

Pacific Society for the Advancement
of Employment Equity

VOCATIONAL AFFAIRS AND RACIAL
EQUITY ADVANCEMENT

IN POLICING



ABOUT THE PSAEE

The Pacific Society for the Advancement of Employment Equity (PSAEE) is a non-partisan organization aimed at facilitating the development of a representative public sector.

As a broad inquiry into policing with respect to complex social issues has been undertaken by the Special Committee on Reforming the Police Act, The PSAEE would like to take this opportunity to share the concerns as they are recognized by the organization. I hope that the recommendations being put forward will be taken seriously.

April 22, 2021

Ladies and Gentlemen, Members of the Committee:

Thank you for this opportunity and for convening on this important subject matter on police reform. I will be brief today as I excavate the relevant concerns for a renewed attention and priority on the problem areas concerning policing. Such concerns have been discussed at length by persons far more capable than myself in a past. I believe however – and you may tend to agree - that not many words are needed with the weight and character of the lengthy history surrounding the relationship between citizens of colour and policing.

To facilitate comprehension this submission is organized into four sections followed by recommendations. I hope that you will closely consider the formed recommendations.

I. Considering the Pressures from the Canadian Public:

Law enforcement is not guided by a body of rules that is independent of social constraints and pressures. Such a sense should always maintain a buoyancy to promote institutional responsibility. It should be understood that towards all police action there will assuredly and naturally be a public opinion and a citizen reaction. The Canadian citizenry has been speaking up on the realities which the policies and practices of the police have produced for them. As we are here today putting our mind upon the subject matter of police reform, we must seek to understand what pressures the Canadian public has been generating upon the policing institution and why.

Plainly, there has been a shift in the collective conscience of the nation over time on policing and its treatment of distinct social groups; it is a shift which has been influenced not just by regional and national developments but by the reverberations of international ones as well – so much so that the common talk of radio shows, television programs, and newspapers concerning policing today has evolved into routine themes of devolving the function of this institution. The PSAEE is of the position that these propositions and public demands extend forth from reasonable concerns and should be

considered seriously. These demands, to note, are not coming from outlier individuals and social spheres – they are coming, rather, from a broad collective citizenry of all ages groups which has been experiencing the policing institution negatively in a sustained and historical way. They are coming from persons who have demonstrated a life-long commitment to human rights and civil liberties. They are coming from subject-matter experts from the institution of education. The presently live contemplation in Canadian society on a devolving police function should not come off as offensive suggestions to police leadership but should be examined with a responsible mindset characteristic of a leadership which is at the service of the people.

The citizens have been in a mode of expression - if only it is recognized. I would request the committee to consider that word associations and affects concerning policing today have developed in a different direction than they were in a previous time. The connotations and lexical patterns in use today convey the sentiments of the public on policing rather unambiguously. The word ‘brutality’ - as an example to mind - is routinely attached to ‘police’. ‘Distrust’ is another strong association attaching itself to ‘police’. A strong bonding of these words has not happened without reason.

II. The Nature of the Policing Institution

Unless a common appreciation of the fundamental nature of the policing institution is achieved, the adoption of alternative approaches will not appear compelling. The PSAEE requests the consideration of this committee on the close relationship between (i) the policing institution and (ii) violence.

The policing organization is an institution which distinguishes itself uniquely from other institutions by its monopoly over legitimate violence. Its members, to be sure, are heavily trained in the handling and use of weapons as well as in the controlled application of force against human subjects. The tools of the police are: Batons, guns, tasers, pepper spray, rubber bullets, tear gas, reinforced vehicles, and handcuffs. The actions often involved are: subduing, apprehending, overpowering, incapacitating, neutralizing - these are the verbs of this domain. The content of case laws is rife with mention of these objects and actions given the nature of the involvements of this institution. In any way that we look at it, the police is at core an organization with a developed capability to take violent and forceful action against perceived risks or targets. This legal capability of administering violence gives it immense coercive power within the social immersion. I would request members of this committee to consult with committee members Garry Begg and Mike Morris on their views of this characterization given their extensive background in the RCMP – their opinions would be important to add depth to the connection of policing with violence.

III. The Hiring Process and the Construction of the Merit Criteria in Policing

The hiring processes in policing tend not to work for citizens of colour. Part of this effect has to do with the relationship between (i) policing, (ii) violence, and (iii) identity. We have to consider that in addition to having a close relation to violence, the policing institution is organized in a relatively strict way along racial lines in the terms of organizational ‘control’ and ‘direction’. The Canadian policing institution is not diverse in a functional way and this result has been produced and maintained directly through the hiring process. Without a functional representation, the hiring processes have largely achieved the political function of ‘tokenism’, which is “the practice of doing something (such as hiring a person who belongs to a minority group) only to prevent criticism and give the appearance that people are being treated fairly.” The reality has been that - in function and effect - the hiring process has been a tool of administrative violence against citizens of colour. It is a potent mechanism of control – particularly in the policing domain.

It is the view of the PSAEE that any positive recalibration of the strained relationship between policing and the public would have to place a heavy and prioritized emphasis on creating a truly diverse and functionally representative workforce which has the ability to understand, to relate to, and to address the unique needs of the broad citizenry. The broad citizenry includes many ethnic backgrounds. It includes first-generation citizens. It includes persons with disabilities. It includes members of the LGBTQ community. It includes Aboriginal persons. It includes persons who have accents, who look different, who understand in different ways, and who have different social communication styles. **The policing institution has to form a concept of merit which is inclusive and accessible to citizens of colour.**

Members of the committee, I would like for you to consider that one of the roots of the evolving problem with policing today lies in a consideration of race; it rests on considerations of the colour line. Historically and up to the present day hiring policies and practices indicate either an aversion or an inability to bringing diversity in policing, and such outcomes are not in the strategic interests of citizens of colour.

The senior most leaders of the nation have stated that multiculturalism and pluralism is what defines Canada. However the symbolic identity of policing in Canada has remained a restricted, narrow identity - which has implications.

The PSAEE considers it harmful to the interests of citizens of colour to continue to have Canadian police forces which are not ethnically and culturally diverse and representative. Given the long history of treatments, such concerns can only be described as sensible and prudent.

IV. Closing considerations

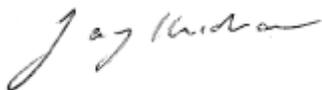
Members of the committee, I hope that the matters discussed in this letter concerning police reform will not be relegated and that there will be action on the

recommendations being submitted by the PSAEE today. The PSAEE recognizes law enforcement to have an important role in law and order, but the order must be in the interest of all citizens. At present, it is not.

We may today disagree on the reasons for the problems; we may disagree on the proposed solutions. We might have different values we place weight upon in our analysis of the problem – but fundamentally, what we are experiencing at a sufficiently broad societal level is a deteriorating relationship between the public and policing organizations. This much is certain. For the PSAEE, the problem most immediately lies in the hiring process outcomes. Not having a diverse Canadian police workforce *affects* the organizational culture. It affects attitudes and governs treatments. On the ground, when a police officer or a group of officers cannot relate to the humanity of persons, we see brutality - the use of deadly force. We see arbitrary acts of investigation and violence justified through the undue creation of risks where none exist. We see disregard for missing and murdered persons who belong to marginalized groups. We see the administrative stigmatization of racialized persons in elaborate, strategic ways. But here – let us make the necessary connection: When citizens of colour cannot have a presence in the policing domain because of the placed barriers and restrictions in the hiring process, the effect of that is *connected* to the violence on the streets. When citizens of colour cannot have an influential presence and meaningful function in policing, that is connected directly with public confidence in policing. Members of the committee, I request you to consider: Is it far-fetched?

Thanking you,

Sincerely,

A handwritten signature in cursive script that reads "Jay Krishan".

Jay Krishan
Director, PSAEE

Recommendations

- I. Refer the Office of the Ombudsperson under Section 10(3) of the Ombudsperson Act to investigate all civilian and regular job posters created by the RCMP in the past five years to help identify how the minimum requirements, hiring policies, and hiring practices have functioned to privilege the candidacies of ‘white’ citizens over ‘non-white’ citizens in the policing domain and report the findings on this systemic issue. Section 10(3) of the Ombudsperson Act reads:
The Legislative Assembly or any of its committees may at any time refer a matter to the Ombudsperson for investigation and report.
- II. The *Police Act* is comprised of 11 Parts. We recommend a 12th Part be added to the Act titled “Equity in Vocation Priority by Royal Assent”. In this part, amend the *Police Act* to contain the words ‘administrative barriers’, ‘human resources accountability’, ‘merit criteria’, “hiring”, “disaggregated data”, and “systemic discrimination” in some combination **to form meaning designed to guarantee the creation of diverse workforce at all levels** of policing. Make the collection of disaggregated data on hiring outcomes mandatory and readily accessible to the public through Open Data, updated weekly.
- III. As policy, aim to change the organizational culture of policing **specifically through the hiring process.**
- IV. Identify how many visible minority citizens apply to policing roles each month, and how many from that are offered a role in policing. Make this information publically available for public review and discussion