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Chair: Mr. Bob Bratina



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• (1105)

[English]

The Chair (Mr. Bob Bratina (Hamilton East—Stoney Creek, Lib.)): I call this meeting to order.

I am acknowledging first of all that in Ottawa we meet on the traditional unceded territory of the Algonquin people. Here in Hamilton East—Stoney Creek we have the territorial lands of the Anishinabe, Haudenosaunee and Chonnonton nations.

Pursuant to Standing Order 108(2) and the motion adopted on April 29, 2021, the committee is continuing its study of enforcement on first nations reserves.

To ensure an orderly meeting, I remind our guests that participants may speak and listen in the official language of their choice. On the globe in the bottom centre of your screen, you can select “Floor”, “English” or “French”. Whichever one you select, if you change from one language to another as you're presenting, there's no need to change the technology. You can simply switch languages. When speaking, ensure your video is turned on, and please speak slowly and clearly. When you are not speaking, your microphone should be on mute.

Pursuant to the motion adopted on March 9, 2021, I must inform the committee that all witnesses have completed a technical pretest.

With us today for the first hour by video conference, we have the following witnesses: From the RCMP, we have Staff Sergeant Ryan How, detachment commander, Meadow Lake, Saskatchewan; Inspector Jeff Preston, officer in charge, Campbell River, British Columbia; Inspector Dustin Rusk, officer in charge, indigenous relations services; and hopefully soon we'll have Amichai Wise, the counsel from legal services.

Thank you all for appearing with us today.

Inspector Preston, do you have your opening remarks in front of you?

Inspector Jeff Preston (Officer in Charge, Campbell River, British Columbia, Royal Canadian Mounted Police): Yes, sir.

The Chair: Go ahead for six minutes.

Insp Jeff Preston: Good morning, everyone. Thank you for having us today.

My name is Jeff Preston. I'm the officer in charge of the Campbell River detachment on Vancouver Island, British Columbia. I'm speaking on behalf of Inspector Dustin Rusk from RCMP indige-

nous relations services. He's having technical difficulties, so I'm going to read his opening remarks on his behalf.

I'd like to start off by recognizing that I am speaking from the traditional territories of We Wai Kai, Wei Wai Kum and Homalco first nations here on beautiful Vancouver Island.

The RCMP has an important role, along with other government and non-governmental agencies, to support the enhanced safety and well-being of indigenous communities. It is one of the RCMP's strategic priorities.

It is important for all frontline enforcement service providers, including the police, to be kept abreast of any legislative developments involving aspects of indigenous legal matters that are pertinent to law enforcement activities for indigenous communities. The RCMP and other policing service providers work in partnership with the ministries responsible for the safety and well-being of indigenous communities. The RCMP supports the need for enforcement on first nation reserves in relation to COVID-19 measures to control the spread of the disease and will continue to engage with the leaders of indigenous communities where the RCMP is the police service of jurisdiction.

At the onset of the pandemic, the importance of enforcing band-created bylaws related to COVID-19 became acute. The RCMP's response was to work with indigenous communities, the Public Prosecution Service of Canada—known as PPSC—and other partners to find ways that were lawful and respectful. Under sections 81 and 85 of the Indian Act, first nation communities may establish band bylaws relevant to the COVID-19 pandemic. Of particular relevance, section 81(1)(a) states that a band bylaw may be passed “to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases”.

When investigation is warranted, the RCMP will carry it out and determine if there are reasonable grounds to lay a charge under a band bylaw. Generally speaking, band bylaws are treated as federal laws that are enforceable by the RCMP, the police of jurisdiction or the band bylaw enforcement officers. A contravention of the band bylaw is a summary conviction offence. The offence and circumstances will determine the appropriate form of release, appearance notice, undertaking or summons.

RCMP personnel continue to exercise judgment and operational discretion to enforce the COVID-19-related band bylaws, in accordance with relevant statutory and constitutional law as well as national and divisional policies. If there are any questions or concerns about whether charges are warranted or supported, RCMP personnel may consult the regional PPSC office for a Crown opinion.

With respect to COVID-19-related band bylaws, first nation communities may elect to consider entering into a prosecution and enforcement protocol agreement with the PPSC regional office and local law enforcement, often the RCMP, for the enforcement of a specific bylaw that relies on section 81 and/or subsection 85(1) of the Indian Act as a legal authority. There are several published examples of this protocol approach currently in effect in which the RCMP as well as other police agencies were involved.

A key example of this emanates from Duncan, British Columbia, where a protocol with the Cowichan Tribes was signed into effect in January 2021. This protocol sets out a procedure for the investigation by the RCMP and prosecution by the PPSC of offences set out in bylaws adopted by Cowichan Tribes and specifically enforced to address the COVID-19 pandemic through the bylaws. A significant aspect of this protocol is the option to consider restorative justice. Before submitting a report to the Crown for charge approval, the RCMP will consider whether the matter is appropriate for diversion to the Cowichan Tribes restorative justice program.

As indigenous communities continue to deal with the pandemic and to protect their members, the RCMP will continue to work with these communities in a collaborative manner and to prioritize their safety.

Thank you for having us today. We look forward to your questions.

• (1110)

The Chair: Inspector, thank you very much for that presentation.

We will now go on to a round of questioning. We'll have six-minute rounds, starting with Mr. Vidal.

Gary, please go ahead.

Mr. Gary Vidal (Desnethé—Missinippi—Churchill River, CPC): Thank you, Chair.

Thank you to our witnesses from the RCMP today. We appreciate your taking the time to join us so that we can learn from your experience and your knowledge as we consider the study on enforcement in first nations communities. We look forward to the advice you can offer to us as we develop a report and bring recommendations forward to the House of Commons.

I'm going to focus my questions on Staff Sergeant How this morning, because we have some history and relationship.

Staff Sergeant How, I think you have a unique opportunity to offer advice to us. If I'm not mistaken—and please correct me if I'm wrong—you grew up in a northern community that had many first nations surrounding it. Your entire time in the force has been in serving northern Saskatchewan communities, where you have shared borders between a town and first nations and a village and first nations. I think the detachment you command now serves a

small city, a rural municipality, a couple of first nations and a Métis community as well.

With that unique experience and that kind of perspective, what lessons could you share with the members of this committee on the things you have learned about successful enforcement in first nations communities that have relationships with neighbouring communities?

Staff Sergeant Ryan How (Detachment Commander, Meadow Lake, Saskatchewan, Royal Canadian Mounted Police): Thank you for the question.

Good morning, Mr. Chair, and good morning, everybody.

That's correct. I grew up in northern Saskatchewan. I have been fortunate enough to be posted here for my entire service.

Many of the communities I have worked in have first nations communities literally separated by a hedgerow from non-first nations communities. One thing I have learned in dealing with the leadership on those first nations communities is that they feel the inequity, that they aren't in control of some of the laws and in requesting enforcement that the non-first nations communities are able to enact under their own bylaws.

In my current situation, I am managing a municipal policing contract for a city, a provincial contract for the regional municipality, two CTAs and a Métis community. They're very unique communities with unique demands, all in a very small geographic area.

Even our two first nations—Waterhen and Flying Dust—though they are only 60 kilometres apart, are very different communities. The ability for them to tailor laws and enact their own bylaws causes some frustration for them, being unique communities. Flying Dust is, again, right next to Meadow Lake, which is the city we police. They are essentially one community, but there are very different policing aspects, and very different approaches are needed from our young members when they are responding to calls in the different communities.

If that answers your question, I will leave it there.

Mr. Gary Vidal: Thank you.

Can I maybe get you to expand on the lessons you've learned that have allowed you to be successful in that relationship?

In my preamble, I never expressed the one comment I was going to make. I'm not sure I ever shared this with you, Staff Sergeant. When you were transferred out of one of those communities, the chief of that neighbouring first nation reached out to me and expressed his disappointment at losing your leadership in that community.

I don't do this to stroke your ego; that's not my point. You obviously learned some things in that you were successful in building relationships with those communities. I would be interested in hearing some more about what works and what the positive things are that you have learned that work in the first nations policing.

S/Sgt Ryan How: Sure.

I will go back to some experiences I have had on the negative.

Some of the first nations leaders and all the community leaders have told me that for quite a few years, they felt the RCMP told them what their policing needs were. Reverse that and approach the community leaders and have them tell us what their needs are, because the community knows best.

I think the biggest lesson I take from that is to approach policing in any community with humility and open communication. Listen to what the community wants. What we may feel as a detachment is a policing priority may not be recognized as what the community wants. Unless there's that communication, we're not understanding, and then there's a complete disconnect. As hard as the RCMP may be working to achieve goals that they feel are important for the community, they may be missing the mark on what the community wants.

Humility and communication were the two lessons I've taken away from all the communities I've worked in.

• (1115)

Mr. Gary Vidal: Thank you.

I'm going to switch over for just a minute to Inspector Preston and ask him basically the same question.

Inspector Preston, could you respond with your experience of what works in policing in the first nations community and maybe add to what Staff Sergeant How shared with us?

Insp Jeff Preston: Not to copy Staff Sergeant How, but I too find the best way to make a positive difference in any of the first nation communities that I've worked in—which have been many—is having open, honest communication with the officials and the public at large, listening to what they want and what they need; and then working with them to try to accomplish that.

A lot of the aspects of policing become legal and are hard to understand, so if you work together so that everyone has a common understanding of what needs to happen in order to get to the desired goal, it's the best way to move forward.

The Chair: That's just about time, Gary. Thank you.

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

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thanks, Chair.

Thanks to our witnesses for being here today.

Outside of Ontario and Quebec, the RCMP are contracted by provincial and sometimes municipal governments. There is often confusion from Canadians who think that the federal government is actually directing the RCMP when they're in first nations communities outside Ontario and Quebec.

I know there's a tripartite table that is established, but in terms of where the RCMP is receiving their direction in provincial jurisdictions—we've got Saskatchewan and British Columbia here, but regardless of the province—could you explain that to us a little bit?

Insp Jeff Preston: I don't mind taking this question, Staff Sergeant How.

Within any of the contract provinces—so essentially outside of Ontario and Quebec—the policing is a responsibility of the provincial government. With regard to policing on reserve, again it is a provincial responsibility, but the RCMP obviously has to uphold all statutes and regulations that apply to that province. Every year we do approach the first nation communities and ask them to sign a letter of expectation as to what they would like the main priorities to be for that coming year. We also will meet throughout the year to determine if those priorities are being met, and if not, how we can better approach things.

From year to year, sometimes those expectations do not change. A lot of times it's to deal with drug dealers on reserve or people coming onto the reserve to sell drugs or alcohol—

Ms. Pam Damoff: Can I stop you there for a second, though? You're contracted by the province, so it's not like the federal government is providing direction to you directly. It's the provincial government that has contracted you.

I want to go back to the drug dealer you just mentioned. You said the RCMP can enforce bylaws on reserve, right?

Insp Jeff Preston: We can enforce certain bylaws, yes. This is part of the problem, because some are—

Ms. Pam Damoff: If there's a drug dealer on a reserve and the reserve wants to lay charges, who do they call, and what's the process? We know it's not just during COVID. This has been an ongoing issue. Could you go through the process for that, and where the barriers are?

Insp Jeff Preston: With regard to, for example, drug dealing, that is a Criminal Code or Controlled Drugs and Substances Act offence, so that's a federal statute. It's fairly easy; you call the RCMP or police of jurisdiction for that area, and then we would do our investigation.

The issue becomes whether we're successful in gathering enough evidence to support a charge under the CDSA or Criminal Code. A lot of times the first nation communities would like to get that individual off reserve. Then we have to start dealing with band bylaws, which may or may not even exist, and if they do exist, there's the issue of whether or not they are enforceable by the RCMP.

• (1120)

Ms. Pam Damoff: Even when you have enough evidence to lay a charge, we heard from the Public Prosecution Service of Canada that there's a bit of a disconnect in terms of the prosecutions and that some communities have had to hire private prosecutors. Are you saying that if you're able to get enough evidence, it will always result in a prosecution?

Insp Jeff Preston: I think it's very important to differentiate between a criminal matter and a bylaw matter.

In a criminal matter, here in British Columbia at least—I know it's different in some contract provinces—if we have enough evidence, we will forward all the information to the prosecutor, who will determine whether or not a charge is approved. That's for offences under the Criminal Code or the CDSA, which are federal statutes.

The disconnect is that in most cases brought under bylaws, the Public Prosecution Service of Canada will not prosecute. They will have the individual band hire lawyers to act as the prosecutor. It becomes very expensive. You can well imagine that for some communities of 100 or so individuals, it's unattainable, because the costs are prohibitive.

Ms. Pam Damoff: Do you have any recommendations on how we could make it easier for these communities to enforce their by-laws?

Insp Jeff Preston: I look at it as a wheel. There are spokes. Some of those spokes are the enforcement folks like me. Other spokes on that wheel are Public Prosecution Service of Canada, and a spoke is obviously the first nations community itself, which would want to enact that law. If all those spokes aren't working together, the wheel is going to be flat and it's not going to work. It's not going to roll.

We need to have a system in place such that it's not cost prohibitive for first nations communities to have their bylaws enacted and enforced, “enforced” meaning the prosecution of it. The RCMP, if properly funded and staffed, could have the ability to enforce those laws, but that's only one thing. Enforcement—

Ms. Pam Damoff: I only have 30 seconds left.

In Ontario right now, there are conversations to try to come up with a solution. Do you think it would be helpful across Canada to bring all these parties to the table to ask how to resolve all these issues?

Insp Jeff Preston: Any time we can get all the partners at one table talking is definitely a positive step.

Ms. Pam Damoff: Okay, thank you.

Thank you, Chair.

The Chair: Thanks so much.

Mr. Clerk, I see Mr. Wise has joined the panel. Are we good with the sound check?

The Clerk of the Committee (Mr. Naaman Sugrue): Could he unmute, perhaps introduce himself and let us know where he's calling from? The interpreters will let me know.

The Chair: Mr. Wise, can you go ahead?

Mr. Amichai Wise (Counsel, Legal Services, Royal Canadian Mounted Police): Good day, Mr. Chair. Please accept my apologies. Apparently these technical issues were beyond my control. Again, my apologies, and thank you for having me here today.

The Clerk: I'll ask him to move his microphone up between mouth and nose level. Then I think we'll be okay going forward.

The Chair: Okay.

Mr. Amichai Wise: Thank you very much, Mr. Chair.

The Chair: Okay, we are good to go, Mr. Clerk.

Mr. Wise, thanks for joining us.

We will go now to Madam Bérubé for six minutes. Please go ahead.

[*Translation*]

Ms. Sylvie Bérubé (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Thank you, Mr. Chair.

I am speaking from the traditional territory of the Cree and the Anishinaabe peoples, in northern Quebec. For the Royal Canadian Mounted Police (RCMP), it is a territory outside Quebec.

Let me turn to the representatives from the RCMP.

What is your real mandate in terms of provincial contracts and indigenous communities?

Where do you draw the line in your relations with the provinces and indigenous communities?

[*English*]

Insp Jeff Preston: I'm sorry, that was a little bit garbled in my ear. Could I have the question repeated?

[*Translation*]

Ms. Sylvie Bérubé: Yes, of course.

What is your role and what is your mandate in terms of provincial contracts and indigenous communities?

Where do you draw the line in your relations with the provinces and the indigenous communities?

• (1125)

[*English*]

Insp Jeff Preston: Thank you for the question. Again, if Staff Sergeant How wants to jump in at any time, feel free.

Our mandate from a provincial standpoint is to enforce all federal and provincial statutes within the provinces that we're contractually obligated to provide policing services to, including first nations communities, so it's important to note that we do go to see each first nation community. Not every community has a community tripartite agreement, so it is imperative for detachment commanders to go to each community to get to know the community and to understand what the needs are for that community with regard to policing.

[Translation]

Ms. Sylvie Bérubé: What problems have your relations faced in this process?

[English]

Insp Jeff Preston: Some of the problems that I personally experienced were due to the fact that we transfer around a lot. As has been mentioned by Staff Sergeant How and me, relationship building is imperative, so when detachment commanders or personnel in the detachments move frequently, it takes time to develop relationships, to develop that trust. Everyone on this call can well imagine that.

There has been mistrust by first nations communities of the RCMP and any other policing agency. In the past, police have been used to enforce the government policy of the day, such as residential schools, and that has led to years of mistrust—understandably so—and it takes time to break down those barriers.

Having time with your communities and understanding their needs has been a major hurdle, as well as having bylaws and regulations that are enforceable in some cases and non-enforceable in others, and it is very confusing for the community as a whole, not to mention the members who are enforcing those laws.

[Translation]

Ms. Sylvie Bérubé: The pandemic has certainly made the process more cumbersome in terms of certain principles.

Do the communities trust you?

[English]

S/Sgt Ryan How: I might be able to chime in on this one.

Again it comes back to the relationship between the detachments and the communities.

You had previously asked about difficulties in enforcing on a first nation or any conflicts. In my experience, when provincial legislation such as the Wildlife Act comes as what may be considered overstep on treaty rights, we've definitely come into some conflicts there between different pieces of legislation. Similar to dealing with the COVID-19 pandemic, it all comes down to relationships and being able to mediate those concerns with the detachment. Usually the detachment commander and the detachment members work out solutions before it becomes a bigger issue.

I relate that back to the COVID-19 pandemic, because we were very sympathetic and concerned that cultural activities still be able to take place on the first nations within the public health order.

[Translation]

Ms. Sylvie Bérubé: Earlier, you mentioned that you signed protocol agreements in January 2021.

Did those agreements improve things?

[English]

Insp Jeff Preston: Again, each community is different. Not all communities have signed agreements with regard to COVID-19 and not every community even has a community tripartite agreement, a CTA. The communities that I serve do have that agreement

in place, for the CTA at least, but we do not have a COVID-19 by-law, although we do work closely with each of the nations here.

I believe we've built up a level of trust and understanding, and when there have been issues specifically surrounding COVID-19, we've been able to effectively mediate them. There have been some bumps in the road, but in my experience, it's the relationships that have made the difference, not the bylaws.

• (1130)

The Chair: Thank you for the responses.

We'll go now to Ms. Blaney for six minutes.

Ms. Rachel Blaney (North Island—Powell River, NDP): Thank you so much, Chair.

Thank you for your presentation today. It has been very helpful, as have the questions you've answered.

I'll go first to Inspector Preston.

You spoke in your introduction about the fact that you have three first nation territories that you work upon. Could you talk about your experience in some of the hurdles or concerns you have when enforcing the various statutes and regulations, as well as bylaws and laws on first nation communities? Can you also add that context of how you deal with three different communities and the challenges that this situation might present?

Insp Jeff Preston: As I've stated, in each contract province in which the RCMP is the police of jurisdiction, there are over 100 statutes and regulations that we're expected to enforce. Unfortunately, not all of those regulations or statutes are applicable on reserve.

I'll give an example. Here in British Columbia, the B.C. Motor Vehicle Act, a pretty standard act, is not applicable on all roads within reserves. For example, in one of the communities here, on one of the roads going into the community, the Motor Vehicle Act applies, but as soon as you turn off onto a different road, still on the same reserve, the act doesn't apply. It becomes very difficult.

As officers, this is what we do for a living, so we get to know where we can and cannot apply the law, but it becomes very difficult to explain to the general public, and it builds mistrust when a member of the community calls and reports that so-and-so is driving when they know they're not supposed to be. We say, "Well, actually that doesn't apply on that road; please call us when they actually go over to a different road."

As I say, it's very difficult to explain to the general public and it leads to mistrust and a loss of community confidence in their law enforcement.

With regard to band bylaws, it becomes even more difficult because of all the things we've talked about already, such as what it takes to enact the law itself and for the chief and council to actually come up with the law, because they have to work with lawyers. It gets to be very expensive, and then it comes to the enforcement. Who will enforce it; and if we do enforce it, what mechanism do we have in place for a dispute? If someone disputes that they were breaking the bylaw, who is going to hear that? Who's going to be the prosecutor? Who's going to be the judge?

It all becomes very complicated, and a lot of times communities do not have the capacity to roll with that.

Ms. Rachel Blaney: Thank you.

I guess part of my frustration is that I keep hearing this part about relationships. I really respect the work that so many RCMP are doing in that outreach, I've also heard from the communities I represent that they'll have somebody in place whom they really trust and feel comfortable with—I think Mr. Vidal talked about that with Staff Sergeant How—and then when they leave, it really breaks apart that core relationship. It's always this job of rebuilding.

I'm not sure if you have a solution to that. I'm just wondering whether there is development in the RCMP on how to build these relationships. Are there systems actually coming into place to work on that?

Insp Jeff Preston: I don't know if Staff Sergeant How wants to touch base, but I can quickly speak.

We do have some training, but one of the biggest things, as I said, is those individual relationships. Yes, we do transfer around, and that's just the nature of our work. The hope is that the trust is there and that if I leave and I'm a trusted member, the next person coming in can build upon that relationship and is not starting at ground zero.

When you have a breakdown in that relationship, as we've had in the past as a result of the enforcement of unpopular or unjust laws, such as the residential schools, it takes a long time to start building up those relationships. We hope that people start to see past the uniform, see the individual who's wearing the uniform, know they can trust that person, and won't dwell on the fact that they may have had a bad experience with that uniform in the past.

With regard to how we fix transferring around, I don't have an answer for that.

Ms. Rachel Blaney: Can you tell me about a time when you worked with a first nation community to implement an Indian Act bylaw? How easy was it, and was it successful?

• (1135)

Insp Jeff Preston: Thank you for the question.

I've been policing now for 25 years, and in every one of the detachments I've served, I've had the privilege of working with first nation communities, both treaty and non-treaty. This has afforded me the opportunity to work with first nations on enacting of Indian Act bylaws. I'd like to say it's been an enjoyable procedure, but it has not. It's been fraught with a lot of issues.

As an example, I worked with a first nation community with an intoxicant bylaw here on the west coast. The community has been long suffering from alcoholism, and they wanted to rid the community of alcohol. I was there for three years. It took over three years to just get it to the point where they could vote on it.

One of the pitfalls was that the community did not have the legal expertise to draft the bylaw, so they ended up having to utilize outside legal services, which were very expensive for a community that did not have a lot of money. Then, from that point forward, they also didn't have the capacity to have the dispute mechanism in place.

At the end of the day, even though the law was passed, it became somewhat unenforceable. For the police to enforce it, we have to have a mechanism for someone to dispute. When it isn't there, it falls apart. Also, they did not have the support, I guess, of the Public Prosecution Service to prosecute that bylaw.

Ms. Rachel Blaney: Thank you.

I think that's my time, Chair.

The Chair: Thank you, Ms. Blaney.

Moving now to the five-minute round, we have Mr. Vidal, Mr. Battiste and so on.

Gary, you have five minutes. Go ahead.

Mr. Gary Vidal: Thank you, Mr. Chair.

I'm going to follow up a little bit on some of what Ms. Damoff said around the prosecutions. We've heard this threaded throughout the testimony. I want to start with Staff Sergeant How on this, because we've had some conversations about this in the past.

Last week we also heard from a number of department officials about some of the challenges around prosecution. As I listened to the testimony—and I think it was last Thursday, if I can keep my days straight—I immediately wrote down the words “jurisdictional quagmire”. That was my response to the testimony. I'm not pointing fingers at anybody. That's not my purpose.

Staff Sergeant How, in your policing both on and off reserve, can you share some of your experiences with the challenges and frustrations of that kind of enforcement, followed up by appropriate prosecution on or off reserve in these small northern Saskatchewan communities?

S/Sgt Ryan How: Yes. Thank you.

I think I can go back prior to 2014, when I was living even further north on a first nation, and we were able to enforce bylaws pursuant to the Indian Act. The first nation was very pleased with that. It was a dry reserve. We were able to do our best to keep alcohol off the first nation, which, of course, cuts down on serious offences afterwards.

After 2014, we weren't able to enforce the bylaws anymore, and that caused an immediate friction with all of the police, who were seen as the ones who suddenly stopped. It was perceived as our decision. For the poor junior member going out at three o'clock in the morning and being asked to enforce a band bylaw, they would take the heat, the flack and an earful for the decisions made far, far above them and take the community frustration of why they couldn't deal with that problem when the community wanted it dealt with.

In other posts I've had, the most common question was about how they could get to the point where the police could enforce it. My message to the first nation was that the RCMP is standing with you. We support you and we want this to happen; we just can't enforce it until there's prosecution.

We offer whatever support we can to make it happen and guidance within our wheelhouse, but it's certainly a point of frustration and friction, unfortunately, between the police, who are perceived as the face of it, and the communities.

• (1140)

Mr. Gary Vidal: Thank you for that.

I'm going to jump over to Mr. Wise to follow up on this.

From the legal perspective, can you help us understand the challenge and potentially offer a solution to this situation? What would be the solution, from a legal perspective, to get rid of the jurisdictional quagmire that I spoke of?

Mr. Amichai Wise: I'll start by echoing what a lot of my Department of Justice colleagues said on Thursday, which was that the problem is how to effectively enforce and prosecute band bylaws. Because your question goes a little bit more into the prosecution realm, I'm going to tiptoe around it a little bit and leave that to my PPSC colleagues. However, what I can say is that what goes into the operational discretion of RCMP members in enforcing band bylaws is important. Their mandate to preserve the peace and investigate crime is paramount.

When you get a bylaw, to the previous witness's statement that in 2014 there were issues, there was no mandatory review from Indigenous Services Canada at that point. What you had were bylaws that perhaps did not meet constitutional muster or had other problems, which led the RCMP, potentially as part of their decision-making, to decide whether to enforce it or not, and it became a larger issue there.

It's quite complicated, and that's an understatement. You've been hearing that for a couple of days now, but again, with the prosecution piece, the jurisdictional quagmire between the provincial attorneys general and the federal Attorney General exists. I'm no expert on that, but it definitely is a problem that requires a whole-of-government response.

The Chair: Thank you. That brings us to time.

We go now to Mr. Battiste for five minutes.

Mr. Jaime Battiste (Sydney—Victoria, Lib.): Thank you for this.

I've been listening as this conversation has evolved, and I haven't heard a lot of solutions. I heard a lot of people saying it's complicated and it takes a lot of different jurisdictions. I'm wondering, if there was an indigenous attorney general in Canada who not only looked at the constitutional realm but also at section 35 aboriginal and treaty rights as well as what goes on on reserve, would it not help the situation to have one authority or one voice to be able to make those decisions that need to be made in a timely and effective manner?

I'll open it up.

The Chair: I like that.

Mr. Amichai Wise: Mr. Chair, is that directed to me, the Department of Justice?

The Chair: It's to anybody. Go ahead.

Mr. Amichai Wise: That perhaps is a viable solution. I don't know much about that potential solution, but I do think that on Thursday, my colleague at the Aboriginal Law Centre at the Department of Justice pointed to a couple of possible solutions, such as a ramp-up of specific administration of justice agreements. That is something that could definitely help.

You've heard from PPSC during the current pandemic about the short-term solutions on prosecuting COVID-related bylaws. They are out there, but I think a lot of people, the minister and others, share frustration on this issue, which is why it's important to have a conversation like this.

That's all I can respond at this point. If you'd like me to follow up further, I'm happy to.

Mr. Jaime Battiste: I'm wondering, when you say the minister, which minister? It seems to fall under a number of ministerial portfolios. One of the problems here seems to be that we have the Minister of Justice and Attorney General, we have the Minister of Indigenous Services Canada, and we also have the Minister of Public Safety.

At the end of the day, I'm hearing a lot of discussion about how once a band makes a bylaw, there is also a discretion and national divisional policy that they have to look at. Where does the buck stop at the end of the day? Who is the person who can speed up this process to ensure that bands don't have to continue to be frustrated when the laws that they put in place to protect their community members aren't followed?

Mr. Wise, I'll let you go on that.

• (1145)

Mr. Amichai Wise: I don't think it's passing the buck when everyone has been saying it's a shared responsibility. I think that actually is true. I'm here to represent the Minister of Justice, personally. That's who I will be speaking for.

When you deal with police and the RCMP, as my colleagues at the RCMP can tell you, there is operational discretion even though they are under the Minister of Public Safety. There is always police operational discretion. That's always a factor, and it's one of the tenets of a free and democratic society that is an important principle to uphold.

That will always be a factor as well, but it is complicated. There are potential solutions, and they're being worked through across departments at this time.

Mr. Jaime Battiste: Can you talk to me about what the discretion is like? Give me a sense. Let's say I'm a band. I reach out to the police and say I want to put up a blockade because COVID has become serious in my community and certain people aren't following the blockades or the check stops and they're driving right by our safety people. What's the discretion the police would have in terms of saying that they're not going to follow the band bylaw?

Mr. Amichai Wise: I think that one would be best answered by the RCMP. I'd be happy to pass it to either one of my colleagues.

Mr. Jaime Battiste: Okay.

Insp Jeff Preston: That's an excellent question. In fact, that has happened here in my home detachment, where all three of the first nation communities have put up roadblocks to entering into the community.

Although there is no bylaw in place right now to say that these are enforceable, the RCMP has worked with each of the reserves to ensure that we will be there with them. If they run into issues with people trying to go past the blockade, and they have, we'll stand by and keep the peace and ensure that those laws are enforced.

Unfortunately, the issue is we have to stand by and keep the peace, which means we have to rely on the band representative to stand there and say, "You are not welcome on reserve" for whatever reason, and they are then the ones who are to tell people they have to leave. We will stand by. When I say "keep the peace", we'll be there to ensure that this individual isn't assaulted or threatened. If they are, or if it looks like they're about to be assaulted, then we'll step in, but we don't have the legal authority to stand there ourselves and say that someone can't come in and enforce this bylaw. We have to work with the community.

The Chair: Thanks very much. We're way over time. It's a great question. Sorry, Mr. Battiste.

We'll go to Ms. Bérubé for two and a half minutes.

[*Translation*]

Ms. Sylvie Bérubé: Thank you, Mr. Chair.

My next question is for Mr. Preston.

Does the RCMP provide specific training to promote good relations with indigenous communities?

[*English*]

Insp Jeff Preston: I would have to pass on the training that's going on at Depot right now to our headquarters, because it's been 25 years since I've actually gone through it.

However, we do have online training here. I know that nationally, each officer must take a first nations online course. One thing I would love to see is to have members, when they do come to the community, meet with elders to learn the local customs and meet with chief and council so the new officers understand what problems do exist on reserve.

We do have an orientation package here at my detachment. We give all new members this package, and it has a history that was provided by each of the communities, so we do have something, but I think more could be done in that way.

Staff Sergeant How, I'm not sure what you have at your home detachment.

S/Sgt Ryan How: I agree with you about integrating new members from all over Canada into the unique communities they serve. We've written that into our annual performance plan, and I believe that's a provincial mandate this year.

It's so important that when they get to the community, as soon as they're on the ground, they understand and meet the local leaders and the community so that they understand who they're dealing with.

• (1150)

[*Translation*]

Ms. Sylvie Bérubé: Do you have any recommendations for improving the support you provide to indigenous communities?

[*English*]

The Chair: Go ahead, Inspector.

Insp Jeff Preston: For example, in our communities with community tripartite agreements, it's having enough resources for them to go into the communities to have that positive interaction. For a lot of my frontline officers, the only opportunity they truly get to go on reserve is when they're responding to a call, and when people are in crisis is not the time to build a relationship.

It's having our CTA first nation members go on ahead of time, such as my officer here. I have one officer for three reserves, though, so unfortunately his time is very limited on each reserve. When he can get on reserve, it's important that he have the opportunity to make those positive interactions, especially with the youth.

For example, my officer here just last week went and worked with a grade 5 class and produced 30 carving paddles to work on with the kids so they have a positive interaction with police, as opposed to the only interaction being when the officers come to arrest someone.

The Chair: Thanks very much.

Ms. Blaney, you have two and a half minutes.

Ms. Rachel Blaney: Thank you, Chair.

Inspector Preston, in your experience, what workaround has the RCMP had to utilize in order to help first nation communities with the enforcement of bylaws or first nation traditional laws, such as banishment? Has it been successful?

Insp Jeff Preston: One thing that the RCMP is excellent at is using workarounds when there are problems within a community. We truly want to try to come up with a solution in working in conjunction with community members.

For example, when we have a banishment law that has been passed, or even if it has not been passed and there's an issue with an individual on reserve that the community wants gone, we will stand by and keep the peace. We will go there proactively and speak to the individual, although we aren't necessarily able to grab hold of them and throw them off the reserve on behalf of the band, and explain the process and help get them off in a peaceful manner.

Again, it is that personal relationship that seems to work the best when the laws that are enacted aren't sufficient to do the job.

Ms. Rachel Blaney: The relationships aspect keeps coming up. Earlier, in your response to the last MP, you talked about resources and one of the challenges. My interpretation of that is to ask if there are enough resources to have your members go into the community and have some time up there that isn't just about enforcement but is about that connection and that connection-building. Is that a challenge, then?

You talked about having one RCMP officer for three communities, and I would assume it would be a challenge to send your members up to just hang out for half an hour to get to know people. Is that a resource issue?

Insp Jeff Preston: Every community or every detachment is different. In some of our smaller detachments, I've had the opportunity and a little more time, so I could personally go out and do that proactive work. A place like Campbell River is a much busier location, and time to go to the reserve is very limited for a lot of our officers. It's not from a lack of wanting to; it's just that they have priority calls in the queue and they have to go and respond to them. Therefore, yes, resourcing can definitely be an issue.

Again, I can only speak for the detachment areas that I've personally worked in. I can't speak for my colleagues in Saskatchewan or elsewhere.

Staff Sergeant How, maybe you could pipe in on your experience.

S/Sgt Ryan How: Yes, that's absolutely correct.

Further to the relationship-building aspect, when the members are so busy and responding to calls for service, and usually violent calls for service, this situation makes it extremely difficult for them to be in a mind frame to go and build a relationship in any spare time they have. We have to remember that they're people too.

Bearing in mind that we're recovering from a pandemic and our depot was in a shutdown, our resources are going to be thin here for a while.

However, absolutely, resources are an issue in terms of relationship building.

• (1155)

The Chair: Thanks very much.

Gary Vidal, you have five minutes.

Mr. Gary Vidal: Thank you, Mr. Chair.

I want to follow up on where the conversation has been going on the concept of relationships and communication. Obviously this is my last opportunity today and I want to end it on a relatively positive note.

Staff Sergeant How, I know you have some stories in your own experience of some really positive things you've been involved in personally, and also some that your members, for whom you've been a leader, have been involved in. Back in your time as the commanding officer of Meadow Lake, when I was the mayor, you initiated a communication strategy to tell some of the good stories about what the RCMP was doing in our community, so that it wasn't always about the negative things. It wasn't always about the enforcement things.

I want to give you an opportunity to share two or three of these positive stories and how the impact of those positive stories could benefit those who are policing in first nations communities, both those that are neighbouring non-indigenous communities and those that are more remote and northern.

S/Sgt Ryan How: Thank you for the question.

I read through Chief Blake's comments last week from the Tsuut'ina Nation. He made a comment about enforcement being only a very small part of our job. I very much agree with that. There is a lot of restorative justice going on behind the scenes. It's as simple as Mr. Vidal was saying.

A few years ago, we had a Mountie from Quebec. He was posted to a northern first nation in Saskatchewan. He had never been on a first nation before. He went to a powwow. As soon as he heard the drum, he started dancing in his own way. You may have seen it; it was national news. We had the dancing Mountie. The fact that he let himself go and stepped outside of his professional persona won the community over. It was just a simple three- or four-minute escape for him, I suppose. It's things like this that you don't see and that are outside of the enforcement.

In my time in Loon Lake, we were dealing with an extremely violent gang that was terrorizing the whole side of the province using the colour red as a method to intimidate and scare the community. I was so frustrated, because kids couldn't even walk to school. They were terrified that these gangs were always out and they always had firearms.

One of my young members made a comment about the colour red. He said that we wore red first, hearkening back to our red tunics. We met with the community leaders and were informed that red is a very important traditional colour in first nations as well. We said, "Let's take this back." Again, this is totally outside of enforcement. It's thinking outside the box and relationship building.

What was thought of was to get the community mobilized all in red and walk around and tell the gangs “no more”. This was our community. We mobilized over 350 people to walk around the community that day. We were very impressed with the community because it was willing to stand with us, and we were willing to stand with them. That had far more impact than any enforcement that could have been done.

Just to reiterate, the common theme I'm hearing is that it's all about relationships and hundreds of thousands of positive contacts between the police and all communities, especially first nations, every day that don't get noticed.

I appreciate Mr. Vidal's question and his letting me get the message out there that while there are legislative barriers, it's very important to acknowledge that there's excellent work being done.

Mr. Gary Vidal: I going to honestly suggest that I thought Staff Sergeant How would kill my time telling stories, but he didn't.

Inspector Preston, can I throw that at you? Do you have a similar story to share that comes from a positive perspective like that?

Insp Jeff Preston: Thank you for the opportunity.

As Staff Sergeant How said, we have hundreds of thousands of interactions with the general public each day or year. The only things that seem to get publicized are the one or two that go negatively.

There are a multitude of good stories being told throughout the province here. I can speak of, and I know Ms. Blaney will know, Corporal Chris Voller, who worked the north end of the island here, very close to my detachment. He has worked super-hard with the community in Port Hardy. He was basically indoctrinated into the community and was given a first nations name. He was loved by all because he truly became part of that community.

Unfortunately, when he left, it left a hole there, but he has now gone to Quadra Island here and is working with We Wai Kai first nations. He started off on a great footing, trying to do some reconciliation work with the community.

I could go on and on. I have an officer here who, when it does snow—we don't get a lot of snow on Vancouver Island, which is great—he'll take out his personal snow blower and go and blow the snow out of the elders' driveways. It's things like that.

Speaking of reconciliation, we just recently brought all the detachment commanders from the island here to put on a village workshop. If you're not aware of it, it's a workshop put on by an educator here from the university that outlines the impact the residential schools have had on first nation communities. The hope was that those commanders could then take that knowledge to their detachments and spread it to each officer and hopefully even bring that education to the detachment by bringing the educator there.

• (1200)

The Chair: Thanks, Inspector.

We're moving along in time. That brings me to Ms. Zann.

You have five minutes.

Ms. Lenore Zann (Cumberland—Colchester, Lib.): Thank you very much, Chair.

I have a question. I would open this up to any of you to respond.

You had talked about drug dealers on reserve. When it comes to the issue of selling cannabis and cannabis places opening up on reserve and selling edibles and things like this as well, how do you deal with that in your regions of the country? This is happening here in Nova Scotia. I know there are mixed feelings about it on reserve by both band and council and citizens. Could you please tell me a little bit about how you deal with that?

Thank you.

Insp Jeff Preston: Unfortunately, I won't be able to answer your question on that. I don't have any experience with it. I can get our headquarters to provide you with some information, though.

S/Sgt Ryan How: I'd be the same. I have no experience with that, unfortunately. I apologize.

Ms. Lenore Zann: Okay. Thank you.

When it comes to the difference between acting on behalf of the province or acting on behalf of the Government of Canada, here in Nova Scotia, the RCMP is retained by the province in some areas and also, as Pam mentioned earlier, by some of the counties in others. Sometimes there is frustration in some situations when the RCMP are seen as not really doing anything. Obviously there is enough blame to go around for everybody.

Could you explain again the differences in your responsibilities when it is the province that is hiring you, versus the feds, versus municipalities, and expand a little bit more on that?

Insp Jeff Preston: Thank you for the question.

Regardless of who is paying—what we call a collator—or who is funding your position, the role and responsibility of every officer is to uphold the various statutes regardless of whether you're federally funded or provincially funded or municipally funded. You're there to enforce the laws and regulations that are on the books, the ones that are enforceable. The frustration for the community occurs when they believe there is a law and they don't think that the police are enforcing it.

I go back to my example of the Motor Vehicle Act. It's not that we don't want to enforce it, but that there's case law that says, “No, that law doesn't apply on those specific roads.” That's a very difficult thing to try to explain to the general public when it's hard enough for the officers themselves to understand and keep straight.

The short point of it is that regardless of who is funding your position, your job is to uphold the various regulations.

Ms. Lenore Zann: Thank you.

I'd also like to ask about wellness checks, as there have been a number of cases in which the RCMP have been called to go for a wellness check, and it has not ended well for the person.

I know you said that oftentimes it's the bad news stories that hit the media, but these are definitely upsetting stories. I know that local police officers here in Nova Scotia have said that they prefer not to go to wellness checks. They believe people who have more training in wellness and mental health issues should be going to these calls.

What is your response to that, and what recommendations can you make?

• (1205)

Insp Jeff Preston: I'll let Staff Sergeant How speak in a moment.

I can speak for the officers around here. We go to an awful lot of wellness checks. I agree that it would be very nice to have a mental health worker come along with us, but unfortunately, in a lot of the rural communities that we police, we are everything for everyone. We are the mental health officer. We are, in some cases, the nurse and everything else. At three o'clock in the morning, there is no one else to call, so we are de facto it.

We do have a lot of training in this regard and we can go and deal with those situations, but I would rather not have to if I didn't have to.

The Chair: That brings us to time.

Thanks very much, Ms. Zann.

Thanks to all of our panellists for another remarkable hour of testimony. I'm sure we'll have valuable thought and recommendations coming out of your testimony today. Once again, thank you so much for being here.

We are going to suspend briefly while we change panels.

Thanks, everyone.

• (1205)

(Pause)

• (1215)

The Chair: I will now call this meeting back to order.

With us is Chief Dale Cox of the Lakeshore Regional Police Service in Alberta. As for our guests from Sûreté du Québec, hopefully we will get to them when the technical issue is resolved.

For now, Chief Cox, please go ahead for six minutes.

Chief Dale Cox (Lakeshore Regional Police Service): *Tanisi.*

[*Translation*]

Good afternoon.

[*English*]

Good morning to everybody.

I'm speaking to you from Treaty 8 territory in northwestern Alberta. I'd like to give you a bit of my own history and the history of our police service.

I'm about to enter my 43rd year of policing, so I've been around for a while and have seen a lot of this go on.

Our police service is moving into its 13th year of operation. I spent my first 30 years with the RCMP. I left to become the first chief of police for the Lakeshore Regional Police Service and to build the police service from the ground up.

I'm very proud of the men and women who work here. I'm also very proud of the communities that have stood behind and supported first nation policing.

The issues I want to speak about today are around enforcement, but enforcement within the realm of self-administered first nation policing. We are on the cusp of moving forward in this area, which for years has been neglected. The potential for what can happen there has not been fully recognized.

With Alberta moving forward with Bill 38 last year and recognizing self-administered first nation policing in the province, we were put on equal footing with all policing in Alberta, including all municipal policing and the RCMP. That gave us 48% of the recognition we required. We need the other 52% of recognition as an essential service and a true policing service, and that needs to come from the federal government, our 52% partners in self-administered first nation policing. We hear that is moving forward, but unfortunately I've been hearing those things for quite a while.

Part of what I'll share with you today are stories that show the distrust and the lack of belief within the first nations for this truly moving forward.

I'll share with you a story from six years ago. The public safety minister called together everybody in first nation policing from across Canada. Our meeting was held in Alberta. There were representatives from Saskatchewan, Alberta and British Columbia there. The minister got up and spoke for 45 to 50 minutes. Within that speech, he said at least five times, "I am here to listen to you and hear what it is you need." He finished speaking and walked out of the room. I was sitting beside an elder, who looked at me and said, "I wonder if he could hear us from out there."

Those are the types of things that have caused that distrust. Unfortunately, that distrust moves to the policing realm as well. I can tell you it has taken us 12 years to build that trust, and we are in part the victims of our own success.

Our calls for service—and our belief that when people call, somebody will come—have moved forward, and we are sitting with more files than we have officers to police them. Our issue right now is resourcing. I don't sleep at night because with the resources at our police service, I usually have one police officer working.

For everybody to understand, our area consists of five separate first nations. The total area is over 160 kilometres from one end to the other. With only one police officer working, I'm asking police officers to decide which priority one call they will go to first. Do they go to the mental health call where somebody is in possession of weapons or do they go to the domestic dispute where somebody is being hurt? What do they do when there is only one person to go? They can't be split in half. Those are the issues we have out there.

The other story I'll share with you is about an issue that bothers me to this day. Since we do not have enough resources to police around the clock, there are four to five hours each day when nobody is actually working, even though they are on call. At 3:30 a.m. on a blizzard February morning, we got a call for an assault and stabbing on one of our nations. Our member was called out. He defrosted his vehicle, got on the road and drove through the blizzard. By the time that had all happened, the ambulance had been called.

The ambulance works 24 hours a day. It arrived at the scene. The victim was inside, bleeding profusely, and the family was outside, begging the ambulance attendants to come in and treat their son. However, ambulance services have a policy that attendants can't go into dangerous situations without the police being there. That resulted in a homicide.

• (1220)

Those are not things I'm able to justify to my community, my elders, or to those families.

Those are the areas where first nation policing has moved so far past what it originally came out as—that is, core policing and response policing. We have the trained members, the ability and the community confidence to be able to supply all the services that are required out there.

The Chair: Chief Cox, that brings us to time.

Thank you very much for your testimony.

Mr. Clerk, are we good to go with Captain Durant?

[*Translation*]

The Clerk: I hope so.

Captain Durant, can you take 10 to 15 seconds to introduce yourself?

Mr. Robert Durant (Captain, Director of Val-d'Or RCM Service Centre, Sûreté du Québec): Is the microphone working this time? Can you hear me well?

The Clerk: I can hear you well, Captain Durant.

[*English*]

Yes, Mr. Chair.

[*Translation*]

Mr. Robert Durant: Captain Guay will give her presentation first, and I will conclude, if that is agreeable.

[*English*]

The Chair: That's okay. Fine. We're ready to go, then.

Captain Guay, please go ahead.

• (1225)

[*Translation*]

Ms. Marie-Hélène Guay (Captain, Officer in Charge, Municipal and Indigenous Community Relations Services, Sûreté du Québec): Good afternoon, Mr. Chair and members of the committee.

Thank you for inviting me to appear before the committee today.

I am Captain Marie-Hélène Guay, the officer in charge of the Municipal and Indigenous Community Relations Services, at the Sûreté du Québec.

I will introduce the police services offered by the Sûreté du Québec in indigenous communities. I will also tell you about our good practices.

Quebec has 55 indigenous communities, 44 of which are served by the 22 indigenous police forces. The Sûreté du Québec provides services to 11 indigenous communities. Indigenous communities receive the same services as other municipalities and communities served by the Sûreté du Québec. The services provided to indigenous communities are based on the principles of community policing.

It is important to note that seven communities have a public safety committee. The committees help identify issues and determine public safety priorities. They also make recommendations to the band councils in the communities.

As a national police force, the Sûreté du Québec has a role to play in communities that have their own police forces. Its role is essentially to assist the indigenous police forces in a number of ways, such as operations, investigations, specialized services, and administrative or management support.

On average, the Sûreté du Québec receives more than 500 requests for assistance per year. It is important to note that the Sûreté du Québec and the indigenous police forces regularly co-operate on the various operations under way in terms of road safety, investigations, intelligence and surveillance activities.

As for the sharing of responsibilities within the Sûreté du Québec, strategic coordination and partnerships are the responsibility of the indigenous community relations division. The division is composed of 12 indigenous liaison officers, deployed across Quebec by nations. Some of the indigenous liaison officers also work in urban areas. Their role is to develop and maintain ties with elected and non-elected members of the communities, to identify the public safety needs of the communities and to respond to them with tailored solutions or programs, to advise the managers of the Sûreté du Québec and to focus their actions in the indigenous environment and, of course, to act as facilitators during events or operations.

Operational coordination is the responsibility of another unit, the emergency measures unit. This type of coordination takes place during the deployment of special operations, situations or conflicts, and in the assistance provided to indigenous police forces.

It is important to note that services for the 11 indigenous communities we police are provided by the local police stations.

Let me now tell you about the services provided to indigenous people outside communities. As you know, from a cultural safety perspective, many cities have a strong indigenous presence and many of them are served by the Sûreté du Québec. These cities have the services of urban indigenous liaison officers who, along with other members of the Sûreté du Québec, co-operate on a regular basis with the indigenous friendship centres in those cities. The Sûreté also sits on the local urban service accessibility tables for indigenous people.

We are also in the process of creating joint teams called ÉMIPIC, or joint response teams of police officers and community workers. Two of those teams are already in place in our territory.

In the next three years, we also plan to create four other teams. The teams of police officers and community workers are the avenue of choice for responses to people in vulnerable situations.

- (1230)

We also have the joint indigenous community police station (PPCMA) in Val-d'Or. My colleague Captain Durant will tell you about this great initiative.

Mr. Robert Durant: Good afternoon, Mr. Chair and members of the Standing Committee on Indigenous and Northern Affairs.

Let me introduce myself. I am Captain Robert Durant. I am a police officer with the Sûreté du Québec and the director of the Val-d'Or Service Centre.

Thank you for giving me the opportunity today to present to you what we have put in place in Val-d'Or in order to promote relations with the first nations and to improve our responses with vulnerable people.

For a number of years, the City of Val-d'Or has been dealing with various social problems, particularly the situation of vulnerable, socially marginalized clients, affected by drug addiction, mental health problems, poverty and homelessness. This vulnerable clientele includes a number of indigenous people from various communities in the region.

Since 2015, the Sûreté du Québec has been working to find alternative solutions to ensure public safety, to help vulnerable indigenous and non-indigenous groups, as well as to actively participate in citizen reconciliation. The objective is to find sustainable alternatives that are in line with the values and culture of both the indigenous peoples and the population of Val-d'Or, in compliance with current laws.

In November 2015, the Sûreté du Québec launched its first response model. We hired a social worker and set up a joint response team of police officers and community workers, known as ÉMIPIC. At that time, the team was composed of one social worker and one police officer from the Sûreté du Québec, both female.

The ÉMIPIC was set up to work with those who were the cause of repeated police actions and calls because of disruptive behaviour or criminal acts. The target clientele has vulnerability factors such as drug and alcohol dependency, mental health problems or homelessness.

The role of the ÉMIPIC is a second-line service in assisting police officers of La Vallée-de-l'Or RCM when the situation involves a vulnerable, intoxicated, homeless person or a person who is likely to become so. Its role is also to help mitigate certain interventions through an adapted and integrated community approach. If necessary, the team takes over in some situations that require referral to specialized resources other than those of the legal system.

In addition, the ÉMIPIC patrols the sensitive sectors of La Vallée-de-l'Or in order to prevent potentially objectionable conduct and to assist those likely to engage in it.

The ÉMIPIC quickly realized that it could not meet the needs of vulnerable people in the area on its own. In November 2016, the management of the Sûreté du Québec announced the creation of a pilot project for a joint indigenous community police station, the PPCMA, located in downtown Val-d'Or.

Since the station was created, its achievements have helped to improve the partnership between, and the work with, various organizations and public services, and to effect alternative and sustainable solutions. These are in line with the values and culture of the indigenous people as well as the population of Val-d'Or, and improve ties with all the residents.

The entire response philosophy of the PPCMA is based on an essential premise: partnership and communication. In order to establish joint responses, co-operation, partnership and consultation between those involved are essential. The objective is to promote a community approach based on the real needs of the vulnerable clientele. Through this approach, tailored and targeted responses seek to achieve sustainable management of each case. The helping relationship seems to be more effective because the concerted actions focus the resources towards a common objective: the needs of the people.

What distinguishes the PPCMA is the implementation and application of the ÉMIPIC approach by the staff. Targeted second-line or upstream responses, proactive work separate from and complementary to the traditional patrols, and a case management approach seek to direct the clients to appropriate services other than the legal system.

In July 2019, the PPCMA was formalized as a permanent station of the Sûreté du Québec. Our team is now composed of a station director, 11 police officers, four social workers, from the partnership with the Centre intégré de santé et de services sociaux de l'Abitibi-Témiscamingue, and a civilian receptionist.

Starting in 2018, we were also able to count on the services of a civilian indigenous employee and an experienced indigenous police officer, both female and both on loan from the Anishinaabe community of Pikogan. These loans certainly enhanced the services provided by the PPCMA. However, due to a lack of resources in the communities, the loans had to be discontinued in the fall of 2020. Requests have been made to the two neighbouring police forces, but they are also affected by the labour shortage.

Through our philosophy of response, connection, partnership, and sensitivity to indigenous culture, we have been able to make a difference in our community.

Thank you for giving me the opportunity to introduce the PPCMA.

• (1235)

I will provide the clerk with four links to YouTube videos. You will be able to see the merits of the PPCMA in our community.

Thank you for your attention.

[*English*]

The Chair: Thank you both for your testimony.

Members of the committee, because we were late getting started, I'll need a motion to extend the meeting past the hour of one o'clock. Also, there are a number of constraints on many of us. I'm on House duty and have other duties coming up, so I'm going to suggest we do the full six-minute round and a bit of a shorter round on the five-minute round.

Could I have a motion to extend beyond one o'clock?

Thank you, Ms. Blaney.

(Motion agreed to)

The Chair: We'll move now to the six-minute round of questioning, starting with Mr. Viersen.

Mr. Arnold Viersen (Peace River—Westlock, CPC): Thank you, Mr. Chair.

I want to thank our witnesses for being here today. Mr. Cox, thank you for showing up on such short notice.

The crux of the issue that we're trying to get at is specifically the enforcement of band laws, band-specific laws that might be different or might be specific to a particular community. I'm wondering if you have any examples of how you deal with those. Also, with regard to the prosecution of offences under those laws, is there some sort of mechanism that is community-specific, such as a community court or a community tribunal of sorts for redress of these issues?

Mr. Cox, would you comment?

Chief Dale Cox: Thank you. Yes, in all the years of my first nations policing, this has always been an issue.

The band bylaw is looked at basically as the bottom end of the legal system. You start with your Charter of Rights and Freedoms, go through your federal statutes and your provincial statutes, and then you get to your bylaws, which are mostly involved in municipal policing.

In first nations policing, they look at band bylaws as well. Bands absolutely have the right under the Indian Act to enact them. The problem is, as everybody has said before, with the prosecution.

Even with the Indian Act, the federal statute.... I have gone on at least on three occasions to three different public safety prosecution people who were assigned to Alberta to see if they would prosecute things like trespassing under the Indian Act. All three told me that it wasn't a priority and that they would need further direction from Ottawa before they would utilize resources for prosecutions under the Indian Act, so that was a non-starter.

What I've done in working with our first nations is that when we talk about band bylaws, we have to sit down and first of all ask what that they want to achieve from this. From that, possibly I can find another way to get around that. Perhaps either provincial or federal prosecutors will take it on because another statute federally or provincially can be applied. In some cases, that's not possible. I have one nation that has started bylaws, and they've committed to fund the prosecution of those bylaws because there is no one else, which means that before I lay a charge, I have to be able to know that due process will take place. There are areas in there that are a problem.

We do utilize the Indian Act for things like trespassing. We lay the charge. We release them on long form information with conditions that they have to meet until they get to court. Then, if they breach those conditions, we can rely on the Criminal Code.

Yes, it still is a problem, and I think a possible solution is an overall look at a first nations justice system whereby the crux of what we're trying to get to and the results we're trying to get can be resolved in the nations themselves.

• (1240)

Mr. Arnold Viersen: Yes, that's precisely what I was going at—whether it is a possibility for them to have their own court or tribunal. That would be self-administered, I suppose. It would be their own essential justice system. Is that what you're saying?

Chief Dale Cox: Within first nations, they have a right to self-govern, and self-governance should include a justice system. First nations aren't saying that they want to leave Canada, that they want to leave all of this. What they're saying is, "We recognize we have problems within our nations. We also know how to fix them. Let us fix them. We will stay within your framework somewhat, but some of that framework has been going on for over 100 years and hasn't worked. Maybe take a look at something different." That would be restorative justice practices and using culturally traditional types of things to address it. What it has to come out to is that all parties agree that this is not right, that this is what's wrong, and that this is what needs to be fixed.

Now, how do we move forward and go from there? I met with my board of chiefs two weeks ago, and they now want to start serious conversations with the federal government for the next move in our justice system.

The first was our police service. We're concrete. We're established. Now they want to move to the next steps of the justice system, have their own courts, have their own prosecutions and have their own ability to set laws that can work within their nations.

Mr. Arnold Viersen: Okay.

Part of it is that I'm running a little bit blind on this issue. Is there one area that perhaps we haven't considered but you would say is something that our study should include, something that we're struggling with? We're maybe blind to something.

I was wondering if you had any other suggestions.

Chief Dale Cox: The one I'll have deals with all first nations policing. It's basically that in dealing with first nations, we have to remember that they are not all the same. Every first nation has its own issues, and they want to discuss those issues. They don't want somebody else to speak for them.

Three months ago I was on a conference call with a federal minister that was asked for by the first nations chiefs of the province of Alberta. One of the things that came out from all of the chiefs on there is that if you want to talk to us about our justice system, about our policing, come and talk to us. Don't talk to the Assembly of First Nations. They don't represent us. Talk to us, because we each have individual cares that can be addressed and are probably simple to fix, but you've got to come and talk to us or you're bringing us solutions to problems we don't have.

Mr. Arnold Viersen: Thank you very much, Mr. Cox.

The Chair: It's just about time there, Mr. Viersen. Thank you.

Mr. Powlowski, you have six minutes.

Mr. Marcus Powlowski (Thunder Bay—Rainy River, Lib.): I'm going to be quoting from a website I found, the Olthuis Kleer Townshend website. It's a legal firm that does a lot of work with indigenous communities. They talk specifically about this issue of bylaw enforcement on first nations.

Let me cite from them, because I think it's a good summary. It says:

While section 81 of the Indian Act allows bands to make on-reserve by-laws in areas including traffic control, residency, public health, and intoxicants, and while some of these by-laws can include penalties such as fines and/or imprisonment, the Indian Act does not specify whether the provinces/territories, federal government, or First Nations themselves are responsible for prosecuting by-law infractions. Lack of federal and provincial/territorial coordination or leadership on this issue has led to a situation where oftentimes neither federal nor provincial/territorial levels of government are choosing to prosecute these laws.

I'm thinking Chief Cox is the one to address this to. You've been doing this for 40 years. I hear a lot of frustration from both the indigenous community and the police services about not enforcing the bylaws.

This law firm makes some suggestions, and you've been around, Chief Cox, long enough to maybe know about this. What about section 107 courts? Under the Indian Act, the federal government has the power through section 107 to create federally appointed justices of the peace for the prosecution of bylaws on reserve. I looked up section 107, and it's really there.

In 2004 the Harper government halted the practice of appointing section 107 justices of the peace. The federal government has never

resumed this practice. They also suggest the possibility of these by-laws being prosecuted by the province. Apparently in Ontario that was the case, but funding was removed for that.

The federal government could reinstate section 107 courts. Do you have any familiarity with those? I've heard and I understand your other suggestions, but there seems to be in the Indian Act a mechanism that we're not using.

Do you have any comment on those courts?

• (1245)

Chief Dale Cox: I'm not 100% familiar with that, but what you said makes sense. I do see a lot of bylaws being dealt with through a justice of the peace type of format as opposed to provincial or federal court judges, who are tied up, as we all know, with more serious cases, and more of them. However, this situation could be dealt with that way.

I also see—and again, this is something that needs some research—the possibility of going back to what we did when I started policing 40-some years ago. On minor provincial statutes, and in this case maybe bylaws, the police themselves prosecuted those, so we didn't have to have a prosecutor. We brought police in to prosecute, and the courts or the justice made sure that the process was fair and that it followed the parts of the law that needed to be followed and that a decision was rendered.

Those are areas that we may have to look at. I know our nations want a full justice system, but this may be how we get started in showing that nations can police and run their own courts and look after their justice systems within their nations.

Mr. Marcus Powlowski: This has been a very interesting day. We've heard about problems of unclear jurisdiction. We have also heard about things on reserve that would complicate matters, such as when there's a conflict between the Wildlife Act and treaty rights. We've also heard from one of the RCMP people about even enforcing road traffic safety laws when the laws are different for one road versus another road. Then we heard about operational discretion of the RCMP in enforcing laws. We heard about the administration of justice agreements to allow agreements between the first nation communities and the PPSC about prosecuting bylaws.

I don't know about you, but when I look at this area, I throw up my hands and say this is just too damned complicated. You can't even start to act, because there are so many different laws.

I know you can't change the Constitution and we're probably not going to change the Indian Act, but let's say you could. I'll ask both of you. I know you have to do your job, and it should be a lot easier for you to do your job without having to deal with this unbelievable complexity that is handcuffing you in what you can do.

What would be your suggestions if you were in Parliament? What would you change to make this easier?

I will ask that to both police services here.

The Chair: We only have a minute left.

Go ahead, Chief.

Chief Dale Cox: First of all, I don't want to be in Parliament.

Second, yes, there are solutions. We always look to why we can't do something; let's find out what we actually can do. It might not be the Cadillac version, but maybe it is something that still moves us forward.

A lot of times, people don't want a complete pound of flesh; they just want to be listened to. They want to be heard and they want to know that what their thoughts are is right, and they'd like to find a resolution as opposed to an enforcement and a punishment.

The Chair: Thanks for that, Chief.

Now we'll go to Madame Bérubé for six minutes.

Please go ahead.

[*Translation*]

Ms. Sylvie Bérubé: Thank you, Mr. Chair.

My thanks to the witnesses for their participation, particularly Captain Durant and Captain Guay.

Captain Durant, what services does the Sûreté du Québec provide in the communities you serve? Could you elaborate?

Mr. Robert Durant: You asked me the question, but I believe that Captain Guay is better able to answer it, since she is responsible for service delivery on the entire indigenous territory.

Ms. Sylvie Bérubé: That's fine, thank you.

Ms. Marie-Hélène Guay: Thank you for the question, Ms. Bérubé.

As I was saying earlier, as far as the indigenous communities are concerned, the services we provide are similar to those in the cities served by the Sûreté du Québec.

We respond according to the principle of community policing. The services include 24-hour patrols in the communities, responding to requests for assistance from residents, enforcing laws and regulations in the communities, crime prevention, community relations, police investigations in various fields, responding to emergency situations, such as search and rescue operations in the forest, and any event that requires police deployment.

The community patrol aims to bring people closer together. It is about breaking the mould a little and interacting with them during community activities organized by the band councils or schools. We get out of our vehicles in order to have a kind of closer relationship with the people.

• (1250)

Ms. Sylvie Bérubé: Earlier, you talked about implementing two other ÉMIPICs. Where will they be located? What will the next four ÉMIPICs be like?

Ms. Marie-Hélène Guay: The first ÉMIPIC was created in 2015. It is the joint indigenous community policing station, which Captain Durant just told you about.

We are currently in the process of creating a second team in Sept-Îles, on the north shore. It is a partnership between the Innu community of Takuaihan Uashat Mak Mani-Utenam and the Centre intégré de santé et de services sociaux. This team will operate in the city of Sept-Îles, which is right next to the community of Uashat, and will serve the population of Sept-Îles.

When the protocol was signed, the indigenous police force of Uashat was not able to join the project, particularly because of a staff shortage, but it is supposed to join the project in the coming year.

As for the next four ÉMIPICs that will be created, one is in the town of Maniwaki and Barriere Lake, in the Outaouais. We are currently in the process of drafting a protocol agreement with the Sûreté du Québec, the Centre intégré de santé et de services sociaux and the community of Barriere Lake. What makes this team special is that it is a joint team, as my colleague explained earlier. It is made up of police officers and community workers from the Centre intégré de santé et de service sociaux.

However, we will have a second worker join the team, from the indigenous friendship centres of the communities in question. A person from the indigenous friendship centre will be able to support the people of the community of Barriere Lake or Kitigan Zibi, the two communities located next to the town of Maniwaki.

In addition, a fourth person will join the team as an indigenous liaison officer from the community of Barriere Lake. This person will be designated by the band council of Barriere Lake and will assist with the various resources of the community, the band council, the families of vulnerable people and any organization in downtown Maniwaki.

Over the next three years, a team will be created in Roberval, Lac-Saint-Jean. The municipality has a strong indigenous concentration, with members of the Atikamekw community of Opitciwan, but also of the Innu community of Mashteuiatsh. This team will also be based on local realities. We will work in partnership with the Centre intégré de santé et de services sociaux and with the indigenous friendship centre, but also with an indigenous liaison officer from the Atikamekw community or from the Innu community of Mashteuiatsh.

Our goal is really to respond in a safe and culturally-sensitive way, in line with indigenous values and the indigenous way of life.

The third team will be in Chibougamau, also in the north. The team will be based on the same model as the one for the Maniwaki and Roberval teams, but will also be mindful of local specifics. In Chibougamau, there is a high concentration of people from the communities of Oujé-Bougoumou, Mistissini and Waswanipi, which are all Cree nations. Chibougamau also has Atikamekw from Opitciwan.

Once again, we will use the same resources.

• (1255)

[English]

The Chair: Thank you very much.

That brings us to Ms. Blaney for six minutes.

Ms. Rachel Blaney: Thank you, Chair.

Thanks, all of you, for your testimony today. It's been incredibly informative.

I will start with you, Chief Cox.

I'm just trying to understand. When you talked about the services that you deliver, I think I heard you say that there was a four-hour window when you don't have anyone on duty, just folks who are on call.

Can you explain where that gap is? Is it a tripartite agreement? Where is that gap? It seems like a fairly significant gap, and of course the example you gave us of somebody being in harm's way and the ambulance workers not being able to get in there to help was just tragic. Could you just explain where that gap is?

Chief Dale Cox: The gap comes through our policing agreement. It is 52% federal, from the first nation policing program, and 48% from the Alberta Solicitor General.

For whatever reason—I have no idea, and they can't explain to us how they arrive at how many police officers we need—a random number is set, and that is what we are given. It isn't tied to our crime stats, which are now based on crime severity. Our crime severity in my area is four times higher than the federal level and three times higher than the provincial levels.

What that means is not that we have a dangerous place but that these investigations that we take on are very complex and are going to take a lot of hours of work and a lot of dedication from police officers in following through from one end to the other to do the right type of investigation. For whatever reason, we don't have that.

Our agreement talks about a negotiation period. During this year, we'll enter into our eighth amendment to our agreement, which has been a one-year extension of the agreement. In the 13 years that I've been here, there has never been negotiation between the police commission, the board of chiefs and the police service with the funding partners, federal or provincial, to discuss any of the areas of the agreement, an agreement that we usually get at the 11th hour, when we are told to sign it or else we won't have funding for the next year and our police service will be dissolved.

Those are the areas, and the board of chiefs has said that enough is enough. This year when they came to me with the agreement, we stipulated to them that we would sign the amendment in order to keep the police service and the safety for our communities in place, but we requested that the federal government—the first nation policing program—give us a commitment to seriously meet and negotiate a long-term agreement before the end of the second fiscal quarter.

I have a letter from them. I don't know to what extent that will come to be. I presented it to the chiefs. They said it was fine, but

they really don't believe anything will come of it. They think it was done just to make us happy and get us to sign the agreement.

We're not a one-size-fits-all. What happens is, if everybody recalls, three years ago the federal government came up with extra positions for first nation policing. That was rolled out. Out of those extra positions, we got two, which brought us up to 13 or 15 members. Because of the 48%, we were not in a position to fund it. Three years ago, those positions were announced and given to us. I finally received the funding for them last January that allowed me to hire those two extra members. It has been a year and a half, nearly two years, from when the funding was announced until we actually were able to hire the bodies to put on the street, and they're in training right now.

There's a disconnect there. It has to be understood that it's not one size fits all. Just because you have this much money, the idea isn't just to randomly put it out so it goes equally to everybody. What has to be looked at is where the need is, and the need has to address, first of all, public safety, and then officer safety. Once those two are addressed, let's look at the other programs that we can put out there, but those are the first two that we need.

We are a public service. That means service to the public, but if we don't have those numbers, we can't give it. It has cost me members. I've burnt out my members. In the last year and a half, the RCMP has recruited six of my officers away from me because my officers were worn out. They never got time off. If they went home on their time off, they were called back to work on one of these calls or to back up that single member who was working. They just said their family life wasn't there and they were worn out. They said they would go work for somebody else so that when they're off duty, they're off duty.

I can fix my situation. Give me four more policemen and I can solve all my problems. That's \$800,000 a year, and then I can solve my problems and put 24-hour policing, plus extra programs, into my police service.

• (1300)

Ms. Rachel Blaney: I'm from B.C., and one of the things that the RCMP in my riding has challenges with is enforcing various statutes and regulations, and of course the bylaws or laws in first nations communities.

Do you guys face similar challenges?

Chief Dale Cox: We face challenges with all charges. I've had to sit down—especially every two years when we have a new election and we have a new chief and council members—to explain things to them, to explain how the law works. It's not to say we can't do it, but what our challenges are.

Once they get a grasp on that, then it's about how we work together to get where we need to go. Where we need to go doesn't necessarily mean enforcement and charging people. It means getting resolution.

The Chair: Thanks, Chief Cox.

That brings us to time. We'll go now to the five-minute round of questions.

Mr. Schmale, please go ahead.

Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC): Witnesses, thank you very much for your testimony here today.

I'll pick up with Chief Cox, if I could.

Chief, where does your police service overlap with that of any provincial service—maybe the RCMP in Alberta—or that kind of thing?

Chief Dale Cox: The RCMP are our neighbours in all our non-indigenous communities around us, so we share the highway with three different RCMP detachments. We have a very good working relationship at the frontline level. We have a gentleman's agreement among all the detachment commanders of those three detachments and my police service. We're all on the same radio system, and when there is a call for emergency service and somebody's life is in danger, it doesn't matter what colour the stripe is on your uniform: That police officer will get there and preserve safety until the police service of jurisdiction gets there. We work very well together in those areas.

However, in my first nation area, the first nations come to me. They're very much aware if the RCMP comes into their nations. It's from a history of not good relationships with the RCMP that they come to me. I'll get a phone call at my office, asking "Why are the RCMP on our nation?" Then we'll explain where it is.

The RCMP understand that first nations have said they want their own police service, so that's who should be there. They want it re-sourced so that it can do all the jobs, but right now I have to call on the RCMP for specialized services, in some cases for homicides.

I had a fatal hit and run. It took eight hours for the RCMP to get here. Those are areas that we need to expand on, but on the front line, the day-to-day work, our officers and the RCMP back each other up and support each other as best we can.

Mr. Jamie Schmale: Okay. If I could, let's talk about the relationship you have with the first nations.

Do you have a local police board with representation from the communities?

Chief Dale Cox: Yes. Our police service has primary jurisdiction on five separate first nations within our area. Each of those nations has assigned a police commission member. They have a person on that commission who is not an elected official, who sits on the police commission and has oversight and governance of our police service to follow the agreement, meet the Alberta Police Act and the Alberta policing standards, and hold the chief of police to account to make sure those things are being done.

Mr. Jamie Schmale: Is your department, or any in the surrounding area, using any restorative justice initiatives in your practice?

Chief Dale Cox: Oh, my goodness, this has been a bone of contention.

Funding for the restorative justice program was put under the jurisdiction of the board of chiefs. Unfortunately, the board of chiefs has enough other things to do so and isn't able to oversee it. In the 12 years that we've been here, we've been through nine different restorative justice directors. All of it has failed, and it comes from a lack of understanding of what the restorative justice process is about and having skilled and qualified people to fill those roles.

From the policing side, we've led that charge to try to get it up there because it is a valuable asset and is going to help us resolve matters much more quickly and keep indigenous people out of the corrections system, but we need the justice side to be on it. It's part of the justice system. It's not part of the police system. I would like to see the justice system step up in the province, or even federally, and give proper training and proper direction to these people and then screen them to do the job that we need to do.

Our police officers and our communities are screaming for this service, and we can't get it.

• (1305)

Mr. Jamie Schmale: I like what you said about the root causes and fixing it and helping those communities.

You just mentioned one about the justice system. How else would you fix this?

You said there are some problems. How would you fix that?

Chief Dale Cox: I would like to see, at the very least, provincial policy and standards for what the restorative justice system will do and can do, and an accounting and auditing for it to show that it is meeting those standards, as well as proper training, assessment and evaluation on a regular basis of the people who are there, and possibly even building to credentials for people to fill a restorative justice position.

Mr. Jamie Schmale: I know you just mentioned that resources are tight, as they are. If you have time, can you talk about whether you are using a community liaison officer, or if you had funding, would you use that?

You said with \$800,000 you could solve some problems. Would it include a community liaison officer, if you don't already have one?

Chief Dale Cox: The province does fund us for a crime prevention worker, who is basically a community liaison. That's a civilian person. We don't need a badge-packing, gun-toting person. They go out, set up our meetings and do a lot of stuff. We put out our monthly newsletter that goes to all the nations, and it talks about what's going on. In our newsletter, we've just started adding our new cadets who are in training, to introduce them.

We also need the community mobilization hub program rolled out. We're going to prevent crime instead of solve it, and that's where we should be going.

The Chair: Thanks very much.

Ms. Zann, you have five minutes.

Ms. Lenore Zann: Thank you, Mr. Chair.

Thank you so much for the testimony so far. This has been extremely interesting.

I do have a question for the SQ regarding the Viens commission.

In September of 2019, the Viens commission released its final report. The commission was formed in reaction to allegations from 10 indigenous women of abuse by Sûreté de Québec police officers assigned to Val-d'Or between 2002 and 2015. That commission's report was put forward with 142 calls for action.

Could witnesses please provide the committee with a progress report on implementation of the Viens commission's recommendations? For example, has there been a review of the ethics complaint process?

My next question is with regard to call for action number 37, which asks that a mixed intervention patrol—police officers and community workers—be set up for vulnerable persons, both in urban environments and in first nations and Inuit communities. Could you please give us an update on how that is going?

Anybody from the SQ can answer.

[*Translation*]

The Chair: Ms. Guay, would you like to answer the question?

Ms. Marie-Hélène Guay: Yes, we have focused our efforts on the joint patrol teams of workers and police officers, as I mentioned earlier.

Over the next three years, four new teams will be deployed to respond to these vulnerable people who are in need or who need to be referred to the appropriate resources. The joint indigenous community policing station was also established with the same idea in mind. Captain Durant may be able to give you more details on the responses in Val-d'Or.

Mr. Robert Durant: That is exactly the model we are advocating. Right now, we have police officers and community workers at the PPCMA and they patrol together in the vehicles. Not only do we have community workers, but we also have patrol officers from other indigenous communities, including the Anishinaabe police-woman from Pikogan. The policewoman was able to patrol in her own uniform, not that of the Sûreté du Québec, in one of our vehicles, a minivan that is not identified with the Sûreté du Québec

colours. This vehicle is really assigned to the ÉMIPIC for PPCMA responses.

That is the model we in the PPCMA use in the streets of Val-d'Or. We also respond periodically in certain communities to support their patrol officers in case of need. For example, we have gone to the communities of Kitcisakik and Pikogan on several occasions to lend a hand during responses and to share our knowledge and police practices.

● (1310)

Ms. Marie-Hélène Guay: One of the major recommendations of the Viens Commission was to educate our police officers on indigenous realities. We have therefore established an ongoing program of training.

As soon as they join the Sûreté du Québec, new recruits must follow a five-step training program. This training is part of their onboarding process at the Sûreté du Québec.

The first step consists of a meeting with people from my unit, who give them a presentation on the indigenous communities. It must be said that not all officers have had the opportunity to work with first nations peoples. So this is the first step in introducing them to indigenous culture.

The second step is an online training on indigenous realities. It is mandatory for all new recruits and all members of the Sûreté du Québec, police officers or civilians.

The third step is when the recruits arrive at the police station where they are assigned. They are then immersed on site, in a nearby indigenous community. The liaison officer from my office meets the recruits and takes them in a patrol vehicle. The officer introduces the recruits to the key players in the community—the band council members, the people from the clinics, the social workers or anyone else. The goal of this exercise is once again to help the recruits become very familiar with the indigenous realities, which will help them to respond in a more culturally safe manner.

This is followed by two days of more technical training on cultural safety and a number of first nations concepts. The residential school part of the training lasts one day. On the second day, a worker from a community comes to talk about their reality and the way they perceive police services in order to help our recruits understand how to improve their practice.

The last step includes more specific training depending on where the officer is stationed. For example, it could be about the realities of indigenous women. We are in the process of developing that training, which will be launched across the Sûreté du Québec. We are also working on implementing training on the indigenous realities in urban areas. We have been focusing more and more on this in recent years.

[English]

The Chair: I'll have to stop you there. I'm sorry about that. We're over time.

[Translation]

Ms. Lenore Zann: Thank you.

[English]

Thank you.

The Chair: Moving along, we'll go to Madame Bérubé for two and a half minutes.

[Translation]

Ms. Sylvie Bérubé: Thank you, Mr. Chair.

My question is for Captain Durant.

Captain Durant, what are the successes of the PPCMA?

Mr. Robert Durant: There have been several successes since the PPCMA was implemented.

First, there have been user-related successes. Several people who might have fallen into homelessness have been able to keep their housing. We supported them so that they could keep it, and we made sure they were able to pay their rent.

Second, we have created connections with communities. In downtown Val-d'Or, many people experiencing homeless or vulnerability have reconnected with members of their community, and this connection has enabled a few people to return.

Third, the PPCMA made a major breakthrough with the development of the clinical committee, which is made up of several stakeholders who work in the field with all users in Val-d'Or. The members of this committee meet once a week in the PPCMA offices to discuss the well-being of the users and to find a sustainable solution. They are looking for solutions for the people, not for society. They try to find mechanisms to achieve this. Case management is done by the group, and one person takes responsibility for their work.

Fourth, Dr. Sébastien Gendron, a psychiatrist at the Malartic hospital centre, became aware of our work. He offered to attend the clinical committee's meetings. When we discuss cases, he listens. He may decide to assess certain individuals to determine if they have a mental health issue. If necessary, he can make a diagnosis and prescribe treatment.

Fifth, we have indigenous staff in our police station. That's a big step forward. These people are from first nations. We are very grateful to the Pikogan community for lending these services. It has opened our eyes to the realities of indigenous communities. It has also helped us to better understand the internal functioning of these communities and given us tools to better intervene with individuals. For instance, we use keywords in the Anishinabe language, which helps us to create a bond of trust with vulnerable indigenous individuals in our community.

• (1315)

[English]

The Chair: Thanks very much.

Ms. Blaney, you have two and a half minutes.

Ms. Rachel Blaney: Thank you.

Chief Cox, perhaps I could come back to you.

One of the things you talked about in your presentation to us was the discussion that's happening within the communities you serve on funding the prosecution themselves. We heard from previous testimony that this has been a challenge for a lot of indigenous communities because the cost is so prohibitive.

Could you talk about what that might look like and what sort of plans for that are happening in the communities you serve?

Chief Dale Cox: Yes.

Because of the cost restrictions in having to hire their own lawyer to prosecute any of these offences, of my five first nations, I've only had one, and they've only stepped forward to deal with access to the nation, which means banning people they don't want there and putting a bylaw in place for that.

We work together on this. We have an agreement and a partnership that if they find somebody, we will talk to them. Most of those people who they find are an issue are drug dealers and probably are not band members but are living on the nation or coming onto the nation.

If we don't have the grounds to prosecute them for the actual offence, what we will do then is we can prosecute them under the by-law for being on the nation. There was a band council resolution passed and notice was served upon those people that they were not to be there, and if they do come in, we charge them.

We then work with the band to relay the charges to them so they can move them on to their band lawyer, who will prosecute them at the band's expense.

So far, we've only had one of those happen. Most of it has worked through our taking the band council resolution to the offending party, serving it to them and advising them as to what they will be facing if they do come back on.

Ms. Rachel Blaney: That's really helpful.

Finally, do you have any experience in the nations you serve of enforcing any traditional laws? You talked about banishment. With those traditional laws, has enforcement been successful?

Chief Dale Cox: Yes. I was raised among first nations people and I know how important family is to first nations. To ban somebody, to remove them from their family and from access to their family living on the nation, is a very severe step to take. It is taken very seriously among first nations people, and it's the last step that we will take.

That's why programs like community mobilization, the hub program and restorative justice are areas we need to address and move forward towards, to hopefully get to where we don't have to banish and we find another way of fixing the problem.

• (1320)

The Chair: Chief Cox, thank you so much. Thank you, Captain Durant and Captain Guay. I'm sure the testimony you provided today will assist us in resolving so many of the issues that concern us with regard to policing. Once again, thanks for your attendance today.

Members, on Thursday we have our regular meeting with witnesses from 11 o'clock until one o'clock, and then the extra one-hour meeting with additional enforcement witnesses in the evening from 6:30 p.m. to 7:30 p.m.

With that, I will take a motion to adjourn.

Ms. Blaney and Mr. Powlowski, thank you.

(Motion agreed to)

This meeting is adjourned.

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