

## DRAFT RECOMMENDATIONS

### Notice to Reader

The Public Inquiry is continuing to consult with individuals, communities and organizations with respect to its Terms of Reference. Most particularly, weather delays, COVID disruptions and other factors have impacted its consultations with indigenous groups, which are continuing through to at least mid-November.

It is thus important to be aware that these Draft Recommendations are not yet complete. They will, over the coming several weeks, be supplemented by further Draft Recommendations informed by those aforementioned consultations, most particularly those with indigenous individuals, communities and organizations.

Legal Counsel for the parties that participated in the hearings of this Public Inquiry shall have the opportunity to make submissions in response to these Draft Recommendations and such further Draft Recommendations as may be made pursuant to the aforementioned further consultations.

#### **1. Air Support for Ground Search and Rescue (GSAR)**

The Public Inquiry heard evidence that:

1. At the present time, the Government of Newfoundland and Labrador had no rotary-wing (helicopter) resources, either owned or contracted, capable of operating during darkness or in certain weather conditions.
2. Helicopter support, at all times of day and night, is often crucial to successful ground search and rescue search outcomes.
3. That the Government of Canada, through the Canadian Military, does have, based in the Province of Newfoundland and Labrador and also in nearby provinces, helicopters which are capable of providing and which do provide, in circumstances where the Government of Newfoundland and Labrador's contracted helicopter resources cannot operate, support to ground search and rescue operations on a "humanitarian basis".
4. That these Government of Canada helicopter resources are prioritized to providing air support to Military Search and Rescue (MSAR) operations (an area of unquestioned Government of Canada responsibility) and these helicopters have, on occasion, been required to abandon ground search and rescue air support operations to attend to MSAR operations.

**The Commissioner therefore recommends that the Government of Newfoundland and Labrador and the Government of Canada, in consultation with policing agencies and GSAR and MSAR agencies, seek to arrive at a Memorandum of Understanding (MOU) so that the Government of Canada helicopter resources are made available to support GSAR operations on an equal basis to their support for MSAR operations.**

## **2. Federal Engagement of NLSARA**

The Public Inquiry heard evidence that:

1. NLSARA teams are engaged by Government of Canada agencies to assist in aeronautical search and rescue operations (as was seen at Exhibit P-075).
2. NLSARA teams, including but not limited to the Bonne Bay Search and Rescue team, are engaged by Parks Canada to assist in search and rescue operations in national parks.
3. NLSARA teams, including but not limited to the Deer Lake Search and Rescue team, are engaged by Government of Canada agencies to assist in marine search and rescue operations.

**The Commissioner therefore recommends that the Government of Newfoundland and Labrador and the Government of Canada, in consultation with policing agencies and GSAR and MSAR agencies, seek to arrive at an MOU so that NLSARA resources are made available to support such federal search and rescue operations on an equal basis to their support of GSAR operations.**

## **3. Coastal Searches**

The Public Inquiry heard evidence that there was uncertainty and confusion within those persons and agencies tasked with operating and conducting Ground Search and Rescue operations in coastal areas as to which resources are available for such searches and who would be responsible for conducting these searches. The Commission has also obtained a legal opinion which concluded that "Canada's constitution gives the Provincial and Federal Governments overlapping jurisdictions over coastal search and rescue in Newfoundland and Labrador."

**The Commissioner therefore recommends that the Government of Newfoundland and Labrador and the Government of Canada, in consultation with policing agencies and GSAR and MSAR agencies, seek to arrive at a MOU so that search and rescue operations in coastal regions are organized in an integrated and transparent manner.**

#### **4. 911 and Operationalization/Deployment**

The Public Inquiry heard evidence (see Exhibit P-076 in particular) that there exists confusion as to whether NLSARA teams, or other resources such as ambulance services, should be deployed when a distress call is received. This confusion appears to sometimes lead to misallocation of resources and needless delay in effecting a rescue.

**The Commissioner therefore recommends that the Government of Newfoundland and Labrador, through its relevant departments and agencies, undertake a careful review of the 911 and similar services with the goal of reviewing and streamlining the existing process so as to ensure that distress calls are tasked in an optimal manner.**

#### **5. NLSARA Funding**

The Public Inquiry heard evidence that:

1. NLSARA volunteers presently devote an extraordinary amount of time to ground search and rescue.
2. NLSARA largely self-funds, which requires its members to focus much of this volunteer time on fundraising efforts.
3. While NLSARA is grateful for community support, the fundraising toll on members is distracting from training and other priority tasks and is leading to burnout and loss of morale.
4. Even with this fundraising, NLSARA remains underfunded.
5. NLSARA is over-reliant on a handful of key volunteers, particularly longtime president, Mr. Harry Blackmore, and that this over-reliance and absence of professional staff threatens the long-term viability of this essential organization.

**The Commissioner therefore recommends that the Government of Newfoundland and Labrador provide both capital funding and continuing core/operational funding to NLSARA as per the amounts and schedule of payments set out in Exhibit P-190.**

#### **6. Insurance and other Benefits for Newfoundland and Labrador Search and Rescue Association (NLSARA) Members**

The Public Inquiry heard evidence that members of NLSARA are eligible to receive certain benefits, including Workplace NL coverage, should they be injured while on a police-sanctioned operation. There are concerns, however, with respect to the extent and optimization of that coverage.

**The Commissioner therefore recommends that:**

- 1. NLSARA members receive insurance coverage pursuant to the Algoma Insurance General Liability Policy that is in place in other Canadian Provinces and Territories (or an equivalent policy).**
- 2. The Government of Newfoundland and Labrador advise NLSARA, in a timely and complete manner and in writing, the particulars of their members' present insurance coverage, with Workplace NL and otherwise, including whether the coverage is in place for police-sanctioned missions undertaken to assist an agency of the Government of Canada (such as Parks Canada).**
- 3. If the information obtained pursuant to #2 is not satisfactory to NLSARA, that NLSARA and the Government of Newfoundland and Labrador attempt to resolve these issues in a timely and transparent manner.**

#### **7. Recruitment**

The Public Inquiry heard evidence that:

- 1. Ground search and rescue increasingly involves searches for persons who, consequent to mental health challenges, might not wish to be found or who may best be found through innovative search techniques.**
- 2. Many ground search and rescue teams are facing recruitment challenges.**
- 3. NLSARA membership is overwhelmingly male, and is aging.**

**The Commissioner therefore recommends that NLSARA direct future recruitment efforts so as to be particularly open to women, to members of diverse communities and to individuals who come from a background in social work, nursing, psychology and other mental health fields.**

#### **8. Training**

The Public Inquiry heard evidence that, with respect to certain areas of the Province, particularly in coastal Labrador communities, travel challenges make it difficult for NLSARA members from the communities, particularly Indigenous communities, to avail of training opportunities.

**The Commissioner therefore recommends that, where feasible, NLSARA offer such training in those remote communities, with the trainers travelling there, rather than the trainees having to travel elsewhere.**

## **9. Areas with Reduced Coverage**

The Public Inquiry heard evidence that certain areas of the province apparently do not have NLSARA teams.

**The Commissioner therefore recommends that the Government of Newfoundland and Labrador in consultation with policing agencies, NLSARA, community groups, indigenous groups and other relevant agencies and organizations identify all such regions and develop a plan to ensure that such regions have adequate ground search and rescue resources in place, either within the NLSARA framework or through some other form of organization capable of a comparable degree of ground search and rescue effectiveness.**

## **10. Civil Air Search and Rescue Association (CASARA)**

The Public Inquiry heard evidence that the Newfoundland and Labrador branch of CASARA has trained volunteers, fixed wing aircraft assets, a willingness to provide air support to ground search and rescue operations and, also, that a number of its members have a particular expertise in the technique of “spotting”.

**The Commissioner therefore recommends that police agencies and NLSARA review their present relationship with CASARA, including but not limited to the issue of “spotting”, so as to ensure the maximization of CASARA’s potential in offering air support to ground search and rescue operations.**

## **11. Technological Advances**

The Public Inquiry heard evidence as to how certain technological advances have significantly transformed, or have the potential to significantly transform, ground search and rescue. This is with respect both to technological advances, such as drones, which assist searches in finding lost persons, and technological advances, such as locator devices, which make it easier to pinpoint, remotely, where a lost person presently is. The pace of progress on both these fronts has been remarkable and the near future is likely to see continuing progress.

**The Commissioner therefore recommends that:**

- 1. NLSARA and the Government of Newfoundland and Labrador be alert to the risk that the benefits of much of this technology will be unevenly distributed and that they take such positive steps as may be necessary to ensure an equitable distribution among NLSARA teams and among regions of the province.**
- 2. The Government of Newfoundland and Labrador, in consultation with policing agencies and with NLSARA, study the feasibility and wisdom of requiring**

**snowmobilers and other outdoor adventurers to travel with such locator devices or, alternatively, facilitating the taking of such locator devices on a voluntary basis.**

## **12. NLSARA Team Audits**

The Public Inquiry heard evidence that, consequent to team membership size, population base, demographics, fundraising opportunities and other matters, there exist significant disparities of training and resources, including human resources, between and among teams.

**The Commissioner therefore recommends that external audits be conducted, on a regular basis, to ensure that all NLSARA teams operate at defined minimal standards.**

## **13. NLSARA Training Audit and Vulnerability Assessment**

The Public Inquiry heard evidence that:

1. Modern ground search and rescue is a complex matter involving interoperability with policing agencies and other individuals and organizations and a high degree of member training across a multiplicity of subject areas.
2. NLSARA teams endeavor to obtain knowledge and expertise in such subject areas and, to that end and as volunteers, devote considerable time and resources to member training.
3. That these efforts have sometimes been frustrated by inadequate time and resources for training.

**The Commissioner therefore recommends that an external audit and vulnerability assessment be undertaken to ensure that NLSARA training, core competencies and standard operating procedures are maintained at defined minimal standards.**

## **14. Mental Health Training and Engagement with Mental Health Professionals**

The Public Inquiry heard evidence that ground search and rescue increasingly involves searches for people who, consequent to their mental health challenges, may either not wish to be found or may, while lost, behave in ways different from individuals who are not dealing with such mental health challenges.

**The Commissioner therefore recommends that:**

1. **Policing agencies and NLSARA teams receive specific mental health training, including but not limited to the “Mental Health First Aid” and “The Working Mind” programs.**

2. Policing agencies and NLSARA teams, while actively engaged in searches, have timely access to mental health professionals so as to inform such searches.

### **15. Trauma Informed Mental Health Support**

The Public Inquiry heard evidence that individuals from policing agencies and NLSARA teams may suffer adverse mental health and other trauma consequent to difficult searches.

**The Commissioner therefore recommends that these individuals and organizations be provided with both immediate and long-term mental health supports, to the degree necessary to address these adverse impacts and traumas and that, particularly with respect to NLSARA team members, such deficiencies as currently exist be addressed on a priority basis.**

### **16. Interactions with Families**

The Public Inquiry heard evidence that there sometimes has been an absence of consistent engagement and follow-up with the families of lost and missing persons, which can lead to distress and confusion on the part of families and survivors.

**The Commissioner therefore recommends that policing agencies, in consultation with mental health professionals and NLSARA teams, develop and implement policies to ensure that this engagement and follow-up, including, if necessary, long-term follow-up, occurs and that it includes the provision of trauma-informed counselling.**

### **17. Root Cause Analysis**

The Public Inquiry heard evidence that search subjects, including but not limited to individuals with mental health challenges, may become lost consequent to unhappiness and frustration arising out of their engagements with government agencies and like organizations (as was seen most clearly in the multiple searches for “John Doe” which were examined in the October 5<sup>th</sup> Public Hearing).

**The Commissioner therefore recommends that such agencies and organizations, including but not limited to divisions of the Departments of Children, Seniors and Social Development and of Health and Community Services, engage in a root cause analysis with respect to individuals receiving care, housing and assistance from them who become lost so as to, it is hoped, reduce the likelihood of such individuals becoming lost and thus necessitating ground search and rescue operations.**

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