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Commission sur les finances et l'administration

Division du soutien aux commissions

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PRE-BUDGET CONSULTATION BRIEF

RadLaw McGill

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1. An Overview of Radlaw

The Radical Law Students Association, or RadLaw, is a club affiliated with the Faculty of Law at McGill University. Our purpose is to encourage law students to work in solidarity with Montreal organizations and encouraging egalitarian relationships with communities. We resist liberal legal discourse and challenge accepted norms in legal theory and practice insofar as they maintain and perpetuate relationships of domination and subordination in society. In particular, we resist all systems of domination and oppression including capitalism, imperialism, colonialism, classism, patriarchy, racism, homophobia, transphobia, and ableism.

We also support social movements and forms of resistance that are not limited to advocacy and litigation, nor confined to human rights discourse and support oppressed people's struggles for justice. Some examples of local organizations that we support include the Resilience Montreal shelter, the Immigrant Workers Centre, Solidarity Across Borders, and Open Door Books.

Since the mass demonstrations against police brutality began in May 2020, members of RadLaw have been thinking critically about the role police play in our communities, revisioning a society without prisons, policing, surveillance, and reflecting creatively about lasting alternatives to punishment and imprisonment.

2. Our Position

RadLaw welcomes the City of Montreal's invitation to public pre-budget consultations. In this memorandum, we submit our recommendation to cut the budget allocated to the Service de Police de la Ville de Montréal (SPVM) by 50 percent for 2021. The SPVM's budget for 2020 was roughly \$665 million, constituting around 11 percent of the City's budget. We find this figure to be unacceptable, and we propose divesting the SPVM's budget and reinvesting in

services, such as homelessness-centred resources, social and mental health services, recreation and education; infrastructure projects, such as social and affordable housing, environmentally-friendly waste management, public transportation, and water and sewers; and alternatives to the criminal justice system, such as extrajudicial dispute resolution systems.

The SPVM is a target area from which to divest for two main reasons. First, we find that the police as an institution has a track record of racial and social profiling, using excessive force against marginalized communities, and being unaccountable for their abuses. Second, the police, as part of the wider criminal justice system, are unequipped to bolster public health and safety.

A. Abusive and discriminatory practices, and poor accountability mechanisms

The ‘neighbourhood policing’ model adopted by the SPVM in 1995—while claiming to “strengthen community ties through an approach based on solving problems, building partnerships and on a greater openness toward community groups”¹—has perpetuated racist and classist law enforcement. For instance, homeless populations are subject to criminal laws and municipal by-laws that target ‘disorder’ and ‘incivility’, which have been emphasized by ‘broken windows’ policing practices, embraced by the neighbourhood policing model. ‘Broken windows’ is a policing strategy based on an unproven criminological theory that links visual cues and behavior begetting low-level infractions, such as littering, vandalism, or public drinking, to high-level crime, such as gang and gun violence.² The rationale of the theory is that physical and social disorder corrode a community’s social controls and safety, thereby encouraging crime and fear.³ This approach has led to more aggressive patrolling in marginalized neighbourhoods and the enforcement of incivility offences.⁴ As a result of this practice, the *Commission des droits de la personne et des droits de la jeunesse* found that while only making up one percent of Montreal’s population, homeless people received 20 percent of tickets for municipal offences.⁵ The *Commission* has deemed this type of practice a matter of “social profiling” that is inextricably tied to the SPVM’s policing model.⁶

The SPVM, like all police departments, has also been complicit in excessive use of force against marginalized individuals. A report by the CBC affirms that people who are Black, Indigenous,

¹ “History of the police in Montréal” online: *SPVM* <spvm.qc.ca/en/Pages/Discover-SPVM/Police-museum/History-of-the-police-in-Montreal>.

² See e.g. Yili Xu, Mora L Fiedler & Karl H Flaming, “Discovering the Impact of Community Policing: The Broken Windows Thesis, Collective Efficacy, and Citizens’ Judgment” (2005) 42:2 *J Research Crime & Delinquency* 147.

³ *Ibid* at 148.

⁴ Marie-Eve Sylvestre, “Policing the homeless in Montreal: Is this really what the population wants?” (2010) 20:4 *Policing & Society* 432 at 453.

⁵ Commission des droits de la personne et des droits de la jeunesse, “The Judicialization of the Homeless in Montréal: A Case of Social Profiling” (6 November 2009), online: pdf <www.cdpcj.qc.ca/Documents/Homeless_Summary.pdf> at 2.

⁶ *Ibid*.

experiencing mental illness, or experiencing substance abuse issues are overrepresented among deadly encounters with the police in Canada.⁷ In Montreal, Anthony Griffin (1987), Preslie Leslie (1990), Osmond Fletcher (1991), Marcellus François (1991), Trevor Kelly (1993), Anas Bennis (2004), Fredy Villanueva (2008), Mario Hamel (2011), Patrick Limoges (2011), Alain Magloire (2013), René Gallant (2015), Jean-Pierre Bony (2016), Pierre Coriolan (2017), Nicholas Gibbs (2018) and many more have been killed by the SPVM.

The mechanisms in place to keep the SPVM accountable for its abuses are also inadequate. For example, Quebec's police ethics board, the *Commissaire à la déontologie policière*, received 1,867 complaints between 2018 and 2019, but only filed 85 citations with the *Comité de déontologie policière*.⁸ From these citations, the *Comité* carried out 31 hearings, finding 21 instances of infringement of the code of ethics. What's more, if SPVM officers are found civilly or criminally liable for their misconduct, it is the City of Montreal that shoulders the cost. This is because of the robust collective agreement concluded between the City and the *Fraternité des policiers et policières de Montréal*, which provides that the City must be responsible for any pecuniary damages assigned to the officer.⁹ We urge the City of Montreal to aggressively renegotiate this agreement when it is due for renewal next year, so that stronger incentives exist for police to avoid misconduct.

B. Policing does not address the structural issues that make our communities unsafe

The underlying logic of the criminal justice system is inherently incompatible with the promotion of public safety and health. In Canada, police operate within the criminal justice system, along with prosecutors, judges and prison administrators. This system aims to prevent and solve crime through deterrence, meaning the threat and enforcement of punishment for the violation of the law. No matter which reforms are brought to policing, such as anti-racial bias training to attenuate the worst discriminatory practices, or body-cameras to increase accountability of individual officers, police remain squared within the criminal justice system's logic. The endgame, or underlying theory, remains deterrence and punishment.

Following years of social science evidence confirming this, there is now an emerging consensus among Canada's highest offices that the root causes of crime and criminalization are systemic. In its 2019 "Final Report on the Review of the Canada's Criminal Justice system," the Department of Justice, spear-headed by the Honourable David Lametti, noted that governments must "take into consideration how the criminal justice system relates to other critical support systems in our

⁷ Inayat Singh, "2020 already a particularly deadly year for people killed in police encounters, CBC research shows" (23 July 2020), online: *CBC* <newsinteractives.cbc.ca/fatalpoliceencounters/>.

⁸ *Commissaire à la déontologie policière*, Annual Report 2018–2019 at 7, 54.

⁹ "Convention collective de travail entre la Ville de Montréal et la Fraternité des policiers et policières de Montréal" (2015–2021), ss 26.09, 26.10, 26.14, 26.16.

society, such as housing, health care, education, employment, training and child protection.” The report further highlighted that “they must strive to better understand the root causes of crime” and ensure that they “are not using instruments of criminal justice to address social problems.”¹⁰ The Supreme Court of Canada also increasingly acknowledges these fundamental issues with our current criminal justice system. In *R v Le*, Justices Brown and Martin concluded that “we have arrived at a place where the research now shows disproportionate policing of racialized and low-income communities.”¹¹ In *R v Boudreault*, the Court acknowledged that “[m]any of the people involved in our criminal justice system are poor, live with addiction or other mental health issues, and are otherwise disadvantaged or marginalized.”¹²

It is clear that issues such as addiction, mental health, and poverty are not best addressed through punishment and deterrence, but through a redressing of the structural flaws that place people in conditions of vulnerability. Homelessness and access to proper health care are public health issues that should be tackled with the appropriate means – outside the criminal justice system. Seeing that not only policing, but also social housing, community and social development, and land planning are within Montreal’s jurisdictional purview,¹³ we see no reason that the allocations of funds do not reflect this.

3. Recommendations

A. Divesting

Fifty percent of the SPVM’s budget—roughly \$332 million—is a considerable amount that could help offset the City of Montreal’s projected \$500-million deficit from the Covid-19 pandemic.¹⁴ We recommend allocating \$200 million of the SPVM’s budget toward this Covid-19 deficit, while allocating \$132 million toward community services, infrastructure projects that promote public health, and criminal-justice alternatives.

¹⁰ Canada, Department of Justice, *Final Report on the Review of the Canada’s Criminal Justice system* (2019), online (PDF): *Department of Justice* <www.justice.gc.ca/eng/cj-jp/tcjs-tsjp/fr-rf/docs/fr.pdf> at 6.

¹¹ 2019 SCC 34, para 97

¹² 2018 SCC 58, para 3.

¹³ *Charter of Ville de Montréal, metropolis of Québec*, 2017, c 16, s 87.

¹⁴ Marian Scott, “Allow Montreal to run deficit for 2020, report urges” (2 June 2020), online: *The Montreal Gazette* <montrealgazette.com/news/local-news/plante-announces-plan-to-relaunch-economy>.

As the majority of the SPVM's budget is assigned to unionized officers' salaries,¹⁵ it may prove difficult for the City of Montreal to remove such a significant amount from this budget line. However, we urge the City to engage in honest and assertive discussions with the SPVM about the fairness of this contract. Practices such as halting new hires, disarming officers, and avoiding investment in costly and ineffective technologies such as body cameras can help offset this budget cut.

B. Investing

Services

1. Homelessness-centered resources

People experiencing homelessness are at a heightened risk of violent victimization,¹⁶ criminalization,¹⁷ and contracting disease (such as Covid-19¹⁸). To address these harms, Montreal should increase the emergency response budget to better address the homeless crisis in Montreal. The city should invest in more public washroom facilities, drop in centers offering indoor and outdoor spaces, and homeless shelters to increase beds available. All such services (existing and future) also require adequate funds for sanitation and increased staff. It is crucial that separate shelters for women, youth, and queer persons are given proper funding to facilitate day time programming and remain open for 24 hours.

Moreover, Montreal should secure funding for programs which facilitate the collection and distribution of foods from grocery stores and restaurants to food banks, shelters, and drop in centers, to support those experiencing food insecurity, such as Moisson Montréal or the NDG Food Depot.

¹⁵ "Présentation à l'intention des membres de la Commission sur les finances et l'administration: Budget 2020" (29 November 2019), Presentation by Sylvain Caron, SPVM Director, online (pdf): <ville.montreal.qc.ca/pls/portal/docs/page/commissions_perm_v2_fr/media/documents/pres_spvm_20191129-2.pdf> at 31; see also Tom Cardoso & Molly Hayes, "Canadian cities' police spending ranges from one-10th to nearly a third of total budgets, Globe analysis finds" (16 August 2020), online: *The Globe and Mail* <www.theglobeandmail.com/canada/article-canadian-cities-police-spending-ranges-from-one-10th-to-nearly-a/>.

¹⁶ See Marie-Ève Sylvestre "Policing the homeless in Montreal: is this really what the population wants?" (2010) 20:4 Policing and Society 432. See also Stephen Gaetz, Bill O'Grady & Kristi Buccieri, "Surviving Crime and Violence: Street Youth and Victimization in Toronto" (2010), online (pdf): *The Homeless Hub* <yorkspace.library.yorku.ca/xmlui/bitstream/handle/10315/29374/Surviving%20the%20Streets.JFCY_September16.2010.pdf?sequence=1&isAllowed=y>. (Report finds that homeless youth in Toronto increased risk of experiencing violent criminalization, and homeless women being at higher risk of experiencing sexual assault, and partner violence).

¹⁷ See "Incivilities" (2020), online: *Service de Police de Montréal* <spvm.qc.ca/en/PDQ38/Pages/Projects/Incivilities>. By laws, such as against drinking, loitering, urinating/defecating in public, and nighttime noise inherently criminalize the homeless population.

¹⁸ See Jaspreet Khangura et al, "Why communities need to move fast, get creative to protect homeless from COVID-19" (2 April 2020), online: *CBC* <www.cbc.ca/news/opinion/opinion-covid-19-homeless-1.5516075>.

2. Access to social services

Montreal's investment in social programs must put historically marginalized communities at the centre. We must empower those who have been the targets of criminalization, and know first-hand what measures are best taken to foster community strength. This means greater investment in spaces that affirm people's fundamental human dignity. Safe injection and consumption sites, safe spaces for sex workers, and culturally-appropriate community centres for BIPOC, LGBTQ+, and new migrants are examples of projects where people can build a sense of community and more easily access resources. Rather than ostracize and isolate, these projects allow people to contribute to the vibrancy of our society, benefitting us all.

These projects can sometimes face community pushback (exemplified by the phrase “not in my backyard”), especially in gentrifying neighbourhoods. The City should educate skeptical residents on the necessity and evidence-backed efficacy of such projects, as well as highlighting our collective responsibility to historically marginalized people.

Furthermore, the City can use its right of first refusal on properties to ensure community projects have priority to adequate and accessible spaces. This can be linked to neighbourhoods that have seen the highest levels of police intervention and violence, or areas that have been historically neglected.

Finally, centring marginalized communities requires meaningful community engagement. Citizen committees in criminalized neighbourhoods, composed of a representative selection of randomly chosen citizens, should be funded to examine local needs and appropriate solutions to social issues.

3. Recreative and educative tools

We also recommend that funds are allocated to recreational and educational tools to improve the safety and quality of life of our communities. Montreal should invest in municipal libraries, expanding workshops offered based on specific community demands in arts, recreation, educational (homework help, literacy skills, subject based), and practical-skills, and hire the necessary staff to run such workshops.

The Municipal Council could also implement a program for low-cost computers and tablets available for low income families and individuals, equipped with software . It could also invest in high speed internet access for low-income earners across Montreal.¹⁹

¹⁹ See “Low-Cost Computers” (2020), online: *Seattle Information Technology* <www.seattle.gov/tech/services/free-and-discounted-devices/affordable-computers>. Currently a similar private program exists, the OPEC CLIC,

Finally, the City should fund the implementation of air purifiers, cleaning protocols, temperature checks, longer opening hours and the development of physically-distant servicing at libraries to make their essential services safer during operation. These investments recognize that the most financially vulnerable people are most harmed when library resources are closed. Equitable access to library spaces and internet resources are integral to the redistribution of opportunity, and increase the communities' social and economic prosperity.²⁰

Infrastructure

4. Affordable and Social Housing

Montreal has been experiencing a serious housing crisis for a number of years. This year, the vacancy rate hit a 15-year low, currently hovering around 1.5 percent.²¹ Mayor Valérie Plante has expressed her worries about this crisis,²² and has made sensible investments and policies to combat this issue.²³ For instance, the City has pledged to make 12,000 new social housing units by 2021 and has undertaken to use its right of first refusal in order to buy lands and buildings to develop to this end.²⁴

In the midst of the Covid-19 pandemic, reliable housing is more important than ever. This is particularly true for low-income individuals and families who have been disproportionately impacted by the pandemic. Accordingly, the City of Montreal must make good on its promise to develop affordable and social housing, and should not use funds devoted to these projects to offset the budget deficit. On the contrary, the City ought to invest more to this end.

5. Environmentally-friendly waste management

The effects of climate change affect poor and racialized people across the world the most, including in Canada.²⁵ It is imperative that Montreal fights environmental racism and promotes

funded only partially by the federal government, however requests for OPEQ may only be made through organizations on behalf of individuals causing a huge barrier, and the income thresholds are extremely low.

²⁰ See e.g. "Calgary Public Library Community Benefits Study 2013/14" (2016), online (pdf): *Calgary public library* <libraryfoundation.ca/wp-content/uploads/2020/03/CalgaryLibraryCommunityBenefitsStudy.pdf>. For every dollar invested in the Calgary Public Library during the 2014-2015 study period, the community received a midway return on investment (ROI) of \$4.20. In Toronto, the Public Library received a \$3.83 ROI for every dollar spent.

²¹ Matt D'Amours, "Evictions on the rise as Montreal's vacancy rate hits 15-year low" (24 January 2020), online: *CBC* <www.cbc.ca/news/canada/montreal/rosemont-petite-patrie-montreal-housing-vacancy-evictions-reposessions-1.5438084>.

²² Isaac Olson, "'Now is the time for action,' says Mayor Valérie Plante, as Montreal vacancy rate hits 15-year low" (16 Jan 2020), online: *CBC* <www.cbc.ca/news/canada/montreal/montreal-low-rental-housing-rates-1.5428726>.

²³ Isaac Olson, "City of Montreal to exercise right of first refusal to turn properties for sale into social housing" (17 February 2020), online: *CBC* <www.cbc.ca/news/canada/montreal/right-of-first-refusal-social-housing-1.5466347>.

²⁴ *Ibid.*

²⁵ See Nadine Scott et al. "The Production of Pollution and Consumption of Chemicals in Canada" in Dayna Nadine Scott, ed, *Our Chemical Selves: Gender, Toxics and Environmental Health* (Vancouver: UBC Press, 2015) 3. See also Ingrid Waldron, *There's Something in the Water: Environmental Racism in Indigenous and Black Communities*,

social justice by investing in sustainable forms of waste disposal, and contributes to the best of its ability to fight against climate change.

Money should be invested to distribute compost bins to all citizens as soon as possible, and more aggressive enforcement strategies should be developed to ensure corporations and businesses compost adequately. More should also be done to avoid food waste in the restaurant industry. This can be done by funding existing programs that transfer restaurants' and groceries surplus to charity organisations²⁶ or creating new programs that will have similar mandates. Finally, another example of funding possibility is increasing green spaces in the city. In a recently published review of scientific evidence, the Canadian Public Health Agency found that green spaces in people's living environments have positive effects on a number of health indicators, including mental illness, such anxiety and depression.²⁷ A new policy option, implemented in Toronto in 2009 mandates that buildings with more than 2000 square metres of total floor space are obliged to plant vegetation on their roofs.²⁸ Montreal should follow suit.

6. Public transport

One of RadLaw's student-run projects is a weekly legal information clinic at Cabot Square, where participants who are low-income or homeless have expressed how they need public transit to access services every day. Many were forced to jump turnstiles, and when buses boarded from the back door during Covid-19, they were able to board even when they could not afford the fare. Access to free public transit is particularly important for low-income or precariously-housed people because they are often redirected to numerous social services, which are spread out across the city. Affordable public transit is directly linked to employment opportunities and job security.²⁹ The City of Montreal has implemented many measures to support people experiencing homelessness.³⁰ Unfortunately, this has included an increased presence of transit agency security officers. This will have negative outcomes as the temperature drops, and people are forced to seek refuge in stations during the day. Half of tickets for by-law infractions are related to

(Halifax: Fernwood Publishing, 2018); Jesse Thistle "Definition of Indigenous Homelessness in Canada" (2017), online (pdf): *Canadian Observatory on Homelessness Press* <homelesshub.ca/sites/default/files/COHIndigenousHomelessnessDefinition.pdf>.

²⁶ See e.g. "Food Recovery in Supermarkets Program" (2020), online: *Moisson Montréal* <www.moissonmontreal.org/en/campaigns-programs/frps/>.

²⁷ See Marianne Kingsley & EcoHealth Ontario "Climate change, health and green space co-benefits" (2019), online: *Health Promotion and Chronic Disease Prevention in Canada: Research, Policy and Practice* <www.canada.ca/en/public-health/services/reports-publications/health-promotion-chronic-disease-prevention-canada-research-policy-practice/vol-39-no-4-2019/climate-change-health-green-space-co-benefits.html>.

²⁸ See "City of Toronto Green Roof Bylaw" (2020), online: *City of Toronto* <www.toronto.ca/city-government/planning-development/official-plan-guidelines/green-roofs/green-roof-bylaw/>.

²⁹ Canadian Poverty Institute, "Transportation" online: *Homeless Hub* <www.homelesshub.ca/povertyhub/basic-needs/transportation>.

³⁰ Ville de Montreal, "The city is taking measures to support homeless residents" (updated 27 July 2020), online: <montreal.ca/en/news/city-taking-measures-to-support-homeless-residents>.

public-transit use, and these tickets disproportionately target people who are marginalized, racialized and homeless.³¹ Montreal must address these inequities by adopting policies that allow low- and fixed-income people to freely use public transit, and prohibit SPVM and *Société de transport de Montréal* officers from targeting these populations.

7. Water and sewers

Despite having access to some of the largest freshwater reserves, many people in Montreal do not have access to clean drinking water. Lead-testing programs in Montreal show a correlation between higher lead levels³² in neighbourhoods with greater rates of poverty among families with children.³³ Because of the pandemic, promises to test lead in Montreal daycares have been delayed.³⁴ Montreal has also promised to test public fountains and publish its findings online which, to date, is still not available.³⁵ In fact, there is no map or list of public fountains in Montreal, despite the noted benefits public access to water has for health and dignity.³⁶ The same is said of public access to toilets and showers.³⁷ The pandemic showed us that more restrooms are needed, and Montreal responded by installing temporary porta-potties.³⁸ In 2017, Montreal said it would install a more permanent solution of self-cleaning toilets, but has only built four of the 12 that were promised.³⁹ Montreal must promote health and safety by providing adequate water fountains, toilets and showers in public places and ensuring households and organizations

³¹ Justin Douglas, “The Criminalization of Poverty: Montreal’s Policy of Ticketing Homeless Youth for Municipal and Transportation By-Law Infractions” (2011) 16 Appeal 49-64, online: *Homeless Hub* <www.homelesshub.ca/resource/criminalization-poverty-montreals-policy-ticketing-homeless-youth-municipal-and>. See also Véronique Fortin, “The Control of Public Spaces in Montreal in Times of Managerial Justice” (2018) 15 Champ pénal/Penal field. online: <journals.openedition.org/champpenal/10115>.

³² Global News and the Institute for Investigative Journalism, “Is Montreal’s lead problem worse than Flint, Michigan’s?” (4 November 2019) online: *Global News* <globalnews.ca/news/6113701/montreal-drinking-water-lead-flint-michigan/>.

³³ “2018 Poverty Map: Guide to the Poverty Map of Families with Children Under the Age of 18 on the Island of Montréal” (2018), online: *Comité de gestion de la taxe scolaire de l’île de Montréal* <www.cgtsim.qc.ca/images/documents/GUIDE_2018ANW_CARTE_DEFAVO.pdf>.

³⁴ Raquel Fletcher, “Lead testing in Quebec schools and daycares delayed due to COVID-19” (11 August 2020), online: *Global News* <globalnews.ca/news/7266938/quebec-schools-drinking-water-lead-testing/>.

³⁵ Ville de Montréal, “Campagne de dépistage des fontaines d’eau des parcs et des bâtiments municipaux” online: <ville.montreal.qc.ca/portal/page?_pageid=6497,143430162&_dad=portal&_schema=PORTAL>; Ville de Montréal, “Fontaines à boire extérieures” (updated 17 January 2020), online: <donnees.montreal.ca/ville-de-montreal/fontaines-a-boire-eau-exterieures>.

³⁶ See Marcia Rosalie Hale, “Fountains for Environmental Justice: Public Water, Homelessness, and Migration in the Face of Global Environmental Change” (2019) 12:2 Environmental Justice 33; Association pour la santé publique du Québec, “Un modèle de résolution pour les municipalités: Faciliter l’accès à l’eau potable gratuite dans les lieux publics” (2015), online: *Coalition Poids* <cqqp.qc.ca/documents/file/2016/resolution_faciliter_acces_eau_potable_gratuite.pdf>.

³⁷ See R Stanwell-Smith, “Public toilets down the drain? Why privies are a public health concern” (2010) 124 Public Health 613.

³⁸ Sarah Leavitt, “Porta-potties fill Montreal bathroom void caused by COVID-19 closures” (27 June 2020), online: *CBC* <www.cbc.ca/news/canada/montreal/porta-potties-montreal-1.5629006>.

³⁹ *Ibid.*

do not have tainted tap water due to lead pipes. Greater access to public fountains and restrooms will also lead to fewer public disturbance infractions such as urination, prevent public health emergencies, and reduce waste that ends up untreated in storm drains and city green spaces.

Alternatives to Criminal Justice System

8. Extrajudicial dispute resolution systems

Recognizing that the criminal justice system has an active role in increasing family separation, perpetuating intergenerational trauma, intergenerational poverty, and re-victimization of survivors, more funding needs to be allocated to paths with extra-judicial means of attaining justice. This includes increasing access to de-escalation and mediation services, as well as restorative justice programs that steer citizens away from correctional facilities and traditional sentencing. By focusing on community sanctions, and involving the community members directly affected by conflict,⁴⁰ the root causes of crime and the high rates of recidivism will be better addressed.⁴¹ This investment is necessary for the municipal government to uphold its call by the Truth and Reconciliation Commission (TRC) to eliminate the gross overrepresentation of Indigenous adults and youth in custody.⁴² Without adequate funding to such programs, the municipal government's responsibility to "provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders" (TRC, Call to action 31) will not be met.⁴³

Mediation, de-escalation and restorative justice programs allow for the participation of persons directly affected by the harms, importantly empowering them with agency over decision making, instead of rebranding them as "offenders" or "victims".⁴⁴ These approaches are worthy of more funding as they will contribute to safer and healthier societies who are active participants in their own conflict resolution path.

⁴⁰ See Samuel Perrault "Criminal victimization in Canada" (2014), online (pdf): *Canadian Centre for Justice Statistics* <www150.statcan.gc.ca/n1/pub/85-002-x/2015001/article/14241-eng.html> at 18.

⁴¹ See "A Comprehensive Study of Recidivism Rates among Canadian Federal Offenders" (2012), online: *Correctional Services Canada* <www.csc-scc.gc.ca/research/err-19-02-en.shtml>.

⁴² See "Truth and Reconciliation Commission of Canada: Calls to Action" (2015), online (pdf): *Truth and Reconciliation Commission of Canada* <trc.ca/assets/pdf/Calls_to_Action_English2>. See especially Call to Action 30, which urges Federal, provincial and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody, and Call to Action 38, which urges Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody.

⁴³ *Ibid.* See Call to Action 31, which encourages sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.

⁴⁴ See Jo-Anne Wemmers, "Judging Victims: Restorative choices for victims of sexual violence" (2018), online: *Department of Justice, Victims of Crime Research Digest No. 10* <www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rd10-rr10/p3>. See especially the section "Benefits For Victims".