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Chair

Mr. Daryl Kramp

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•(1100)

[English]

The Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)): Good morning, colleagues.

I will call to order this sixth meeting of the Standing Committee on Public Safety and National Security.

On today's agenda we have two panels of witnesses to continue our hearings on the economics of policing. Given the time, we will take a very few minutes at the end of our session to do future business so that we can establish our work for Tuesday.

We are certainly very pleased to welcome our guests today. From the Canadian Police Association, we have Tom Stamatakis; and of course we have Chief Lloyd Phillips, Chief of the Mohawk Council of Kahnawake, and representative of the Assembly of First Nations of Quebec and Labrador.

To our witnesses today, our normal process is to allow each of you up to 10 minutes for an opening statement, should you wish. And then we will open the floor to our members of Parliament for cause and concern, and for questioning.

At this particular point, I'll welcome your opening statement, Mr. Stamatakis, please.

Mr. Tom Stamatakis (President, Canadian Police Association): Thank you.

I have a prepared statement, so I'll start with that, and then I look forward to any questions.

Good morning, Mr. Chair, and members of the committee.

I see a number of new faces around the table today, so first I'd like to take this opportunity to welcome the new members of the committee, including you, Mr. Chair, and congratulate you on your election. As well I'd like to welcome Ms. James and congratulate her on her recent appointment as parliamentary secretary to the Minister of Public Safety.

For the benefit of the new members, the Canadian Police Association is the federal voice for over 54,000 front-line civilian and sworn personnel from across Canada. Our members serve in the country's largest cities and smallest villages as members of federal, provincial, and municipal law enforcement agencies as well as first nations police services.

To also give you a bit of background about me, I have had the privilege of serving as president of our association for the past two years, and I also serve as the president of the British Columbia Police

Association and the Vancouver Police Union, where I began my career as a police officer in 1990.

My opening statement this morning will be quite brief, since this is my second opportunity to address your committee on this important topic and I want to leave as much opportunity as possible for questions. But I want to provide some updates on a few of the issues I had raised during my first presentation back at the beginning of this year.

First, I'd like to offer my thanks to the Department of Public Safety, and particularly Mark Potter—I understand he appeared before this committee quite recently—and his team for the work they've been doing on the “Shared Forward Agenda”. One of the CPA's key recommendations has always been to increase the amount of valuable research being done within the police sector and to help facilitate the spread of that information. With the recent launch of the public safety index of policing initiatives, we can start to see the seeds of this information sharing being planted, and that will, no doubt, have a direct impact on the costs of policing as we will, hopefully, see more best practices coming into effect more consistently across the country.

The second area our association has focused on has been around the need to find efficiencies within the policing and justice systems. While we seem to have achieved broad consensus over the past year that those efficiencies exist, I'll admit we haven't seen as much movement to address this problem as our members would like to see.

There are two major factors that would help tremendously to alleviate much of the duplication and redundancy that is a large driver of police costs, particularly the cost of forced overtime, which puts a strain on law enforcement budgets.

The first relates to oversight and accountability. Let me be clear, effective oversight is a necessary component of the trust that Canadians put into their police services, and the CPA would never suggest skirting those levels of accountability. However, in most provinces now each police service is subject to multiple layers of regulation, both internal and external. Eliminating some of the duplication, while still maintaining the necessary oversight, would improve the job quality of our police personnel while introducing important cost savings into the sector.

The second area of efficiency relates to the need to streamline the processes that currently keep our officers tied up doing administrative work behind their desks rather than having them out on the street, where the community expects them to be. As you have no doubt heard by now, changes forced on our profession by well-meaning judicial decisions have led to increased workloads and processing times for some of the most basic charges our officers lay.

As I said, I wanted my opening statement here this morning to be brief to give us as much time for discussion as possible, but I do want to close by saying that while there are some very serious concerns regarding the economics of policing, the situation is not nearly as ominous as some vested stakeholders would have you believe.

While I understand this committee has heard from law enforcement agencies in other countries and in other jurisdictions regarding some of their solutions and suggestions to help make public safety funding more sustainable, I also have spoken with my counterparts in countries such as the U.K. and Australia where deep budget cuts have taken effect. The message they give to me and that I pass along to you is that Canada shouldn't be learning from their mistakes, but should be leading with our own homegrown solutions.

I've been encouraged by the fact that all levels of government, along with our colleagues with the Chiefs of Police and the Canadian Association of Police Boards, have been engaged from the very beginning to work constructively to address our funding issues. I look forward to this committee's final report, which I'm certain will help to shape the discussion going forward.

Thank you again for the invitation this morning. I look forward to your questions.

• (1105)

The Chair: Thank you very much, Mr. Stamatakis.

We will now hear from Chief Lloyd Phillips, please.

Chief Lloyd Phillips (Representative, Chief of the Mohawk Council of Kahnawake, Assembly of the First Nations of Quebec and Labrador): Thank you, Mr. Chair.

Good morning, everybody. I am Chief Lloyd Phillips from the Mohawk Council of Kahnawake, also representing the Assembly of First Nations of Quebec and Labrador, obviously in the province of Quebec, where we have by far the most stand-alone first nation police forces across Canada.

I'd first like to indicate that we're here today to present our point of view on the matter. However, we had less than two days' notice to attend this session. We had to put together very quickly a presentation, not even knowing the full scope and the intent of this committee in the hearing today on economics of policing. However, we do feel it is important for us to share our opinion on the economics as well as the police situation within first nations territories.

Maybe the first thing we could talk about is our review of the economics of policing guide that was recently put out in one of your publications. It talks about the effectiveness and efficiency of police services, as well as the sustainability in times of greater fiscal

constraint. I think those are some quotes out of a document that I recently read.

The first thing that comes to our mind is what does this mean for first nations policing? You talk about constraints, effectiveness, and efficiency, so whereas first nations policing is not even deemed an essential service, this makes us question whether or not, if there are constraints, we are the first ones to be cut.

As we all know, in 1991 the first nation policing policy was approved by the federal cabinet. This program was created to improve and also to fund a variety of policing agreements, whether self-administered or tripartite agreements. The intent of the first nation policing policy was to provide first nation communities with access to police services that are professional, effective, culturally appropriate, which is extremely important, and accountable.

The agreements are shared between federal and provincial governments at 52% and 48%. However, this policy also fails to reflect, as mentioned earlier, the essential needs and the essential services of police forces in first nations territory. Rather, it only views it as an enhancement to current police forces, whether it be federally or provincially.

Public security in first nations territory is quite complex and very diverse. It's different from mainstream policing. I can give you a couple of statistics going back to 2008, from the first nations regional health survey from the Quebec region. Many of the concerns involve alcohol and drug abuse. Nearly 82% of adults and youth recognize alcohol and drug abuse as a major factor in their community. As well, the lack of housing and job opportunities is a major concern.

Criminal incidents on first nation territories, which happen to be governed or currently policed by stand-alone police forces in Quebec, are 3.8 times higher than in the rest of Canada. Violent crimes are close to six times more frequent than in the rest of Canada; general assaults seven times more; sexual assaults approximately five times more frequent; and drug trafficking 3.8% more.

Those are some dismal numbers, and some numbers that we're not proud to talk about, but we have to also look at why these numbers are like this. There are many reasons. Obviously there's a social breakdown. There are issues going back to the Indian Act, the lack of recognition of aboriginal and treaty rights, access to resources, as well as residential schools and things of that nature—things that are not directly the responsibility of this committee but the responsibility of the Government of Canada. Any reduction or decrease in the policing within these communities would certainly have a negative impact on the communities and on social well-being, and these numbers would certainly have little hope of becoming much better.

However, despite these dismal numbers that I just quoted, first nations policing, from 2004 to 2011, has also seen a decrease in violent crimes by 19%; in homicides, by 36%; in general assault, by 20%; and in sexual assault, by 23%. So despite the issues that our communities face, they are showing that there are positive movements, moving forward. We also understand that there is a lot of work to be done and it is a long road ahead of us, but certainly there are positive indicators that the first nation policing is a valuable tool.

• (1110)

There are also many jurisdictional issues that are unresolved, aboriginal rights issues that create grey zones sometimes in the area of policing. Whereas sometimes political disagreements between first nations in Canada are handled by police forces, if you have a culturally appropriate and embedded police force within a community, part of the community, a lot of these situations could be diffused long before they become national interests, as we have recently seen in New Brunswick.

Last year the then minister of public safety, the Honourable Vic Toews, announced a five-year renewal of the federal policing program, which allowed for some stability in medium-term planning for first nations, which has been a longstanding concern for first nations. When you're going on year-to-year renewal, from one year to the next, fiscal year to fiscal year, trying to make long-term planning and sustainability for a police force is nearly impossible when you're more worried about renewing an agreement than concentrating your efforts on policing. Although that was a positive sign, a renewal for five years, once again it fails to address the policy itself, which went through extensive review recently and calls for, among many things, that first nations policing be deemed an essential service.

It also has to be mentioned that on July 22nd of this year a letter was sent from the Assembly of First Nations of Quebec and Labrador to the now Minister of Public Safety, the Honourable Steven Blaney, asking for a meeting to discuss, on a very short-term basis, the quality of policing services in Quebec. However, to this date we have not even received an acknowledgement of that letter despite many follow-ups, and it's disheartening because we're trying to talk about effective and efficient policing service to the first nations and we don't even get a minister to acknowledge our correspondence.

Officials at the Ministère de la Sécurité publique in Quebec are committed to upholding first nations policing in the province. They understand the diversity that exists. They understand the fact that the best way to move forward in securing first nation communities is with the first nations policing. They are keen on long-term agreements. Although certainly things aren't always perfect with the government, they do seem to have an understanding for the cultural diversity that exists and the differences between mainstream policing and first nations policing. This is something that I think the federal government has to acknowledge as well.

Certainly there are areas that are not desirable. We have currently eight first nations communities in the province of Quebec who are utilizing the Sûreté du Québec, the Quebec police force, to police their communities. That has proven to be a great cost for the

Province of Quebec, and the services being provided are less than acceptable to most of the communities.

They have shown that there is a lack of response in time for emergencies, slow response time, language barriers, as well as often what could be viewed as abuse of first nation citizens. There was one incident recently where an Innu man was brutally beaten by an SQ officer and there was no type of justice handed out in that situation. So there are certain problems that exist. Again we emphasize that first nations policing first nations is the way to go, and to have SQ do policing services for first nations is certainly not a reality in some communities. In my community of Kahnawake in particular and I know in Akwesasne—and I could speak for many other communities—to have SQ presence would only cause many more problems than it would solve.

• (1115)

In closing, first nations need to be supported in their work to find new and innovative measures driven by first nation leadership and based on the specific priorities of each first nation. We're advocating for a new framework to fund and standardize police services to ensure that public safety needs are met for our first nations members.

We all understand that, in order to be an effective police service, you have to have a police force that is recognized and supported by your people. Again, first nations police must be the answer. We are confident that, through positive dialogue and political willingness, an effective and efficient mutual goal of public security can be achieved, which we believe is essential to a healthy community.

Thank you.

The Chair: Thank you very much, Chief Phillips, for your presentation.

Thank you, Mr. Stamatakis, as well.

At this point we will start our round of questioning. We will start the first question with Ms. James.

You have seven minutes, please.

Ms. Roxanne James (Scarborough Centre, CPC): Thank you, Mr. Chair.

I'd like to thank both witnesses for appearing.

Mr. Stamatakis, you've appeared before some of my other committees as well, so it's good to see you again at this committee.

I have a couple of questions and I'm going to direct them first towards Mr. Stamatakis.

Hopefully I'll have some time to ask you some similar questions as well, Chief Lloyd Phillips.

In your brief opening remarks, you talked about the two factors that are driving up the costs of policing. You talked about duplication and redundancy. In the first part, you talked about oversight and accountability on multiple levels, from the very lowest to the highest, causing the increased cost of policing.

When do you know that we have gone too far with our oversight of the process? What is it that you can say to us specifically about where we have gone wrong? What do we need to do to bring that back to a level where there is sufficient oversight and accountability, but not to the point where it's gone too far?

Mr. Tom Stamatakis: That's a really good question, and I'm not going to profess to have the best answer.

We are doing some research around how the multiple levels of oversight have driven costs in policing. It's not just the cost of creating and sustaining the oversight bodies, but it's also then the impact on the time that it takes to assist with investigations, to participate in interviews, and to go through the various processes that are established by statute in each province.

Using B.C. as an example, we have one body that deals with conduct involving complaints from the public, another body that deals with serious incidents where there is a reportable injury involving a member of the public, and then there is a subsequent investigation to determine whether or not the police officer engaged in any criminal misconduct.

I don't know that we've gone wrong in creating those different levels of oversight. Where I think we've gone wrong is that first the Independent Investigations Office will conduct their investigation, then the Office of the Police Complaint Commissioner will conduct their investigation, and then the police service will do their own investigation internally.

Where I think we've gone wrong is that some of the steps are duplicated. Why can't we rely on the initial investigation, import to the next process whatever components are not controversial or don't need to be repeated, and only engage in further investigative steps when something hasn't been properly canvassed, for example? I don't think we're suggesting that the types of oversight that have been established are wrong. I think what we're saying is that we don't need to duplicate the investigative steps every time.

Another example would be where a police officer is involved in a motor vehicle accident while on duty. We now have jurisdictions that are conducting the police services act investigations according to the provincial statute in each province around the conduct piece, but then the police department is conducting their own collision investigation. Why can't that just be one investigation to determine what happened and whether or not there was any culpable misconduct?

• (1120)

Ms. Roxanne James: Thank you very much for that clarification. I was actually looking for a couple of examples and you gave me two, so I appreciate that very much.

The other thing you talked about was the administrative tasks behind the desk. I think when the general public thinks of policing and police officers, they think of them out on the streets protecting the community. They don't picture them sitting behind a desk. My father was a police officer. I know he had to do reports and so on. My father is now 80, and he's long since retired from the Toronto police. But when you compare the way he served with the tasks that are required of our police officers today, you see there's a real trend

towards work behind a desk, as opposed to what police should be doing—enforcing the law and keeping our communities safe.

We've heard that a simple break-and-enter takes 58% more time to process, and a DUI takes 250% more time. It could be the administrative tasks; it could be the reports, the court time, and so on. But when you talk about administrative tasks, do you think someone other than a police officer could be doing some of these tasks?

Mr. Tom Stamatakis: Oh, absolutely.

Ms. Roxanne James: We had the Chief of Police of Abbotsford, Bob Rich, here in the last committee meeting. And he talked about a two-tiered type of thing. They had it studied by KPMG, and they're thinking of a way they can direct some of the work police officers do today to civilian workers, to reduce costs.

Do you have any comments on that, do you think that's a good idea?

Mr. Tom Stamatakis: Absolutely. I'll give you one concrete example of some work that we've undertaken at the Canadian Police Association. We just sponsored, an operational review of the Winnipeg Police Service. We brought in two academics, Dr. Curt Griffiths and Dr. Nahanni Pollard. Curt Griffiths is a professor at the Simon Fraser School of Criminology. We identified around 98 positions in the Winnipeg Police Service that were occupied by police officers whose positions could be filled by civilian personnel, with some additional training. That would free up those police officers to be redeployed into front-line positions on the street protecting the public, which is exactly what Canadians expect from police organizations.

That's not to say that you would necessarily save money. In some places such as Vancouver we've created a lot of hybrid units. Work that's traditionally been done by police officers is now done by civilians with specialized training. They work with police officers in a hybrid unit that yields a much better product. This leads to greater efficiency in how you deploy and respond to crime in your city or in your jurisdiction.

In some cases, there are savings. In others, the civilian personnel with the special training sometimes cost more than the police officers. But you're getting a better product, and it's more efficient in how you deliver the service. So there are some very good opportunities. I think the bottom line is that you have to look at whether the position requires the authority or credibility of a police officer in order for the duties to be performed effectively. If the answer to those questions is no, then you can look at an alternative.

• (1125)

Ms. Roxanne James: Thank you very much.

There are certain tasks too, as well, where—

The Chair: Please be brief, Ms. James.

Ms. Roxanne James: With regard to community-based policing in the metro Toronto area, we've seen a different approach. Do you think there's more handshaking going on and less policing overall? Do you think resources for police officers would be better used doing actual policing, as opposed to being out in the community shaking hands?

The Chair: Give us a brief response, please.

Mr. Tom Stamatakis: Some of the research now suggests that police officers spend only about 23% of their time dealing with traditional law enforcement activities, with the rest of the time spent on social issues, mental health, etc.

The Chair: Thank you very much.

We will now go to Mr. Garrison.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Thank you very much, Mr. Chair, and my thanks to the witnesses for appearing today. I apologize to Chief Phillips for the short notice.

I'm also quite concerned. I know that we met last May and you were having trouble getting a meeting with the previous minister. I just want to double check: is this now a request to the new minister that has not been acknowledged?

Chief Lloyd Phillips: Correct.

Mr. Randall Garrison: We'll make our same offer. We will also write to the minister, asking that you be treated with courtesy and that this meeting take place as soon as possible.

Chief Lloyd Phillips: I appreciate that.

Mr. Randall Garrison: I'm going to leave most of the detailed questions on Quebec policing to my colleagues.

Mr. Stamatakis, one of the reasons that we on this side were concerned to have the CPA back is that some in the room have made arguments about the costs of policing that I think you should have a chance to give your perspective on. For instance, the argument is often made that about 80% of the costs in policing are labour costs and that it's the salaries of the officers that account for most of this. We have heard a lot of evidence to the contrary. For my part, I don't believe that police officers are paid too much for what we ask them to do. Since those arguments were made while you weren't here, I thought it would be fair to have you back and give you a chance to talk about the relationship between policing costs and police salaries.

Mr. Tom Stamatakis: What's driving the costs of policing, more broadly, is the demand for police services, and I would attribute that increased demand to a couple of things.

First of all, there has been a significant impact on police forces across the country because of government policy changes, some of which occur at the provincial level and others at the federal level. Frankly, whenever there's a decision to reduce service in one area, whether health, education, or social services, ultimately that ends up having an impact on policing because we've now become one of the few agencies available 24/7, 365 days a year.

In fact, what has happened even since I started in policing is that we're no longer the agency of last resort; we're the agency of first resort. People can phone us and they know somebody is going to show up and do something, whereas when they make the call to

other agencies, they might get a recording or get deferred to someone else. That's one issue.

Secondly, in terms of the salaries themselves, the fact is that policing has become much more complex. I talked earlier about accountability. There's more accountability now than ever. We have higher recruiting standards, a greater obligation on training. We see more and more provincially-mandated training—training for crisis intervention and de-escalation; more training in how to deal with people suffering from mental health issues, people who are dual-diagnosed; and on how to avoid some of the tragedies that have occurred in this country over many years, where we have had inquest after inquest—all of which has resulted in greater expectations of police officers, higher standards.

Most of our police officers now have some kind of university-level education. Most have degrees. We have a lot more diversity in policing, more language skills. Policing in the 21st century is far different, I would argue, than it has been historically, and that in turn drives costs. If you want to attract the kind of people the public have said they want to see involved in policing—and Chief Phillips alluded to that in his remarks—then there will be a cost that goes along with it.

● (1130)

Mr. Randall Garrison: Thank you very much.

When we as a committee—some of us who are still here—visited Prince Albert and Calgary, we looked at some new models of policing that attacked the problem of demand by setting up tables of cooperation with other social service agencies to move some of that demand back to where it belongs.

I want to know your—

Mr. Tom Stamatakis: In my remarks, I talked about efficiencies. I think the way to deal with or manage policing costs is not by just throwing a bunch more money at it. This is about finding those kinds of efficiencies. How do we partner with other government services, which are also expensive and consume a lot of tax dollars, to deliver a better product, a more holistic approach to dealing with quality-of-life issues in the community, which includes policing issues and law enforcement?

How do we deal with those issues early on, to prevent that young person from becoming involved in gang activity? We find out who is struggling with a mental health issue and make sure that we collaboratively approach that situation, so it's not the police officer showing up at three o'clock in the morning when that person's in crisis, trying to deal with that issue.

Those are where the opportunities are. In my response to Ms. James' question, I think other opportunities are around: making sure you have police officers doing what fully-trained police officers ought to be doing, and then looking at other alternatives for those other tasks or duties that don't necessarily require a fully-trained police officer to perform.

Examples of that include the cadet program in Winnipeg, where they have hired cadets to do certain things, with some training, at a much lower cost. In Vancouver, we're piloting a community safety program, using civilians with some training who are hired to deal with specific issues that a fully-trained police officer doesn't need to deal with. I think that's the way to approach this going forward.

Mr. Randall Garrison: To make sure I understand: you're talking about division of responsibilities between sworn officers and civilians. We have had some discussion here about other jurisdictions that have adopted two-tiered policing, whether it's different levels of training in police and different levels of pay that go along with that, as a suspected way of saving money.

Mr. Tom Stamatakis: Yes, and I think the jury's out. This Vancouver program that I talked about is a pilot. It's being evaluated. It's a joint evaluation that'll be done by the Vancouver Police Department and the Vancouver Police Union, jointly funded as well, to determine whether or not you realize those savings.

Some of the research now, for example in the U.K., where they've had this tiered policing for many, many years, suggests it's maybe not quite as efficient as people first thought it would be. You're essentially now deploying the lower trained person first, only to have to deploy a police officer again afterwards. About 82% of the time the calls they're responding to contain some element of criminality that could be, and properly should be, investigated by a trained police officer. So in fact the attempts to be more efficient probably have increased their costs by having to deploy these multiple types of resources.

The Chair: Fine. Thank you.

Thank you very much.

We're substantially over there, so we will slip over to Mr. Norlock now, please.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you very much, Mr. Chair.

Through you to the witnesses, thank you for appearing today.

My first questions are going to be prefaced by saying that I do recall that the truth of the matter is that human resource costs to most police forces—wages and benefits—tend to be between, somebody says, 80% to 90%. In my day around 85% to 89% had to do with wages. That's where salaries and benefits came in.

Also, in the Province of Ontario, I've been accessing and had occasion to be looking at some of the areas where there's contract policing. When somebody says, "Well, policing isn't as big a burden on the taxpayers as other people think", when you deal with a municipality that's gone from, traditionally, 17% to 20% of their municipal budget being for policing and now 50% just for policing alone, I think that's why we're looking at the economics of policing.

We've said all along that this is not just about salaries and benefits, but they play a part in it.

But I think you've hit the nail on the head. What does society expect from its police force? You talk about tiered response. When I ran a shift in the communications centre, tiered response was, if there was an accident, call an ambulance, a fire truck, and the police got sent to it until somebody got there and said, "Well, you really don't need the other guy." Why did that happen? I think you and I would say that there was an inquest or there was some public complaint or some investigation that led to someone deciding, "Oh, well, if we'd had the fire truck out there right away, this would have been prevented or that would have been prevented." I always used to say, "Why can't you leave it up to the discretion of the communications person?" And I was told, "That's above our wage bracket."

Anyway, I want to congratulate you. I can remember being a member of a police force that's currently also a member of the CPA, and before we were a bargaining unit—I was the president of a certain area—we were professionals. You've come here today and shown that.

One police department has hired KPMG. Does your association recommend to its brother and sister associations, as well as take on the responsibility yourself, of sitting down, let's say, with managerial levels, and saying, "Okay, how can we be more efficient and effective and look at reducing costs of policing by doing things differently?" Do you actively do that or do your sister organizations do that?

• (1135)

Mr. Tom Stamatakis: One of my priorities as the president of the Canadian Police Association is to shift the—and I hate using the trendy buzzwords—dialogue or the discussion or the paradigm—that's the word people like to use all the time—away from an "us and them" approach to a more collaborative discussion such as you're describing.

One of the reasons we took on this WPS, Winnipeg Police Service, operational review and funded the entire review—which was pretty expensive actually and unusual for a police association to take on—was to do just that: to sit down and say, "Let's see what we're doing today and how we can do what we're doing today generally with the same level of funding but better and more efficiently so we can get better outcomes."

The intent is to use that operational review as a template that our member associations could look at when they're dealing with their own organizations to say, "This is how we should examine our organization and these are the steps we might want to consider in terms of moving forward", because the operational review I'm referring to includes some really concrete recommendations around how to realize those efficiencies in your workforce.

We've also produced a booklet, which I'd be happy to provide to you. It talks about some of these issues and how we do some research. We make some recommendations, and we take a position as an organization around either community safety programs or body-worn video or whatever. There are a number of hot-button issues we've taken a position on and made some recommendations on, and we've given our member associations the tools they need to go forward within their own organizations to engage in those kinds of conversations.

Mr. Rick Norlock: Thank you very much. I'm trying to get my questions in during in the time I'm allotted here and it isn't working too well.

Many communities have groups of taxpayers who keep an eye on budgets. If you had a group of civilians—non-politicians—and you said, “You guys are complaining about the costs of the services we provide. Here are some of the services we provide that I don't think we should be providing, and here's who should provide them because they can do so more effectively, more efficiently, and at a lower cost to you the taxpayer”—because that's who's going to be looking at this study—how would you do that? Or which services do you think would be better delivered by someone other than a police officer?

• (1140)

Mr. Tom Stamatakis: That's the difficult question, because—

Mr. Rick Norlock: It's difficult for you—excuse me for interjecting—and it is for us.

Mr. Tom Stamatakis: Well, yes, it's probably more difficult for you.

I don't know. Each jurisdiction is going to be different because the expectations in the community will be different. What you have to look at—and I'll go back to the question from Mr. Garrison and my answer there—is what are we delivering? How can it be done as efficiently as possible and how do we make sure the changes we make don't end up costing us more in the long term or result in less service to citizens? That's why we emphasize these efficiencies around the criminal justice system. Why does a police officer need to sit around the courtroom all day long before they can give their evidence? Why can't they just transcribe it in an affidavit and submit it or show up right when it's their time to give their evidence in court as a witness rather than sitting around all day long? There are some real opportunities out there. I can't give you a list of 10 things right now that....

Mr. Rick Norlock: Try to work on it.

Mr. Tom Stamatakis: We're working on it. I can send you the booklet we've produced and the—

Mr. Rick Norlock: Please do. Send it through the clerk.

The Chair: We're out of time, so we won't even have a start on the first 10, but we'll wait for some information to come in.

We will now go, for the next round, to Mr. Easter, please.

Hon. Wayne Easter (Malpeque, Lib.): Thank you, both, for your presentations.

I'll start with you, Chief Phillips. You mentioned that there are eight communities at the moment without first nations policing.

What is the reason for that? Is it an unwillingness by the government to put them in place? Is it a lack of human resources, or is it a lack of financial resources?

Chief Lloyd Phillips: There's a variety of reasons, but at the core of it is financial resources. What's required to have an adequate police force to oversee a territory and what is available, or what is offered, basically wouldn't meet the needs of that community. So finance is the primary reason. There are obviously some political issues for various communities that have historically had some problems, which we won't get into here today, but the heart of it is the lack of resources.

As well, the way the current first nations policing policy is written, it's very difficult at times to know who has the first responsibility. It talks about on reserve, where there is supposed to be a federal responsibility and they pay the lion's share of 52% yet when you talk to the province, the province says, policing is a provincial jurisdiction and therefore what we say goes. There's always this jurisdictional battle and then what's the role of the first nation? The first nation is stuck in the middle saying, hold on a second here, we're talking about policing our community, our people, what do we have to say? It creates this mechanism where it creates a dispute on many levels.

Hon. Wayne Easter: I'm well aware of the conflicts between the two, but when we're talking to the Canadian Police Association there are some similarities here. The Canadian Police Association is basically saying that you end up being the first responders to pretty well everything, no matter whether it's a mental health issue on the street or whatever it might be.

My question to Chief Phillips, related to that area in your community, is should we as a committee be making some recommendations on other areas of responsibility for the federal government to first nations, whether it's housing, or other areas that they're really responsible for, to lessen the burden on policing within first nations, because it is the federal government that's ultimately responsible for a lot of those areas in terms of housing, etc.?

• (1145)

Chief Lloyd Phillips: The short answer to your question is yes. If you look at the situation within any group in Canada, but especially first nations, with whom it's probably more at the forefront, many historical issues or problems have multi-generational impacts on the communities. It's all connected. The lack of recognition for many aboriginal and treaty rights lead to the social impacts in the community, which leads to the need for policing and increased policing. Yes, they're all connected. Any recommendations that would work towards alleviating some of these longstanding issues would impact, in a positive nature, all our communities and the effectiveness of policing.

Hon. Wayne Easter: Tom.

Mr. Tom Stamatakis: I think this is very important for your committee.

In Canada, we have two types of policing. I hope you spend some time trying to address this, which is going to be very challenging. You've got your urban policing that happens across our major cities and then we have our rural and remote policing, which I think is what Chief Phillips has touched on today. I don't think in Canada we've even scratched the surface of the challenges that are faced by our rural and remote areas of the country, the north, particularly in the area of aboriginal policing, policing aboriginal communities. There are big, big challenges related to vast this country is. Places are hard to get to. There are housing issues, and issues not just around the communities that are being policed but also for police officers who are in those communities trying to police, including cultural issues, that have to be addressed. That is a big area and I don't know how you're going to attempt to tackle it, but it's an area that has to be looked at.

Hon. Wayne Easter: Before I run out of time, coming back to the question Ms. James asked, somewhat along the line where officers are spending time doing community policing when they should be actually doing on-the-beat policing, I think that's a tricky area. I don't think there have been witnesses before the committee from P.E.I., but I'm just looking at the work that the Charlottetown and Summerside police forces do in high schools where they do have an officer in the school.

Yes it's not on-the-beat policing, but when a decision was made to take one of those officers out of that school, there was an outcry by everyone because I think the stats will prove that having that police officer there in uniform builds trust with the students and prevents crime before it happens. Have either of you had any experience in that area? Maybe it can be done in a less costly way, but I do think it's a really important area in terms of preventing crime before it happens, keeping people off drugs before they get into drugs, and building trust with the police community.

Mr. Tom Stamatakis: Building capacity within police services to provide for police officers to have proactive time to engage with citizens in their communities is absolutely critical to successfully policing any jurisdiction, any community. There's no way you're ever going to be effective as a police force if all you do is enforce the law. You have to engage in those kinds of proactive community policing activities, and there are lots of great examples of where that has been effective.

There's a really good research project out of New York. Because of New York's resistance to some of the cuts that occurred across the States, it maintains its staffing levels, and because its police officers had a significant amount of proactive time, it's actually managed to reduce incarceration rates in the State of New York, whereas in other parts of the States incarceration rates have increased dramatically. There's lots of good research out there that makes your point.

The Chair: Thank you, Mr. Easter. We're a little over time here as well.

Now go ahead, please, Madame Doré Lefebvre.

• (1150)

[Translation]

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Thank you very much, Mr. Chair.

I would like to thank Mr. Stamatakis and Mr. Phillips for joining us. If that's okay with you, I will make my comments in French. I see that you are putting in your earpieces. That's good.

[English]

Mr. Tom Stamatakis: I'm not going to be able to understand what you're saying. I can't get the translation. I apologize for that.

[Translation]

Ms. Rosane Doré Lefebvre: Sorry, but using the interpretation devices is often complicated.

My first comments are for Mr. Phillips. Chief Phillips, thank you very much for joining us today.

I was moved by the comments you made in your presentation, including what you said about all the problems faced by first nations, such as alcohol, housing and social issues in various communities. However, you talked about a reduction in crime over the past few years. That's a light at the end of the tunnel. Here's what I would like to know. If there has been a reduction in crime, communities and police services must have some good practices in place. I would like you to tell me about the various good practices that have been adopted by the police services of Canadian first nations. Why is it important to maintain those practices and what, if anything, have you changed to achieve a reduction in crime?

Chief Lloyd Phillips: Thank you very much for the question.

[English]

Yes, there are positive stories, as I mentioned, and a reduction in crime overall. Many of the good practices you've asked about have already been touched on a little bit today.

We have taken a different perspective with regard to policing in my community and many others. Actually, in Kahnawake they're called the Kahnawake Peacekeepers, not the Kahnawake police force. That philosophy has been across first nations territories in primarily the province of Quebec, where you're actively a part of the community. You're there to maintain peace, not there to strictly enforce the law. You're there to be more interactive with your community and be involved in sports programs. You're encouraged to be the coaches of the hockey teams and the baseball teams, and be active with students and the young people in many different varieties. It's actually highly encouraged for officers to do so. That has proven, over time, to be very effective. As my colleague here was mentioning, that proves to be effective.

Some of the other areas that have proven effective would certainly include collaboration with our social networks in our communities, working closely with, for example, social workers, child care authorities, and various other areas like that.

You're taking a holistic approach, as they say, rather than looking at a situation as strictly a policing issue. You're taking a domestic problem, for instance, or even a criminal one where there's violence against an individual, and looking at it holistically. Rather than saying it's a policing issue and you're arrested, let's expand on that and pull in the family. Let's have some mediation. Let's move forward to heal, to solve the problem. You don't necessarily always have to go before a judge.

That philosophy has expanded throughout many communities, and has in turn lessened the level of crime and criminality.

The Chair: You have one minute left.

Ms. Rosane Doré Lefebvre: Okay.

[Translation]

We actually talked about that approach a lot. A number of communities use that approach in their dealings with social workers, medical bodies and police forces. They're starting to operate in a different way. What do community members think about the police forces working in that way? Do they view that more holistic approach, as you call it, in a positive light?

[English]

Chief Lloyd Phillips: For first nation communities—I can speak on behalf of all of them, and this one with great certainty—that's the approach they prefer. Historically, I know that the RCMP used to patrol many first nations communities in Quebec, and then the Sûreté du Québec. The relationship has always been strained.

With this different approach, over the years the attitudes of the youth and the community have become very welcoming and open to policing in general. Before, there was a very rigid response to policing, and a pushback, if you want to call it that. Now people are more engaged and more willing. They're more trusting of the police forces, which I think is a key factor, because they are an integral part of the community. They're not just somebody who's put there to do a job and then taken back out. They're integral. After duty and while they're on duty, they're part of the community.

• (1155)

[Translation]

Ms. Rosane Doré Lefebvre: Thank you.

[English]

The Chair: Thank you very much.

Mr. Payne, please, for five minutes.

Mr. LaVar Payne (Medicine Hat, CPC): Thank you, Chair.

Welcome back, Mr. Stamatakis, and welcome, Chief Phillips.

I want to touch on a couple of things. First, just how much information has the Canadian Police Association been able to share with other police organizations across the country in terms of best practices? Has that been an ongoing process?

Secondly, you talked about the Shared Forward Agenda and best practices. What are your expectations coming out of that?

Mr. Tom Stamatakis: In terms of your first question, we have about 160-odd member associations, so we have regular meetings annually and then a general meeting biannually. We use those

meetings as an opportunity to share information, and on an ongoing basis by e-mail and other means. We also collaborate regularly with our other stakeholder partners, the Canadian Association of Police Boards, and the Canadian Association of Chiefs of Police. We've been actively engaged in this conversation since I've been the president of the CPA. Those are some examples of how we would have discussions around best practices and opportunities for doing things differently. I think the upside is that everybody is engaged in that conversation and wants to get to a better place.

In terms of the Shared Forward Agenda, what I'd like to see come out of it, to be very blunt, is this. What we need in this country is a central sort of body. The policing initiatives portal that I think Mr. Potter probably talked to you about when he appeared here is a good start, but what we need is a central sort of body that takes on, not on their own, but coordinates, police research in this country and holds the information. So if I'm in a police force in northern Quebec or rural British Columbia, we can go to the same place and look for these models or best practices that have been tried, evaluated, and found to be effective, and then we can import those into our organizations and do things in a more consistent way, as opposed to what's been happening historically in this country, which is that it all happens ad hoc. We could be running pilots around the same program 10 times across this country, and no one would know that's happening.

So if there's one thing that comes out of this, that's the one thing: not a lot of funding, just an oversight body, if I could use that term, or a coordinating body made up of academics and police stakeholders who could coordinate and hold information so that everybody could have access to it.

Mr. LaVar Payne: A depository for all of that information.

Mr. Tom Stamatakis: That's right.

In the States they have PERF, the Police Executive Research Forum; in Scotland they have the Scottish Institute for Policing Research; in the U.K. they have the College of Policing. Every country with a similar democracy, a similar style of policing, has those agencies, and I think they make a huge difference.

Mr. LaVar Payne: I just wanted to touch briefly on the tiered piece you talked about and getting some of those specialists in. Is there some expectation when you hire one of these specialists that even if they are making more money than a police officer, which obviously allows the police officer more time in the community, of seeing any potential lesser requirement for hiring additional police officers?

Mr. Tom Stamatakis: The one thing that needs to happen is that organizations in this country need to look at what they have and identify from a research-based perspective, in an informed way, what resources they need and how to best put those resources together—how many sworn police officers, how many civilian personnel, how many trained specialists. And arguably like the Winnipeg example, we identified a huge need for more police officers on the street, but we also identified these 90-some opportunities to have civilian personnel perform work that police officers are currently performing. So the net effect of our recommendations was zero. There was no need to hire more police officers or increase the Winnipeg Police Service budget; it was just a question of reallocating those resources.

• (1200)

Mr. LaVar Payne: Chief Phillips, I was pleased to hear about the huge reductions in crime you talked about, and I think our colleague across the way, Mr. Easter, said there were eight communities that have no policing. Is that because there are no peacekeepers or SQ in those communities?

Chief Lloyd Phillips: There are police services being done by the SQ, the Sûreté du Québec. However, the concerns there are the very long response times and their not actually being part of the community, where someone may see a police car pass through the community once or twice a week. When someone calls emergency response, it takes 45 minutes to one hour to get a police car at your front door, and by then the incident has either escalated or the people have long gone.

The Chair: Thank you. We're out of time, Mr. Payne. I'm sorry. We'll have another opportunity in the next round.

As Mr. Phillips does have a train to catch and we just have a couple of minutes left, I will go to Mr. Rousseau, please.

Mr. Jean Rousseau (Compton—Stanstead, NDP): Thank you very much, Mr. Chair.

Mr. Phillips, it's an honour seeing you here today.

You said something at the beginning that was very clear to me, which is that having first nations policing in your community is culturally appropriate. I don't think we can put a price tag on that. What are the human resources you would need in regard to proper training for making sure that you have the proper individuals doing the policing in your community?

Chief Lloyd Phillips: That's a good question.

When it comes to training, we're always making sure, first and foremost, that they're trained to a standard that's equivalent to that of any other police force, but then we also, when they finish their official training, whether it be through Nicolet in Quebec or Depot in Regina, have a cultural component. We call it deprogramming, in a tongue-in-cheek kind of way, but it's to say, fine, now they know the law, they know how to police, and they know how things should work from a policing perspective, so how does this fit in with the attitudes in the way our community views policing? It's to ensure that there's that collaborative approach.

Especially when a young officer graduates from police college, it's "I'm an officer", and they're pumped up and they feel good about it. We want to make sure they approach the community in a way that respects the uniqueness of the community and respects the way that

we view the world a little bit differently. Every culture is like that; we view the world a little differently. We want to see that they're not.... What some people may view as an insult in regard to the way you enter somebody's home versus the way it may happen in the city—something as simple as that—could make a difference.

We do our best to hire from within our community, which is certainly a bonus. If not, we also try to at least hire other first nation citizens to police, because there are various similarities there. It's easier to have that and understand it.

The Chair: Thank you very much. Our time has expired.

Mr. Rousseau, should you wish to lead off the questioning in the second round, you'll have that opportunity for another couple of minutes.

At this time, I would like to express on behalf of this committee our sincere appreciation for the excellent presentation and the thoughtful responses. We can assure you that your comments definitely will be taken under consideration.

We will now break. Thanks once again.

We will break for a minute while we go to our second panel.

• (1200)

_____ (Pause) _____

• (1205)

The Chair: Colleagues, we'll call this second half of our meeting to order. We will go until 10 minutes to one. At that point, we will go in camera for future business, but we will try to get through as much as we can.

We are going to welcome here today Mr. Ian McPhail, the interim chair of the Commission for Public Complaints Against the RCMP, and Richard Evans, the senior director of operations. From British Columbia via video conference, we are welcoming Mr. Geoffrey Cowper, former chair of the British Columbia Justice Reform Initiative.

I think we will start off with Mr. Cowper.

While we have you on video conference, sir, you have the floor for up to 10 minutes for an opening statement.

As well, our other guests have up to 10 minutes for an opening statement. Then, of course, we will follow that with questions from the members.

Mr. Cowper, you have the floor, sir. Please carry on.

Mr. Geoffrey Cowper (Former Chair, British Columbia Justice Reform Initiative): Thank you, Mr. Chair.

Thank you, members of the committee, for asking me to address you this morning in relation to these important questions and for allowing me to appear by video conference. I hope you can hear me. I don't know if seeing me is very important, but hopefully you can hear me.

The Chair: We hear you loud and clear.

Mr. Geoffrey Cowper: This is, of course, a particularly exciting time, as is obvious from the other people who have appeared before you. We have access to more information and better data than ever before. Collectively as Canadians we've seen significant declines in crime across the board for a sustained period. There are clearly a number of policing innovations and initiatives developed that have been very successful and are having a significant impact on public safety.

In other words, from my perspective, there's been a lot of progress. We have better means of assessing progress and comparing the effectiveness and efficiency of different methods and adapting to what we learn.

In my role today, I'm primarily speaking from my experience in 2012, last year, in preparing and reporting on B.C.'s criminal justice experience as the chair of the B.C. Justice Reform Initiative. I was asked as a private member of the bar to undertake that review. I'm not a criminologist; I'm not an academic; and I'm not a specialist. The primary perspective that I brought to bear to my task was of a member of the bar, a person interested and passionate in this area, and a person who for about a decade was involved as a director and chair of the Legal Services Society, which oversees legal aid in British Columbia.

What I'll do in the next few minutes is summarize what I recommended last year. I'll summarize what has happened in the intervening year, which may not be known to all of the members, and I'll talk about what I think are the outstanding issues that need attention now.

First of all, the B.C. Justice Reform Initiative was initiated by the B.C. government; it wasn't a federal initiative. I was the chair and sole member of that initiative. I delivered a written report in August of last year that is still available online. I made several dozen recommendations. Let me summarize in just a few words what I concluded in the course of that initiative.

First—and this is important for policy-makers—there's no shortage of worthwhile proposals. In my view, the primary need is to provide overall support for the innovative potential within the system. We need to identify and prioritize amongst the proposals that are afoot, and we need to support them and make sure that they get rolled out and evaluated as best as possible. That includes senior political support and legislative changes where necessary.

Let me say that the particular times we're in, when there's a substantial weight of fiscal restraint, require, in my view, that senior political leadership recognize and affirm that the process of change will require the capture of resources from elsewhere in budgets, and that the public will need to understand and learn that at least in the short term there will be service implications for reform and innovation. When you change priorities, when you change and reallocate budgets, there are going to be changes that the public has to recognize that will be useful in the long term but may have service implications in the short term.

There are a couple of things. First of all, the problem of policy development in isolated silos, in my review, is clearly real. There is a debate in the community in terms of whether or not the silo problem is real; it's often referred to. In my view, the independence of the

various justice participants, by the nature of that independence, can interfere with worthwhile change.

For that reason, I recommended the establishment in British Columbia of a public safety council within the provincial ministry of justice to enhance collaboration and coordination within the system and particularly in the development and rollout of reform. I emphasize today the very great need to develop improvements that improve system-wide performance.

The report also recommended that there be regular justice summits to include those outside the ministry in the process of reform.

I also endorsed making the system as transparent as possible through the use of modern information and communication systems.

I made several dozen other recommendations, but those are some of the important ones.

Let me say that from the newspapers and the public response to my report, I think it's fair to say that the greatest public impact of the report was on the widespread recognition of the problem of unnecessary and extensive delays within the system and the development of a broad social consensus, in British Columbia at least, and that better methods of ensuring timeliness are needed to ensure not only an effective and cost-efficient system but also one that achieves justice and facilitates the impact of criminal justice on public safety goals generally. I think I can say this without any fear of contradiction.

● (1210)

There was a very widespread and, I think, unanimous recognition of the disadvantages of the delays that we've experienced in the system and that have in many ways bedevilled the criminal justice system for a very long time.

So let me give you a quick update. In many respects, my recommendations were accepted. There was a statute passed in the spring of 2013 on the eve of the election, the Justice Reform and Transparency Act. It was passed unanimously in the legislature, which is somewhat unusual, and the government has issued two white papers in response to the report, both of which have largely sought to implement the recommendations within the report.

A public safety plan has been published for consultation in 2013, which is one of the recommendations I made to achieve improved public safety across the province, and the province has continued with its open data initiative and made improvements in system transparency. For example, you could go online right now and obtain a listing of all active civil forfeiture files in the province of British Columbia.

What have we learned from the past year? I would say, firstly, that one of the surprises is that, in the absence of any dramatic change to the rules, there have actually been significant reductions in the delays in the provincial court, very significant reductions. Although there's still a study ongoing as to exactly why that has happened, in my view the principal reason is that individual professionals within the system—prosecutors, defence counsel, and judges—both individually and collectively decided to reduce the backlogs and delays within the system. I think that is a demonstration of the goodwill and professionalism within the system, as well as the impact that a social consensus can have on a system.

One largely unanticipated consequence of that is that the reduction of wait times has produced a shortfall in legal aid funding because legal aid defence counsel have, of course, submitted their accounts much faster than anticipated. That brings to the forefront my first lesson of the last year, which is the need for flexibility. We can't anticipate all the dynamic consequences of improvements as well as problems.

What are the main outstanding challenges? I will just take a couple of minutes and then finish. The first one is that I don't think we've made significant progress on the costs and delays associated with major criminal cases. There's a paradox, in my view, in our vastly improved capacity to obtain data respecting criminal events. That capacity should permanently reduce the chances of prosecutorial error and wrongful conviction, but at the same time the disclosure and trial process is encountering massive challenges coping with that increased data respecting the criminal event. We haven't yet got the solution to that, in my view, and we need to work toward it. There's no reason why the solutions can't produce just outcomes in criminal trials using modern systems.

Second, there has been a dramatic increase in the number of people facing breach or administrative charges in British Columbia and elsewhere. This has produced an increase in remand populations. I don't think we've done anything to understand fully what that's about.

Third, I think there is serious doubt as to whether the current system and approach to domestic assault is working. I think we need to look at that again and on an ongoing basis. It's simply too critical an event in our community to not have the best methods applied to it.

One final lesson for the national audience, I would say, is that B. C. has had tremendous success in reducing the levels of drinking and driving through applying immediate administrative responses such as roadside vehicle seizure and licence suspension. I think we need to learn from that lesson across the board. It has produced an immediate and dramatic reduction in driving deaths, which I think can be applied to other subject matters.

I have two final remarks and then I'll close.

I think any casual review of the Internet will demonstrate that justice participants, all of them, are committed to innovation, collaboration, and productive reform. I think it's important that momentum be maintained and that changes be made as we learn and that we not be afraid to admit failure as well as celebrate success.

My final point, and it's one for the members of the committee, is that in my view concrete benchmarks and performance measures for

the system and its participants are critical to success. Those must be achievable and real, but they should reflect reasonable public expectations and not simply be the views of those of us within the system. They should reflect expert input, but they must have a public dimension.

• (1215)

In this area, I think it's critical to obtain public input. Political leadership such as members of this committee must demand system performance that meets reasonable public expectations. I think that's critical and it is very difficult to otherwise obtain informed public input on system performance. So I would encourage you to explore system benchmarks and how those might be achieved for the benefit of Canadians.

The Chair: Thank you very much, Mr. Cowper.

We will now go to Mr. McPhail.

• (1220)

Mr. Ian McPhail (Interim Chair, Royal Canadian Mounted Police Public Complaints Commission): Thank you, Mr. Chairman, and members of the committee. Thank you for the opportunity to appear before you today. I have come before this committee on several occasions over the past few years as interim chair of the CPC to contribute to your deliberations on issues relating to the performance of the RCMP and the need for effective oversight of this important Canadian institution. I am very pleased to be here today to assist you in your examination of the economics of police service delivery across Canada.

I am accompanied by Mr. Richard Evans, senior director of operations for the CPC.

[*Translation*]

Thank you for inviting me to joining you today.

[*English*]

It is a universally accepted principle that public trust of the police is essential to the effective and efficient delivery of any police service. Even a strong and economically viable law enforcement service cannot operate without public support. The Commission for Public Complaints Against the RCMP provides an important role in the accountability framework of the RCMP and its delivery of policing services at the federal, provincial, municipal, first nations, and international levels. It is a large, diverse, and complex organization in both its mandate and its jurisdiction.

The integrated nature of its operations with other law enforcement agencies adds to this complexity, and its presence in virtually every corner of this country and abroad is unique in law enforcement circles. All of this serves to increase the visibility of the RCMP and its members' contacts with the public.

The commission's mandate includes investigating, reviewing, and conducting hearings into public complaints concerning the conduct of the RCMP and its members in the execution of their duties. As the chair, I can also institute a complaint and investigation into any matter relating to RCMP member conduct when I believe it is in the public interest to do so.

While discussions about the economics of policing, for the most part, rightly focus on the tangible elements of front-line policing service delivery, the less obvious cost associated with public discontent with police conduct must also be considered in the overall cost of public policing. We are all familiar with the increasing frequency of public inquiries and lawsuits resulting from public complaints about the conduct of the police. These mechanisms are labour-intensive and protracted. They consume significant resources and add to the overall costs of delivering policing services.

There are many recent examples of such forums, the cumulative cost of which would be considered staggering by most. In contrast, the commission, supported by an annual budget of roughly \$8.2 million, responds to roughly 2,000 public complaints per year about the conduct of RCMP members. The commission employs both informal and formal dispute-resolution processes to address public concerns. In so doing, it conducts approximately 240 in-depth, independent, fact-based complaint reviews and reports on a yearly basis.

In recent years, the commission has also conducted numerous high-profile public interest investigations into matters that could have otherwise resulted in costly public inquiries. Some recent examples that you may be familiar with include the public-interest investigation into the conduct of RCMP members regarding the handling of allegations of harassment within the workplace; the review of the RCMP's seizure of firearms from residences following flooding in High River, Alberta; and the public-interest investigation regarding policing in northern British Columbia following the concerns expressed by Human Rights Watch in its February 2013 report on this issue.

• (1225)

Through such public interest investigations the commission establishes facts, reports on its findings, and makes constructive remedial recommendations that are aimed at correcting and preventing recurring policing problems. The RCMP accepts and implements the vast majority of these recommendations.

As you are no doubt aware, this mandate will be expanded with Bill C-42, An Act to amend the Royal Canadian Mounted Police Act, which received royal assent this past June and is expected to come into force in 2014, and once a new civilian review and complaints commission with additional authorities and enhanced effectiveness is established.

Included in these enhancements are the authorities to address public complaints through an enhanced alternative dispute resolution process; establish an integrated public complaint intake system with provincial police review agencies, effectively creating a no-wrong-door process for anyone wishing to make a public complaint about police conduct, and a standardized complaint intake process; conduct joint reviews of public complaints with provincial police review agencies; and conduct reviews of specified RCMP activities on the

initiative of the chair at the request of the Minister of Public Safety, or at the request of a province that contracts for RCMP services.

On this last point it is important to note that the ability to conduct such strategic, forward-looking analysis of RCMP activities will allow the commission to assist the RCMP in pre-empting potential problems. The goal is to reduce or avoid incidents of police conduct that could give rise to public complaints, and by consequence, lead to calls for lengthy and costly public examinations, which add to the cost of police service delivery.

As front-line policing services continuously adapt to the complexities of public safety and security in today's global reality, so must the strategies and practices of the bodies that oversee their activities.

I recently attended the National Association for Civilian Oversight of Law Enforcement meeting in Salt Lake City. This is an organization that brings together individuals and agencies working to establish or improve oversight of police officers in the United States. I was struck by how advanced our oversight regime is in Canada when compared to systems in place in most U.S. jurisdictions. There appears to be little consistency from one area to the next in terms of how to approach civilian oversight of the police, or on what the accountability, framework, and standards should be. Civilian oversight of law enforcement in the U.S. seems to be largely left in the domain of municipal governments, some of which place little emphasis on it. The contrast to the Canadian experience is quite striking.

I am pleased to inform you today that the CPC has just completed two days of meetings with the heads of police-review agencies and special investigations units from every province. We focused on how we can work together to implement and make the best use of the new authorities set out in Bill C-42. Together we have laid the foundation for a more coordinated and collaborative community of practice. By leveraging each other's experience and resources and by streamlining our practices, we will be able to provide a coordinated oversight regime that effectively addresses police conduct and accountability issues coast to coast.

I look forward to continuing to contribute to a trusted, accountable, and economically viable RCMP.

I am happy to expand on these points with you and respond to any questions you may have.

The Chair: Thank you very much, Mr. McPhail.

Prior to our going into our rounds, the chair will advise that we will now reduce the seven minutes to six minutes so that we can do a complete round of questioning to our witnesses, at least. I am giving you that advisement so that we may then break very quickly for future business.

Thank you very kindly for coming again to our committee.

We will open up our questioning for six minutes, Ms. James, please.

• (1230)

Ms. Roxanne James: Thank you, Mr. Chair.

Welcome here today, witnesses.

I'm going to start with some questions directed to Mr. Cowper. First of all, congratulations on your report and the fact that the report you produced has turned into something that is actually being initiated in many aspects. Congratulations on that aspect as well.

In your opening statement, you talked at very high level about unnecessary delays within the system. I'm just wondering if you could expand on that. I guess what I'm trying to find out is what the delays are that you're talking about. What are the prime cost drivers within the justice system specifically? I'd like more of a detailed answer, if you could, please.

Mr. Geoffrey Cowper: I'd be happy to do that.

First of all, there's not just one problem when you talk about delays. That's important to recognize. There are different types of delays within the system, and I think one of the reasons why I call for a system-wide approach is that you need to realize that delay in one part of the system is going to produce delays in other parts of the system and that improvements in one part of the system can be frustrated by responses in other parts of the system.

Let me try to break it down and say that in relation to delays you of course have to concern yourself with investigative time, that is, how long it takes from the time of the event to the time of the report to crown counsel. You have to deal with the initial delay within the court system of moving from a charge to a judge's actually looking at the charge, and anything happening with it. So to take that as a concrete example, in British Columbia it's generally six to eight weeks before the matter is brought before a judge, between the time that the person promises to appear and the actual first appearance. In other jurisdictions that can be a day or two.

The next concern for delay is how long it takes for something to actually happen. So there's a delay to trial, but there's also a problem of multiple appearances in and before the judge without anything actually happening. That's a problem that has been looked at for the better part of a decade, and I think some improvement has been made, but that's the pre-trial delay. Then when you get to trial, with respect to the few cases—as you know 98.5% of cases don't proceed to trial—we have to be concerned about the length of trial across the board, because even simple cases now take three or four times as long as they used to not that long ago. So a case involving an allegation of over .08%, which might have taken an hour or two hours 30 years ago, can take four or five days today, for example. In my view, although it's a relatively small part of the system, it's one that the public is very rightly concerned about. So the length of trial is also a matter of concern.

Finally I would say the biggest example that is a high profile is the length of time it takes to adjudicate really complex criminal cases, which involve conspiracies or murders. In British Columbia we've had several examples of cases that have taken five or six years to proceed through pre-trial motions and the trial itself. That was probably a longer answer than you wanted.

Ms. Roxanne James: No it was perfect, I wrote down your five points you made. I'm going to home in on one of them. The third thing you mentioned was the time it takes for something to happen, and you specifically said multiple appearances. When we look at the aspects of the costs of policing and perhaps having a police officer appear multiple times, we actually had a witness in the first hour suggest that, instead of having a police officer sitting around a courtroom, perhaps you could just transcribe it and have it in an affidavit.

I'm just wondering whether you can think of anything we could do to reduce the times or the cost associated with police officers having to actually appear in court in person. Do you have any suggestions on that or on whether an affidavit would suffice?

Mr. Geoffrey Cowper: I think it depends on the particulars, but let me say this to just affirm your witness' observation. If you wander around the provincial courthouses, at least in British Columbia, and you were from Mars—you weren't a Canadian—and you were wondering who lives in courthouses, the answer would be uniformed police officers, wandering around the hallway looking lost, or at least looking impatient, or sometimes just looking patient.

So it's a real problem. I actually think there are various technology fixes that need to happen and this is a classic example where having six or eight police officers in the hallway might help a prosecutor, because it enables a prosecutor to say to the accused and his or her counsel, "Look, I'm ready to go; I have all of my witnesses here", and that might result in a guilty plea that might not otherwise have happened.

In my view, you can replace that system—which is frankly the practical need for those witnesses for the most part—with a call feature that shows that a police officer doesn't have to come except at a scheduled time, and the rest of the system should be able to accommodate that. I think there are a number of ways that could make that efficient and that don't require police officers to wait around. That's my view.

• (1235)

Ms. Roxanne James: Thank you for that answer.

In your opening remarks, you mentioned that we could have the same just results using a modern system. Is this the kind of modern system you were talking about?

Mr. Geoffrey Cowper: Yes.

I think we need to capture the technology available and adapt it to the criminal justice system, so we have system-wide performance measures, kinks-management that works for cases and meets public expectations of timeliness and outcomes. We have a good system, but I think it hasn't adapted to the modern and transparent world we're living in.

The Chair: Mr. Garrison now, please, for six minutes.

Mr. Randall Garrison: Thank you very much.

I'll start with a quick question, following up with Mr. Cowper. I do, as everyone does, appreciate the overall system-wide approach and wish you luck in getting all of these good recommendations into actual practice.

The one that stood out, to me, was the improved scheduling of witnesses as having a direct impact on police, as we've discussed. Going through your other recommendations, I didn't see anything that would apply to the concern we really have about policing costs—other than the witnesses one.

Other than the general improvements in timing, were there other specific recommendations that I've missed here that would have a big impact on policing costs?

Mr. Geoffrey Cowper: I think system-wide improvements can make additional capacity available, but let me say a few things. First of all, reducing wait times will result in a system-wide improvement and have improvements for police officers.

One of the recommendations I made that I think is very critical is to reallocate our priority for the resolution of matters early in the piece. I think the early stage of a criminal matter can result in the kind of resolution that now happens a year or 18 months later. As any system observation will tell you, that results in cascades of savings, including police time and otherwise. I think we need to prioritize that because 98.5% of cases result in pleas or stays, and I firmly believe that there's no reason why that can't happen much earlier. It would be to the benefit of the community in terms of public safety, for police officers not having to hang around and see their cases go on forever, and for the accused, frankly, who will get justice in his case sooner rather than later.

Mr. Randall Garrison: Thank you, Mr. Cowper.

Now to Mr. McPhail and Mr. Evans.

I'm glad to hear about the meetings you've had and the attempt to collaborate and coordinate with the other oversight agencies. We've had a couple of suggestions here that I want to ask you about, though. One is that we make greater use of civilians in policing.

In terms of accountability, does your jurisdiction as the public complaints commissioner apply to civilians who are employed by the RCMP? Can the public make complaints against civilians? If we give civilians a larger role in contacting the public, I'm concerned about the accountability aspect.

Mr. Ian McPhail: That's a good point, Mr. Garrison.

There's a very practical and simple answer to it. The RCMP has the ability to swear in civilians under Bill C-42 as special constables for a period of up to one year. Having been sworn in, they're subject

to the oversight of the new CRCC in the same manner as a regular RCMP member would be.

Mr. Randall Garrison: Would you then recommend that all civilian employees of the RCMP who have contact with the public be sworn in for that period, so they are subject to the same accountability as a sworn member?

Mr. Ian McPhail: It depends on the nature of the responsibility of that particular individual. Some may already have other accountability mechanisms in place. For those who don't, it's a very simple and easy solution.

Mr. Randall Garrison: What's the situation with volunteers, people who might volunteer for the RCMP and are not paid employees?

Mr. Ian McPhail: Should there be a desire for oversight of their activities, I'm not certain that's necessary. Of course, if they're performing policing or quasi-policing duties, the same answer would be available.

• (1240)

Mr. Randall Garrison: The second suggestion we've heard is that we should have some kind of two-tier policing, where we may have officers who are fully trained and specialized, and then we might have a second level of officers with less training.

In terms of accountability, I guess those officers would be subject to the same accountability measures but with less training. I wonder if that raises any concerns for you.

Mr. Richard Evans (Senior Director, Operations, Royal Canadian Mounted Police Public Complaints Commission): You would assess them against whatever standards are part of their employment. Just to go back a step, the appointment under the RCMP Act is what brings them under our jurisdiction. That's not to be confused with their appointment as a peace officer. Those are two separate elements. Under Bill C-42, as Mr. McPhail said, the commissioner has the authority to appoint somebody as a supernumerary special constable. The second section would be to appoint that person a peace officer. Both of those would be appointments under the RCMP Act, which would bring them under our jurisdiction.

Mr. Randall Garrison: Okay. So when you're evaluating any complaint against the person, you're using the standards that have been set for them?

Mr. Richard Evans: Exactly.

Mr. Randall Garrison: There would then be two standards of accountability?

Mr. Richard Evans: They would have to respond to different accountability because their jobs are different. For example, a member of the RCMP is always assessed against the standards that are applicable for whatever activity they're engaged in. You certainly wouldn't be holding somebody accountable for a standard that doesn't apply to them. So we will assess their behaviour and conduct against whatever applicable policies and procedures apply to them.

Mr. Randall Garrison: Okay. Thank you.

The Chair: Thank you.

Mr. Weston now, please.

Mr. Rodney Weston (Saint John, CPC): Thank you very much, Mr. Chair.

Gentlemen, thank you very much for your presentations here today.

I'm a new member at the committee here, and I'm also very new to this study, so please forgive some of the naïveté of my questions here today.

Mr. Cowper, I was taken by one of the comments you made in your presentation. I believe you talked about benchmarks towards the end of your comments. I was just wondering if there are benchmarks in place that would be used as a measurement.

Mr. Geoffrey Cowper: I don't think there are benchmarks, in the sense that I feel there need to be. I think you need to have benchmarks for the resolution of cases. There is reporting, for example, in various provinces on the number of cases that are resolved within 60 days, 90 days, or 180 days. So there is some reporting. I actually feel strongly that the benchmarks need to be directed towards a resolution within a specific time period, and that you need to have a sort of cascading system so that if a case doesn't get resolved within a certain period, then another benchmark comes into being. So there are some measures out there, but they tend to be very flexible and they tend to be difficult for members of the public to understand in terms of what the actual expectation is.

Mr. Rodney Weston: Thank you.

You mentioned that your report was adopted unanimously in British Columbia. I am wondering if there has been any action taken since towards any benchmarks being established.

Mr. Geoffrey Cowper: I know it's been discussed. I don't know of any actual formal benchmarks that have been put in place. There have been two justice summits held, one in the spring and one just last week. That involves not just members of the Ministry of Justice, but also members of the bar, judges, and others involved in the justice system. I'm optimistic that, coming out of that process, you're going to have publicly embraced benchmarks and performance measures for the system.

Mr. Rodney Weston: When we talk about efficiencies in policing, I've noticed in my time on this committee that people will tend to point to court appearances and paperwork as cost drivers. But as a layman looking at this, I'm assuming that the court appearances and paperwork have always been a big part of police work and ensuring that the task is complete. I'm wondering why people point to those as new cost drivers.

•(1245)

Mr. Geoffrey Cowper: I think there have obviously been changes in the numbers of all of these things. For example, I know that at one point in British Columbia the average number of appearances per charge was in the high teens. So you were getting cases that were coming before a judge 17, 18, 19, 20, or 25 times, and then resulting in a stay or a guilty plea. So where you used to have two or three appearances before a case's resolution, you were then getting up into the high teens. So we're having system-wide numbers that are pretty staggering. For example, in British Columbia, almost half of all the

charges now are breach charges—that is, breaches of court orders, or breaches of terms of release. That's a dramatic change in what's been happening in the system, and each of those requires an appearance, and each of those requires a charge in the case of breaches. So I think what we're seeing is that similar things are happening, but they're happening in much higher numbers in terms of appearances. As I said earlier, the length of some of the appearances, in terms of actual trials, has gone within our lifetime from very short and fairly expeditious hearings to very long hearings.

Mr. Rodney Weston: Thank you, Mr. Cowper.

Mr. McPhail, you mentioned Bill C-42 and the establishment of a new civilian panel. You referenced it as something that will drive costs. I took it that way. Forgive me if I took it in the wrong context. If that's the case, why do you see this new civilian panel driving costs higher?

Mr. Ian McPhail: Sorry, I may not have explained that adequately. Actually, I believe that Bill C-42 would allow some cost reductions. For example, for the various investigations into the G-8/G-20 complaints in Toronto, under Bill C-42, the new CRCC would have been able to work jointly with some of the provincial review bodies rather than our having multiple investigations. So I believe Bill C-42 will enable some material cost savings.

Mr. Rodney Weston: Thank you very much. I appreciate your providing that clarity, because I clearly misunderstood that.

Thank you, Mr. Chair.

The Chair: Fine, thank you very much.

We will now go to Mr. Easter, please.

Hon. Wayne Easter: Thank you, Mr. Chair.

And thank you to all witnesses.

Starting with you, Mr. Cowper, given the explosion of mandatory minimums that are being imposed by changes in justice policy in Ottawa, my question to you is, what other policies, from a government perspective, would cause greater delays?

Why I mention what's happening with the mandatory minimums is that I think we're taking away the discretion of judges, who are trained and have experience with sentencing provisions. But when you impose a mandatory minimum and there's no choice, then defence counsel is going to fight that case longer. It's going to take more court time. It's going to take more judges. They're going to fight it to the bitter end because there's no other choice, and there will be less plea bargaining. In your remarks you mentioned that 98% of the cases end up in pleas or stays. I think that's going to rapidly change with some of the policy that is coming out of Ottawa these days.

What are your thoughts?

Mr. Geoffrey Cowper: Well, there are two things.

First of all, I think there is a very inconclusive debate about the longer term consequence of mandatory minimums for charges. The evidence is mixed. For example, the defence bar tends to adapt itself to what's possible. Mandatory minimums often have the effect—and certainly it's the experience in the States—of actually increasing the sentences for offenders and not necessarily increasing the length of time to get to a resolution. Having said that, I think there are, obviously, untested consequences of mandatory minimums and there is a view out there that they're going to result in increased process costs. I think it's really inconclusive right now.

I think the other feature of it, which is equally important, is that it does effectively transfer discretion to the investigator and to the prosecutor, because the prosecutor has an option as to what to charge. So it's taken discretion away from a judge on sentencing. But there's still a great deal of discretion earlier in the system. I think the public interest concern about that is whether that discretion is being exercised in a transparent way or whether in fact it ends up being a discretion that favours people from some walks of life rather than other walks of life.

As a Canadian I am generally concerned about where discretion in the criminal justice system rests and how it's exercised. I think that has to be carefully considered. I actually suspect that what you'll find with mandatory minimums is a broader scatter, if you will, of the types of charges that are produced from the same criminal event in order to perhaps avoid the impact of mandatory minimums or to bring it to bear.

So in answer to your question, I would say two things. First of all, we have to study it very carefully. I don't think the consequences can be easily predicted. Secondly, we have to be aware of the indirect process consequences of something like a mandatory minimum, and we need to manage it. Otherwise, you're not going to achieve the public goals that Parliament is determined to achieve in those areas.

• (1250)

Hon. Wayne Easter: Thank you very much for that interesting answer. You had some things in there that I hadn't thought of.

To the witness from the RCMP public complaints commission, in respect of the work you've done on complaints, do you have any profile of the types of policing that have caused the greatest number of complaints? What I mean is that we're hearing from police officers that they're doing more work beyond regular policing, whether it's a robbery, a car theft, or whatever. What's the profile of the complaints? Is it related to police doing work that should be handled by mental health authorities? Is it domestic disputes, demonstrations? Do you have any profile of those areas that would give us some information?

Mr. Ian McPhail: There definitely are certain patterns that appear. For example, persons with mental health issues are a significant policing and public safety issue, and we receive complaints in that area. Sometimes the basic interactions of police with the public, perceived by some as abrupt or even rude, cause aggravation, and that's unfortunate. Then too we have a different type of policing issue, the policing of large demonstrations. I made reference earlier to the G-8 and G-20 summits, and the fracking dispute in New Brunswick, which we will be reviewing, as examples of the challenges of policing large demonstrations. Use of force is an area of concern that we're reviewing. In all of these areas, we have continuing communication with the RCMP as to their policies and our findings and recommendations.

The Chair: Thank you very much, Mr. McPhail. Our time has expired.

On behalf of the committee, I would like to express our appreciation to Mr. McPhail, Mr. Evans, and Mr. Cowper.

Thank you so much for your appearances today. As always, it was a great exchange of thoughts and ideas, and I can assure you that the committee will take your presentations and comments under serious advisement.

Thank you.

The committee will now break for three minutes to go into future business.

[Proceedings continue in camera]

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