

**PUBLIC INQUIRY RESPECTING**  
**SEARCH AND RESCUE FOR LOST AND MISSING PERSONS**  
**COMMISSIONER JAMES IGLIORTE**

**SUBMISSIONS OF THE ATTORNEY GENERAL OF CANADA**  
**WITH RESPECT TO THE DRAFT RECOMMENDATIONS OF THE COMMISSIONER**  
**NOVEMBER 15, 2021**

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**NLGSAR Written Submissions of the Government of Canada****General suggestions**

Given this is a Provincial inquiry into Ground Search and Rescue (“GSAR”), the Inquiry’s recommendations should more appropriately be directed to the Province. For example, it would be more appropriate for each recommendation to begin with “the Province should seek to...” or an equivalent phrase.

The “Canadian Military” is not the proper name for the entity being referred to in the recommendations. We ask that this please be replaced with Canadian Armed Forces (“CAF”) throughout.

Military Search and Rescue (“MSAR”) is not a recognized term and is not the proper term for what is being referred to. There are two types of search and rescue (“SAR”) where federal (non-police) entities are the lead entities. These types of SAR are known as Aeronautical and Maritime SAR and we suggest using that term. For reference, the current Canadian Aeronautical and Maritime SAR Manual (“CAMSAR”) can be found at Exhibit P092 to P095.

Military Search and Rescue Agencies (“MSAR” Agencies) is also not a recognized term. For the purposes of the report, we suggest the Inquiry clarify what agencies are being referred to as part of that term or remove the term altogether.

The term “police of jurisdiction” is the term utilized in the GSAR context, rather than “police agencies” as that expression clearly delineates responsibilities in that context.

**Recommendation #1**

The reference to an “equal basis” in this recommendation is unclear. Throughout Canada, federal assets are prioritized to Aeronautical and Maritime SAR. Canada does not simply “support” Aeronautical and Maritime SAR, Canada is the lead on Aeronautical and Maritime SAR. We do not think the Inquiry is suggesting Canada should also be the lead on GSAR, but that is one way to read the recommendations. CAF is not resourced to be the lead on GSAR on an equal basis to Aeronautical SAR, for which CAF is uniquely equipped and trained.

We think this recommendation means to say that Canada should provide helicopter resources for GSAR operations whenever they are asked for and that Canada should not do any separate assessment for GSAR humanitarian requests vis-à-vis Aeronautical SAR.

Currently, the Province provides its own air support for Ground Search and Rescue (“GSAR”). The Province may call on CAF on a humanitarian basis, when necessary. For the most part, this system is working. CAF responds affirmatively to virtually all of provincial humanitarian GSAR requests. The MOU contemplated in the recommendations would not change the functional status quo.

To suggest that CAF “abandons” ongoing humanitarian GSAR support whenever an Aeronautical SAR call is received is incorrect and not in accordance with the evidence presented at the Inquiry. CAF does not blindly leave a GSAR support mission in favour of an Aeronautical SAR mission. The applicable CAF Officer in Charge (“OIC”) engages in a decision making process when responding to GSAR requests or in triaging multiple GSAR and/or Aeronautical and Maritime SAR incidents. The OIC must prioritize the various missions based on urgency, location of mission and resources.

Per the CAMSAR Manual (Exhibit P-093 at p. 52, s. 2.05.3) the OIC of a Joint Rescue Coordination Centre (“JRCC”) is responsible for: “the assigning of priorities pertaining to the allocation of aeronautical SRUs, as and if required, in response to multiple and/or simultaneous SAR distress incidents; and delegating this task to a duty SAR coordinator to address those instances in which the OIC JRCC cannot be contacted.”

Finally, the Inquiry acknowledges the Province does not presently have sufficient owned or contracted air support for GSAR. The Inquiry suggests the Province and Canada seek to arrive at an MOU in that regard. However, the Inquiry heard evidence that there are commercial operators in the Province capable of being contracted by the Province for GSAR in all conditions.

The Province is responsible for GSAR. If the Inquiry recommends that the Province improve its air support for GSAR, then the Inquiry’s focus should be on everything that is potentially available to the Province. Instead of only recommending an MOU be sought with Canada, the Inquiry could equally recommend the Province seek to contract with commercial operators to provide air support to GSAR in all weather and light conditions (and call upon CAF resources as a last resort.) We respectfully suggest the Inquiry should recommend that the Province improve its air support for GSAR and leave it to the Province to determine how best to improve it.

**Recommendation #2**

The Inquiry appears to be recommending what Canada should do in order to better enable its responses to Aeronautical and Maritime SAR incidents. This issue is outside the Inquiry's mandate.

Canada is not presently encountering any difficulty in engaging GSAR resources when needed and the MOU being recommended is therefore not necessary.

The Inquiry did not hear any evidence suggesting GSAR resources are not currently available to Canada when needed to support Aeronautical and Maritime SAR operations. There are mechanisms in place to facilitate JRCC requesting support from GSAR when required. These mechanisms are functioning satisfactorily.

**Recommendation #3**

It is unclear what evidence was heard regarding “uncertainty and confusion” around SAR in coastal areas.

We agree with the legal opinion regarding SAR jurisdiction. This is an area of cooperative federalism. For clarity, the below describes how the respective governments have “occupied the field” with respect to SAR. Put simply, anything that is not Aeronautical and Maritime SAR is GSAR.

The CAMSAR manual provides that an incident will be treated as Aeronautical and Maritime SAR when the incident involves an aircraft anywhere or a vessel in certain defined waters:

**Aeronautical search and rescue incident:** A search and rescue incident involving an aircraft.

**Maritime search and rescue incident:** A search and rescue incident on any Federal waterway involving a vessel or person(s) from a vessel, including the medical evacuation of person(s) from a vessel.

**Vessel:** Any displacement or non-displacement vehicle that uses water as a means of navigation; a maritime craft.

Furthermore, the CAMSAR Manual goes on to explain that an incident will be treated as GSAR in the following circumstances:

**Ground search and rescue incident:** Any search and rescue incident not otherwise classified as an aeronautical or maritime incident, and involving missing persons or persons in distress.

To reiterate, Canada does not feel there is uncertainty and confusion around coastal searches. However, if the Inquiry feels there is a lack of understanding in the public about how the system works, then perhaps the Inquiry could recommend that the Province produce a document clearly outlining the above framework so that the public may better understand how search and rescue operations in coastal regions are organized.

**Recommendation #6**

Canada is concerned about whether this recommendation could be interpreted as meaning that NLSARA are only covered by insurance if the RCMP are involved in a particular mission. Canada wishes to avoid any possibility that RCMP could be inappropriately required to get involved in SAR operations that do not fall within their primary mandate (for example CAMSAR or Parks searches).

Canada agrees that more clarity from the Province regarding NLSARA's present insurance coverage is desirable.

Canada suggests that perhaps this recommendation could ask the Province to advise as to NLSARA's present insurance coverage vis-à-vis missions run by each respective lead SAR agency. If NLSARA's coverage for assistance to any particular lead agency is lacking, then the insurance could be fixed accordingly.

**Recommendation #14**

With respect to #14.1, the RCMP supports policing agencies receiving mental health training in general and recognizes that mental health plays a key role in search and rescue. While not opposed to this recommendation, Canada would suggest more clarity as to the particular purpose of the mental health training, as opposed to naming actual programs, would be useful. Canada also notes that the Inquiry did not seek specific evidence as to the RCMP's current training in dealing with people experiencing mental health issues. The RCMP already has training programs that are working well already available to its members teaching them how to best deal with people experiencing mental health issues in general.

With respect to #14.2, Canada asks that this recommendation make it clear that such an initiative would most appropriately be provided by the Province, such as by saying, "The Government of Newfoundland and Labrador, in consultation with policing agencies and NLSARA, are to make appropriate arrangements to allow timely access of mental health professionals to assist in informing such searches."

**Recommendation #15**

The RCMP supports its members receiving mental health care and recognizes its importance. It is noted that the Inquiry did not seek specific evidence as to the RCMP's internal mental health support for its members. The RCMP confirms it has programs in place to support RCMP members immediate and long-term health. The RCMP has mental health programs and supports for members, including the Road to Mental Readiness, Critical Incident Stress Management, Peer to Peer, LifeSpeak, as well as mental health support through RCMP Divisional Health Services and Employee Assistance Services. Additionally, there is at the Division-level a "Peer to Peer Coordinator" who helps facilitate contact between members and these programs.

Canada is concerned about the lack of clarity regarding funding for such mental services for NLSARA. Canada feels this recommendation should state that any such an initiative is most appropriately provided by the Province.



**Recommendation #16**

The RCMP generally assigns a family liaison when a GSAR incident occurs within its jurisdiction. For example, RCMP policy at exhibit P-0011 says:

5. 2. 2. 6. A Member is designated to maintain communications with the family and Media

[...]

7. 4. Upon notice of approval to conclude public search, advise the family and explain the rationale. Be available to provide a thorough review of the SAR operation if requested by the family.

The RCMP maintains regular interactions with families during investigations including GSAR incidents. Once an investigation or search is completed/terminated the family is advised. The RCMP's involvement typically ends with the closure of the file.

The provision of long-term follow up and mental health support to families who have been involved in a GSAR incident is not within the mandate of the RCMP and is more appropriately within the Province's healthcare mandate.