

**CLOSING SUBMISSIONS TO THE NATIONAL INQUIRY INTO MISSING AND
MURDERED INDIGENOUS WOMEN AND GIRLS FILED ON BEHALF OF THE
CANADIAN ASSOCIATION OF CHIEFS OF POLICE**



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INTRODUCTION

1. The Canadian Association of Chiefs of Police (“CACP”) is a non-profit organization which was founded in 1905. The CACP is national in character but its interests and concerns have relevance to all levels of policing, including federal, provincial, regional and municipal.¹
2. The CACP is dedicated to the support and promotion of efficient law enforcement and to the protection and security of the people of Canada.² Some of the CACP’s goals are advocating for community partnerships and the highest professional and ethical standards within the police community.³
3. The CACP’s current membership includes Chiefs, Deputy Chiefs, Commissioners and Directeurs of Police Services from across Canada.⁴ The First Nations Chiefs of Police Association (the “FNCPA”), which was established in 1993, is formally recognized by the CACP and has representation on the CACP Board of Directors.⁵ Through its members, the CACP represents in excess of 90% of the police community in Canada.⁶
4. While the CACP has an active role in policing within Canada, it is important to note that it does not have the authority to bind any police service. Police services across Canada are governed by their respective legislation, Chiefs of Police and if applicable, Board of Police Commissioners. Further, there is no single policing model across the country, so the CACP is not able to provide education or supports that are applicable to every police service or policing model at all times. Despite these limitations, the CACP continues to have a very collaborative and positive working relationship with its members and continues to work towards change and improvements to policing in Canada.
5. The CACP was a long-time vocal supporter for the creation of the National Inquiry into Missing and Murdered Indigenous Women and Girls (the “National Inquiry”).

¹ CACP Website, “About CACP”, online <<https://cacp.ca/about-cacp.html#2>>.

² *Ibid.*

³ CACP Website “Canadian Association of Chiefs of Police Constitution”, online <https://cacp.ca/about-cacp.html?asst_id=69> at section 4.1.

⁴ *Supra* note 1.

⁵ First Nations Chiefs of Police Association Website, “History”, online <http://www.fnepa.ca/History.html>.

⁶ *Supra* note 1.

6. Knowing the National Inquiry's importance and its desire to continue its support of the National Inquiry, the CACP applied for standing. The CACP was granted national, issue specific standing by the National Inquiry for the Part Two (Institutional) and Part Three (Expert) hearings.
7. The CACP attended seven of the nine institutional and expert hearings as a party with standing. The CACP also attended the week of oral closing submissions in Ottawa, providing its remarks to the National Inquiry on December 11, 2018. The CACP also provided a witness, Retired Chief Clive Weighill ("Chief Weighill"), for the Police Policies and Practices hearing held in June 2018 in Regina, Saskatchewan.

CACP INITIATIVES

Missing and Murdered Indigenous Women and Girls

8. For many years, the CACP has been involved in the national dialogue related to missing and murdered Indigenous women and girls. This very important national issue has been, and continues to be, a priority of the CACP.⁷
9. Most of the CACP's work in this area has arisen out of the CACP's Policing with Aboriginal Peoples Committee, which was renamed the Policing with First Nations, Métis and Inuit

⁷ CACP Rule 33 Submission dated December 10, 2018: CACP Website "CACP Policing with Aboriginal Peoples Committee Annual Report 2009-2010", online <https://www.cacp.ca/policing-with-first-nations-metis-and-inuit-peoples-committee-activities.html?asst_id=164> ("2009 Report"); "CACP Policing with Aboriginal Peoples Committee Annual Report 2010-2011", online <https://www.cacp.ca/policing-with-first-nations-metis-and-inuit-peoples-committee-activities.html?asst_id=165> ("2010 Report"); CACP Website "CACP Policing with Aboriginal Peoples Committee Annual Report 2011-2012", online <https://www.cacp.ca/policing-with-first-nations-metis-and-inuit-peoples-committee-activities.html?asst_id=166> ("2011 Report"); CACP Website, "CACP Policing with First Nations, Metis and Inuit Peoples Committee Annual Report to the President 2012-2013", online <https://www.cacp.ca/policing-with-first-nations-metis-and-inuit-peoples-committee-activities.html?asst_id=167> ("2012 Report"); CACP Website, "CACP Policing with First Nations, Metis and Inuit Peoples Committee Annual Report to the President 2013-2014", online <https://www.cacp.ca/policing-with-first-nations-metis-and-inuit-peoples-committee-activities.html?asst_id=474> ("2013 Report"); CACP Website "CACP Policing with First Nations, Metis and Inuit Peoples Committee Annual Report to the President 2014-2015", online <https://www.cacp.ca/policing-with-first-nations-metis-and-inuit-peoples-committee-activities.html?asst_id=891> ("2014 Report"); CACP Website "CACP Policing with First Nations, Metis and Inuit Peoples Committee Annual Report to the President 2015-2016", online <https://www.cacp.ca/policing-with-first-nations-metis-and-inuit-peoples-committee-activities.html?asst_id=1266> ("2015 Report"); CACP Website "CACP Policing with First Nations, Metis and Inuit Peoples Committee Annual Report to the President 2016-2017", online <https://www.cacp.ca/policing-with-first-nations-metis-and-inuit-peoples-committee-activities.html?asst_id=1506> ("2016 Report"); CACP webpage printout "Policing with First Nations, Metis and Inuit Peoples Committee" retrieved December 10, 2018 ("2018 Report") & Part II Volume VIII, exhibit 57 of Police Policies & Practices Hearing, CACP webpage printout "Policing with First Nations, Metis and Inuit Peoples Committee" ("Exhibit 57").

Peoples Committee in 2013⁸ and will be renamed the Indigenous Policing Committee in 2019 (the “Committee”).

10. The Committee is tasked with researching and advising the CACP on matters relating to the provision of policing services to Indigenous peoples and communities. Its members are CACP members from provincial, municipal, First Nations and federal police services, as well as non-police public safety partners, including the Canadian Forces and other governmental agencies. Members of the Committee are from all regions of Canada and are a representative mix of ranks, roles and demographics.

11. Some of the priorities of the Committee over the last five years have included:

- a. sustainability for policing with First Nations, Métis and Inuit peoples;⁹
- b. crime prevention, reduction, detection and investigation of all matters that specifically affect First Nations, Métis and Inuit communities;¹⁰
- c. building and sustaining respectful partnerships, addressing service delivery and social welfare issues to enhance First Nations, Métis and Inuit policing;¹¹
- d. violence against Indigenous women and girls, with a focus on advocating for and contributing to the work that would increase the safety and security of women and girls, including prevention of crime and victimization;¹²
- e. examining and sharing best practices and procedures;¹³
- f. being responsive to the Truth and Reconciliation Commission Calls to Action;¹⁴
- g. diversion from incarceration practices that would contribute to a reduction in the number of Indigenous People in the criminal justice system;¹⁵

⁸ *Ibid.* 2013 Report.

⁹ *Ibid.* 2012 Report, 2013 Report, 2014 Report, 2015 Report, 2016 Report, 2017 Report and Exhibit 57.

¹⁰ *Ibid.* 2012 Report, 2013 Report, 2014 Report, 2015 Report and Exhibit 57.

¹¹ *Ibid.* 2012 Report, 2013 Report, 2014 Report, 2015 Report and Exhibit 57.

¹² *Ibid.* 2013 Report and 2014 Report.

¹³ *Ibid.* 2015 Report.

¹⁴ *Ibid.* 2014 Report.

¹⁵ *Ibid.* 2016 Report.

h. supporting practical and culturally competent training and policing services that Indigenous people support;¹⁶ and

i. identifying sources of funding that could benefit First Nations policing services.¹⁷

12. The Committee and the CACP's initiatives regarding missing and murdered Indigenous women and girls are recorded as far back as 2002. In June 2002 the Committee began consulting with national organizations such as the Assembly of First Nations, the Congress of Aboriginal Peoples, the Inuit Women's Association and the Native Women's Association of Canada ("NWAC") on Aboriginal missing person cases.¹⁸

13. In March 2003, the Committee organized and facilitated a conference, which had over 120 delegates attend, with the Ontario First Nations Police Commission called *Responding to Missing Aboriginal Persons*.¹⁹

14. The Committee then travelled to British Columbia in May 2003 to consult with communities directly affected by missing person cases and violence against Aboriginal women.²⁰ The 2003 CACP Annual Conference also featured a presentation regarding police response to Aboriginal and marginalized people.²¹

15. In 2006 the Committee recommended Resolution #07-2006 to the CACP, which it passed. The resolution asked that "all police services in Canada consider adopting the principles incorporated in the Ontario Provincial Police Lost/Missing Persons Manual and specifically with respect to Aboriginal and marginalized people" (the "Policy Resolution").²²

16. The Policy Resolution was recommended by the Committee as there was still a significant feeling in Aboriginal communities that the police were not doing enough when they responded to missing persons from their communities.²³ Further, Canadian police leaders

¹⁶ *Ibid.* 2017 Report.

¹⁷ *Ibid.* 2017 Report.

¹⁸ CACP Rule 33 Submission dated November 16, 2018, "Resolution #07-2006, Missing Persons Investigation Policies Commentary" ("2006 Resolution Commentary") at para. 3.

¹⁹ CACP Rule 33 Submission dated November 16, 2018, "Resolution #07-2006 Missing Persons Investigation Policies" ("2006 Resolution") at para. 3.

²⁰ *Supra* note 18 at para. 3.

²¹ *Ibid.* at para. 4.

²² *Supra* note 19 at page 2.

²³ *Supra* note 18 at para. 6.

and all Canadians were concerned with the number of Aboriginal women who were reported missing or murdered in Canada.²⁴ Based on community reviews of missing person policies, the Committee concluded that the policies had a degree of bias or stereotyping in them. This bias or stereotyping was believed to play a role in the nature and degree of police responses to missing person cases involving people from Aboriginal and marginalized groups.²⁵ Appropriate and effective protocols were needed to ensure investigations were sensitive to the concerns and circumstances of Aboriginal and marginalized people who were reported missing.²⁶

17. At the time, the Ontario Provincial Police (“OPP”) had produced a Lost/Missing Persons Manual that was based on principles of cultural sensitivity, respect, compassion and empathy.²⁷ This is why the OPP Lost/Missing Persons Manual was provided to all CACP members as a resource. The Committee was committed to creating a more effective police investigative environment around lost or missing Aboriginal or marginalized people and even raised the Policy Resolution with the Minister of Justice at the time.²⁸

18. During 2011-2012, the Committee engaged in a number of initiatives, including:

- a. meeting with the Native Women’s Association of Canada;
- b. learning about the SisterWatch Program and more about the Downtown Eastside in Vancouver, BC;
- c. meeting with the Aboriginal Front Door Society; and
- d. endorsing changes to the Canadian Police Information Centre regarding the missing persons category.²⁹

19. During 2013-2014, the Committee continued to educate itself on the issue of missing and murdered Aboriginal women. It received presentations about the following:

²⁴ *Ibid.* at para 1.

²⁵ *Supra* note 19 at para. 4

²⁶ *Ibid.* at para. 6.

²⁷ *Ibid.* at para. 8.

²⁸ *Supra* note 18 at para. 7 & CACP Rule 33 Submission dated December 10, 2018, “CACP Resolutions Status Report August 2008”, online < https://www.cacp.ca/status-report-government-responses.html?asst_id=340> at page 6.

²⁹ *Supra* note 7, 2011 Report.

- a. the website for the National Centre for Missing Persons and Unidentified Remains;
- b. the OPP's review of historical and current Ontario cases of missing and murdered Aboriginal women and men;
- c. human trafficking from a national perspective;
- d. the draft Justice Framework on Violence against Aboriginal Women and Girls from Public Safety Canada; and
- e. the RCMP Operational Overview on missing and murdered Aboriginal women.³⁰

20. The CACP placed even more focus on the issue of missing and murdered Aboriginal women and girls in late 2014, as it was a focus of the 2014 CACP Annual General Meeting.³¹ The CACP released a statement after its Annual General Meeting, which read as follows:

The CACP recognizes the seriousness and tragedy of murdered and missing [A]boriginal women. Although missing or murdered [A]boriginal women are too often the result of a criminal act, there is a common thread of marginalization as a contributing factor associated with First Nations, Métis, and Inuit peoples. As front line officers we see the effects of marginalization every day.

Aboriginal women are victimized at 5-6 times that of non-[A]boriginal. We see poverty, poor housing, lack of opportunity in our communities, over 80% of some of our provincial correctional facilities are filled with [A]boriginal inmates. A majority of female youth that are in foster homes or group homes are [A]boriginal. The effect of this disadvantage unfortunately entices or coerces [A]boriginal women into vulnerable situations.

This has been studied for several years. An example of this is the Health Disparity Study conducted by the Saskatoon Health Region. This was a study conducted on the [C]ity of Saskatoon, but is reflective of a number [of] cities throughout Canada who have large marginalized populations. They are startling.

³⁰ *Ibid.* 2013 Report and 2014 Report.

³¹ Part II Volume VIII, exhibit 54 of Police Policies & Practices Hearing, Statement, "CACP Statement on RCMP's Missing and Murdered Aboriginal Women - 2015 Update to the National Operational Overview", dated June 19, 2015 at page 4 titled "CACP Statement on Missing and Murdered Aboriginal Women-August, 2014 Annual General Meeting", online <<https://www.cacp.ca/detailnews/cacp-statement-on-rcmps-missing-and-murdered-aboriginal-women-2015-update-to-the-national-operational.html>>.

When we compare higher income residents to lower income residents, the lower income residents are: 1458% more likely to think about suicide, 3360% more likely to have hep C, 1458% more likely to have teenage births. In children between the ages of 10 and 15, using the same comparison, those of lower income are 190% more likely to commit suicide, 200% more likely to have used alcohol and 190% more likely to have used marijuana.

The CACP suggests that these troubling occurrences are certainly broader than a police issue. It includes health, social services, education, [A]boriginal people and all levels of government. We are not so concerned about process, that's for others to decide. However, we take this issue very, very seriously and we don't want to see unnecessary delays to concrete action.

As the Canadian Association of Chiefs of Police, we recognize that there already have been many studies on this. We feel we (*sic*) it is time to take the next step. We want to work collaboratively, we want to work with [A]boriginal organizations, we want to work with government. This is not just a policing issue on it's (*sic*) own. It's much wider than that. Lets (*sic*) roll up our sleeves, lets (*sic*) be collaborative and let's move ahead.³²

21. In September 2014, the CACP again met with NWAC to discuss missing and murdered Aboriginal women. As a result of that meeting, a joint statement was released on September 30, 2014, which read as follows:

The Canadian Association of Chiefs of Police (CACP) and Native Women's Association of Canada (NWAC) met today resulting in a very constructive and cordial meeting. Both organizations are deeply concerned about the issue of missing and murdered Aboriginal women. We have agreed to participate in partnership and to be constructive voices in developing solutions on this critical issue. Police leaders are committed to concrete action regardless of what process is determined.³³

22. In June 2015 the CACP, in response to the release of the RCMP's *Missing and Murdered Aboriginal Women - 2015 Update to the National Operational Overview*, expressed its commitment "to working in partnership and to be constructive voices in developing solutions which lead to improving the path forward of our First Nations, Métis and Inuit peoples".³⁴

³² *Ibid.*

³³ Part II Volume VIII, exhibit 53 of Police Policies & Practices Hearing, Statement, "CACP and NWAC Announce Collaboration- Missing and Murdered Aboriginal Women" (30 September 2014), online <https://cacp.ca/index.html?asst_id=489>.

³⁴ *Supra* note 31 at page 1.

23. The CACP also encouraged police services to “continuously share data, enhance efforts on unresolved cases, focus on prevention efforts and increase public awareness.”³⁵

24. Then President of the CACP, Chief Weighill, commented as follows:

Police services throughout Canada are engaged on this issue. We want to see closure and justice for all families and contribute to the development of healthier [A]boriginal communities...

As an organization, the CACP continues to suggest that these troubling occurrences are certainly broader than a police issue. It includes health, social services, education, [A]boriginal people and all levels of government. Although missing or murdered [A]boriginal women are too often the result of a criminal act, there is a common thread of marginalization as a contributing factor associated with First Nations, Métis and Inuit people. There is also a tragic history which substantiates systemic issues, as heard by 6,200 survivors before the ‘Truth and Reconciliation’ Commission (*sic*). “We need a collective focus, a will to make change and we must move forward with action.”³⁶

25. The CACP indicated it would continue its engagement on the issue, as the Committee was focusing on prevention and early intervention activities to reduce violence against Aboriginal women. The CACP’s goal was to promote positive interactions and relations between Aboriginal women and police.³⁷

26. The CACP also commended the efforts of the Assembly of First Nations, Native Women’s Association of Canada, the Truth and Reconciliation Commission and the Royal Canadian Mounted Police.³⁸ The CACP renewed its commitment to work constructively and collaboratively with each of these organizations moving forward.³⁹

27. Supporting the National Inquiry has been, and continues to be, a priority of the CACP. The CACP remains committed to working on the crisis of missing and murdered Indigenous women and girls.

³⁵ *Ibid.* at page 2.

³⁶ *Ibid.* at pages 2-3.

³⁷ *Ibid.* at page 2.

³⁸ *Ibid.* at page 3.

³⁹ *Ibid.*

Moving Forward Safer Futures Conference

28. After the release of the RCMP's *Missing and Murdered Aboriginal Women - 2015 Update to the National Operational Overview* the CACP indicated its plans for a May 2016 conference in Winnipeg, Manitoba which would be an inclusive dialogue among police, policy makers and Canada's Aboriginal leaders.⁴⁰ The conference was to focus on internal education for policing and external education for policy makers and for those communities most affected by multiple risk factors.⁴¹
29. This conference became known as the *Moving Forward Safer Futures: An Inclusive Dialogue Among Police, Policy Makers and Canada's Aboriginal Peoples Conference* (the "Moving Forward Conference"). The Moving Forward Conference was held in May 2016 with over 180 delegates attending from across Canada.⁴² This was the CACP's first national conference on working with the Indigenous community.⁴³
30. Presenters and attendees at the Moving Forward Conference included: Elders, Grandmothers, the National Chief of the Assembly of First Nations, the Minister of Public Safety and Emergency Preparedness, the Premier of Manitoba, the Assistant Deputy Attorney General of the Aboriginal Justice Division, members of healing societies, representatives from Statistics Canada, government policy advisors, chairs of boards of police commissioners, members of community and grassroots organizations; researchers, academics and members of police services across the country, including First Nations police services.⁴⁴
31. The goals of the conference were to:
- a. Achieve a more collective understanding of the historical, recent and current circumstances that continue to place a disproportionate number of Canada's Aboriginal peoples amid multiple and composite risk factors that

⁴⁰ *Ibid.*

⁴¹ *Ibid.* at page 3.

⁴² Part II Volume VIII, exhibit 55 of Police Policies & Practices Hearing, CACP Media Release "Police Leaders/ Indigenous Representatives Seek Common Ground on Solutions For Safer Communities" at page 1. For more information regarding the Moving Forward Conference, see: Part II Volume VIII, exhibit 56, CACP Bulletin, "An Inclusive Dialogue with Indigenous Canadians: Moving Forward from Winnipeg", dated Summer 2016 at pages 8-9.

⁴³ *Supra* note 7, 2015 Report.

⁴⁴ CACP Rule 33 Submission dated November 20, 2018, "CACP *Moving Forward Safer Futures: An Inclusive Dialogue Among Police, Policy Makers and Canada's Aboriginal Peoples Conference Overview and Agenda*".

severely jeopardize individual, family and community safety and well-being.

- b. Create a renewed atmosphere of cooperation, collaboration and mutual respect between and among Canada's Aboriginal Peoples, police, policy-makers, and the public services system.
- c. Identify and accelerate the mobilization of collective, evidence-informed strategies to reduce risk, increase protective factors and restore social equity for Aboriginal People in the context of the diverse communities and environments in which they live.⁴⁵

32. The Moving Forward Conference focused on the following themes: on-reserve and urban conditions affecting community safety and well-being; collaboration among health, social services, education, government and community; reconciliation, community destiny and self-determination; police legitimacy; strategies for improved protection of vulnerable persons; missing and murdered Aboriginal women; internal education for policing; external education for policy-makers and communities most affected by multiple risk factors; and ensuring policing is representative of Aboriginal peoples: recruitment, retention and self-administered policing and peacekeeping models.⁴⁶

33. With these themes in mind, the sessions at the Moving Forward Conference included:

- a. **An Abridged History of First Nation Justice System Relations** by Mr. Dan Bellegarde, Chair, Board of Police Commissioners, File Hills First Nations Police Service;
- b. **The Road to Reconciliation** by Ms. Kimberly Murray, Assistant Deputy Attorney General, Aboriginal Justice Division, Ministry of the Attorney General;
- c. **Aboriginal Peoples in Urban Canada: An Aspirational Perspective** by Ms. Cheryl Whiskeyjack, Executive Director, Bent Arrow Traditional Healing Society;
- d. **Social Equity: A Snapshot View** by Ms. Jane Badets, Assistant Chief Statistician, Social, Health & Labour Statistics Field, Statistics Canada;
- e. **Health Equity: A Snapshot View** by Dr. Sangita Sharma, Indigenous and Global Health Research Group;

⁴⁵ *Ibid.* at page 2.

⁴⁶ *Ibid.* at page 1.

- f. **Why do Rebellions Develop Within Modern Societies? A Brief Review of Contemporary Explanations Placed in a Canadian Context** by Dr. Douglas Bland, Queens University Professor Emeritus, (Ret.) Chair, Defence Management Studies;
- g. **CSWB Models and Aboriginal Communities: What We Know So Far** by Dr. Chad Nilson, Vice President, Research and Evaluation, The Global Network for Community Safety Canada Inc.; Chief Rodney Nahwegahbow, UCCM Anishnaabe Police Service and Mr. Brent Kalinowski, Partner and Senior Advisor, The Global Network for Community Safety Canada Inc.;
- h. **OPP Provincial Strategy for Building Stronger Communities Youth, DV, Safer Communities** by Superintendent Mark Pritchard, Ontario Provincial Police;
- i. **FNPP Reform Panel** by Chief John Domm, M.O.M., Rama Police Service, President, First Nations Chiefs of Police Association; Ms. Erin Robinson, Senior Policy Advisor, Aboriginal Policing Policy Division, Public Safety Canada and Chief Len Busch, File Hills First Nations Police Service;
- j. **Reconciliation and Moving Forward to Safer Futures** by National Chief Perry Bellegarde, Assembly of First Nations;
- k. **Literacy** by Ms. Sarah Thompson, Acting Co-President & Co-CEO, Frontier College;
- l. **Sex Trafficking** by Ms. Diane Redsky, Executive Director, Ma Mawi Wi Chi Itata Centre;
- m. **Indigenous Cultural Safety and Role in Policing** by Ms. Chelsey Branch on behalf of the Provincial Health Services Authority's San'yas Indigenous Cultural Safety Training Program;
- n. **Indigenous Women's Socio-Economic Security Reconciliation, Community Destiny and Self-Determination** by Ms. Ann Batisse, Indigenous Women's Economic Security and Preventing MMIWG (Northern Ontario);
- o. **The Aboriginal Justice Division: Reconciliation in Action** by Ms. Kimberly Murray, Assistant Deputy Attorney General, Aboriginal Justice Division, Ministry of the Attorney General;
- p. **MMIW Predictive Analytics Project** by Dr. Brian Rector, Executive director, Research and Evidence-based Excellence, Government of Saskatchewan;

- q. **Project Devote and MB Public Safety Protocol** by Chief Superintendent Scott Kolody, M.O.M., “D” Division, Royal Canadian Mounted Police;
- r. **Effective Partnerships with Police and Community Agencies** by Ms. Sherry Fowler, Head Start Team Leader, Bent Arrow Traditional Healing Society; and
- s. **Panel Discussion** to lay the groundwork for next steps in achieving a consistent, nation-wide approach for strengthening police relations and the lives of Aboriginal peoples by:
 - i. Chief Clive Weighill, C.O.M., Saskatoon Police Service, President, Canadian Association of Chiefs of Police;
 - ii. Deputy Chief Danny Smyth, Winnipeg Police Service;
 - iii. Assistant Commissioner Kevin Brosseau, O.O.M., “D” Division, Royal Canadian Mounted Police;
 - iv. National Chief Perry Bellegarde, Assembly of First Nations;
 - v. Grand Chief Derek Nepinak, Assembly of Manitoba Chiefs;
 - vi. Grand Chief Sheila North Wilson, Manitoba Keewatinowi Okimakanak; and
 - vii. Mr. David Chartrand, President, Manitoba Métis Federation.⁴⁷

34. The information from the Moving Forward Conference was consolidated and the following calls to action were released by the CACP:

1. The CACP is encouraging social and justice stakeholders, federal and provincial governments, Indigenous leaders and peoples to continue to call for immediate action prior to recommendations of a Missing and Murdered Indigenous Women and Girls Inquiry.
2. That governments immediately focus on efforts to improve the quality of lives of Indigenous peoples, through investment in basic needs: housing, education, health and social services, in order to ensure healthier communities and reduce victimization.
3. Alternate approaches are required to reduce the disproportionate representation of Indigenous peoples within the criminal justice system. An active dialogue is required between all stakeholders to address this issue.

⁴⁷ *Ibid.* at pages 2-8.

4. Indigenous people in First Nations communities deserve the same quality of policing as people living in municipalities. The First Nations Police Program (FNPP) requires a complete renewal to ensure adequate and consistent funding and no longer be considered a “program” but rather reflective of the essential services that First Nation policing provides.
5. Police services need to support and encourage the increase of knowledge and involvement related to traditional, spiritual and cultural teachings. They need to continually promote inclusiveness. Elder Annie Johnston had the following simple message: “Keep us safe, respect our culture and value.” This must be the goal of all police services throughout Canada.
6. Build programming infrastructure around the *Youth Criminal Justice Act* to provide addictions assistance, programming and interventions to prevent youth from getting deeper involved in the criminal justice system.
7. The fundamentals of policing need to be enhanced: the development of relationships, especially with Indigenous youth, is essential to us working together to find solutions. It is about learning, listening, connecting, commitment and empowerment.
8. Police and Indigenous leaders must continue working with other justice partners to advance culturally responsive, restorative and community justice solutions.⁴⁸

35. These calls to action address many of the concerns which have been raised not only before the National Inquiry but at previous inquiries and commissions, as outlined in the National Inquiry’s *Master List of Previous Recommendations*.⁴⁹ The CACP continues to support and advocate for the calls to action which arose from the Moving Forward Conference.

CACP Executive Global Studies Program & Research Initiatives

36. For many years the CACP has run an annual research-driven executive development program called the CACP Executive Global Studies Program. The program is based upon an experiential, problem-based learning and research model that combines classroom sessions, independent on-line study and computer-mediated conferencing with international field

⁴⁸ *Supra* note 42 at pages 2-3.

⁴⁹ National Inquiry into Missing and Murdered Indigenous Women and Girls Website “Master List of Previous Recommendations Organized by Theme” dated November 2017, online < http://www.mmiwg-ffada.ca/wp-content/uploads/2018/06/Interim_Report_Master_List_of_Previous_Recommendations_Organized_By_Theme-FINAL.pdf>.

research into a variety of operational and management aspects of policing and justice administration.⁵⁰ To date, over 150 police executives have completed global policing research in 35 nation-states around the world on topics determined by the CACP Board of Directors.⁵¹

37. The CACP's 2016 Global Studies Cohort focused on globalization. During that research the importance of public trust and confidence in police was reiterated, with public trust being identified as a "primary risk facing Canadian policing agencies."⁵²

38. As a result of the 2016 Global Studies Cohort's findings, the CACP Board of Directors tasked the 2017 Global Studies Cohort (the "2017 Cohort") with researching public trust. Research was conducted in field studies in 15 countries, ranging from environments where trust in police was rated very low, to those with enviable trust indicators on recognized scales of public opinion.⁵³ Information from the United States and Canada was also examined and considered.⁵⁴

39. Through this work, it was discovered that there are no universally accepted methodologies to measure trust, nor any "best practices".⁵⁵ The 2017 Cohort found that police have an overly positive perception of how the public trusts them, so police at all levels need to listen more closely to each and every community they serve.⁵⁶

40. Calls to action for Canadian policing were provided to assist in building public trust, including but not limited to, engagement with community; providing meaningful and important information in a timely manner to the public; visible accountability in all aspects of service delivery and member conduct.⁵⁷

⁵⁰ CACP Executive Global Studies Program Website, "About CACP Global", online <<http://www.cacpglobal.ca/>>.

⁵¹ *Ibid.*

⁵² CACP Rule 33 Submission dated December 10, 2018, CACP Executive Global Studies Program Website, "CACP Executive Global Studies Program 2017 Summary Report 'Trust Matters'", online <http://www.cacpglobal.ca/images/2017cohort/CACP_Global_Studies_2017_-_Summary_Report_-_Trust_Matters_July_18.pdf> at page 3.

⁵³ *Ibid.* at page 2.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ *Ibid.* at page 7.

41. The relationships among Canadian police agencies and Indigenous communities featured heavily in the research team’s deliberations. The 2017 Cohort’s findings were presented at the CACP Annual Conference in Montreal on July 18, 2017.⁵⁸
42. The 2018 Global Studies Cohort (the “2018 Cohort”) focused on the topic of equity, inclusion and fundamental respect in diverse policing organizations and the impact these may have on the wellness of members, internal talent management, and keeping communities safe with the continuing trust and consent of Canadians.⁵⁹ The 2018 Cohort noted that police leaders from across the country were recognizing that police services were becoming less reflective of their rapidly changing communities and that attracting new talent was becoming increasingly difficult.⁶⁰
43. The 2018 Cohort determined that there were no universally accepted methodologies to define and measure organizational diversity and inclusion, nor any “best practices”.⁶¹ It was found that exclusionary behaviours had a direct impact on staff morale and mental health, professionalism and workplace safety in Canadian and international police services.⁶² Exclusionary behaviors also pose a major barrier to the success of police members and their organizations and it will continue to be a barrier in the future.⁶³
44. Police services were challenged by the 2018 Cohort to change assimilative policing culture, widen the path to talent as broadly and rapidly as possible to attract a generation of diversely talented police professionals and have courageous leaders prepared to challenge personal and organizational core beliefs, values and traditions.⁶⁴ The results and calls to action of the 2018 Cohort’s research was presented at the August 2018 CACP Annual General Meeting in Halifax.⁶⁵

⁵⁸ *Ibid.* at page 4.

⁵⁹ CACP Rule 33 Submission dated December 10, 2018, CACP Executive Global Studies Program Website, “CACP Executive Global Studies Program 2018 Summary Report, ‘Inclusion is a Choice’”, online < <http://www.cacpglobal.ca/images/2018cohort/CACP-Global-Studies-2018---Summary-Report-for-Board-Submission---July-30.pdf>> at page 3.

⁶⁰ *Ibid.* at page 3.

⁶¹ *Ibid.* at page 2.

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ *Ibid.* at pages 12-15.

⁶⁵ *Ibid.* at page 16.

45. The CACP’s Crime Prevention and Community Safety and Well-Being Committee also helped lead the National Framework for Collaborative Police Action on Intimate Partner Violence (“IPV”).⁶⁶ The purpose of the National Framework is to provide police services across Canada with leading practices to address IPV that can be used among police agencies and with community partners.⁶⁷ The prevailing principle throughout the National Framework is developing collaborative relationships between police and community partners, which is essential to providing an effective response to IPV.⁶⁸
46. The National Framework acknowledges that Indigenous women are one of the vulnerable populations for experiencing violence.⁶⁹ It calls for a trauma informed police response to IPV and provides the key elements of a trauma informed police response.⁷⁰ The National Framework also includes an investigation guideline for Canadian police services and addresses issues such as dual charging.⁷¹
47. The CACP also has a representative serving on the expert panel guiding the Council of Canadian Academies (“CCA”) work on *Policing in Indigenous Communities*. The project is looking at the challenges police services in Indigenous communities may face including remoteness, limited access to social services and scarce resources. Opportunities to strengthen community ties, improve safety outcomes and enhance the cultural responsiveness of policing in these communities are being examined. The CCA will be examining the present and future role of police services on reserves, in self-governing First Nations and in Inuit communities.⁷² This project is still in progress and upon its conclusion a

⁶⁶ CACP Rule 33 Submission dated December 10, 2018, CACP Website, “National Framework for Collaborative Police Action on Intimate Partner Violence (IPV)”, dated March 2016, online <https://cACP.ca/index.html?asst_id=1200> at page ii.

⁶⁷ *Ibid.* at page 2.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.* at page 6.

⁷⁰ *Ibid.* at pages 22-23.

⁷¹ *Ibid.* at pages 13-20. With regards to dual charging the National Framework recommends that police service policy and procedures include a statement regarding the importance of determining which party is the principal or dominant aggressor. As well, that police service policy should include a requirement to consult with a supervisor prior to laying a charge against a victim in an abusive relationship or prior to laying a dual charge (page 16).

⁷² Council of Canadian Academies Website, “Policing in Indigenous Communities”, online <<https://www.scienceadvice.ca/reports/policing-in-indigenous-communities/>>. The Council of Canadian Academies is a not-for-profit organization that gathers the best experts in their respective fields to assess the evidence on complex scientific topics of public interest to inform decision making in Canada. Sponsors of projects do not participate in the production of assessments, review drafts of reports, or propose any changes to reports before their release. All reports undergo formal peer review.

report will be published and made available to the public free of charge in both official languages.⁷³

48. The CACP remains committed to seeking out further research opportunities and collaborations to improve and advance policing in a positive way.

First Nations Policing

49. The CACP has continually recognized the importance of First Nations policing receiving the support and funding it requires. In 2008 the CACP passed Resolution 2008-04 First Nations Policing, which reads as follows:

The CACP urges the Federal Government to ensure its policies support community vision and to commit to and maintain support for the provision of First Nations policing that is adequately funded for sustainability.⁷⁴

(the “FNP Resolution”)

50. In support of the FNP Resolution the CACP sent letters to the Ministers of Public Safety and the Minister of Justice and Attorney General.⁷⁵ CACP representatives also met with government officials on numerous occasions, including on May 25, 2009 with the Public Safety Minister; in the fall of 2011 with the Associate Minister of National Defence and in the fall of 2012 with the Conservative Law Enforcement Caucus, Senator Vern White and Public Safety Canada’s Associate Deputy Minister.⁷⁶

51. On March 4, 2013, Public Safety Canada announced a five-year commitment to the First Nations Policing Program, a freeze on funding for 2013-2014 and very minimal increases for the remaining four years.⁷⁷ As a result, there was renewed focus on this issue and the FNP Resolution was incorporated into Resolution 2013-04 Policing for First Nations and Inuit Communities, which reads as follows:

The CACP urges the Federal Government to acknowledge First Nations and Inuit policing as an essential service and, through its policies, to

⁷³ *Ibid.*

⁷⁴ CACP Rule 33 Submission dated December 10, 2018, CACP Website, “CACP Resolutions Status Report, October 2013”, online < https://www.cacp.ca/status-report-government-responses.html?asst_id=350 > at page 11.

⁷⁵ *Ibid.*

⁷⁶ *Ibid.* at pages 11-12.

⁷⁷ *Ibid.* at page 12.

commit to and maintain appropriate levels of support, funding flexibility and predictability to ensure the long term sustainability of effective, professional and culturally responsive policing services for First Nations and Inuit Communities.⁷⁸

(the “New FNP Resolution”)

52. The New FNP Resolution continues to be an active resolution of the CACP and remains part of the Committee’s priorities.⁷⁹ The CACP continues to support the efforts of First Nations police services to be identified as an essential service and be provided the appropriate levels of support, funding flexibility and predictability to ensure the long-term sustainability of effective, professional, and culturally responsive policing services for First Nations and Inuit communities.⁸⁰

RECOMMENDATIONS

53. The CACP acknowledges that there are many recommendations that could be made regarding police. The recommendations provided below are not meant to be exclusive of others.

54. The CACP acknowledges that its recommendations are not novel. Most, if not all of these recommendations, have been made in some form in the past, as highlighted in the National Inquiry’s *Master List of Previous Recommendations*, or have also been suggested by witnesses or parties with standing throughout the National Inquiry. However, the CACP continues its work to encourage police services across Canada, if they have not already done so, to undertake these recommendations and calls to action.

55. The CACP previously provided four recommendations to the National Inquiry through the testimony of Chief Weighill. These four recommendations are as follows:

- a. Universal programs need to be implemented allowing the police and courts to divert youth by providing educational, addiction, and/or healthy lifestyle alternatives rather than correctional custody remedies in an effort to lessen the overrepresentation of Indigenous persons in our correctional facilities;

⁷⁸ *Ibid.* at page 3.

⁷⁹ CACP Rule 33 Submission dated December 10, 2018, CACP Website “CACP Resolutions Status Report June, 2017”, online < https://www.cacp.ca/status-report-government-responses.html?asst_id=1433 > at pages 15-16.

⁸⁰ *Ibid.*

- b. The Federal government needs to provide leadership to reduce vulnerability by bringing together all levels of government, Indigenous leaders, and persons with lived experience to develop and fund a coordinated effort to reduce poverty, homelessness, addictions and racism within our communities;
- c. Funding from the Federal government for infrastructure, education and health for Indigenous persons living on their respective First Nation needs to be expanded to include Indigenous persons living in urban or other areas away from their respective First Nation; and
- d. All police services must have a robust educational plan for their staff (civilian and sworn) to ensure they understand and recognize Indigenous history, culture, and the challenges facing Indigenous persons in contemporary society.⁸¹

56. The CACP would also like to commend its calls to action from the 2016 Moving Forward Conference as recommendations to the National Inquiry. For ease of reference, these are as follows:

- e. The CACP is encouraging social and justice stakeholders, federal and provincial governments, Indigenous leaders and peoples to continue to call for immediate action prior to recommendations of a Missing and Murdered Indigenous Women and Girls Inquiry.
- f. That governments immediately focus on efforts to improve the quality of lives of Indigenous peoples, through investment in basic needs: housing, education, health and social services, in order to ensure healthier communities and reduce victimization.
- g. Alternate approaches are required to reduce the disproportionate representation of Indigenous peoples within the criminal justice system. An active dialogue is required between all stakeholders to address this issue.

⁸¹ Part II Volume VIII, exhibit 77 of Police Policies & Practices Hearing, "PowerPoint presentation of Retired Chief Clive Weighill".

- h. Indigenous people in First Nations communities deserve the same quality of policing as people living in municipalities. The First Nations Police Program (FNPP) requires a complete renewal to ensure adequate and consistent funding and no longer be considered a “program” but rather reflective of the essential services that First Nation policing provides.
- i. Police services need to support and encourage the increase of knowledge and involvement related to traditional, spiritual and cultural teachings. They need to continually promote inclusiveness. Elder Annie Johnston had the following simple message: “Keep us safe, respect our culture and value.” This must be the goal of all police services throughout Canada.
- j. Build programming infrastructure around the *Youth Criminal Justice Act* to provide addictions assistance, programming and interventions to prevent youth from getting deeper involved in the criminal justice system.
- k. The fundamentals of policing need to be enhanced: the development of relationships, especially with Indigenous youth, is essential to us working together to find solutions. It is about learning, listening, connecting, commitment and empowerment.
- l. Police and Indigenous leaders must continue working with other justice partners to advance culturally responsive, restorative and community justice solutions.⁸²

57. The CACP also recommends the resolutions it has previously advanced and lobbied government for, which include:

Missing Persons Manual

- m. Police services creating a policy manual regarding missing persons that features cultural sensitivity, respect, compassion and empathy.
- n. The CACP would expand upon the above resolution to recommend that:
 - i. if any police service does not have a policy regarding how missing person reports and investigations should be handled, a policy should be put into

⁸² *Supra* note 42 at pages 2-3.

place immediately. These policies should be culturally competent and trauma-informed, with an emphasis on regular contact with the families and loved ones of the missing person; and

- ii. if any police service requires a 24-hour waiting period to report missing persons, that the practice be abolished immediately. The evidence before the National Inquiry from Chief Weighill regarding the practice of Saskatchewan police services, Chief Smythe of the Winnipeg Police Service and several RCMP witnesses was that they did not require 24 hours to pass before someone could report a missing person. Chief Weighill even described this as a “thing of the past.”⁸³ Therefore, the CACP only provides this recommendation out of an abundance of caution and not from the belief that this practice is an accepted or regular practice currently in Canada.

First Nations Policing

- o. That the Federal Government acknowledge First Nations and Inuit policing as an essential service and, through its policies, to commit to and maintain appropriate levels of support, funding flexibility and predictability to ensure the long-term sustainability of effective, professional and culturally responsive policing services for First Nations and Inuit Communities.
- p. The CACP would expand upon the above resolution to recommend that more resources and funding not only be provided to policing in the North but also for the improvement and creation of social agencies and victim resources in the North.

58. The CACP also has several other recommendations regarding training, recruitment and independent civilian oversight, which are as follows:

- q. *Training*: The importance of training has already been addressed in the recommendations provided by Chief Weighill and the calls to action from the Moving Forward Conference. Both speak to the importance of training for police

⁸³ Part II, Volume IX transcript of Police Policies & Practices Hearing at page 27, line 8.

regarding Indigenous culture and history. The CACP supports this training being mandatory for sworn and civilian members of all police services. As well, it recommends that the following training, if it is not already being provided, occur:

- i. training specific to the Indigenous group(s) in the jurisdiction of that police service, including about their culture and language;
 - ii. training about the National Inquiry and its recommendations; and
 - iii. training on trauma informed practices when interviewing and dealing with victims (this training would not be applicable to all in a policing organization and should be provided to those for whom it is applicable).
- r. *Recruitment*: That efforts continue to improve recruitment practices and increase the number of Indigenous police officers across Canada.
- s. *Independent Civilian Oversight of Police*: If it is not already occurring, that independent civilian oversight of police occur in all jurisdictions in Canada.

59. Upon conclusion of the CACP's oral closing submissions, Commissioner Robinson identified that the National Inquiry had heard concerns regarding "civilian oversight bodies being built up of retired cops".⁸⁴ The CACP was asked for any "thoughts and recommendations on how these bodies should be constituted".⁸⁵

60. When police investigate themselves, there are legitimate concerns from the public about conflict of interest.⁸⁶ Members of the public may perceive investigators to not be impartial and allow loyalty to fellow officers to interfere with investigations.⁸⁷ Even if this is not what occurs, it is a perception that has the potential to undermine public trust and confidence in police.⁸⁸

⁸⁴ Tuesday December 11, 2018 Oral Submissions-Volume 6 transcript at page 144, lines 16-20.

⁸⁵ *Ibid.*

⁸⁶ Kent Roach, "Models of Civilian Police Review: The Objectives and Mechanisms of Legal and Political Regulation of the Police" (2014) 61 *Criminal Law Quarterly* 29-73 at page 43.

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

61. As we have heard throughout the National Inquiry, police should not be investigating police. The CACP agrees, which is why it recommended that independent civilian oversight occur in all jurisdictions in Canada, as this is an important step in maintaining public trust.
62. When examining public trust, the 2017 Cohort's calls to action stressed that police are "accountable to all Canadians in everything we do." The 2017 Cohort asked Canada's police leaders to seek standardized independent oversight across the country.⁸⁹ This is not surprising as there are many different forms of civilian police oversight models across Canada.
63. The best model for civilian oversight is a difficult and very complex question with little research to support one model over another. It has been noted that "the academic literature on civilian oversight of the police is surprisingly thin given the importance of the topic."⁹⁰ There has been a call for an "interdisciplinary approach that employs the insights of lawyers, social scientists and management specialists" to address this issue.⁹¹ The CACP is supportive of a recommendation that civilian oversight models be researched with the goal of oversight being standardized as much as possible across the country.
64. One of the main concerns raised with independent civilian oversight has been the role of retired police officers. Often retired police officers are hired by oversight bodies in their civilian capacity as investigators. This practice has been criticized as having the potential for a perception of bias or conflict of interest and place oversight bodies in a position where police are investigating police.
65. There are several reasons why retired police officers are often relied upon to perform investigations for oversight bodies, including:
- a. their policing and investigative experience and training;
 - b. their understanding of police operations and policies; and
 - c. their understanding of applicable provincial legislation and the *Criminal Code of Canada*.

⁸⁹ *Supra* note 52 at page 10.

⁹⁰ *Supra* note 86 at page 34.

⁹¹ *Ibid.*

66. Many oversight bodies receive a higher number of applicants with policing experience for investigator positions. These positions are of interest to former police officers for various reasons, including the limited opportunities for investigative work outside of policing and to assist in preserving high ethical standards in the profession from which they came.
67. The CACP anticipates that it would be difficult to have independent oversight bodies undertaking investigations into police actions without at least some individuals with investigative experience and operational knowledge of policing. However, if there are former police officers undertaking investigations in a civilian oversight body, the CACP recommends the investigator should never investigate their previous police service, unless a reasonable amount of time has passed since their employment. This is common in other professions, i.e. judicial appointments cannot hear cases from their previous law firms for a period of time to ensure impartiality and to avoid the perception of bias. Former police officers should also not investigate any member which they have a familial or close relationship with due to the potential for a conflict of interest. This should apply to any investigator of an oversight body, whether a former police officer or not.
68. With regards to a retired police officer serving on a Board of Police Commissioners, the CACP recommends that if this occurs, the role of the retired police officer needs to be balanced with other persons from the community under the supervision of an independent Chair. As well, the retired police officer should not serve on a Board of Police Commissioners for the police service in which they were previously employed or if they have any familial connection at that police service.
69. The CACP recently held a conference entitled *Trust and Confidence in Policing: A Canadian Perspective* on November 14-16, 2018 in Toronto, Ontario which addressed independent civilian oversight.⁹² However, the CACP acknowledges that more work needs to occur on this important issue.

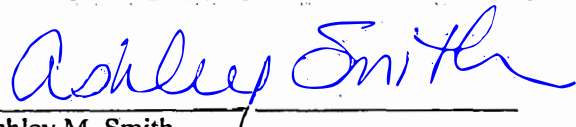
⁹² CACP Website, “Trust and Confidence in Policing: A Canadian Perspective”, online < <https://cacp.ca/trust-and-confidence-in-policing.html?mid=447>>.

CONCLUSION

70. The CACP is dedicated to supporting and promoting the protection and security of the people of Canada. It takes its goals of advocating for community partnerships and the highest professional and ethical standards within the police community, among other goals, very seriously. The CACP would not be meeting its mandate if it did not continue to advocate and work for change and improvements to policing.
71. The CACP continues its support of the National Inquiry, as it has for many years. The Committee awaits the National Inquiry's recommendations which it will review in great detail. The Committee will then provide recommendations to the CACP Board of Directors about how the CACP can assist police services across Canada with supports and education to aid in their understanding and implementation of the National Inquiry's recommendations. The CACP also remains committed to continuing to strengthen its relationships with the Indigenous community and Indigenous partners.
72. Lastly, the CACP would like to thank the Commissioners; Elders; Grandmothers; members of the National Family Advisory Circle; all of the families, loved ones, survivors and witnesses who shared their truth; the National Inquiry staff; those who participated in and attended the National Inquiry's hearings whether in person or on-line; and the parties with standing.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 14th day of December, 2018.

CANADIAN ASSOCIATION OF CHIEFS OF POLICE



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