

**Report on Meeting of FPT Ministers
Responsible for Justice and Public Safety
Halifax, Nova Scotia, October 12-14, 2016**

Meeting Chair

The meeting took place in Halifax, Nova Scotia and was co-chaired by: Jody Wilson-Raybould, federal Minister of Justice, and Ralph Goodale, federal Minister of Public Safety.

Nunavut Attendees

The meeting was attended by Nunavut Minister of Justice and Attorney General Keith Peterson, Deputy Minister of Justice William MacKay, Executive Assistant to the Minister Michael Courtney, and Department of Justice Policy and Communications Analyst Alejandra Espinosa.

Roundtable Introductions

Department of Justice: The federal Minister of Justice gave an update of departmental priorities, which include: the criminal justice system review; addressing delays in the justice system; indigenous issues; the legalization of marijuana; Canada's 150th anniversary celebrations; and Canada's potential ratification of the Optional Protocols on the *Convention Against Torture and Inhumane Treatment* and the *Convention on the Rights for Persons with Disabilities*.

Department of Public Safety: The federal Minister of Public Safety gave an overview of departmental priorities, which include: moving forward with Canada's commitment to restore funding for search and rescue; working on the concept of compensation for families of public safety staff that pass away while on duty; addressing post-traumatic stress on first responders; addressing border issues; responding to terrorism; addressing the overrepresentation of indigenous peoples in the justice system; and preparing for the upcoming renewal of the First Nations Policing Program (FNPP) in 2018.

PTs: PT Ministers gave an overview of their respective priorities, including obstacles and innovations. The main themes with respect to obstacles were: the appropriate allocation of limited resources; addressing addictions and mental health; and delays and effective case management (i.e. applying the *Jordan* decision). The main themes with respect to innovations were: integrative/collaborative approaches in the justice system; providing information/access in new ways; and addressing specific needs.

Nunavut Department of Justice: The Nunavut Minister of Justice identified the following obstacles: the lack of access to the First Nations Policing Program (FNPP) funding; lack of federal funding for legal aid; and the length of time of the pardon system. The Minister identified the following innovations: the new correctional facility, the new *Corrections Act*, the amendments to the *Nunavut Human Rights Act*, and the introduction of the *Unlawful Property Forfeiture Act*. With respect to the Missing and Murdered Indigenous Women and Girls (MMIWG) inquiry, the Minister stated that it was extremely important for the commissioners to focus on domestic violence.

1. Vulnerable Populations

a. **Fetal Alcohol Spectrum Disorder (FASD):** Yukon and British Columbia gave a presentation on the results of the FASD Prevalence Study. Ministers also received a presentation on the Steering Committee's Final Report.

Next Steps:

- Accepted the recommendations of the Steering Committee on FASD and agreed to publicly release the Final Report.
- Ask CCSO (Criminal) to evaluate the desirability of clarifying the power of the court in the *Criminal Code* to authorize assessments of the mental condition of the offender for sentencing purposes.

b. **Social Cost of Alcohol Abuse:** Saskatchewan gave a presentation on the impacts of alcohol abuse. FPT Ministers considered the social and economic impacts of alcohol abuse in communities with an emphasis on vulnerable populations.

Next Steps:

- Agreed on the importance of using innovative methods to address longstanding issues and agreed to consider these types of approaches in their jurisdictions.

c. **Pathways to Justice for Vulnerable Populations:** Statistics Canada gave a presentation on the importance of integrating data between social services providers to better understand the risk factors associated with crime and develop appropriate responses.

Next Steps:

- Agreed on the importance of linking and sharing data and information within and across the public sector.

Nunavut:

- Minister Peterson asked for clarification on Statistics Canada's definition of homelessness and more information on the relationship between homeless and criminal activity.

d. **Measuring and Reporting Indigenous Overrepresentation:** Federal Ministers asked PT Ministers to task their officials to develop measures and find ways to track the overrepresentation of Indigenous peoples in the criminal justice system.

Next Steps:

- Agreed to recognize the importance of reducing Indigenous overrepresentation in the criminal justice system.
- Agreed to instruct officials to collaborate on the development of national measures of overrepresentation to better report on and address this issue.

2. Countering Radicalization to Violence: Public Safety updated PT Ministers on the national security consultations, the establishment of the national Office for Community Outreach and Countering Radicalization to Violence, including the launch of the Community Resiliency Fund.

Next Steps:

- Agreed to remain committed to supporting collaborative efforts to counter radicalization to violence, information sharing, and ongoing engagement in the development of a national security strategy.

3. Indigenous Items: Federal Ministers provided updates on the following items: recent work by the FPT Aboriginal Justice Working Group, violence against Indigenous women and girls (VAIWG), MMIWG inquiry, TRC and UNDRIP, and FNPP.

Next Steps:

- Release the inventory of Jurisdictional Actions taken to address VAIWG and the Compilation of Recommendations from earlier reports and inquiries concerning VAIWG.
- Accepted the October 2016 Report of the FPT Working Group on Aboriginal Justice and agreed to direct the Group to return to FPT Ministers in the fall of 2017 with a report on: tangible responses to the justice sector TRC Calls to Action; progress on the implementation of the FPT Justice's Framework to Address VAIWG; and progress on the priorities to move forward on indigenous issues (i.e. cultural training for civil servants, addressing gaps on services to Aboriginal peoples and communities, and community safety plans)
- Agreed on the importance of continuing to support current dedicated policing services in Indigenous communities and recognizing an absence of FNPP in some communities. Ministers agreed on the desirability of expanding this type of policing to non-participating communities.

4. Justice Efficiencies

- a. **Identification of Criminals Act.** Quebec gave a presentation on reforms to the *Identification of the Criminals Act*. PTs expressed their support and concerns with the proposed reforms.

Next Steps:

- Important to examine reforms to the laws to allow fingerprinting upon arrests for all offences, as well as a process of destruction in the event of a decision not to charge, and, at the request of the person concerned, in the case of acquittal or stay of proceeding.
- Federal Minister of Justice was supportive of the recommendations to reform the Act, but acknowledged the concerns raised by jurisdictions. She also indicated that she would take these concerns into account in the context of the criminal justice system review.

Nunavut:

- Minister Peterson expressed concerns with the feasibility of implementing some of the recommendations. He advised that these concerns be reviewed and addressed moving forward.

- b. **Criminal Justice System Review (CJSR):** Federal Ministers provided an overview of the key areas of focus and the priorities that form the CJSR.

Next Steps:

- Ministers supported the ongoing CJSR.
- Ministers agreed that FPT engagement, at all levels, is necessary for an effective and efficient criminal justice system, and to ensure access to justice and successful design and implementation of effective policy and law.
- Ministers agreed that an expedited review of the purpose and principles of the criminal law by FPT justice officials would be undertaken.

- c. **Review of Bail and Remand:** Ontario introduced the issue of bail and presented the Report on Bail Reform from the Steering Committee on Justice Efficiencies and Access to Justice. Saskatchewan gave a presentation on short-term remand.

Next Steps:

- Referred the Report on Bail Reform to CCSO (Criminal) for their review
- Supported the remand initiative and will continue to follow the initiative and consider any resulting proposals.

- d. **Jurisdictional Response to *R. v. Jordan*:** Ministers discussed the impact of *R. v. Jordan* in their jurisdictions.

Next Steps:

- Agreed to continue sharing information and best practices in relation to *R. v. Jordan*, as well as explore measures that may contribute to the timely resolution of criminal cases.

e. Cybercrime - Access to basic subscriber information and the Supreme Court of Canada Decision in *R. v. Spencer*: FPT Ministers discussed the impacts of *R. v. Spencer*. They also took note of the recommendations in the Cybercrime Working Group Report, *Report on Access to Basic Subscriber Information and the Impact of the Supreme Court of Canada’s Decision in R. v. Spencer*.

Next Steps:

- Asked CCSO (Criminal) to prepare a document for the purpose of targeted consultations with key stakeholders for approval by DMs before the end of the year.
- Results of these consultations will be shared with DMs for their information.

f. Access to Justice for Complainant in Sexual Assault Matters: FPT Ministers recognized this item as an important issue and some jurisdictions shared initiatives they are leading to address this issue.

Next Steps:

- Agreed to refer this issue to CCSO (Criminal) officials to explore, analyze, and to provide recommendations to FPT Ministers on practice, policy and/or legislative approaches for improving access to justice for adult complainants in sexual matters.

g. Innovating the Justice System: FPT Ministers discussed the importance of using technology in the criminal justice system and shared initiatives they are leading in their jurisdictions.

Next Steps:

- Agreed to support research and technology to ensure that comprehensive national data is gathered to assist in the development of reforms that aim to enhance the efficiency of the justice system.

h. Uniform Law Conference of Canada (ULCC): Representative from ULCC gave a presentation on the “features” of the Conference, including its diversity of representation and its diversity of products.

Next Steps:

- Agreed to renew their commitment to the invaluable work of the ULCC by supporting the implementation of the work of the ULCC on criminal and civil law reform and the participation of their officials on ULCC annual meetings.
- Agreed to receive regular updates from the ULCC.

5. Private Member Bills (PMBs)

PT Ministers discussed some of their concerns with PMBs as they relate to criminal justice and public safety. Ministers supported the recommendation made by the Working Group on Private Members’ Business and encouraged jurisdictions to bring forward concerns with any current PMBs during the parliamentary process.

Next Steps:

- Agreed for the Working Group to continue its work in sharing timely information about PMBs on an ongoing basis.

Next Meeting

The Ministers for Justice and Public Safety are scheduled to meet in Yellowknife in October 2017.