

February 21, 2025

RE: BCCLA's submission - Draft RCMP's Transparency and Trust Multi-Stakeholder Forum Strategic Plan

1. Participation in the Multi-Stakeholder Forum or Nomination Committee (in-line with the Strategic Plan)

About the BCCLA

The BC Civil Liberties Association ("BCCLA") is the country's oldest civil liberties and human rights organization. We strive to promote, defend, sustain, and extend civil liberties and human rights in British Columbia and Canada. Our work spans a range of civil liberties and human rights issues, such as policing, prisons and criminalization, Indigenous rights, national security and surveillance, immigration detention and migrant rights, privacy rights, freedom of expression, democratic rights, and equality rights. We target systemic changes through strategic litigation, policy advocacy and law reform, and public legal education.

Since the BCCLA's inception in 1962, we have continuously tried to strengthen police accountability in British Columbia and Canada, highlighting the systemic issues in policing at numerous public inquiries including the APEC inquiry into the unlawful actions of the RCMP against protestors at the APEC Summit in 1997. We joined with the Union of BC Indian Chiefs and United Native Nations to push for and participate in an inquiry into the death of Frank Paul, a Mi'kmaq man who died of exposure and hypothermia after Vancouver Police Department officers left him in an alley in 1998. We made submissions to the Braidwood Inquiry into the death of Robert Dziekanski, a Polish immigrant who was tasered five times at the Vancouver International Airport by RCMP officers in 2007.

The BCCLA also participated in the Oppal Inquiry into Missing and Murdered Indigenous Women, the National Inquiry into Missing and Murdered Indigenous Women and Girls, and the joint (provincial and National) Mass Casualty Commission. We are a member of the provincial Coalition for Justice for Missing and Murdered Indigenous Women and Girls. We have also advocated for and supported family members seeking justice for loved ones who were victims of police killings, including Alan Wright, Greg Matters, Bill Gillespie, Dale Culver, Ian Bush, Kevin St. Arnaud, Clayton Alvin Willey, Jimmie Johannesson, Jared Lowndes, Sean Brown, Myles Gray, and others.

As a result of our advocacy, we have made recommendations to various state bodies at the municipal, provincial, and federal levels respecting police use of force and how to strengthen

police accountability. Our advocacy, along with the tireless efforts of families, grassroots activists, and other organizations, led to the creation of the Independent Investigation Office in BC to ensure civilian investigation of serious police use-of-force incidents. BCCLA currently sits on the BC Advisory Committee on Provincial Policing Standards and has been consulting on BC's *Police Act* reform.

The BCCLA would like to participate in either the Multi-Stakeholder Forum ("Forum") and/or the Nomination Committee to safeguard transparency and fairness, to bring forward what we've heard from impacted families and members of the public, to help identify the Forum's policing priorities, and to draft recommendations which address systemic issues in policing. With a proven history in advocating for police accountability and transparency, particularly in the context of police interactions with the public, we bring valuable knowledge and experience to the table. Our involvement in successful programs aimed at improving police practices will contribute to the effectiveness of the Forum or Committee, ensuring that the voices of the public and those affected by policing are represented in the process.

In addition to the BCCLA's advocacy and litigation related to policing, our work regarding privacy, access to information and national security would further complement the mandate of the proposed Forum. We have an excellent understanding of the current barriers that individuals, communities and civil society face to access the information needed to ensure that public policy decisions are based on the best available evidence. On the other hand, we deeply appreciate that privacy and confidentiality are crucial aspects of good governance in many contexts.

Given the exceptional barriers to accessing the information and data that is collected, used and stored by policing bodies such as the RCMP under existing legislation, we are very supportive of this initiative to proactively share more information held by the RCMP with the public. The BCCLA can support the Forum's objectives to improve trust through better transparency and public consultation.

2. Information and initiative that will enhance community participation in the Strategic Plan and create a more transparent RCMP.

A. Nomination Committee

The Strategic Plan ("Plan") calls for the establishment of a Nomination Committee ("Committee"). This Committee will be responsible for determining the non-government Forum Co-Chair, membership, and representation in the Forum. The Committee will also be responsible for reviewing the candidate's proposals and documenting decisions. Given the importance and function of the Committee, we believe the Plan must provide sufficient clarity to address the following questions:

- How will the Committee be established? Who will select members of the Committee? What are the eligibility criteria for membership? If the Open Government and Data Governance Directorate are responsible for selecting members of the Committee, will members be subject to approval by the Data,

Information and Analytics Committee (“DIAC”) or another RCMP management committee?

- The Plan states that the Committee members will consist of RCMP and non-RCMP members. What will the Committee’s membership split be? How many members will be RCMP representatives and how many members will be non-RCMP representatives? This distinction is important, as the success of the selection process and transparency initiative depends on the committee's independence. Ideally, RCMP members should make up a minority of the Committee to ensure the process remains free from any potential bias or state influence.
- Finally, how will the Committee select the non-government co-chair? The Plan does not appear to contemplate that a public process will be available to nominate individuals to fill the role of the Forum’s non-government co-chair. Will the Committee select the non-government co-chair from organizations already engaged in the consultation process and interested in being nominated to the Forum of Stakeholders, or is there already a pool of candidates that has not been made public? Will the Committee decide by vote? If so, will the Committee select the non-government co-chair by consensus or a majority vote? Will the Committee continue to exist once the Forum is established so that they continue to select the non-government co-chair each time the position is vacant; or will that decision be ceded to the Forum (or the non-governmental members) once established?

Considering the Committee’s role in promoting RCMP’s goal of transparency, it is important that the public has a clear understanding of the Committee’s membership, governance structure and temporal existence. Addressing these queries will ensure that the Committee is properly constituted for its role and that it avoids pressures that could undermine its credibility.

We further note that, according to the Timelines and Deliverables in the Plan, there is no intention of sharing any information about the nomination committee members and its co-chairs. We strongly encourage that as much information as possible be made available about the nomination committee and its co-chairs.

B. Role of the Forum

The Plan outlines that the Forum will play "an advisory role for input and feedback that can improve the RCMP’s transparency and trust policies and projects." While this may be seen as an important step in developing a collaborative approach to improving RCMP accountability, there remains a lack of clarity regarding the weight that will be given to the Forum’s recommendations by either the Data, Information, and Analytics Committee (DIAC), the Policy Committee, Management Committee, or Operations Committee (referred to collectively as the “Approval Committees”).

The success of this initiative will heavily depend on the Approval Committees' willingness and ability to consider and act upon the recommendations made by the Forum. If there is no clear assurance regarding the significance or binding nature of the Forum's input, there is a substantial risk that the Forum could fail to achieve its intended goals.

Historically, other bodies such as the Civilian Review and Complaints Commission (CRCC), have issued non-binding recommendations to the RCMP. Many recommendations have not been adopted or implemented. Consequently, we are concerned about the Forum's effectiveness. Without a mechanism for translating advisory recommendations into concrete actions, the Forum's role will be ineffective, undermining the trust it is designed to enhance.

To ensure that the Forum does not become another advisory body whose recommendations will be disregarded, it is essential that the Forum's governance framework includes clear assurances about how its recommendations will be treated by the Approval Committees. This includes specifying whether the Approval Committee is required to provide a formal response to the Forum's recommendations, whether there are timelines for the response, how the recommendations will be considered, how to track and measure implementation of the recommendations, and what mechanisms are in place to ensure accountability for the outcomes. At the very least, we recommend that Approval Committees be required to provide specific rationales each time they decide not to implement a recommendation of the Forum. These written reasons should be made available to both the Forum and the public in a timely manner.

Clear guidelines and expectations on this matter will help ensure that the Forum can have a meaningful impact on RCMP's transparency and trust-building efforts. Without these assurances, the Forum risks being a symbolic exercise rather than a genuine mechanism for transformative change.

C. Membership of the Forum

The Plan does not specify the number of members that will make up the Forum, which is a crucial detail. If the Directorate does not meet the participation target, it could derail the timeline for establishing the Forum, as outlined in *Appendix B – Pivot Options*. This would make it harder to manage public expectations regarding timelines and deliverables. To address this, it would be helpful to specify the size of the Forum, setting clear expectations.

Furthermore, it is unclear what role the government Co-Chair and non-government Co-Chair play in establishing the Forum's Terms of Reference (ToR). According to the Plan, Co-Chairs will be appointed before the Forum even has a chance to develop its ToR. If that's the case, it seems like the Co-Chairs would be taking on their roles without a clear understanding of what their responsibilities will be, since the details of their roles wouldn't be defined until the ToR is developed.

D. Diversity, Equity and Inclusion (DEI)

The RCMP is Canada's national police service tasked with policing a diverse country, home to people from various cultural, ethnic, and socio-economic backgrounds. This diversity should be reflected in the Committee and the Forum's membership.

Diversity is critical to fostering inclusive decision making, ensuring that all voices are heard, and that the policies and practices shaped by the Forum truly represent the interests and concerns of the Canadian public. A diverse membership will bring a range of perspectives to the table, helping to address and mitigate potential biases that may arise from a homogenous group.

The Plan does not address whether the Secretariat will consider [Canada's Anti-Racism Strategy](#) in its framework. It would be beneficial for the Secretariat's guiding principles to explicitly reflect the RCMP's responsibility to remove systemic barriers that hinder the participation of Indigenous peoples, Black, racialized communities, and other systemically marginalized groups. Incorporating these principles will help ensure that the RCMP's efforts align with broader national commitments to combat racism and promote inclusivity, fostering a more equitable and accessible environment for all communities to participate in this process.

E. Budget Approach May Undermine DEI Objectives

The Plan states that the non-government members of the Forum are expected to participate on a voluntary basis and that members can be reimbursed for eligible expenses related to hospitality, accommodation and travel. While we understand the value of strict fiscal controls and consistent policies for governance reasons, we urge you to take notice of how many valuable people and communities are left behind by such an approach. It is simply inequitable to expect people from marginalized communities to have the capacity to engage in such an important forum in a meaningful way without any sort of remuneration. In our own experience, we have learned that offering honourariums to people and communities who share their knowledge and insights with us has extended our public reach and resulted in better quality engagements.

F. Evaluation

Currently, the Plan does not indicate how the performance of the forum will be evaluated, and what the evaluation criteria will be. This raises concerns that the Forum could simply affirm RCMP-centered priorities and the status quo, rather than achieving its stated objectives of transparency, openness, and trust. Without clear evaluation metrics, there is a

risk that the initiative may not fully address the needs of the public or meet the expectations set out in the Plan.

To mitigate this risk and preserve public trust, it would be beneficial to include a set of evaluation metrics within the Plan. Having measurable benchmarks, such as data release frequency, public satisfaction, and the implementation of the Forum's recommendations, would provide transparency and allow stakeholders to hold the RCMP accountable for delivering on its commitments.

3. Organizations we recommend that the RCMP should engage with on topics related to transparency in policing.

It is essential to include the voices of grassroots communities and individuals directly affected by RCMP interactions when choosing non-government stakeholders to make up the Forum. By ensuring an opportunity for affected individuals and/or their families to engage, the process can better reflect the lived realities of those most impacted by policing, grounding the RCMP's transparency efforts in real-world experiences and the pursuit of justice.

The Open Government and Data Governance Directorate may wish to reach out to other organizations working in police accountability including:

- Canadian Civil Liberties Association
- Canadian Drug Policy Coalition
- Union of BC Indian Chiefs
- Pivot Legal Society
- BC First Nations Justice Council
- Community Legal Assistance Society
- First Nations Summit
- BC Assembly of First Nations
- BC Coalition for Missing and Murdered Indigenous Women and Girls
- Amnesty International

4. Conclusion

In its current state, the Plan does not effectively demonstrate a transparent process for establishing the Nomination Committee or the Stakeholder Forum. Furthermore, the order of the Plan's steps is unclear. To ensure that the Plan effectively achieves its desired outcomes or openness, transparency, and public trust, it is crucial that the Open Government and Data Governance Directorate incorporate the feedback and recommendations provided by the public through consultations. By doing so, the Plan will be aligned with the needs and expectations of the communities the RCMP serves.

Sincerely,



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