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# Standing Committee on Public Safety and National Security

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Chair: Mr. Ron McKinnon





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• (1615)

[English]

**The Chair (Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.)):** I call the meeting to order.

Welcome to meeting number 68 of the House of Commons Standing Committee on Public Safety and National Security.

We will start by acknowledging that we are meeting on the traditional unceded territory of the Algonquin people.

Today's meeting is taking place in a hybrid format pursuant to the House order of June 23, 2022. Members are attending in person in the room and remotely using the Zoom application.

Pursuant to the order of reference of Friday, November 25, 2022, the committee will begin consideration of Bill C-20, an act establishing the public complaints and review commission and amending certain acts and statutory instruments.

With us today we have the Hon. Marco Mendicino, Minister of Public Safety.

Appearing with the minister, from the Department of Public Safety and Emergency Preparedness, we have Randall Koops, director general, international border policy; Martin Leuchs, manager; and Julie Thompson, director general, policing policy.

Please note that the minister will be with us for the first hour. The remaining officials from Public Safety, the RCMP and the Canada Border Services Agency will answer questions from members in the second hour.

Welcome, everyone.

I now invite Minister Mendicino to make an opening statement.

You have 10 minutes, sir.

**Hon. Marco Mendicino (Minister of Public Safety):** Thank you very much, Mr. Chair.

Colleagues, I am pleased to appear before the committee on Bill C-20, an act establishing the public complaints and review commission. A robust, independent review of our law enforcement agencies is essential to public trust and transparency to make sure all Canadians receive equal, safe and fair treatment from the agencies that are designed to protect us.

In recent years, we have become acutely aware of anti-Black and -indigenous racism in our policing and justice system. In fact, this is a phenomenon which has been going on for some time. We know

that racialized and indigenous Canadians are vastly overrepresented in prisons, interact more frequently with law enforcement and are disproportionately subjected to bias and even profiling. This is in addition to a culture of turning a blind eye to harassment, intimidation and other unacceptable behaviour from our institutions in the law enforcement sector.

As representatives of our constituents and a voice for all Canadians, we have a duty to address these legacies. That is precisely why we have tabled Bill C-20. This legislation would establish the public complaints and review commission or, as I will refer to it, the PCRC, as the new, independent civilian review body for both the Royal Canadian Mounted Police and the Canada Border Services Agency. Notably, this would establish the first independent review for the Canada Border Services Agency.

[Translation]

The PCRC would continue to fulfill the existing Civilian Review and Complaints Commission's complaints and review mandate for the RCMP, with increased accountability tools at its disposal.

[English]

The PCRC would review and investigate any flagged non-national security RCMP activity and report its findings and recommendations to the RCMP commissioner and to the office of the Minister of Public Safety.

The RCMP provides policing services to over 150 municipalities and 600 first nations across the country that interact with a broad cross-section of Canadian society, making this oversight a necessary check.

For the CBSA, there is currently no independent mechanism external to that organization to review public complaints, only an internal process. It is the only enforcement agency in the Public Safety portfolio without any external independent review. The CBSA interacts with almost 100 million travellers in an average year. It processes over 20 million commercial shipments and over 60 million courier shipments per year.

Oversight and review are long overdue for this organization. Bill C-20 would close that long-standing gap. Through the PCRC, complainants would now have access to an external body that could independently initiate, review and investigate CBSA conduct.

• (1620)

[Translation]

I recognize that some individuals may be reluctant to file or initiate a complaint. That's why the act allows a third party to file a complaint on behalf of an individual, provided that their express consent is obtained.

[English]

As an additional stopgap measure, the PCRC chairperson would also conduct a review of problematic conduct.

[Translation]

To ensure the effectiveness of this expanded mandate, additional mechanisms would be provided to the PCRC to strengthen the accountability of the RCMP and the CBSA, or Canada Border Services Agency, by establishing clear statutory timelines for the RCMP and the CBSA to respond to PCRC reports.

[English]

The RCMP and CBSA would be required to report annually on their progress in implementing PCRC recommendations, which the Minister of Public Safety, in turn, will table in Parliament.

This bill would also enact a requirement for the PCRC to implement public education and information programs to raise public awareness of the commission's mandate and the individual's right to redress, including among vulnerable and marginalized communities.

The PCRC would have a new authority to recommend that the RCMP commissioner and the president of the CBSA initiate disciplinary proceedings or impose measures. The commissioner and president would be required to report to both the PCRC chairperson and me on whether discipline was initiated or imposed.

Moreover, Bill C-20 creates new provisions to further enhance RCMP and CBSA accountability and transparency, namely codified timelines, annual reporting to the Minister of Public Safety and the collection of disaggregated race-based data. Race-based data collection is uniquely critical to identifying trends and addressing the entrenched systemic racism within our institutions, as I mentioned earlier.

Bill C-20 comes at a critical juncture in Canadian policing, in the immediate aftermath of the Nova Scotia Mass Casualty Commission's final report. Bill C-20 responds to the Mass Casualty Commission's findings by creating more transparent reporting for federal law enforcement agencies.

[Translation]

Much work remains to be done to respond to the Nova Scotia Mass Casualty Commission's final report, but the elements of Bill C-20 demonstrate our commitment to making changes.

[English]

In addition to establishing the PCRC, this bill would create a statutory framework in the CBSA Act to govern how it responds to serious incidents, which are currently internally governed. Under this framework, the CBSA would be obligated to conduct reviews into serious incidents, to notify both the PCRC and the police of jurisdiction, and to provide the PCRC with any associated reports and information.

[Translation]

Canadians have made it clear to us that these issues require immediate action. I listened carefully to the arguments raised by some of my colleagues during the second reading debate of the bill about the need to ensure that Indigenous, Black and racialized people are represented in PCRC appointments.

[English]

I am pleased to note that there is much support, not only in this committee but across partisan lines, for this bill today.

I am very happy now to take any questions or comments.

Thank you again, Mr. Chair.

**The Chair:** Thank you, Minister.

We'll start our first round of questions with Mr. Motz.

Mr. Motz, please go ahead for six minutes.

**Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC):** Thank you very much for being here, Minister.

The Liberal government and its commissions have a poor history with Canadians on their turnaround times.

This commission brings up some parallels for me to the immigration process and the ridiculous delays, which you are familiar with as the former minister who created some of that mess at the IRCC.

With that in mind, what specific and concrete steps will be taken to ensure that there is timely handling of complaints? It's easy to talk about it, but how is that possibly going to occur?

• (1625)

**Hon. Marco Mendicino:** Mr. Motz, I want to thank you for underlining the importance of having a transparent and efficient process under the current model that we have, which is the CRCC. We have made significant progress, and the RCMP has made significant progress, in reducing timelines and delays in the wake of some court decisions, as you know.

This new commission, the PCRC, will place an emphasis on providing a robust, transparent review, so that individuals who have concerns around the level of service or conduct exhibited by the RCMP—and, for the first time, Mr. Motz, the CBSA—can be sure not only that they are being treated in a way that is consistent with dignity and respect and the charter, but also that there can be transparency and accountability about that. The PCRC will help to achieve that.

**Mr. Glen Motz:** Thank you, Minister.

We've been down this road before on this particular concept. We hope to get it right this time. There are some merits to this.

I notice that the act provides the PCRC with some additional authorities, specifically for initiating complaint investigations into RCMP conduct when it's "in the public interest" to do so.

Can you help us understand what that means? Isn't it all going to be in the public interest? Why do you emphasize that you'll conduct those only when it's in the public interest to do so?

I would think that if a member of the public has a complaint, it would be in the public interest.

**Hon. Marco Mendicino:** I would tend to agree. Certainly, in my experience as somebody who has appeared in the criminal justice system, the public interest can be defined in a sufficiently broad way. That is certainly the intent of this bill. It is to open up another avenue whereby an individual, a third party or indeed the deputy heads or the chair of the commission can look into any concerns around either the professional conduct of the RCMP and CBSA or the level of service that the individual involved may have received.

This is a watershed piece of legislation. I agree with you; we've seen this type of bill before. My commitment is to work with you and to work with all parliamentarians to see this version passed into law as quickly as possible.

**Mr. Glen Motz:** Thank you, Minister.

I have a background in professional standards in law enforcement. Part of the function that we had in municipal police services was to ensure that complaints were dealt with appropriately at all levels in a timely manner, and that complainants were always kept abreast of what was going on.

As I'm trying to understand the whole concept of the PCRC, what is going to change in the current civilian review process? How is it going to be possible to have the capacity to deal with all complaints?

This is the part that the public needs to understand. There are still going to be requirements for the RCMP and the CBSA to investigate some of their own...what could be more minor issues, where someone might have been inappropriate in comment or in attitude with a member. I would classify that more as a minor issue, as opposed to use of force or an infringement of someone's rights, for example.

How is the commission possibly going to have the capacity to handle all complaints, as it's been touted that it will?

**Hon. Marco Mendicino:** You've asked two questions. I'll take the last part first and just say that we are committed to investing in

this commission to the degree that is required to meet the standards that you have identified. Trust me when I tell you that I know the RCMP and the CBSA are committed to the same.

More importantly, this stand-alone legislation will represent a marked departure in a number of ways that will contribute to an enhanced independent external review of both the RCMP and, for the first time, the CBSA by creating more transparency around timelines and turnarounds for the processing of complaints. It will grant the PCRC the power to recommend that discipline proceedings be initiated and, furthermore, that sanctions or disciplinary measures be imposed. Where that is not the case, the deputy heads will be responsible for providing a report on that.

I have two other quick points, Mr. Motz, if I may.

There will be more reporting on the work of the PCRC.

Finally, and importantly, the PCRC will have the mandate to collect and disaggregate race-based data, which is critically important to reduce the systemic racism and barriers that many Canadians have experienced.

• (1630)

**Mr. Glen Motz:** Let me ask you this, then, Minister.

Let's play this out operationally. You get dealt with by either CBSA or RCMP. It's the same commission. The PCRC is going to be investigating this. How does that play out operationally? How does the PCRC get involved in a complaint that happens at the operational level?

Will it be the same process that exists now, and the PCRC just provides oversight to that process and holds them accountable, or will the PCRC be the one that's going to begin that investigation?

**Hon. Marco Mendicino:** I realize I'm very short on your time allotment, and I'm happy to come back to it in a future round.

There will be a separate process set up, Mr. Motz, within the PCRC's mandate to hear and process these complaints filed by anyone who submits them.

**The Chair:** Thank you, Minister.

We will go now to Mr. Noormohamed, please, for six minutes.

**Mr. Taleeb Noormohamed (Vancouver Granville, Lib.):** Thank you, Mr. Chair.

Minister, thank you for joining us to talk about this. I think it's a very important piece of legislation.

This is something that personally I'm very interested in and keen for us to move past the finish line. I think back to my time as a public servant from 2002 to 2006, when Mr. Koops and I worked together. There were a lot of conversations when we were talking about the Anti-terrorism Act review.

One of the bodies that was created at that time was the cross-cultural round table on security. Recommendations by that group at that time were to ensure that there was oversight of the CBSA. Sadly, there was a change in government, and nothing ever came to pass in terms of oversight of the CBSA, so I'm really pleased that we are now moving this forward.

It is undeniable for most members of the Muslim community, Arab Canadians, Sikh Canadians, brown people and Black people, and from my own experience, that we are sometimes treated differently by CBSA. This is a fact that many people have lived, and I think the fact that we are now moving this forward is an important signal. It's taken some time to get there.

I think it would be good for those Canadians to hear directly from you, Minister, about what this is going to mean for them, particularly for Canadians of colour, when they now, as Canadians, arrive back home from their travels.

**Hon. Marco Mendicino:** I want to thank you, Mr. Noormohamed, through the chair, for your advocacy and for your leadership. I have the privilege of working with many diaspora communities that have expressed the same concern in their interactions with various institutions within Public Safety. This legislation is one step among many that our government is taking to address racism in all its forms, be it systemic, direct or subconscious, by enhancing transparency and accountability in the way in which the members of these two organizations interact with Canadians.

I will say that by setting out a mechanism by which people can submit complaints, by creating an opportunity as well so that serious systemic incidents or issues can be studied thoroughly and, equally importantly, by giving the PCRC the mandate to collect and disaggregate race-based data, we can identify not only where those issues linger but whether or not we are making progress.

The way we can, I think, move in the right direction is by using that data to inform training to make sure everyone is conscious and aware of the fact that we continue to confront challenges around systemic racism, and by reducing those barriers so that everyone is treated equally and fairly and with dignity and respect.

**Mr. Taleeb Noormohamed:** Thank you.

I just wanted to touch on the last point you made around training. One of the things that are really important is to make sure that folks who are in law enforcement, working their hardest to protect Canadians, are given the feedback, the tools and the training that are required to ensure that they can be successful in undertaking their work in a way that is respectful of all Canadians.

Can you speak a little to how the PCRC will be able to provide the type of feedback or guidance that the two organizations will be required to take on board to make sure they are doing the work they need to be doing?

**Hon. Marco Mendicino:** That's a very good question, Mr. Chair.

There are a number of ways in which the PCRC can contribute to this work. One is by recommending disciplinary proceedings, where appropriate, and even sanctions, where appropriate. Another is by initiating its own study, where there may be serious systemic issues around a certain phenomenon, including around racism. Another is, equally, by placing an obligation on the PCRC to provide more reporting, so that there can be a national discourse about how our law enforcement institutions in the RCMP and the CBSA are making progress on this.

Those are three concrete examples that I think allow there to be more transparency and accountability.

• (1635)

**Mr. Taleeb Noormohamed:** Thank you.

Mr. Chair, how much time do I have left?

**The Chair:** You have a minute and a half.

**Mr. Taleeb Noormohamed:** That's perfect.

One of the things that I think have been important over the course of the discussion on looking at oversight is the ability, with the support of individuals who may have been aggrieved, for organizations or others to file complaints on their behalf. I think that's an important step that we must ensure is included. Can you confirm that if somebody were to give their consent, others could file a complaint on their behalf?

**Hon. Marco Mendicino:** I can—and I think this is important, Mr. Noormohamed—because experience tells us that the way in which there have been barriers placed in the past does, at times, dissuade individuals from coming forward. As a way of providing another option, we allow third parties—again, with consent—to advance complaints that may have been caused by the way the RCMP or the CBSA are treating Canadians, so that we can unearth where the issues are and then make the appropriate recommendations back to the respective organizations.

What I will say, on a positive note, is that having worked now with two RCMP commissioners and two presidents of the CBSA, I know there is a dedication and a commitment on the part of both organizations to making the kinds of reforms that are necessary so that Canadians can be treated with respect, free and clear from any racism.

**The Chair:** Thank you, Mr. Noormohamed.

[*Translation*]

Ms. Michaud, you have the floor for six minutes.

**Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ):** Thank you, Mr. Chair.

Thank you for being here, Mr. Minister. It's always a pleasure to have you at committee. I would also like to thank your colleagues for being here.

I feel Bill C-20 is sort of a third shot for your government. You introduced Bill C-98 in the 42nd Parliament and Bill C-3 in the 43rd Parliament. Those two bills died on the order paper simply because your government didn't make them a priority.

Nearly 20 years ago, in 2004, Justice O'Connor also recommended that an independent process be established to manage public complaints against the Canada Border Services Agency.

In January 2020, the Privacy Commissioner of Canada noted significant gaps in searches of travellers' electronic devices and also demonstrated the importance of independently reviewed complaints.

Given all this evidence of the need for an independent commission, why didn't your government make this a priority before now?

**Hon. Marco Mendicino:** Mr. Chair, my colleague Ms. Michaud is right to say that there's a history and a context behind the introduction of this bill.

As minister, I am very interested in working with you and all members of Parliament to get this bill passed for the same reasons you have outlined. We have to accept the findings of the former commissions, such as Justice O'Connor's, and those of the commission that just took place in Nova Scotia, which said that we need to make the complaints process more independent in order to reinforce the confidence of all Canadians.

If you have any suggestions or amendments, I'm always open to them, but I feel it's a good bill. This is a historic bill. It will do a much better job of protecting public safety institutions and Canadians.

**Ms. Kristina Michaud:** Thank you.

You talk about transparency and public confidence in Canada's public safety institutions.

Do you think it's important to restore the public's confidence in their institutions in light of the Maher Arar case in 2004, and the many complaints filed in recent years? Even though there was a slight dip in international travel during the pandemic, we've seen an increase in public complaints against the Canada Border Services Agency. That's what Radio-Canada reported.

**Hon. Marco Mendicino:** I think it's fair to say that we still face some challenges. Take, for example, the issue of systemic racism, which I mentioned in response to Mr. Noormohamed, or the issue of resources for institutions. These issues have had an impact on how Canadians interact with the RCMP and the CBSA.

However, this bill is not just about a process. It also provides transparency. The powers of this new commission will enable it to look at the facts and systemic issues, and then make recommendations to the two organizations this bill involves.

I hope this will strengthen the confidence of all Canadians.

• (1640)

**Ms. Kristina Michaud:** You talked about systemic issues, and that's one of the CBSA union's concerns. The union says that if a problem should arise between a particular officer and a Canadian and they realize that the problem comes from a little higher up, the officer mustn't just be reprimanded. We have to go a little further and find out whether a manager is involved or whether this practice has become systemic within the agency.

How is this new commission going to deal with that issue? Is it only the officers themselves who will be reprimanded? If so, what will those reprimands consist of?

Do you have more information to give us on that?

**Hon. Marco Mendicino:** In my opinion, the admissibility of complaints about the RCMP referred to the Civilian Review and Complaints Commission is not determined by the classification of an officer's or an employee's position.

If a Canadian has interacted with a supervisor or with someone else, the commission's mandate is flexible enough to conduct a review that sheds light on all the facts. We will only be able to build public trust with a robust mandate that's flexible and also allows us to look at systemic issues.

**Ms. Kristina Michaud:** You mentioned an investment of \$112 million over five years, in addition to regular annual funding, which will help fulfill mandates. If I understand correctly, that amount is spread over five years, not just one year. That works out to about \$20 million a year. Am I right? If not, in your opinion, is that enough?

What timelines should Canadians expect for dealing with complaints? You said that Canadians were often afraid to file a complaint due to the lengthy and cumbersome process.

In your opinion, are we adequately funding this new entity?

**Hon. Marco Mendicino:** The short answer is yes, but I'd like to make a slight clarification. It is, in fact, \$112.3 million over six years, not five years. After that, the investment will be \$19.4 million a year.

We will continue to have discussions with the new commission, but in my opinion, the investments are being used to establish the commission, which will serve all Canadians.

**The Chair:** Thank you, Ms. Michaud.

[English]

We go now to Mr. Julian.

Mr. Julian, please go ahead for six minutes.

• (1645)

**Mr. Peter Julian:** My question is very simple. Since we have seen with CBSA 16 deaths over the last 20 years—serious complaints—on what basis have you evaluated the financing to ensure that these complaints are dealt with properly, particularly when we look at other government institutions where the complaints process is simply mired because there have not been sufficient resources put into place?

How did you evaluate, on the basis of \$19 million a year, to ensure...? Was it based on the number of complaints? On what basis have you evaluated that funding to ensure that [*Technical difficulty—Editor*]

**Hon. Marco Mendicino:** Chair, I want to thank Mr. Julian for his question. It's very important.

Before I preview the answer, I just want to echo the sentiment that my sincere hope is that by doing the work, we will be able to pass this bill this time. I think that recent collaboration gives us a path forward on this legislation in Bill C-20.

As to your exact question, I would say that my officials who are here can provide you with details, but certainly we would look at the existing human resource complement under the CRCC. We would take a look at the volume of complaints. We would take a look at the CBSA as well.

In general terms, we would have informed ourselves about what baseline resources are required, and then we would continue to consult, I'm sure, with the chairperson of the existing CRCC to get the best possible advice, so that the estimates that have been provided, and the investments as well, will allow for the establishment of this committee in a way that will meet the demands of the complaints that we anticipate getting from both organizations.

**Mr. Peter Julian:** I'll question the officials who are here when we get that opportunity, and thank you for being here.

While you're here, I want to jump right on to a question that was asked of you in the House by my predecessor in this position, Alistair MacGregor, who I think had three opportunities to ask you questions about ensuring, within the oversight body, the active participation of indigenous peoples. This is something that is fundamental, given the complaints that we are seeing with the RCMP. The fact is that there have been a number of egregious cases where indigenous people, quite rightly, have felt they were treated appallingly, in some cases tragically, by the RCMP.

At the time, you were noncommittal. Now, six months later, you're in front of this committee, so what is your response in terms of ensuring in this oversight body that there's active participation of indigenous peoples?

**Hon. Marco Mendicino:** Mr. Chair, I can assure you, Mr. Julian and all the members of the committee that we are very committed to working with this committee to ensure that there is appropriate representation on this commission, including from indigenous communities. That is deeply important to me.

I will say—

**Mr. Peter Julian:** What does that mean, specifically?

**Hon. Marco Mendicino:** I think, to begin with, it's making sure that we have a member. How we go about achieving that or potentially more will all depend on the consultations, but it is important that indigenous people see themselves reflected in all institutions, including on this commission. Through conversations and consultations with indigenous leadership, I think we can find a mechanism to achieve that goal.

I also want to say that I agree with you that indigenous people, for many generations have been disproportionately represented in their interactions with law enforcement institutions and in federal incarceration facilities. To reverse that, we have to move more upstream, and one of the ways in which we can prevent future disproportionate impacts is to study the issue. As I mentioned, this commission will have the mandate to do that. It will have the mandate to collect and disaggregate race-based data, and it will also have the benefit of doing that.

On the point you make around representation, we'll work very closely and have worked closely with indigenous communities to make sure they are represented within this organization.

**Mr. Peter Julian:** My final question for this round will be around one of the criticisms of the bill, that the public doesn't have the ability to file systemic complaints with the PCRC. Are you open to amendments that would allow for public interest, third party complaints to be filed with this new entity?

• (1650)

**Hon. Marco Mendicino:** Mr. Julian, you'll know from my record that I'm always open to studying amendments presented in good faith that may strengthen the bill.

I would point out that there are mechanisms within the process right now that allow organizations to study what we have defined as serious issues, and serious issues could touch on policy and/or systemic issues, moving beyond the facts of a particular individual or case and looking more broadly at issues.

If you think there is a way in which to improve upon that process, of course we would be prepared to consider that as well.

**The Chair:** Thank you, Mr. Julian.

Let's start our second round of questions at this point.

Ms. Dancho, please go ahead for five minutes.

**Ms. Raquel Dancho (Kildonan—St. Paul, CPC):** Thank you, Mr. Chair.

Thank you to the minister and officials for being here on this important bill.

Certainly, Conservatives, as you know, have supported it in committee. Notwithstanding any curveball, sneaky amendments from any other party, we will likely be supporting this all the way. We recognize that when police—and border officers, of course—wield significant power to enforce the law, they need an equivalent oversight body to ensure they are held accountable, as you outlined in your remarks.

I just want to clarify this for folks who may not understand what it is we're all sitting here talking about: This is a new commission that upgrades, you could say, the existing commission that oversees RCMP complaints, but it also, newly, brings CBSA in on that.

Is that an accurate assessment, in brief?

**Hon. Marco Mendicino:** Yes. It's adding not just CBSA but also authorities for both the RCMP and the CBSA.

**Ms. Raquel Dancho:** It's somewhere to make complaints.

I have asked this question, but to clarify, they can make it at their local RCMP detachment or a local port of entry, or they can contact this commission online when it's established. Is that accurate?

**Hon. Marco Mendicino:** I think you're roughly correct, yes.

**Ms. Raquel Dancho:** Okay.

I want to ask, as well, if you'll allow me.... Considering complaints and things like that about bad actors.... Of course, we have seen in the news that there are more PRC police stations operating.

I'm wondering where Canadians would make complaints regarding those bad actors.

**Hon. Marco Mendicino:** You're referring to.... I'm sorry, Ms. Dancho. I—

**Ms. Raquel Dancho:** It's the PRC police stations. We found out there are two more, likely.



**Hon. Marco Mendicino:** You're not referring to the PCRC.

**Ms. Raquel Dancho:** No, I mean the PRC—the illegally operating Chinese ones.

**Hon. Marco Mendicino:** Ms. Dancho, those so-called police stations do not have any legal status in Canada. We're here talking about Canadian law enforcement institutions—

**Ms. Raquel Dancho:** We certainly are, but given that you're here—

**Hon. Marco Mendicino:** —and the RCMP and CBSA, Ms. Dancho. That's what this legislation touches on, as you know.

**Ms. Raquel Dancho:** Would you like to take the opportunity to explain where people can make complaints about those?

**Hon. Marco Mendicino:** That's in regard to what, now? Are you back to...?

**Ms. Raquel Dancho:** If they are being harassed by those Chinese police stations, where can they make those complaints?

**Hon. Marco Mendicino:** First, we're here to talk about Bill C-20, as you know, Ms. Dancho.

Naturally, if there are any concerns around the activities of these so-called police stations, we trust our law enforcement institutions to investigate, as they have done in the past and as the RCMP continues to do.

**Ms. Raquel Dancho:** They should call the RCMP.

**Hon. Marco Mendicino:** They can call any level of police that has jurisdiction where those activities are reportedly being conducted.

**Ms. Raquel Dancho:** Okay. Thank you very much.

Again, I know it's not related to the bill, but I think it's important. I would like to see legislation come forward. I believe that, if you brought forward the foreign agents registry, the RCMP would be further empowered to take action, crack down and make arrests in terms of those illegally operating police stations.

Is that your understanding, as well?

**Hon. Marco Mendicino:** I wholeheartedly agree, Ms. Dancho. That's why I recently conducted and concluded a public consultation in which we got a lot of good feedback, including online. We hope to table something that will create this tool for the first time: a foreign agent registry, or what is the foreign influence registry regime—

**Ms. Raquel Dancho:** Thank you.

**Hon. Marco Mendicino:** —to further protect our institutions and communities from foreign interference.

**Ms. Raquel Dancho:** Would we see that before summer? Will you be tabling that before summer?

**Hon. Marco Mendicino:** We're working around the clock, Ms. Dancho. As soon as we table something, I will share it with you.

**Ms. Raquel Dancho:** Thank you very much. We'll wait with bated breath, Minister.

I have something regarding Bill C-20, specifically.

I recently met with the National Police Federation. I know you likely have too, multiple times. They raised the concern with me that this does not make the commission fully independent from RCMP officers. The police themselves will continue to have to investigate their colleagues when complaints are made.

Why was it not made more independent?

They pointed out to me.... Of course, every province, I believe, has its own version, but the one folks have heard about more often is the Nova Scotia SiRT. When lethal force is used, I believe, or even in some cases when a police officer discharges a firearm, a provincial...a completely independent investigating agency is launched to look into that, so you don't have police officers investigating themselves.

Why was that model not adopted for this? This is a time of change, so I'm wondering why it wasn't.

**Hon. Marco Mendicino:** I think that's a fair question, Ms. Dancho.

The best way to answer is this: Don't see internal and external provincial disciplinary processes as being mutually exclusive to the work of the PCRC. The creation of this commission gives Canadians yet another avenue. They can submit complaints to this commission, which will be made up of independent civilian members who will look into the conduct, then make recommendations that could touch on discipline or sanctions. Where sanctions are not imposed, it will require the deputy heads to provide reasons as to why not. We think this commission is compatible with processes set up at other levels of jurisdiction.

Certainly, the example of a provincial police of jurisdiction.... This is not in any way touching on that. This is solely focused on the RCMP and CBSA. That's federal. The processes you described are much more in the vein of provincial jurisdictions.

• (1655)

**The Chair:** We go now to Mr. Chiang.

Mr. Chiang, please go ahead for five minutes.

**Mr. Paul Chiang (Markham—Unionville, Lib.):** Thank you, Mr. Chair.

I would like to thank the minister for coming to our meeting, and thank all the expert witnesses who are here today.

My concern is with my constituents who are often flagged at the border crossing because of their ethnicity. I'm hoping this new bill, Bill C-20, will help alleviate the concerns my constituents have.

Can you talk about the importance of creating a separate statute for the PCRC and how you envision this organization providing an effective review of both the RCMP and the CBSA.

**Hon. Marco Mendicino:** I have had many conversations with community leaders, as I said earlier, about their similar concerns about the way in which they have been treated, whether it's at the border or in their communities. This is a direct response to those concerns, specifically where there have been expressions of systemic racism, or conduct that may have been informed by that. We are setting up a separate process that will allow, for example, the commission to compel documents, or information, or notes, or witnesses under subpoena, and that process, we believe, will be a very powerful fact-finding exercise that could then lead to recommendations that touch on both disciplinary proceedings and/or sanctions. We think this is responsive to the concerns that you have expressed.

The only other thing I would point out, Mr. Chiang, is that the mandate of the commission to collect and disaggregate race-based data allows us to take a look at the systemic issue as it exists and to be sure that we are making progress in the right direction. As I mentioned in one of my earlier responses, disaggregated race-based data can inform and modernize training, reduce barriers and do a lot of good towards ensuring that the members of the RCMP and the CBSA are treating Canadians in a way that is equal, fair and respectful.

**Mr. Paul Chiang:** Thank you, Minister.

What if any role will the PCRC play in regard to hearing complaints from immigration detainees who are in custody?

**Hon. Marco Mendicino:** It's also a very important question. Anyone who interacts with the RCMP or the CBSA, regardless of whether they are in detention, is able to file a complaint, so in the hypothetical that you have posed, yes, a detainee could make a complaint if they believe they were mistreated by a member of the CBSA. That, too, will allow for a fact-finding process, if that is what the commission chooses to embark on, and then the making of recommendations.

**Mr. Paul Chiang:** Thank you, Minister.

What role can a third party play in making a complaint to the commission in regard to unlawful detaining?

**Hon. Marco Mendicino:** Third parties will play an important role in this new commission, because it is well known that individuals who have been marginalized, or who have been subject to racism in one form or another, may not feel comfortable coming forward. Third parties have the ability to take up their case and their cause and to advance it before the commission in a way that gives them some additional protections. That, too, will hopefully help to mend trust where it has been broken and build the confidence of Canadians going forward.

Third parties will have an important role to play in this new commission as well.

• (1700)

**Mr. Paul Chiang:** When you speak about trust, is there any way to have a monitor or independent body oversee what the commission is doing, or is there going to be a review on that?

**Hon. Marco Mendicino:** I think that's us, Mr. Chiang. I think we will be able to track the progress of this new commission through its reports, through any additional reporting, which I in my capacity as the Minister of Public Safety may wish to bring to the

attention of this committee or Parliament more broadly in its establishment and its work going forward.

**Mr. Paul Chiang:** Thank you, Minister.

My final question—

**The Chair:** Thank you, Mr. Chiang. You're at five minutes.

**An hon. member:** It was a good try, though, Paul.

**The Chair:** That is good timing indeed.

[*Translation*]

Ms. Michaud, you have the floor for two and a half minutes.

**Ms. Kristina Michaud:** Thank you, Mr. Chair.

From what I understand in the legislative summary, the new Public Complaints and Review Commission that Bill C-20 will establish won't have the authority to review national security activities. However, in his 2004 report, Justice O'Connor recommended that the review body be empowered to review all RCMP activities, including those related to national security.

In his report, he warned:

The RCMP's national security activities make up a relatively small proportion of its overall workload. There could be serious risks in entrusting review of national security activities to one body and review of the balance of the RCMP's activities to another. To start, the different bodies might apply different and possibly inconsistent standards to the same or similar law enforcement activities. Moreover, separating what is properly considered a national security activity from other activities conducted by the RCMP could in many circumstances be difficult, and the existence of separate review bodies could lead to disagreements and jurisdictional disputes.

It's understandable that Justice O'Connor expressed a rather serious concern at the time. However, as I said, under proposed subsection 52(8) of Bill C-20, the new Public Complaints and Review Commission must refuse to investigate a complaint if it deals with activities closely related to national security.

Why set aside Justice O'Connor's recommendation in Bill C-20?

**Hon. Marco Mendicino:** Mr. Chair, I think Ms. Michaud is right. This new commission's mandate isn't to study issues related to national security.

However, the government has already established not one, but two other bodies, the National Security and Intelligence Committee of Parliamentarians and the National Security and Intelligence Review Agency, which are mandated to review the services of all agencies with a national security portfolio.

So other areas of government have the expertise to reassure all Canadians that our national security agency is properly carrying out its mandate.

**Ms. Kristina Michaud:** Are you not concerned that the various responses from these different bodies will be contradictory?

**The Chair:** I'm sorry, Ms. Michaud, but your time is up.

[English]

Mr. Julian, please go ahead. You have two and a half minutes.

**Mr. Peter Julian:** I'd like to follow up on that issue, because it's clear that Justice O'Connor's report recommended that the treatment be done concurrently.

There are recommendations that have come in to this committee in terms of how to ensure there is a seamless response to concerns. One is that "a definition of 'national security' be added" to the bill. As well, we should ensure that the PCRC can "make rules related to the process for referring national security related complaints and reviews to NSIRA". Another is that the bill "be amended to require information regarding the number and nature of complaints and reviews that the PCRC has referred to NSIRA be included in the commission's annual report." It recommends that we also have a path back for the review agency "to refer complaints back to the PCRC if it determines that [they are] not closely related to national security."

These kinds of amendments will help to ensure a more productive regime and avoid the concerns that Justice O'Connor raised. Are these the kinds of amendments that you would be prepared to entertain, given the concerns that have been raised about the treatment of national security issues with the PCRC?

• (1705)

**Hon. Marco Mendicino:** Mr. Julian raises a very important question that touches on the interplay between this new public complaints review commission and other agencies and bodies that have the remit to examine very specifically the national security concerns that were articulated by Justice O'Connor.

As best as I can answer the question for you, Mr. Julian, it would be for the committee to think through how this new commission will work in lockstep with NSICOP and NSIRA to ensure that... Let's say there may be a complaint where there may be a national security issue. Under the current draft of the bill, that would not be something that could be holus-bolus looked at by the commission, but that matter may be taken up by either NSICOP or NSIRA, so that's where transparency and accountability could be achieved in response to Mr. Justice O'Connor's concerns and recommendations.

I think the way to look at this is really through a holistic approach, which is that the PCRC will be there to raise the bar of independent review and accountability as it pertains to both the RCMP and CBSA, but where someone files a complaint that touches on the matter of national security, other committees and agencies are in place to address those concerns as well.

**The Chair:** Thank you, Mr. Julian.

We go now to Ms. Dancho, please, for five minutes.

**Ms. Raquel Dancho:** Thank you, Chair.

Minister, I just want to follow up a bit on the NPF questions about making it independent. I appreciate what you said about how there are provincial jurisdiction issues, but I didn't necessarily walk away from your answer with a very clear response of why it wasn't more independent.

The reason I want to harp on this is that I think you would agree that there's been a bit of a morale issue among police forces in the country over the last number of years, for a variety of reasons. Of course, over the last year we've had I think almost 10 police officers pass away on the job through various circumstances, so it's deeply devastating in that regard. There are also movements calling to defund the police. Things like that are extremely tough on police officers, who, as you know, put their lives on the line for us.

I know those are very charged issues, but that does impact the morale. My understanding from talking to police forces and members of the RCMP is that there are recruitment issues. There are not nearly enough people looking to join our RCMP forces. As it is a historic institution, it's deeply sad to see that.

This is an important bill—I'm glad you've brought it forward—but it is ultimately about disciplinary action of police and officers through the complaints process. Again, that's important, as we've all agreed, but I think there should be a corresponding weight to uplifting police officers as well. I'm not convinced, necessarily, that it has been an equal priority for you.

Can you point to something that you may have announced or done lately to improve morale with police and the RCMP and to improve retention and recruitment?

**Hon. Marco Mendicino:** I can point to \$390 million that we just announced in the last two weeks to help support police in their work to fight against gun crime and organized crime, Ms. Dancho, \$450 million for the CBSA to help them fight crime at the border, four concrete agreements with the United States in a joint forum that we convened a little more than a month ago, and my attendance, my personal attendance, at all but one of the funerals that have occurred in the last time.

While, yes, we are here to fight together—and I genuinely believe that the institutions in the RCMP and the CBSA are united in the cause to fight against racism—it is also important that we recognize that the members who serve in uniform are prepared and have made the ultimate sacrifice. As the Minister of Public Safety, I will defend that work.

• (1710)

**Ms. Raquel Dancho:** Thank you.

I appreciate that, and I sincerely appreciate that you've been to the funerals. That's very important, particularly for you in your position, to have gone, so thank you for that, but how many police officers will be hired from that and how many border officers?

As you know, the numbers that we have since your government took office in 2015 are...only 25 more additional border agents have been hired, yet there has been a doubling of middle management. Again, we respect our public servants, but that's from 2,000 to 4,000 CBSA employees, from what we understand, at the middle manager level, and only about 25 more frontline officers. Is there a commitment in that funding for more border officers and police officers?

**Hon. Marco Mendicino:** Ms. Dancho, I work very closely with the heads of both of these organizations. We take the best advice on the resources they need. What I think they would tell you is that in me, they have a tireless champion when it comes to giving them the resources they need to do the job, in terms of both funding and legislative authorities.

I think this government's track record bears that out, as I've given very concrete examples.

**Ms. Raquel Dancho:** Thank you.

To be clear, then, there is no requirement in the funding that you announced for hiring more police or more frontline border officers. Is that correct?

**Hon. Marco Mendicino:** We identify strategic priorities. We also leave operational decisions to the police and to the CBSA, to respect their independence.

I think it is important that we recognize collectively that the role of the elected government is to give police those tools and the funding they need, but then to trust the institutions to apportion those resources where they need them most and in a way that is consistent with the priorities that are created by a dialogue that is ongoing.

**Ms. Raquel Dancho:** I think Mr. Motz has a concluding question, if he can fit that into 45 seconds.

**Mr. Glen Motz:** Sure. Thank you very much.

Minister, as you know, the CBSA contracts out some of its security work to third parties. How do you envision the PCRC dealing with a third party with complaints that the CBSA deals with?

Garda, for example, does CBSA work. It does security and it's responsible...and there have been some complaints and some issues with it in the past.

How does PCRC fit into that scenario?

**Hon. Marco Mendicino:** I am told by our officials that the mandate of the PCRC would extend to contract workers for the CBSA. I want to be sure about that and, certainly, we will be precise in our answer to you. However, as a matter of general principle, there will be some extension of the mandate to general contractors by the CBSA.

**The Chair:** Thank you, Mr. Motz.

We go now to Mr. Gaheer.

Go ahead, please, for five minutes.

**Mr. Iqwinder Gaheer (Mississauga—Malton, Lib.):** Thank you, Chair.

Thank you to the minister for appearing before this committee.

Minister, you said \$390 million is invested, and \$121 million of that is going to Ontario. I was there for the announcement. The announcement was very well received, so thank you for that.

I'd like to echo the comments made by my colleague Mr. Noor-mohamed. As a racialized person, you're often looked at a bit differently, quite frankly, by those in positions of power. I went to school in the U.S., and even though I had legitimate immigration papers—an F1 visa, an H1B—I think practically every single time, I was stopped at the border for a secondary check, so I'm very glad we're bringing this forward.

You mentioned that the PCRC will be required to collect disaggregated race data. Can you explain why it's important they collect this information and, more importantly, what this information will then be used for?

**Hon. Marco Mendicino:** Mr. Chair, I also want to thank Mr. Gaheer for his leadership and for bringing his experiences to this table. I know from our conversations, and many others, the need to be constantly vigilant in fighting against racism in all its forms in the interactions between Canadians and law enforcement institutions. It is hard work, but it's necessary. Bill C-20 ought to be seen as a piece of a larger puzzle in the government's strategy to fight against racism.

The piece that Bill C-20 fulfills is giving Canadians an opportunity to submit complaints when they have been mistreated or when either of the two institutions has fallen short. That is through the creation of a process. It is through the creation of timelines. It is through the creation of a mandate that allows, as your question touches on, the collection and disaggregation of race-based data. The latter can not only allow the RCMP and the CBSA to look at the issue from a macro or a systemic point of view, but also be used to inform the way in which we train the members of both of these organizations, so that we can see where those negative interactions may be occurring and reduce the likelihood of those types of interactions.

It can also be used to shed more light on the subject matter. Through the reporting that is required of the PCRC to this office, which will then table the report to Parliament, we can engage with members of this committee and all parliamentarians so we can be sure that we are reducing racism and addressing concerns with the experiences of racialized Canadians and indigenous persons, with whom I have met in my various travels. They recognize that Bill C-20 plays an important role in that broader puzzle, as I said, and the need to address these systemic concerns.

• (1715)

**Mr. Iqwinder Gaheer:** Thank you.

You touched on this a little, but can you elaborate on the need for a CBSA review? What are your expectations for the agency in how they'll comply with this?

**Hon. Marco Mendicino:** Well, in the case of the CBSA specifically, this bill will create a commission that will have the mandate for external independent review through stand-alone legislation. This is a first for the CBSA, as I pointed out in my introductory remarks.

It will enable civilians, who will be able to develop expertise in the area of understanding the professional conduct and systemic issues that may be implicated with the CBSA and the RCMP, to look into complaints, to make recommendations and to do so in a way that is timely, to take a look at various categories of information, including race-based data, and to provide concrete recommendations going forward.

This is new territory for the CBSA. There currently is no mechanism that lies beyond the CBSA, and that is a gap. It is a gap that has existed for far too long, in my opinion. That's why it is urgent that we pass this bill into law as quickly as we possibly can.

**Mr. Iqwinder Gaheer:** Thank you.

**The Chair:** Thank you, everyone.

That concludes this portion of the meeting with the minister. We're a bit over on his time, and I appreciate the minister's patience and forbearance.

With that, we will suspend and bring in the next panel.

• (1715) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1720)

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

Before we carry on with our officials, I want to point out that we need a bit of an adjustment to our budget on Bill C-21.

I believe that all members have received a copy of the supplementary budget. I'm wondering if it is the will of the committee to pass the supplementary budget at this time. Do we have agreement on that?

**Some hon. members:** Agreed.

**The Chair:** That's done. Thank you.

Okay, having paid for our lunch, I'd like now to welcome the additional officials who have joined us.

From the Canada Border Services Agency, we have Natasha Alimohamed, director general, recourse directorate; and Philippe Tremblay, acting director, public complaints and external review division. From the RCMP, we have Deputy Commissioner Bryan Larkin, specialized policing services; and Alfredo Bangloy, assistant commissioner and professional responsibility officer.

I'll now open the floor to questions.

We have a hard stop at six, so we will probably not get more than one full round.

Mr. Shipley, please go ahead. You have six minutes.

**Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC):** Thank you, Chair, and thank you to the witnesses for being here today.

I'll open up with my first question.

Of the complaints that the CRCC receives, 95% to 98% are currently turned over to the RCMP for investigation. According to the NPF, the process of investigating CRCC complaints takes approximately 60,000 hours a year away from RCMP core duties, and they take issue with the fact that the police are essentially investigating themselves.

Can you tell this committee whether the new PCRC will be truly independent and what actions you will take to stop reducing the number of frontline resources available to the RCMP?

I don't know who exactly wants to take that.

• (1725)

**Mr. Randall Koops (Director General, International Border Policy, Department of Public Safety and Emergency Preparedness):** The PCRC will be fully independent, in that it alone will decide what to investigate. It has its own rules of evidence.

The PCRC, as under the current regime of the Civilian Review and Complaints Commission, would ordinarily give the right of first instance of investigation to the RCMP or the CBSA. Experience shows that the vast majority of complaints can be resolved at that stage, with the initial investigation by the agency itself.

When the complainant is not satisfied with the results from that agency, it can turn to the commission. The commission can decide to conduct a review, so it preserves the status quo in the case of the RCMP, and in the case of CBSA it creates a parallel arrangement.

**Mr. Doug Shipley:** Thank you for that.

Perhaps I could have Deputy Larkin comment.

I was a bit shocked when I had a meeting recently with your association, the NPF. I heard about the amount of time that's being taken away from frontline services, especially in some small communities, where perhaps they don't have all that many officers to start with.

Could you comment on that, and tell me if that number's accurate and how you see that being cured going forward?

**Deputy Commissioner Bryan Larkin (Deputy Commissioner, Specialized Policing Services, Royal Canadian Mounted Police):** Thanks very much.

On a five-year average, about 2,385 complaints come in. As my colleague, Mr. Koops, alluded to, there's a right of first refusal.

I'll give you some insight into one of the important pieces. We believe it's managing the level of complaint. Out of that average, about 13% are actually withdrawn through initial dialogue and/or discussion. Through informal resolution, about 35% of those complaints are addressed. From a larger perspective it's satisfying service levels and the individual's concern about the action of the RCMP member. We still believe that there's a uniqueness whereby if you can informally resolve the complaint and bring it to a satisfaction level, then there's some good in that outcome.

We recognize the impact on our level of service when we look at the demand on the level of the RCMP across our country. It is significant and continues to grow based on our current challenges. However, again, we are completing files in a relatively quick time.

My colleague, Assistant Commissioner Alfredo Bangloy, may provide further information that would assist you in your inquiry.

**Mr. Alfredo Bangloy (Assistant Commissioner and Professional Responsibility Officer, Royal Canadian Mounted Police):** Thank you.

There's not really much further information that I can provide, other than this has been something that we have been doing for quite a number of years. We work as best we can with the resources we're given. There are always resourcing challenges. We definitely are in a recruiting crunch right now. We work as best we can with the resources we have.

**Mr. Doug Shipley:** I had a whole list of comments here.

My colleague, Ms. Dancho, mentioned this earlier, to the minister. I'm going to take the opportunity now. It has been a rough couple of years for policing, and I know across the country recruiting is a problem.

Assistant Commissioner Bangloy, are you finding that that's improving at all? Are you having problems fulfilling not just the growth, but the openings that are happening from retirements or people moving on from the career?

**D/Commr Bryan Larkin:** Thank you for the concern.

Certainly, across the nation—not just within the RCMP—all police services have been facing a challenging time when we look at our current climate. In particular, the loss through recent on-duty deaths magnifies that. In short, recruitment in policing is not simply a national issue, it's a global issue. Through the experience of working with the International Association of Chiefs of Police, I can tell you that globally all police units are having a similar discussion.

Commissioner Duheme is very committed to recruitment and working with all of our stakeholders. We are actually proactively right now launching a significant review and modernization of our recruitment process. Many of those processes are in place.

We are working, for example, with the National Police Federation on how we enhance trust and confidence. One of those key pieces is in public complaint processes. Ensuring that people are satisfied with the institution of policing is also a key pillar. When we get these types of processes correct, we also build trust and confidence.

We believe that we're seeing light at the end of the tunnel around recruitment. We believe there are opportunities to engage all Canadians. We've made changes to permanent residence. We've made changes to diversifying our workforce. We see a number of strategies. We have seen a slow uptick in recruiting processes. However, this year we're likely to move about 800 individuals through RCMP Depot. That, again, will meet existing standards.

When we look at the demographics of our workforce, we're seeing attrition and enhanced retirements. There are challenges for the organization.

Recruitment is one of the key pillars for Commissioner Duheme. In fact, right now it's the number one priority to fill vacancies across our country and deal with releasability and mobility issues across.... We are a national police service and in fact a global police service where we have numbers deployed. It is a cause for concern, but I would say that all police leaders share in that cause for concern, not just the RCMP.

• (1730)

**The Chair:** Thank you, Mr. Shipley.

**Mr. Doug Shipley:** I just want to say thank you, and it's good news that it's at least looking like it's going in the right direction.

**The Chair:** Thank you.

Ms. Damoff, please.

**Ms. Pam Damoff (Oakville North—Burlington, Lib.):** Thank you all for being here. It's good news to have this bill in front of us. Between iterations of the bill, a number of changes have been made to reflect recommendations that came from the chairperson and from other organizations. Good work getting this to us.

I think the committee is prepared to work hard to get this done as quickly as we can.

I have a couple of questions.

One is about time frames. The RCMP Act has a one-year limitation period for discipline. If someone comes forward with a complaint to the new review commission and, at the end of the day, a disciplinary process is recommended, that whole one-year period may have ended, given that it can take a while before someone comes forward with a complaint.

How do you ensure that those recommendations that are coming from the commission will be reflected in action that's taken by the RCMP? By the time it's instigated, investigated and sent back, that one-year period mandated in the RCMP Act may have expired.

**Mr. Alfredo Bangloy:** Mr. Chair, that is correct. There is a one-year period in which to initiate discipline. That is one year from the time the RCMP became aware of the identity of the member and the actions alleged.

However, there are provisions within the RCMP to obtain an extension to that. This happens fairly frequently. There has to be some rationale. Often it's because of a statutory investigation that's occurring. For example, the Alberta serious incident response team might be conducting an investigation and they might be taking some time. At the conclusion of that, if warranted, we can obtain an extension to initiate conduct proceedings.

**Ms. Pam Damoff:** What if the time is completely over, or what if the RCMP were aware of the incident and felt that discipline wasn't required, but the commission says that it thinks discipline is required? How do we ensure that action can be taken by the RCMP in that case?

Do you follow the question?

**Mr. Alfredo Bangloy:** Yes.

There is an ability to get a retroactive extension. That occurred in one instance. It was under a section 9 review of the conduct CSOs, where a board hearing took place and the reviewer thought the penalty was inappropriate and wanted to initiate another discipline proceeding. We sought an extension and obtained one for that. That went right up to the federal court and was upheld.

There are provisions for that. However, as far as the recommendations for discipline are concerned, I would imagine it wouldn't happen that often, because—

**Ms. Pam Damoff:** No, I'm sure it wouldn't. I just want to ensure that you're not getting something from the commission that recommends discipline.... I think that might have happened with the Bastarache report, where the time frame was so far gone that there was no ability to have discipline or charges laid.

I'm going to move on to something else.

What is the RCMP service standard for investigating and finalizing public complaints, and how often do you meet those standards?

• (1735)

**Mr. Alfredo Bangloy:** We have a service standard of 90 days to complete a public complaint. Unfortunately, we are meeting that standard only about 54% of the time.

We've been working towards improving that with regular communication with our colleagues in the divisions and identifying this as an issue. Last year, we were able to reduce the outstanding complaints by 45%.

We're continuing to work to improve our service standard. A public complaints process is important for ensuring public trust and confidence. We want to have timely investigations.

**Ms. Pam Damoff:** Thank you.

I read an article recently about a woman—a domestic violence survivor in the Okanagan—who experienced problems with an RCMP officer when her door was knocked down. She was not able

to file a complaint because it was a reservist—someone who is not employed by the RCMP.

Is there something we should be doing to fix that in the bill, so that individuals who are contracted by the RCMP fall within this?

I have to be honest: I heard an answer earlier from the minister saying that CBSA contractors are covered, so I'm just wondering why RCMP contractors would not be.

**Mr. Randall Koops:** RCMP reservists are not covered, not because of a provision that's in this bill, but because they aren't covered now. The extension of the new regime, and the creation of the PCRC, preserves the status quo. Reservists in the RCMP are not employees; they are not members. They're not public servants, so they're in a different class of employee, if you will, and that class of employee is not subject to the RCMP Act, the code of conduct, or the review process.

A decision to extend that to them would be a much larger discussion and decision about the status of their employment, their terms and conditions of employment, and their status as public servants or not.... That is beyond the scope of the bill.

**Ms. Pam Damoff:** I'm almost out of time.

Is there an ability for someone to file a complaint in that case? Is there a way around that at all?

**Mr. Alfredo Bangloy:** Yes. Although they're not covered under the RCMP Act, we still treat a complaint against a reservist as a complaint, and we investigate it. It's just not under the legislated provisions of the RCMP Act. We conduct an investigation. A decision-maker makes a decision as to the alleged conduct. The matter is dealt with in that way, by informing the complainant of the outcome and the findings. Because it doesn't fall under the RCMP Act, the CRCC wouldn't have jurisdiction to review that complaint, but that's how we address these non-RCMP Act complaints.

Reservists are primarily retired RCMP members who work a couple of times a month as and when they wish to work, or as we need them. If there is an issue with reservists, we simply do not use them anymore, or we terminate their employment with us.

**The Chair:** Thank you, Ms. Damoff.

[Translation]

Ms. Michaud, you now have the floor for six minutes.

**Ms. Kristina Michaud:** Thank you, Mr. Chair.

I thank my colleagues for being here. I appreciate it.

Earlier, the minister corrected me regarding the annual budget that would be allocated to the new Public Complaints and Review Commission. If memory serves, it would be \$112.3 million over six years, which is about \$18.7 million a year. After that, after those six years, it will be about \$19.6 million.

Is that correct, Mr. Koops?

**Mr. Randall Koops:** Based on the current fiscal year, the budget for the commission is \$15.7 million. In the previous year, it spent \$10 million.

The amount of \$112.3 million over six years is allocated to the project as a whole, including the resources that the commission will need and those that will be used to establish activities within the agencies. So this amount is not just allocated to the commission, it will also be used for implementing the bill as a whole.

• (1740)

**Ms. Kristina Michaud:** When you talk about the \$15.7 million budget allocated to the commission, you're talking about the current Civilian Review and Complaints Commission for the RCMP, which already exists.

**Mr. Randall Koops:** The government is in the process of increasing funding to the commission.

**Ms. Kristina Michaud:** Why did you choose to establish a complaints commission to review complaints from both the RCMP and the Canada Border Services Agency, rather than two separate commissions? Was it due to funding considerations?

Will having two agencies affect processing times for complaints?

**Mr. Randall Koops:** Yes, we hope that it will shorten processing times, and we hope to increase the commission's capacity.

The government decided to create a single commission to follow the existing national security model. We want to establish agencies that follow a type of activity across the federal government. Parliament has already codified the establishment of the National Security and Intelligence Review Agency for national security activities.

The government has now introduced a bill that will do the same thing in law enforcement and the two major operational agencies.

**Ms. Kristina Michaud:** Thank you.

I also wonder about feedback on the handling of complaints. I will give you an example. Once Bill C-20 has received royal assent, how long do you feel it will take for the commission to be set up and ready to receive complaints? Will the RCMP complaints currently being processed be dealt with by this new commission or will it be too late for that? Earlier, Ms. Damoff mentioned a one-year limitation period.

Could this have consequences for complaints that could be dealt with right away?

**Mr. Randall Koops:** All complaints currently before the commission will continue to be handled in the same way under the new regulations.

With regard to feedback, paragraph 10 of clause 113 of Bill C-20 specifies that complaints can be filed with the commission even before the new sections come into force.

With regard to the new clauses coming into force, you must understand that this is a fairly significant project. We're talking about establishing a new agency that will absorb a small agency within the federal government and the need to establish an external review commission within the Canada Border Services Agency that can respond to complaints. We also have to bring in computer systems, provide training and so on. We anticipate that full implementation will take at least 18 months.

**Ms. Kristina Michaud:** Thank you.

Clause 35 of Bill C-20 requires that the new commission do something to provide assistance upon request to an individual wishing to file a complaint. I'm wondering what kind of assistance is being considered.

Can we hope that complainants will have access to interpretation services, for example, or to legal services? The word "assistance" is quite broad. I'm wondering what exactly is being planned. I can't help but draw a parallel with a francophone complainant from Ontario—it's a completely different file—in a sexual assault complaint. She wanted interpretation services in her language, and due to the Jordan decision and the lack of interpreters, she was unable to have her trial.

Could that type of assistance, such as interpretation services, be available to complainants?

**Mr. Randall Koops:** The term is quite broad and that was done on purpose.

We work on the principle that the commission itself is able to better understand the needs of complainants. Therefore, we're proposing a fairly broad piece of legislation.

Right now, I know that the existing commission is putting in a great deal of effort to make the process more accessible, particularly to official language minority communities and other minority language communities. The commission is working hard to make the process accessible to most people.

• (1745)

**Ms. Kristina Michaud:** Thank you, Mr. Koops.

**The Chair:** Thank you, Ms. Michaud.

[*English*]

We go now to Mr. Julian.

Mr. Julian, go ahead, please. You have six minutes.

[*Translation*]

**Mr. Peter Julian:** Thank you very much, Mr. Chair.

I have a lot of questions, so I'll ask them right away.



[English]

Following up on the question around reservists, I was interested in your response to Ms. Damoff. At this point, reservists are not covered. The only alternative for the RCMP, when there is a complaint against a reservist, is to terminate their connection with the RCMP.

Did I understand that properly, that no other measures can be taken and there's nothing in addition to that?

**Mr. Alfredo Bangloy:** Just to elaborate on this further, subsection 11(2) of the RCMP Act states that the act does not apply to reservists except as provided for in the regulations. There currently are no regulations covering the reserve program, so potentially some regulations could be developed.

As far as dealing with complaints against reservists goes, first of all, they must comply with all RCMP operational policies applied to their assigned duties, as well as all mandatory training and those types of requirements. If a complaint is received involving a reservist, then an investigation is done. The reservist supervisor reviews the investigation report and can take whatever measures they deem fit. It could be training; it could be operational guidance, and I suppose in some circumstances it could be ceasing to use that reservist.

**Mr. Peter Julian:** Can you share with us how many complaints we've had over the last five years toward reservists?

**Mr. Alfredo Bangloy:** I apologize. I don't have that information with me. I can endeavour to bring that back to the committee.

**Mr. Peter Julian:** That would be terrific. Thank you very much.

Continuing on, Ms. Damoff had an interesting line of questioning. Around the service standard, you said that 54% of the time it's resolved within 90 days. I'm interested in how you define resolved. Is that a complaint that is dealt with satisfactorily? Is that a complaint that is initiated? What are your definitions in terms of that 54% resolution rate?

**Mr. Alfredo Bangloy:** I believe there may have been a misunderstanding. When I was discussing that, I was referring to the investigation timeline. Our service standard is to complete an investigation within 90 days, and 54% of the time we are doing that. We're working on developing and improving our ability to investigate and to reduce those timelines. We're within our own self-imposed service standard. As I mentioned, because of the measures we took last year, we reduced the outstanding complaints that were beyond our service standard by 45%.

**Mr. Peter Julian:** Thank you for clarifying that.

I'd like to come back to the question I asked the minister earlier, which was the issue of resources. Madame Michaud touched on that as well, when she talked about interpretation support and official language support.

Looking at the information we received from the Merlo Davidson settlement agreement, we saw, in the terms of that settlement, there were over 3,086 claims filed between August 2017 and May 2018, and there was a roster of 29 external investigators. I'm interested in terms of the budget, because it seems inadequate to me, given the size and scope of the number of potential complaints, and

the fact that we're talking about the CBSA and the RCMP. There is funding of \$15 million rising to \$19.4 million, when we include interpretation and other service components.

On what basis was there an evaluation of the budget that is required to handle this appropriately, ensuring we're meeting service standards and responding appropriately to complaints that come forward? How was that budget established?

• (1750)

**Mr. Randall Koops:** In developing the funding package that was sought for the legislative proposal, the department worked very closely with both agencies, and with the commission, in trying to predict what might be a likely workload, or caseload, that is brought to a commission. We modelled the current number of complaints that are brought about the RCMP, and we looked at the number—

**Mr. Peter Julian:** If you don't mind my interrupting, how many is that, on an annual basis?

**Mr. Randall Koops:** It's about 3,000 to 4,000.

**Mr. Alfredo Bangloy:** It's 2,500.

**Mr. Randall Koops:** It's 2,500.

**Mr. Peter Julian:** Thank you.

I'm sorry for interrupting.

**Mr. Randall Koops:** There are 3,000 to 4,000 complaints a year internally at CBSA. Those are pre-pandemic travel numbers.

We looked at what scaling up the commission to handle roughly that volume of complaints about CBSA might look like, and then, in working with the central agencies of the Department of Finance and Treasury Board, we began to establish what the organization would look like and what its needs would be.

That went through the federal budget process, and the finance minister, in the budget, announced the global sum of \$112.3 million over six years for the implementation of the project as a whole. The next step of how much of that money goes to the commission versus how much goes to the RCMP or CBSA comes through the estimates process, through the main or supplementary estimates, when the government seeks to appropriate the money for the new organization.

There are other means available, when necessary, to top up the operating budget of the organization. The government, in the past, made funds available to the CRCC when it required funds, for example, through the program integrity exercise.

**Mr. Peter Julian:** I have a final, very brief question. Thank you, Mr. Chair. You're being very patient.

Is it based on an evaluation of somewhere between 5,500-6,000 complaints annually?

**Mr. Randall Koops:** It's roughly that number, yes.

**Mr. Peter Julian:** Thank you.

**The Chair:** Thank you, Mr. Julian.

That wraps up our round one. We have a hard stop at six. I'm wondering if it's the will of the committee to adjourn at this point or have a quick round of one minute per party.

No? Is it the will of the committee to adjourn?

**Some hon. members:** Agreed.

**The Chair:** Thank you to all our witnesses for putting up with us. I'm sure we're going to see you down the road when we get to clause-by-clause. I appreciate your time and your testimony today.

We are now adjourned.

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