

Table of Contents

1.0 Introduction	5
2.0 Step 1: Enough Talk	5
3.0 Step 2: Using What We Know to Shape a Meaningful Immediate Response	6
4.0 Step 3: A Coordinated Approach	7
5.0 Step 4: Support Indigenous Police Services	8
6.0 Step 5: Admitting We Don't Know What We Don't Know	8
7.0 Appendix	10

1.0 Introduction

Nishnawbe Aski Nation (NAN) is pleased to present this brief overview of its position to the Government of Canada Standing Committee on Systemic Racism in Policing Services in Canada. Grand Chief Alvin Fiddler regrets not being able to present orally to this Committee, and extends his gratitude to this Committee in its efforts to receive evidence related to this crisis facing Indigenous and racialized people across Canada.

This submission is not intended to be a complete or comprehensive overview of the historical and longstanding effects of systemic racism on Indigenous Peoples, but an urgent call to this government to take immediate action to begin to address it.

2.0 Step 1: Enough Talk

A day after RCMP Commissioner Brenda Lucki publicly shared that she is 'struggling' with systemic racism and denied whether it was entrenched within her organization, Prime Minister Justin Trudeau stated that, "systemic racism is an issue right across the country, in all our institutions, including in our police forces, including in the RCMP. That's what systemic racism is...".

We cannot afford to debate this issue any further. We cannot spend any more time educating those who are determined to fight this issue, likely because it does not affect them. We cannot go on any more fact-finding missions so that the government has more proof that it exists. Systemic racism in policing is killing us. Just because the world might feel like the conversation has just started does not change the bloody history of the RCMP and other police services across this country, and we should not be forced to relive this trauma to appease those new to the discussion.

During a meeting with Federal Ministers Blair, Lametti, Bennett and Miller that was struck to discuss the recent killings and beatings of Indigenous Peoples last month, I could not stop thinking about the tone of surprise in their responses. Police violence can be considered direct result of systemic racism. To act like this is something new is insulting. I implore those who need more convincing to read one of countless reports including but not limited to: the Final Report of the Missing and Murdered Indigenous Women and Girls National Inquiry, 1993 Petition re: "18 unsolved deaths of Aboriginal people in Thunder Bay", Broken Trust: Indigenous People and the Thunder Bay Police Service, First Nations Representation on Ontario Juries, Reports of the Aboriginal Justice Inquiry of Manitoba, Policing The Cultural Kaleidoscope, Recent Canadian Experience, Systemic Barriers to Racially Representative Law Enforcement Agencies and others (see Appendix).

I am encouraged that this Standing Committee has been struck and am hopeful that we can move beyond semantics and onto meaningful action. Step one: admit to the problem of systemic racism in policing institutions across Canada and make a serious and public commitment to do something about it.

3.0 Step 2: Using What We Know to Shape a Meaningful Immediate Response

In December 2018, the Office of the Independent Police Review Director (OIPRD) released its final report after a two-year review of the Thunder Bay Police Service in relation to longstanding allegations of systemic discrimination of Indigenous Peoples by the service. Aptly titled, "Broken Trust: Indigenous People and the Thunder Bay Police Service" (the Broken Trust Report), the report found that, "systemic racism exists in the Thunder Bay Police Service (TBPS) at an institutional level that affected the investigations into the deaths of Indigenous people".

In addition, the Broken Trust Report described a "crisis of trust" that pervades the relationship between Indigenous people and the TBPS. For a lot of us, the conclusions were not surprising. We have been begging for someone to listen for decades. What is clear is that the trust between Indigenous Peoples and the police is broken. To address that, the OIPRD made 44 recommendations to provide guidance to the TBPS and a path forward to improve its relationship with Indigenous people.

I do not have much hesitation in stating my opinion that many of the systemic problems found within the TBPS in this review can likely be found in other police services across the country. We do not need a review of every police service before immediate steps can be taken. Let's begin implementing solutions based on what already know such as those recommendations made by the OIPRD in the Broken Trust Report. I am not suggesting a one size fits all approach, instead building on the work that has been done instead of continuing to perpetuate what clearly is not working.

I was heartened to learn that in February, 2019, the Edmonton Police Service (EPS) undertook a review of the Broken Trust Report to, "assess the relevant areas of concern identified by the OIPRD report on Thunder Bay Police Service as they relate to specific barriers as experienced by Indigenous communities in Edmonton". Based on the lack of capacity and resources within the EPS to effectively analyze all relevant internal information, it is important to note that the EPS report recommended a large-scale investigation, and on this basis it is impossible to translate all findings in the Broken Trust Report to the EPS. But that does not mean that they chose to sit idly by, waiting for funding that might never come. It is easy to say 'this doesn't pertain to us', but the EPS recognized that there were immediate steps that could be taken to establish training protocols, build more respectful relationships, review staffing protocols and recruitment and job promotion considerations, and importantly, publicly and formally acknowledge the truth of the history and impacts of the relationship between Indigenous Peoples and policing.

The EPS report provided considerations to effectively address concerns of systemic discrimination affecting the organizations relationships and interactions with Indigenous Peoples such as a community engagement strategy, an Indigenous Advisory Council, implementation of trauma informed approaches and education, large-scale consultation with community and assessment of alignment and staffing specific to the EPS and its relationship with the Indigenous community it polices.

Broken Trust is not the only place that police services across the country can go to find guidance to start the work. I encourage the government to support Chiefs of Police across the country to begin actively addressing systemic issues on an immediate basis. There is always something to improve upon even if you do not have all the answers. Starting the work recognizing distinctions and specific considerations to a particular service or area of Canada is a great way to learn where efforts should be focused and can shine light on specific problems requiring attention.

4.0 Step 3: A Coordinated Approach

Addressing systemic racism in policing means that we cannot simply focus on policies and practices internal to only the police service. Shortly after the Broken Trust Report, the Ontario Civilian Police Commission (OCPC) released a report that led to the disbanding of the TBPS Board. The report concluded that the Board failed to take any steps to meaningfully address the crisis in confidence between the TBPS and Indigenous communities, and made similar recommendations to those found in the Broken Trust Report. Looking at the recommendations more closely, we see that the OIPRD recommended better relationships and protocols with other police services including Indigenous Police Services, the Office of the Chief Coroner (OCC), Ontario's Chief Forensic Pathologist (OFPS), and the Regional Coroner. It is abundantly clear that police services are affected by the practices, policies, and relationships of other institutions that they interact with.

Recommendations 1 and 2 address the finding that nine (9) sudden death investigations that the OIPRD reviewed are so problematic that the Director recommends these cases be reinvestigated. In response, TBPS, OCC and OFS have adopted an independent, multi-disciplinary and multi-agency team approach to reinvestigate these cases. This review is ongoing, and while I cannot comment on the substance of the reinvestigations, the goals as set out in the Terms of Reference include: truth-seeking and transparency; supporting the administration of justice; development of the TBPS investigation team through application of best practices; enhancing professional collaboration among the partner agencies; community confidence in the outcome/results of the reinvestigations; and restoring the confidence of the public and the affected communities and families.

A three-tiered oversight framework was established to oversee this process (Executive Governance Committee, Investigative Resource Committee, Blended Investigative Team) with participation from various police services, Indigenous organizations, the justice system, the Coroner's office, the Forensic Pathologist's office, and other experts as required. As a member of the Executive Governance Committee, I believe this is truly a collaborative effort across disciplines and government ministries. It would be impossible to do this work without collective commitment to our shared goals. Similarly, when addressing systemic racism, we must look beyond the police service and begin to understand how other systems contribute to the negative outcomes that we are seeing and commit to a broad approach to systemic change.

5.0 Step 4: Support Indigenous Police Services

The Nishnawbe Aski Police Service (NAPS) was formed over 26 years ago to address the cycle of systemic discrimination in policing of Indigenous people. The key mandate of NAPS, and the difference between Indigenous and conventional policing, is the cultural competence and shared understanding between the officers and communities they are policing. This form of shared experience and understanding is absent from most conventional police services, which are by the majority made up of non-racialized officers and leadership who are over-policing racialized communities.

In NAN communities, the ability to relate to the lived experiences of individuals who have suffered intergenerational trauma at the hands of state actors like the police has the power to make or break effective policing. Understanding of cultural and historic realities of First Nations is a critical part of NAPS' mandate, policies and practices. The result is a police force that, despite limited resources, is responsive to the community at a leadership level, sensitive to the needs of those it serves, and reports zero police shootings.

As NAPS demonstrates, it is not enough to simply adopt new policies. Nor is it enough to have more cultural training for officers. The importance of greater investments in First Nation community-led policing initiatives and programs cannot be overstated. The dismantling and re-building of policing systems in such a manner that introduces humanity into police interactions with First Nation people must be a shared priority if we are to achieve any semblance of systemic change in policing and police organizations. Undoubtedly, this work will not only lead to better outcomes and enhanced community safety for Canadians of all walks of life, but will also assist in preventing senseless, preventable, and tragic deaths.

6.0 Step 5: Admitting We Don't Know What We Don't Know

As the recent public dialogue about systemic racism confirms, there is still so much we do not know. If we are serious about change, we must be comfortable admitting that we do not have all the answers. The reports and research paint the picture of a broken system, but there is no single guidebook on how to fix it. We must be prepared to continue to listen to those directly affected by the criminal justice system, not only in their interactions with police but also with courts and correctional institutions. With crown attorneys and defense lawyers. It cannot be coincidental that Indigenous people are overrepresented in the criminal justice system. We need to look at the media and the portrayal of these issues in our daily discourse.

We know that the system is broken. The trust is broken. Rebuilding the relationships will take time and addressing systemic racism in policing is part of a much broader process of reform. But we must start.

NAN calls on this Committee to strike a Royal Commission of Inquiry into Policing in Canada, to consult with Indigenous and marginalized communities to create culturally informed and responsive policing in all police services. Examples like those of the TBPS and NAPS show the importance of such a commission, to assess the work being done by police forces across the country and determine how best they can serve Indigenous, Black, and other marginalized communities who are too often being failed by conventional policing. We must commit to a process that is transparent and accountable. Once and for all we need to consider how this work does not collect dust on a shelf. Each one of you are part of this commitment, and I personally ask that you be an advocate for this work.

The best interests of Indigenous people have never been a priority of police systems. Only when we truly acknowledge as a country the problematic foundation of policing and the organizations within these systems can we begin to successfully rebuild structures that serve and protect Indigenous people.

7.0 Appendix

1989: The report of the Race Relations and Policing Task Force

https://archive.org/details/mag_00066901/page/252/mode/2up?q=racism

1991: Bridging the Cultural Divide

http://publications.gc.ca/collections/collection_2016/bcp-pco/Z1-1991-1-41-8-eng.pdf

1991: Report of the Aboriginal Justice Inquiry of Manitoba (Volume I – The justice system and aboriginal people)

<https://web.archive.org/web/20131024072917/http://www.ajic.mb.ca/volumel/toc.html>

1991: Report of the Aboriginal Justice Inquiry of Manitoba (Volume II – The death of Helen Betty Osborne)

<https://web.archive.org/web/20131212183254/http://www.ajic.mb.ca/volumell/toc.html>

1991: Report of the Aboriginal Justice Inquiry of Manitoba (Volume III – The death of John Joseph Harper)

<https://web.archive.org/web/20130622013139/http://www.ajic.mb.ca/volumelll/toc.html>

1992: Report of the Advisor on Race Relations to the Premier of Ontario, Bob Rae

https://www.siu.on.ca/pdfs/report_of_the_advisor_on_race_relations_to_the_premier_of_ontario_bob_rae.pdf

1995: Bridging The Cultural Divide: A Report On Aboriginal People And Criminal Justice In Canada, Royal Commission On Aboriginal peoples

<https://qspace.library.queensu.ca/bitstream/handle/1974/7729/Bridging%20The%20Cultural%20Divide.pdf?sequence=1&isAllowed=y>

1995: Report of the Commission on Systemic Racism in the Ontario Criminal Justice System.

<https://collections.ola.org/mon/25005/185733.pdf>

2003: Paying the price: The human cost of racial profiling

<http://www.ohrc.on.ca/en/book/export/html/2472>

2003: Race Discrimination and the Human Rights Process

[http://edocs.lib.sfu.ca/ccrc/html/CCRC_PDF/RaceDiscriminationAndTheHumanRightsProcess\(DaveSangha&Kwong-leungTang\).pdf](http://edocs.lib.sfu.ca/ccrc/html/CCRC_PDF/RaceDiscriminationAndTheHumanRightsProcess(DaveSangha&Kwong-leungTang).pdf)

2004: POLICING THE CULTURAL KALEIDOSCOPE: RECENT CANADIAN EXPERIENCE

<http://crpr.icaap.org/index.php/crpr/article/view/27/24>

2004: Systemic Barriers to Racially Representative Law Enforcement Agencies
<http://www.ohrc.on.ca/en/race-policy-dialogue-papers/systemic-barriers-racially-representative-law-enforcement-agencies>

2006: POLICE USE OF FORCE IN ONTARIO: An Examination of Data from the Special Investigations Unit
https://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/policy_part/projects/pdf/AfricanCanadianClinicIpperwashProject_SIUStudybyScotWortley.pdf

2011: The Usual Suspects: Police Stop and Search Practices in Canada
https://www.researchgate.net/publication/238046161_The_Usual_Suspects_Police_Stop_and_Search_Practices_in_Canada

2013: First Nations Representation on Ontario Juries
https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/iacobucci/First_Nations_Representation_Ontario_Juries.html

2018: Broken Trust – Indigenous People and the Thunder Bay Police Service
<http://oiprd.on.ca/wp-content/uploads/OIPRD-BrokenTrust-Final-Accessible-E.pdf>

2018: Thunder Bay Police Services Board Investigation- Final Report
https://slasto-tsapno.gov.on.ca/ocpc-ccop/wp-content/uploads/sites/5/2018/12/TBPSB_Investigation_Final_Report_-_EN-FINAL-1.pdf

2019: Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls
<https://www.mmiwg-ffada.ca/final-report/>