to provide an annual report to the Commission outlining the status of implementation of the Commission's recommendations.

This would increase the transparency of the complaints system and reassure Canadians that the RCMP and the CBSA are held to a high standard of public accountability.

Finally, the Commission needs to be appropriately resourced to conduct systemic reviews.

At present, systemic reviews are conducted when sufficient resources are available, but as Chairperson, I must constantly make the decision between dealing with complaints from the public and conducting systemic reviews.

I do realize, however, that the Commission has work to do.

As mentioned, the Commission needs to dedicate more resources to outreach and public education in Indigenous and racialized communities. We must consult and we must listen.

Next, we must become more transparent.

We have recently begun to post summaries of public complaint decisions on our website. It is important that the Canadian public be aware of our work and the recommendations we make.

The Commission must be consulted on any changes to oversight for both the RCMP and changes to Bill C3. With its 35 years of experience in overseeing our national police force, the CRCC is uniquely qualified to provide insight and recommendations to inform decision makers on this critical and pressing issue for Canadians.

We are at an opportune time to effect change.

Finally, I commit to addressing any internal issues that may contribute to systemic racism.

To that end, the Commission is standing up an Inclusion, Diversity and Equity Advisory Committee to ensure that our activities, both internal and external, are inclusive and free of racial inequality.

Thank you again for inviting me today. I am happy to respond to any questions that you may have.