

# ONTARIO POLICE COMPLAINTS SYSTEM FORUM

## PERSPECTIVES FROM THE COMMUNITY, POLICE AND POLICY-MAKERS

FINAL REPORT

17 SEPTEMBER 2013

Submitted to:  
Attorney General of Ontario  
Independent Police Review Director of Ontario



UNIVERSITY OF  
WATERLOO



Social Sciences and Humanities  
Research Council of Canada

Conseil de recherches en  
sciences humaines du Canada

Canada



The Law Foundation of Ontario  
Building a better foundation for justice in Ontario



## **ACKNOWLEDGEMENTS**

The *Ontario Police Complaints System Forum: Perspectives from the community, police and Policy-makers* (“The Forum”) was made possible by the dedicated work of several individuals, organizations, and sponsors.

### ***The following organizations were Forum partners***

Dixon Hall  
Kensington-Bellwoods Community Legal Service  
Ryerson University  
Scadding Court Community Centre  
Toronto Police Service  
University of Toronto  
University of Waterloo

### ***The following individuals took lead roles in organizing the Forum***

Lisa Druchok (Scadding Court Community Centre)  
Nina Hall (Kensington-Bellwoods Community Legal Service)  
Kevin Lee (Scadding Court Community Centre)  
David Roberts (Toronto Police Service)  
Dr. Jennifer L. Schulenberg (University of Waterloo, Department of Sociology & Legal Studies)  
Ryan Tucker (Dixon Hall)

### ***Forum associates who were integral to developing and supporting the Forum***

Alexandra Park Neighbourhood Learning Centre  
Covenant House  
Justice for Children and Youth  
Midaynta Community Services  
Schizophrenia Society of Ontario  
Youth and Policy Advocacy Working Group

### ***Forum Sponsors***

The Forum would not have been possible without the generous financial support provided by:

Social Sciences and Humanities Research Council of Canada (Grant No. 604-2011-0005)  
The Law Foundation of Ontario  
The City of Toronto

### ***Listed in alphabetical order the final report was prepared by:***

Alina Chatterjee (Scadding Court Community Centre)  
Jennifer L. Schulenberg (University of Waterloo)

# TABLE OF CONTENTS

<b>Executive Summary</b> .....	1
<b>I. Introduction &amp; Background Information</b> .....	7
Forum objectives .....	8
Development and organization of the Forum.....	9
Pre-Forum workshops .....	9
Forum structure .....	11
Testimonials .....	11
Panel presentations .....	12
Breakout group themes.....	13
Forum evaluation research study.....	14
<b>II. Breakout Group Sessions</b> .....	16
Public education and support.....	16
Accountability, accessibility, and transparency .....	18
Complaint investigative process.....	20
Complaint decision-making process.....	22
Common themes .....	24
<b>III. Recommendations</b> .....	26
A. Legal structure: The police complaints system .....	26
B. Outreach by the OIPRD.....	26
C. Procedures of the OIPRD .....	27
D. Complaint investigative process.....	27
E. Common themes .....	28
<b>IV. Conclusion</b> .....	30
Next steps .....	30
Final report dissemination .....	31
<b>References</b> .....	32
<b>Appendices</b>	
Appendix A: Brief history of the police complaints system in Ontario .....	34
Appendix B: Biographies of Forum co-chairs and panelists .....	39
Appendix C: Forum welcome and agenda .....	46
Appendix D: Community and police testimonials .....	52
Appendix E: Breakout groups' specific recommendations .....	59

# EXECUTIVE SUMMARY

The *Ontario Police Complaints System Forum: Perspectives from the community, police and policy-makers* (“the Forum”) was held in Toronto on November 26 and November 27, 2012. Co-chaired by Scadding Court Community Centre (SCCC) and the University of Waterloo, one hundred and fifty delegates from sixty organizations and nine police services from across Ontario discussed the current state of the police complaints system. A number of recommendations emerged out of the Forum that focus on how to improve the police complaints system and specifically the role and function of the Office of the Independent Police Review Director (OIPRD).

In 2007, the Ontario legislature passed *The Independent Police Review Act* (the “Act”) to create the OIPRD as an arms-length agency of the Ontario Ministry of the Attorney General. The Act amended Part V of the *Police Services Act*, and the amendments came into force on October 19, 2009. The OIPRD’s goal is to “provide an objective, impartial office to receive, manage and oversee the investigation of public complaints against Ontario’s police” (OIPRD, 2012). Decisions on complaints are made independent of police, government, and the public to provide civilian oversight, police accountability, and to increase public confidence in the complaints system. Mr. Gerry McNeilly has served as the Independent Police Review Director since June 2008.

The Forum was the first opportunity for stakeholders to meet in a large public venue to review the work of the OIPRD since its inception in 2009. The Forum was a follow-up to the community-led *Bill 103-Summit* which was held in Toronto on September 24 and September 26, 2008. Organized by SCCC and other partner organizations, the *Bill 103-Summit* brought together the three pillars of community, police, and government to make recommendations for the establishment of the OIPRD. Since the *Bill 103-Summit*, there has been no convergence of public opinion, law enforcement, and policy makers to examine current OIPRD processes and to discuss best practices to further improve the system.

Four Forum breakout sessions were organized by theme:

- Public education and support;
- Accountability, accessibility, and transparency;
- The investigative complaint process under the OIPRD;
- The OIPRD complaint decision-making process.

Delegates examined their respective breakout session topics through the guiding principles of accountability, transparency and accessibility. They discussed the current state of the police

complaints system, identified barriers and ideas to overcome them, and how to facilitate the system evolving to meet the needs of the public and law enforcement. Delegate feedback was then compiled into a series of session notes where groups reported back on the outcomes of their sessions including recommendations for improvement to the existing police complaints system and structure of the OIPRD.

Common themes that emerged from all breakout sessions included: a fear of reporting, anonymous complaints, concerns on accessibility, analyses of systemic issues within the review process, questions about the neutrality of the OIPRD, coordination with other complaints systems and oversight of the OIPRD (Please refer to Section II of the final report for more information).

What follows are the twenty-eight thematic recommendations that are categorized into specific areas of action. It is anticipated that these recommendations will inform the next steps in terms of ongoing work by the community, police services, and the OIPRD to improve the Ontario police complaints system as a whole. Forum organizers are confident that the Attorney General of Ontario and the OIPRD recognize the value of the feedback obtained at the Forum and will take the appropriate steps to improve the system and current practices to ensure the OIPRD's goal of public confidence in the complaints process is achieved.

## **Recommendations**

---

Recommendations from the Forum are organized by theme as follows:

- A. Legal structure: The police complaints system
- B. Outreach by the OIPRD
- C. Procedures of the OIPRD
- D. Complaint Investigative Process
- E. Common Themes

The 28 recommendations are organized thematically by actions the OIPRD can take to improve the police complaints system in general as well as the specific operations of the OIPRD. Each recommendation is broken down and discussed in further detail in Section II of this report. Please see Appendix E for the 57 specific recommendations presented by delegates at the recommendations panel.

## **A. Legal structure: The police complaints system**

1. Provide clarity on whether records of complaints will be retained. If they are retained, do so only with the consent of the parties. Use relevant, non-identifying information for purposes related to research, program development, and evidence-based practice.

## **B. Outreach by the OIPRD**

2. Hire additional outreach workers to maximize public information and education opportunities.
3. Develop communication tools and support systems for community members that are accessible, culturally relevant, available in multiple languages, and visually representative of the population in Ontario.
4. Develop a specific outreach plan with actions, targets and outcomes that will reach vulnerable and marginalized populations who are presently not accessing the system.
5. Develop an information dissemination plan that will ensure community members are able to obtain information on the police complaints system at locations where they are most likely to access such information (e.g. legal clinics, court houses, hospitals, libraries, community centres, prisons, health centres, shelters, religious institutions, settlement agencies and academic institutions).
6. Partner with community organizations that have expertise, resources, language capacity and a direct service mandate to build their knowledge of the system and equip them with the tools to assist their clients in navigating the process.
7. Amend the *OIPRD Rules of Procedure* and the *Police Services Act* to allow for publicizing the existence of the OIPRD using media outlets such as radio, TV, videos, newspapers, digital storytelling, social media applications, websites, billboards, posters, and pamphlets.

## **C. Procedures of the OIPRD**

8. Create a system for tracking the number, type, and geographical locations of complaint applications for analysis and accountability purposes.
9. Ensure that all materials and information at every point of the police complaints process are made available in multiple languages reflective of Ontario's population.

Develop an internal checklist to assist the OIPRD in keeping track of and ensuring linguistic and other accessibility issues are addressed, such as physical, visual, and audio accessibility.

10. Create a system of regular communications with complainants to provide updates on the status of their complaints. Explore the creation of other mechanisms to include complainants throughout the screening, investigation, and decision-making process.
11. Review the effectiveness of the investigation process as outlined in the *OIPRD Rules of Procedure* and the *Police Services Act* every few years through outcome analysis and feedback. Monitor public satisfaction with, and confidence in, the OIPRD and its functions. Collect survey data on the satisfaction of complainants with the system, incorporating mechanisms to assess whether there is a difference in satisfaction levels based on who carries out the investigation (OIPRD independent or police-managed). Ensure findings are made publicly accessible.
12. Audit the results of disciplinary hearings and provide information on the outcomes in publicly available and accessible formats.

#### **D. Complaint Investigative Process**

13. Establish criteria on the type of complaints that can be referred to informal resolution and mediation processes and the appropriate stage in the process at which this can occur.
14. Develop the capacity of diverse communities to participate in informal resolution and mediation processes in meaningful ways.
15. Use discretionary power to interpret the *OIPRD Rules of Procedure* as liberally as possible to expand the six-month time limit for filing complaints so that it is a criterion for the inclusion and not the exclusion of complaints.
16. Provide greater clarity and transparency on the criteria used to screen out complaints, notably complaints deemed “frivolous”, “vexatious”, “not in public interest, and “made in bad faith”. Provide letters to complainants with clear reasons for screening out their complaints, or finding their complaints unsubstantiated, with direct references to established criteria as outlined in the *OIPRD Rules of Procedure*.
17. Provide more oversight and rigorous investigation of serious cases, such as those involving the excessive use of force.

18. Clarify the criteria for referring complaints to the police, and take into account complainant preferences when making decisions about referrals. Notify complainants prior to assigning their complaint to a police-managed investigation so as to provide them with the opportunity to withdraw their complaints.
19. Assign police-managed investigations to a different police service than the service where the officer who is the subject of the complaint is employed.
20. Provide more information to community members about the investigation process conducted by Professional Standards.
21. Clarify the involvement of third parties and agents in the system by defining the scope of third party rights and the criteria under which third party rights are permitted, noting such issues as privacy rights, and requirements for consent of the person who is the subject of the complaint.

#### **E. Common Themes**

22. Educate the public about the safeguards used to protect complainants from retaliation and ensure confidentiality of their complaints, including guidelines on the use and retention of written records, and the locations at which parties will engage in informal resolution or mediation processes.
23. Improve screening processes to reduce the number of false complaints and explore the implementation of tools to inform the public about the consequences of filing false complaints.
24. Reduce the number of police-managed investigations by exploring alternative models of investigation and investigators used under comparable investigation processes or systems. In addition, provide increased opportunities for independent investigators and certified mediators, perhaps by reviewing the way in which resources are spent (e.g. training community leaders or channelling resources to community-based agencies).
25. Collect information from anonymous complaints on the nature of the complaint and identify trends or systemic concerns identified by demographic factors as race, ethnicity, and age. Findings should be discussed with police services and the Police Service Board to allow for improvements to the complaints system.

26. Designate analysts to assess the types of complaints made and if they reflect any patterns that could serve to guide the OIPRD's efforts and resources in addressing systemic issues.
27. Establish a procedure to focus particular attention on the human rights components of complaints to explicitly recognize violations under the *Ontario Human Rights Code* and to ensure that violations are addressed as fully as possible.
28. Report on OIPRD actions to implement recommendations from the Forum, perhaps in annual reports.

It is important to note how critical the effective functioning of the complaints system is to the health and safety of communities. A robust and transparent system will help to strengthen public confidence, break down barriers between law enforcement and the community, and help to improve policing practices in the best interests of the public. Acknowledging and acting upon the collaborative efforts of the public and law enforcement at this Forum to improve the police complaints system is important to create a responsive, effective, and efficient OIPRD.

# I. INTRODUCTION & BACKGROUND INFORMATION

There is a general consensus among police, community, and government that civilian oversight is necessary (LeSage, 2005; Walker & Kreisel, 2006). The police are unique in that their professional duties provide for the power to arrest, detain, and the use of force. Thus, the police derive power from the communities they serve resulting in an onus on the police “to reassure the public that such coercive powers are not being used excessively or repressively” (Maguire & Corbett, 1991, p. 11).

The barriers caused by a lack of public education and outreach to the general public are magnified for many people based on language, literacy challenges, deafness, other disabilities, or living in under-serviced communities. Not only can lodging a complaint be intimidating but geographical difficulties can exist for persons in smaller rural and northern communities adding an additional layer of concern for accessibility (CEAPC, 2006; Prenzler, 2000). Thus, policing scholars have argued that it is crucial to make accessible a variety of intake mechanisms and allow the complainant to choose the method of reporting (Wortley, 2003). In fact, the four key factors influencing the decision to report police misconduct are the seriousness of the grievance, self-confidence, confidence in the police complaints system, an awareness of the process, and the availability of support and assistance (Smith, 2009).

Civilian oversight is one model that involves people outside the criminal justice system in the police complaints system to ensure accountability. What civic engagement accomplishes is the involvement of community members in an active process of positive community-police relations. Research finds effective police complaints investigations incorporate the five principles of independence, adequacy, promptness, public scrutiny, and victim involvement all within a visible and accessible system (Smith, 2010).

The Forum was developed and structured working from this perspective. The aim of the Forum was to create an inclusive space for collaborative dialogue between stakeholders in order to explore challenges facing Ontario’s current police complaints system and to identify suggestions for improvements. This is the first opportunity since the initiation of the OIPRD for all three stakeholder groups to participate in constructive conversations that support the continued development of the OIPRD (Please refer to Appendix A for a brief history of the police complaints system in Ontario).

## Forum Objectives

---

The Ontario *Police Complaints System Forum: Perspectives from the community, police and policy-makers* took place in Toronto on November 26 and November 27, 2012. The purpose of the Forum was to engage a diverse cross-section of delegates including individuals who have experience with the complaints system, representatives from grassroots community groups, government officials, youth leaders, law enforcement, college/university students, and policy experts on matters related to policing. Together, they formulated specific recommendations to improve both the police complaints system as a whole as well as the Office of the Independent Review Director (OIPRD).

Given the nature of the police complaints system and the challenges that are faced by many in terms of access to and functioning of the system, a particular focus was placed on including specific groups of people who are not always included in this type of collaborative, participatory work. To ensure inclusivity, newcomers, youth, racialized, and low-income persons were actively recruited to participate as well as ‘experts’, broadly defined as those responsible for the system itself, including content experts, professionals in the field, academics, and analysts. It was anticipated that by bringing these groups together, cutting across traditional boundaries of power, education, status, culture and gender, recommendations emerging from the Forum would capture diverse and innovative ideas to help improve the new system, its effectiveness, and the OIPRD itself.

The objectives of the Forum were to:

1. Engage newcomers, youth, racialized and low-income persons in an open dialogue with other stakeholders on the Ontario police complaints system;
2. Foster exploration focusing on whether mechanisms have been put in place to support raising public awareness and education as critical elements of the new system, investigate how this is being done, who is involved, and measures in place to ensure accountability;
3. Bring together the community and experts across traditional boundaries of power, education, status, culture, and gender to work toward the common goal of reviewing the effectiveness of the current system;
4. Collaboratively identify challenges and opportunities within the system to develop recommendations for the next steps;

5. Conduct a mixed-methods process and outcome evaluation study to assess whether the Forum was an effective means of engaging the community and other key stakeholders in systems-change work.

## **Development and Organization of the Forum**

---

The Forum was organized by a Steering Committee composed of representatives from the following organizations: Scadding Court Community Centre, the University of Waterloo, the Toronto Police Service, Centre for Criminology & Sociological Studies (University of Toronto), Ryerson University, Dixon Hall and the Kensington-Bellwoods Community Legal Services.

The Steering Committee met monthly starting in October 2011 and was responsible for determining the structure and content of the Forum (e.g. registration, keynote speakers, and framework of breakout sessions), funding sources as well as operational planning including delegate outreach, communications, and promotion (Please see Appendix B for the biographies of Forum co-chairs and panelists).

Dr. Jennifer Schulenberg successfully secured a Social Sciences and Humanities Research Council Public Outreach Grant to financially support the planning and execution of the two day event and the evaluation research study. Scadding Court Community Centre successfully garnered financial support from the City of Toronto and a grant from the Law Foundation of Ontario to cover additional expenses incurred to host an event of this size and to provide accommodations such as daycare and travel subsidies (e.g. TTC tokens) to community members.

### **Pre-Forum workshops**

The Steering Committee organized four pre-Forum workshops in collaboration with Forum associates to disseminate information to the target audiences of youth, newcomers, racialized, and low-income groups. Materials were prepared and discussions led on the regulatory process in Ontario, the former and current police complaints system, and how police complaint systems are essential civilian oversight processes. The anticipated outcome was achieved as target groups were prepared for the context and terminology of the Forum, their confidence at the prospect of participating was increased, and these delegates were helped to formulate their ideas in preparation for breakout group session participation. Information packages were available in multiple languages online at Scadding Court Community Centre and host agencies' websites as well as disseminated in paper copy at each workshop.

Workshops were coordinated by the host agency that assisted Scadding Court Community Centre staff in facilitating the two hour sessions. In total, 76 individuals attended the Pre-Forum workshops held at the following locations:

- Host agency: Schizophrenia Society of Ontario  
Location: Scadding Court Community Centre (707 Dundas St. W., Toronto, ON)  
Date: 15 October 2012
  
- Host agency: Midaynta Association of Somali Serving Agencies  
Location: Somali Immigrant Aid Organization (1778 Weston Rd., Toronto, ON)  
Date: 09 November 2012
  
- Host agency: Youth and Police Advocacy Group  
Location: Covenant House (21 McGill St., Toronto, ON)  
Date: 12 November 2012
  
- Host agency: Alexandra Park Neighbourhood Learning Centre  
Location: APNLC (707 Dundas St. W., Toronto, ON)  
Date: 12 November 2012

Prior to participation in the Forum, delegates at the pre-Forum workshops asked facilitators questions or made comments on the following issues of which not all of them were discussed in the breakout group sessions:

- *General knowledge* – How to write a better complaint, what services and resources are available for clients, and who can help a person file a complaint.
  
- *Awareness* – Citizens' rights, not understanding the charges against them, training on how to file complaints and the complaints system itself.
  
- *Special circumstances* – How to protect people who can't protect themselves, the need for mental health specific support, and a lack of trust in the police.
  
- *Training* – Mental health advocates on police complaints, police training on de-escalation strategies, and other tactics to minimize police misconduct.

## Forum Structure

---

Delegates heard testimonials from citizens and police officers on their lived experiences with the police complaints system. They participated in two panel presentations followed by a question and answer period. Finally, discussions occurred in their assigned breakout group sessions (Please see Appendix C for the welcome message and Forum agenda).

### Testimonials

On the first day of the Forum, anonymous testimonials from community members and police officers shared their lived experiences of accessing the Ontario police complaints system. The community narratives were read by Steering Committee members Nina Hall and Ryan Tucker. The police narratives and PowerPoint presentation were presented by Dr. Jennifer Schulenberg (Please see Appendix D for the PowerPoint presentation slides).

Seven testimonials plus quotations from several other members of the community were presented. Several themes emerged out of the narratives that are worth pointing out. The lived experiences accessing the police complaints system included the following recommendations:

- Decisions should not be final if additional information is found or if errors exist.
- It should be possible for a claim to be substantiated without being able to identify the officer(s).
- Minus identifying information, all reports should be publicly accessible to ensure accountability of the OIPRD.
- Complaints should not be sent back for investigation to the same police service where the subject officer is employed.
- Responses from the OIPRD are not personalized (e.g. you fit into a category but what that category means remains unknown).
- Many citizens do not have the adequate means or knowledge to access the police complaints system.
- Little to no assistance exists for vulnerable populations to file a complaint (e.g. language, mental health, incarcerated).

- The six month time period discourages individuals from filing complaints.

Three anonymous police testimonials were submitted from three different police services. Officers made several relevant suggestions that include:

- Professional Standards should remain in touch with the officer every four weeks advising him or her that the investigation is ongoing.
- Currently there is no recourse discouraging fictitious and malicious complaints.
- Those complaints that involve citizens' understanding of appropriate investigative techniques can be resolved by the police service using informal or local resolution.
- The concerns of citizens *and* the police need to be addressed. Both stakeholders must be held accountable for words and actions and have a voice in the operation of the OIPRD.

### **Panel presentations**

After the testimonials on Day One a representative for the OIPRD provided an overview of the current police complaints system which was followed by a panel discussion informing delegates on a number of issues concerning the ways to evolve and improve the police complaints system. Panelists on Day One include Inspector Jeff Vibert (Ontario Provincial Police), Anna Willats (Toronto Police Accountability Coalition), Inspector Reuben Stroble (Toronto Police Service), and Dr. David Webb (Law Enforcement Management Institute of Texas). Panelists provided delegates with information on the opportunities, successes and challenges of the police complaints system, and highlighted aspects of the system that works well or has improved with the introduction of the OIPRD. Complications with the system, evidence-based information, policy perspectives, and an international perspective on community engagement in the police complaints system were also discussed. John Sewell (Toronto Police Accountability Coalition) spoke to delegates over lunch and then they attended their assigned breakout sessions.

On Day Two a summary of the discussions from each breakout group session on Day One was provided by Dr. Jennifer Schulenberg followed by a panel discussion on best practices and alternative complaint systems. Panelists who spoke include Peter Bruer (Conflict Resolution & Training, St. Stephen's Community House), Detective Staff Sergeant Faron Whiteye (Anishinabek Police Service), Debbie Hansen (Office of Student Conflict Resolution, York University), and Dr. David Webb (Law Enforcement Management Institute of Texas).

## **Breakout group themes**

Delegates from all stakeholder groups were pre-assigned to one of the four concurrent breakout sessions based on delegate preference and to ensure inclusive and diverse representation of both participants and perspectives. Breakout sessions were not intended to be a space for sharing personal or individual stories; rather, the intent was to allow for in-depth discussions on each theme and the identification of recommendations for improving the current police complaints system and the OIPRD. After participating in the breakout group sessions for the balance of the day, recommendations from each group were shared with all Forum participants at the conclusion of Day Two.

These four concurrent session themes were as follows:

*Public education and support* – Delegates discussed the underlying principles of public education and support on filing a police complaint, how it works, and current gaps in outreach and support services. Stakeholder perspectives were given on how information can be shared and services provided to effectively strengthen the current system. [Facilitator: Dr. Karen Mock, Human rights consultant]

*Accountability, accessibility, and transparency* – Delegates discussed the role of the OIPRD in ensuring accountability for the police complaints system, satisfaction for complainants, officers, and the general public. Specific issues of system accessibility pertained to citizens lodging complaints, keeping officers and complainants apprised on the progress of the investigation, and the ability to voice concerns about the process. Issues of transparency included the availability of information to complainants and officers about the investigative and decision-making process. [Facilitator: Dr. Margaret Beare, Osgoode Hall Law School, York University]

*Investigative complaint process* – Delegates discussed the process undertaken by the OIPRD during the investigation of a complaint, such as the screening, types of complaints, types of investigations (i.e. police managed vs. independent), and the reviews/appeals process. [Facilitator: Raja Khouri, The Knowledge Centre]

*Complaint decision-making process* – Delegates discussed the decision-making process associated with complaints handled by the OIPRD including topics such as the withdrawal of

complaints, use of informal resolution and local resolution, penalties, and disciplinary hearings. [Facilitator: Johanna MacDonald, Justice for Children and Youth]

## Forum Evaluation Research Study

---

A transparent, accountable and accessible complaints system rests on the three pillars of community, police, and government. Of these three pillars, the community pillar is the least developed and requires focused attention with the goal of equitable participation and knowledge mobilization. Considerable research remains to be done on the structure, process, and effectiveness of community engagement and civilian oversight within the police complaints system. The CEAPC (2006) explicitly indicates that “communities throughout the province must be meaningfully included in consultation of both the implementation and review” of the system (p. 35).

Systems change is a process of altering the status quo by shifting and realigning the form and function of a targeted system, in this case the police complaints system. Stakeholders’ attitudes and beliefs affect how systemic problems and system improvements are constructed (Foster-Fishman, Nowell, & Yang, 2007). Thus, systems change involves efforts that address root causes of an issue by working towards changes in policy and practice (Kreger, et al., 2007).

Evaluation is a critical component of systems change initiatives and little research to date has assessed a collaborative forum structure as a vehicle for such change. Overall, this study seeks to understand how and to what extent a forum fosters and facilitates systems change in relation to a criminal justice system initiative (the OIPRD). This involves documenting the process of developing and launching the Forum, stakeholder beliefs and knowledge on the police complaints system, pre-Forum expectations of the process, post-Forum perceptions on the participatory approach and collaborative knowledge creation, and whether the forum is able to achieve its short term and intermediate objectives.

To conduct this process and outcome evaluation, three types of data were collected: (i) pre- and post-test surveys; (ii) unobtrusive observation of forum activities, discussions, and dynamics; and (iii) post-Forum focus groups.

- The process evaluation examines how the Forum works and how it produces results which is necessary prior to assessing the effectiveness of this initiative. Christie and

colleagues (2005) argue that the structure of a program largely depends on how the participants and stakeholders view the process and their respective roles.

- The outcome evaluation involves a systematic analysis of the effectiveness of the Forum, to develop conclusions about the merit of this participatory approach in this context and to make recommendations on future direction or improvements.

The results of the evaluation research will be available for dissemination by November 2013. For further information or copies of the results, please feel free to contact Dr. Jennifer L. Schulenberg at [jlschule@uwaterloo.ca](mailto:jlschule@uwaterloo.ca) or (519) 888-4567, ext. 38639.

## II. BREAKOUT GROUP SESSIONS

There were four goals the Steering Committee hoped to accomplish in each of the four breakout group sessions. First, facilitators were trained in techniques to ensure everyone in the group had a voice and was included in group discussions. Second, to generate comments and recommendations around the existing system and what can be done to improve the police complaints system. Third, to identify the barriers associated with the group's theme, how they developed, and what ideas have come forward to overcome these challenges. Finally, to generate recommendations that were shared with all delegates at the conclusion of Day Two and which formed the content of this final report.

Delegates at the each of the four breakout sessions broached issues that often overlapped in all sessions. For ease of reference and to avoid repetition, the summaries of the discussions on these issues appear under the section of the breakout group for which they are most relevant, where the issue was discussed at length, or it formed part of that breakout group's recommendations. If the issue was one that was of significant concern and relevance for delegates in all or most breakout groups, they are placed under the subsection of "Common Themes".

Please see Appendix E for the 57 specific recommendations that emerged in the collaborative discussions. These were presented in the recommendations panel at the end of Day Two. Section II 'Breakout group sessions' provides summary information on the final recommendations organized by breakout group. In 'Section III 'Recommendations', the 57 recommendations presented by delegates is amalgamated thematically into 28 final recommendations. The information provided in Appendix E is important as it provides the details required to contextualize the discussion that follows in Sections II and III.

### Public Education and Support

---

#### **Dissemination and accessibility of information**

Delegates discussed the challenges for some community members to access information about the complaints system, notably vulnerable and marginalized populations. These include people living with disabilities, newcomers to Canada, racialized individuals, seniors, urban youth, low- income persons, members who are geographically isolated, and those who do not have fluency in the languages of English and French. The OIPRD must recognize these challenges and develop communication tools that are accessible, relevant for users, reflect diversity (economic, social, cultural, age, disabilities), and are available in multiple languages.

In addition, delegates noted the importance of providing transparent information to the community about the considerations that guide the OIPRD decision-making processes.

### **Location of information**

Delegates agreed that information about the complaints system must be accessible at locations where users would likely access it. These locations include jails, schools, colleges, universities, libraries, community centres, faith-based centres, doctor offices, court houses, prisons, hospitals, clinics, homeless shelters, women's shelters, and settlement agencies.

### **Clarity of procedures for filing complaints**

Delegates agreed that the OIPRD must support the community by assisting them with properly completing required complaint forms and, more generally, informing them about the complaint filing process. This will require the OIPRD to utilize available community resources, training programs and institutions, and to provide funding and training to community leaders and peer educators (i.e. train the trainer model).

### **Employment of outreach workers**

Delegates noted that the OIPRD currently engages four outreach workers and felt that this was inadequate to carry out its work. Delegates recommended that the OIPRD engage more outreach workers to support educating the public and disseminating information.

### **Responding to false complaints**

The issue of false complaints generated much discussion amongst delegates. Some delegates suggested that the OIPRD should improve screening processes to reduce opportunities for false complaints. Other delegates stated that false complaints should be removed from the records of police officers as it could have an adverse impact on their careers. Some delegates felt strongly that there should be consequences for filing false complaints, but other delegates disagreed noting that it may be difficult to achieve consensus on whether a complaint was "false", at least from the perspective of a complainant.

### **Tracking complaints**

Delegates suggested that the OIPRD create a system for tracking information on the nature of complaints filed (number, types, geographical locations). This can act as one vehicle to determine if the public is more or less aware of the complaints process. If complaints increase, it could be indicators that outreach efforts are working well or that there are increasing

concerns with policing practices. Regardless the data is important both to identify trends and make system improvements.

## **Accountability, Accessibility, and Transparency**

---

### **Fear of reporting**

Delegates discussed the reluctance on the part of some community members to file complaints about the police due to fears of intimidation, retaliation, targeting as well as the perception that there is no protection against such behaviour. These feelings may be particularly acute for marginalized and vulnerable members of the community, such as people with disabilities, youth, homeless people, visible minorities, and members without legal status.

Delegates noted that it is irrelevant whether the fear is based on reality. Fear is real and perception is reality. The OIPRD must acknowledge and address this fear and work towards eliminating it to gain the confidence and trust of potential complainants. Initiatives to respond to this must include increased outreach by the police, improved police-community interaction, and the provision of a neutral space for filing complaints (e.g. community centres).

### **Notification process when complaints are referred to police services**

Delegates stated that the OIPRD should notify complainants prior to referring their complaints to the police so they have the option to withdraw their complaints.

### **Questions about the neutrality of the OIPRD**

Some delegates felt that the perceived neutrality of the OIPRD is problematic and may not alleviate deep-seated fears amongst community members that they are not the same institution as the police. Some members questioned this neutrality due to the fact that it engages investigators who are part of the police culture (i.e. former police officers). Some delegates expressed concerns about the proportion of ex-police who serve as investigators in the OIPRD; however, other delegates recognised that police officers must be part of the police complaints system because of their expertise in conducting investigations.

### **Accessibility of OIPRD**

Delegates recognized the difficulty for some community members to access the police complaints system due to a number of factors, including attitudinal barriers. Delegates expressed concern about the accessibility of the OIPRD in rural communities due to the lack of OIPRD offices and sufficient staffing. Other accessibility issues that must be addressed

include language barriers, lack of trauma-informed support, low literacy and low internet literacy amongst some community members. In particular, many delegates voiced that they find it inappropriate for complainants who do not speak English or French to have family members or friends as the only option for translation since it is not currently provided by the OIPRD. This leaves large opportunities for error or misinterpretation as “translators” are not trained and are not necessarily adequately fluent in both languages.

### **Responding to third party complaints**

There was some confusion amongst delegates about the scope and definition of third party complaints. Some delegates viewed third parties as advocates for complainants while others believed that third parties are members of the public who have been impacted by the situation that gave rise to the complaint.

Delegates suggested that the OIPRD should define and clarify the scope of third party rights and their possible impact on the privacy rights of individuals. This information should be readily and clearly available.

### **Responding to false complaints**

Delegates from police services expressed concern about the absence of consequences for filing false complaints. Some felt that the value of the OIPRD is diminished without deterrents to or accountability for filing false claims, and stated that false claims should not be indicated on police officers’ records. They also cautioned about negatively stereotyping police officers.

### **Public confidence in the complaints system using communication tools to receive feedback and disseminate information**

Delegates suggested several tools to assess satisfaction with the police complaints system, including surveys and web-based platforms that allow the community and the police to provide input and share their experiences with the system. Delegates stated that the OIPRD should incorporate survey tools to assess the difference in satisfaction levels in the police complaints system on the basis of who carries out an investigation (OIPRD independent vs. police-managed).

Delegates raised concerns about the inability of the OIPRD to publicize its work and suggested that it should do this widely through multiple mediums of communication. Alternatively, the OIPRD could develop partnerships with the community through which it can disseminate information about the police complaints system. Such partnerships can also serve to track the

level of information received by different groups or organizations about the police complaints system and take appropriate actions to respond to this.

Delegates expressed concern about the OIPRD's failure to adequately utilize new technology, social media communication tools, and other non-traditional methods (e.g. YouTube, videos, websites, webinars, digital storytelling) to disseminate information. The OIPRD's communication tools must reflect the diversity of the population it serves and their cultural and generational learning styles in order to maximize the reach and impact of education measures.

## **Complaint Investigative Process**

---

### **Informal resolution and mediation**

Delegates discussed informal resolution and mediation and generally viewed these processes in a positive light. They noted that these processes can lead to the resolution of complaints, improve the relationship between the community and police, provide complainants with a forum to express their concerns, and a timely resolution. Delegates recognized that these processes can also lead to healing in a way that a more punitive investigation process may be unable to achieve. For police officers, the process provides them with the opportunity to explain to complainants the reason for the actions that are the subject of the complaint as also mentioned in one officer's testimonial.

Delegates generally agreed that informal resolution and mediation processes are underutilized. This may be due to misunderstanding and suspicions on the part of both parties. Police officers may be reluctant to engage in these processes because of concerns about being seen by the community as using informal resolution to divert complaints away from the OIPRD, or as a means to suppress complaints. Consent by police officers to engage in the informal resolution or mediation should not be regarded as an admittance of responsibility for an action.

On the other hand, community members may be reluctant to engage in these processes because of fears that doing so may lead to conceding a complaint. Complainants should be made aware that despite consent to the informal or mediation process, they still have the option of filing a complaint with OIPRD. Delegates agreed that mediation must be an option, based on informed consent, and that parties must have the ability to walk away from the process at any time without any negative repercussions if a complaint is subsequently filed with the OIPRD.

There was general agreement that cases involving excessive use of force are likely not suitable for mediation. One delegate stated that there are clear power imbalances between the police and the community. He noted that the police have the power to injure or kill. Thus, the OIPRD should hold the police to a higher standard than the community and ensure that it is accountable for its actions when making decisions or investigating complaints.

Delegates agreed that the OIPRD should not use informal resolution or mediation processes as a form of a “file management tool”, in other words, as a way to quickly dispose of complaints or to avoid an independent investigation of complaints.

Delegates also discussed local resolution and mediation processes as an important part of the complaint system. They should be flexible and accommodate individual needs and preferences (e.g. with respect to locations of where meetings are held, such as outside of a police station). Delegates stressed the importance of local resolution processes, noting their usefulness in resolving issues and thus eliminating the need for a lengthier complaint process.

Delegates agreed that the community, the police, and the OIPRD each have a role to play in the police complaints system. There will be public confidence in the system when the public believes that the system will lead to results and that complainants will be treated fairly.

### **The screening process**

Delegates expressed concern about decisions to screen out complaints. Delegates agreed on the need for the OIPRD to provide clarity and transparency on its power to screen out complaints under the *OIPRD Rules of Procedure*, notably complaints deemed “vexatious”, “not in public interest”, “frivolous”, and “made in bad faith”. There was discussion over the pros and cons of the advisability of assisting complainants with crafting their complaints to reduce the risk that their complaints will be screened out.

### **Referring complaints to police services**

Delegates noted that under the current system, complaints about police services or policy are sent back to the police service in question. Complaints about conduct are retained at the OIPRD for investigation, or sent back to the police service in question or to another police service. Delegates felt, however, that there was a lack of clarity with respect to when the OIPRD may refer a complaint to the police for investigation. Some delegates feared that a complaint could be investigated by the same police service that is the subject of the complaint which is seen as often the case.

Delegates agreed that the OIPRD should take into account the preferences of a complainant prior to making a decision to refer a complaint. While there was recognition that the OIPRD

cannot and likely should not conduct all of the investigations, delegates raised concerns about the frequency with which police conduct investigations and whether the police or the OIPRD is the appropriate body to investigate complaints.

### **The role of investigators**

While delegates agreed that there was a need for the OIPRD to employ fully-trained independent civilian investigators who report directly to the OIPRD, some raised concerns about the presence of ex-police officers employed by the OIPRD and the message that this may send to the community. Delegates noted that some investigative bodies use only civilians to carry out such work and suggested allocating funds away from police units to the OIPRD to ensure an adequate number of “independent” investigators.

### **Timeline for filing complaints**

Delegates expressed concern about the six-month deadline for filing complaints. Delegates noted that it is difficult for some members of the community to file complaints within this time frame, for example, people living with disabilities, those who need to channel resources prior to filing complaints such as interpreters and language supports, and those who need more time to address trauma associated with their complaints.

## **Complaint Decision-making Process**

---

### **Communication about complaint status**

Delegates stated that the OIPRD must provide all parties involved in the complaint process with regular, open, and transparent communication about the status of their complaints. The OIPRD must indicate if the OIPRD has reviewed their complaint and if it will refer the complaint to the police for investigation. One delegate suggested that the OIPRD provide complainants with updates every thirty days either by posting this information online with password access or by contacting parties directly.

### **Use of tools to receive feedback on the decision-making process**

Delegates agreed that outcome analyses and feedback on the process can serve as a tool to monitor and assess public satisfaction with and confidence in the OIPRD complaint system. Examples of tools to monitor and evaluate the performance and effectiveness of the OIPRD

include judicial appeal processes, and community and police satisfaction surveys during and after involvement in the process. Outcome analysis and feedback should be conducted every few years and results should be made publicly available.

### **The retention of records**

Delegates debated whether the OIPRD should retain records of complaints, including complaints that are withdrawn or resolved at the local level. Some delegates noted that such records can serve to show patterns of police behaviour, lead to greater accountability, and further improvement of the police complaints system. Other delegates feared that retention of such records could create an atmosphere of intimidation for complainants or potential complainants. Delegates canvassed several options to address concerns about intimidation surrounding records, for example, retaining information only with the consent of all parties involved, and using relevant, non-identifying information for purposes related to research and program development.

### **Public involvement in the disciplinary process**

Delegates agreed that complainants should be provided with greater opportunities to become involved in the disciplinary hearing process and have input into devising remedies for complaints. Some delegates felt that the OIPRD should audit the results of disciplinary hearings and provide the results in formats that are publicly available and accessible.

### **Accessibility of information**

Delegates discussed the importance of ensuring that processes, including review and appeal, are accessible. They highlighted the need for the OIPRD to provide flexible accommodation measures throughout the complaint process to address diverse needs within the community, notably for people living with disabilities and those with childcare, linguistic, and cultural needs. Some delegates expressed support for third party advocates, such as legal aid workers, to assist or represent complainants who may require guidance in filing complaints.

### **Partnerships of OIPRD with community-based organizations**

Delegates stressed the need for the OIPRD to develop stronger links or partnerships with the community as a means to foster trust in the system. This is particularly important for a member from vulnerable and marginalized groups (e.g. youth, persons living with disabilities, refugees) who may face attitudinal and other barriers in accessing the system. Other delegates

noted that this may not be feasible because of the independence of the OIPRD, thus creating a paradox between the need to remain independent and the need to build bridges. However, the strong response from local organizations to participate in the Forum demonstrates the interest in supporting this process and the OIPRD should consider how to maximize that existing network for outreach and process support. One group also suggested creating a community advisory board that could provide ongoing feedback to the OIPRD and review processes to ensure they are accessible to community members.

## **Common Themes**

---

### **A fear of reporting**

Delegates at all sessions noted the importance for the OIPRD to recognize and address fear experienced by community members in filing complaints and in participating in informal resolution and mediation processes. This fear stems from concerns about police retaliation and their distrust that involvement in the process will not address their concerns, provide them with desired outcomes, or bring about change. Fear is particularly acute for vulnerable and marginalized groups, such as newcomers to Canada, refugees, and those without legal status, many of whom may have left countries where there is little trust in the police. Delegates suggested that faith-based leaders may serve as points of contact for persons who are fearful of filing complaints.

Fear will deter citizens from filing complaints and a lack of trust can lead to frustration with the system and foster feelings of disconnect expressed in sentiments such as “us” and “them”. Addressing fear and distrust will require recognition on the part of the OIPRD of perceived power imbalances.

There were concerns specific to delegates from rural and small communities, where personal and familial relationships may raise conflict of interest situations, real or perceived. As one delegate noted, the officer may be “your drinking buddy”. This may lead to reluctance on the part of some community members to file complaints due to fears of harassment, reprisal and feelings that their complaints will not be seriously addressed. In such cases, the OIPRD should use its discretion to appoint outside investigators.

### **Anonymous complaints**

Delegates debated whether the OIPRD should allow or collect information about anonymous complaints. Although there was no consensus on the issue, some delegates recommended that the OIPRD develop guidelines on the acceptance of anonymous complaints. These guidelines should provide safeguards for community members who want to file anonymous complaints due to fear of retaliation and for police officers whose careers may be adversely impacted.

## **Analyses of systemic issues within the review process**

Some delegates noted that information contained in anonymous complaints could indicate issues or trends of a systemic nature. The OIPRD could also use this information to better assess satisfaction with, and outcomes of, the complaints process, particularly if data is disaggregated by race, age, and other demographic factors. This data should be shared with the public.

Delegates raised the importance of reviewing trends or patterns that indicate issues of a systemic nature. Delegates felt that the OIPRD should allocate resources to addressing systemic issues, review overall trends, define the scope of such work, and clarify processes to address systemic issues. One suggestion was for the OIPRD to work with universities to carry out this work.

## **Questions about the neutrality of the OIPRD**

Delegates also discussed the importance of the composition and functioning of the OIPRD and its effect on the perceived independence and neutrality of investigators. Many were concerned about the presence of ex-police officers employed by the OIPRD, and called for the employment of fully-trained independent civilian investigators. Delegates noted that currently there are only ten full-time investigators which many felt is inadequate.

## **Coordination with other complaints systems**

Delegates called for the OIPRD to provide processes to ensure avoidance of overlap with the human rights complaint systems. Moreover, complainants should be informed about options to file complaints with the Ontario Human Rights Tribunal, notably to ensure complainants are aware of the time limits for filing with the respective systems. On a more general level, delegates felt that the OIPRD must provide greater clarity around the types of complaints that can be filed with the OIPRD and those that are better suited to being addressed by other complaint systems.

## **Oversight of the OIPRD**

There was general concern amongst delegates about mechanisms to hold the OIPRD accountable for its mandate. Delegates noted that there is a general lack of oversight of the OIPRD by the government, no ombudsperson appointed to oversee the OIPRD, and that the OIPRD does not report to a committee or a board. Delegates were uncertain as to whether the government has carried out a review of the police complaints system since it commenced

operations three years ago and feel this is necessary to assess accountability, effectiveness, and sufficient funding.

### III. RECOMMENDATIONS

The Forum breakout sessions resulted in creative and concerned dialogue leading to twenty-eight recommendations categorized into specific areas of action.

Organized by theme, the recommendations are as follows:

- A. Legal Structure: The police complaints system
- B. Outreach by the OIPRD
- C. Procedures of the OIPRD
- D. Complaint Investigative Process
- E. Common Themes

All recommendations are focused specifically on actions the OIPRD can take to improve the police complaints system in general as well as the specific operations of the OIPRD office.

#### **A. Legal structure: The police complaints system**

1. Provide clarity on whether records of complaints will be retained. If they are retained, do so only with the consent of the parties. Use relevant, non-identifying information for purposes related to research, program development, and evidence-based practice.

#### **B. Outreach by the OIPRD**

2. Hire additional outreach workers to maximize public information and education opportunities.
3. Develop communication tools and support systems for community members that are accessible, culturally relevant, available in multiple languages, and visually representative of the population in Ontario.
4. Develop a specific outreach plan with actions, targets and outcomes that will reach vulnerable and marginalized populations who are presently not accessing the system.
5. Develop an information dissemination plan that will ensure community members are able to obtain information on the police complaints system at locations where they are most likely to access such information (e.g. legal clinics, court houses, hospitals, libraries, community centres, prisons, health centres, shelters, religious institutions, settlement agencies and academic institutions).

6. Partner with community organizations that have expertise, resources, language capacity and a direct service mandate to build their knowledge of the system and equip them with the tools to assist their clients in navigating the process.
7. Amend the *OIPRD Rules of Procedure (2009)* and the *Police Services Act* to allow for publicizing the existence of the OIPRD using media outlets such as radio, TV, videos, newspapers, digital storytelling, social media applications, websites, billboards, posters, and pamphlets.

### **C. Procedures of the OIPRD**

8. Create a system for tracking the number, type, and geographical locations of complaint applications for analysis and accountability purposes.
9. Ensure that all materials and information at every point of the police complaints process, are made available in multiple languages reflective of Ontario's population. Develop an internal checklist to assist the OIPRD in keeping track of and ensuring linguistic and other accessibility issues are addressed, such as physical, visual, and audio accessibility.
10. Create a system of regular communications with complainants to provide updates on the status of their complaints. Explore the creation of other mechanisms to include complainants throughout the screening, investigation, and decision-making process.
11. Review the effectiveness of the investigation process as outlined in the *OIPRD Rules of Procedure* and the *Police Services Act* every few years through outcome analysis and feedback. Monitor public satisfaction with, and confidence in, the OIPRD and its functions. Collect survey data on the satisfaction of complainants with the system, incorporating mechanisms to assess whether there is a difference in satisfaction levels based on who carries out the investigation (OIPRD independent or police-managed). Ensure findings are made publicly accessible.
12. Audit the results of disciplinary hearings and provide information on the outcomes in publicly available and accessible formats.

### **D. Complaint Investigative Process**

13. Establish criteria on the type of complaints that can be referred to informal resolution and mediation processes and the appropriate stage in the process at which this can occur.

14. Develop the capacity of diverse communities to participate in informal resolution and mediation processes in meaningful ways.
15. Use discretionary power to interpret the *OIPRD Rules of Procedure* as liberally as possible to expand the six-month time limit for filing complaints so that it is a criterion for the inclusion and not the exclusion of complaints.
16. Provide greater clarity and transparency on the criteria used to screen out complaints, notably complaints deemed “frivolous”, “vexatious”, “not in public interest, and “made in bad faith”. Provide letters to complainants with clear reasons for screening out their complaints, or finding their complaints unsubstantiated, with direct references to established criteria as outlined in the *OIPRD Rules of Procedure*.
17. Provide more oversight and rigorous investigation of serious cases, such as those involving the excessive use of force.
18. Clarify the criteria for referring complaints to the police, and take into account complainant preferences when making decisions about referrals. Notify complainants prior to assigning their complaint to a police-managed investigation so as to provide them with the opportunity to withdraw their complaints.
19. Assign police-managed investigations to a different police service than the service where the officer who is the subject of the complaint is employed.
20. Provide more information to community members about the investigation process conducted by Professional Standards.
21. Clarify the involvement of third parties and agents in the system by defining the scope of third party rights and the criteria under which third party rights are permitted, noting such issues as privacy rights, and requirements for consent of the person who is the subject of the complaint.

## **E. Common Themes**

22. Educate the public about the safeguards used to protect complainants from retaliation and ensure confidentiality of their complaints, including guidelines on the use and retention of written records, and the locations at which parties will engage in informal resolution or mediation processes.

23. Improve screening processes to reduce the number of false complaints and explore the implementation of tools to inform the public about the consequences of filing false complaints.
24. Reduce the number of police-managed investigations by exploring alternative models of investigation and investigators used under comparable investigation processes or systems. In addition, provide increased opportunities for independent investigators and certified mediators, perhaps by reviewing the way in which resources are spent (e.g. training community leaders or channelling resources to community-based agencies).
25. Collect information from anonymous complaints on the nature of the complaint and identify trends or systemic concerns identified by demographic factors as race, ethnicity, and age. Findings should be discussed with police services and the Police Services Board to allow for improvements to the police complaints system.
26. Designate analysts to assess the types of complaints made and if they reflect any patterns that could serve to guide the OIPRD's efforts and resources in addressing systemic issues.
27. Establish a procedure to focus particular attention on the human rights components of complaints to explicitly recognize violations under the *Ontario Human Rights Code* and to ensure that violations are addressed as fully as possible.
28. Report on OIPRD actions to implement recommendations from the Forum, perhaps in annual reports.

## IV. CONCLUSION

The Forum represents the first opportunity since its establishment in 2009 to review the role of the Office of the Independent Police Review Director within the new police complaints system. A clear message coming out of the Forum is the need to further develop relationships between the OIPRD and the community on the one hand, and the police and the community on the other. The need for more OIPRD action to ensure the public is aware of both the office, its role, and the complaints system was emphasized as well as the need for more communication to this end. One message is that some delegates felt they had not yet been heard or seen evidence that previous recommendations from the *2008 Bill 103 Summit* were acted upon.

Recommendations gathered at the Forum provide valuable feedback on the perceived effectiveness of the police complaints system over the last three years and represents useful input into the way the public would like the system and office to operate from this point onwards. The recommendations call for improvements in administrative and process-related aspects of the system (retention of complaint records, anonymous complaints, mediation and informal resolution, complaint status updates, filing deadlines) and raised substantive issues about their perceptions of the system (fear of retaliation, power-imbalances, perceived independence of the OIPRD).

Overall, the multidirectional flow of information across stakeholder groups, the dissemination of research in the panels, the networking and knowledge transfer in the breakout group sessions, and the multidirectional synthesis of findings help to position the Forum as a strong vehicle for the mobilization of knowledge and provide clear direction to different levels of government and the OIPRD on what needs to be done to improve the effectiveness and confidence in the system.

### Next Steps

---

Going forward, the OIPRD must develop and make public a framework with timelines that outlines the process to be followed and stages for developing and implementing Forum recommendations. The Attorney General of Ontario and the OIPRD should establish processes for regular consultations with the community and the police to ensure that information is shared on the implementation of the recommendations and concerns are heard in the future from all stakeholder groups equally.

The Office of the Attorney General needs to play an active role in ensuring that the OIPRD is accountable for implementing recommendations from the Forum. This requires effective follow-up and channelling additional resources to the OIPRD to ensure the office is adequately resourced to implement the actions suggested by delegates.

### ***Final report dissemination***

Findings and recommendations also can be effective tools for public education and systematic and experiential knowledge mobilization. Delegates will disseminate recommendations to their respective stakeholders through websites, email, list serves, partner networks, social media outlets, scholarly publications, and presentations at academic and non-academic conferences, forums, and community meetings. Scadding Court and Dixon Hall will integrate the knowledge gained from the Forum into relevant youth and adult programming.

As part of the research and evaluation component, focus groups were conducted after the Forum in delegates' communities to provide additional opportunities for the transfer and co-production of knowledge related to the police complaints system and the OIPRD. In addition to academic venues, the research findings will be disseminated to all organizations and delegates who expressed interest in receiving an executive summary or final report.

Finally, Scadding Court Community Centre will host an official launch event in the fall of 2013 to highlight the findings and recommendations from the Forum as outlined in this final report.

## REFERENCES

- Bourke, C. (2008). *Police complaints, civilian oversight, democracy: Bill 103 Summit research paper*. Toronto, ON: Community Education and Access to Police Complaints Demonstration Project, Scadding Court Community Centre. Available at: <http://www.scaddingcourt.org/Bill103-summit/pdfs/Police%20Complaints%20Civilian%20Oversight%20Democracy.pdf>
- CEAPC (2006). *Detailed analysis of Bill 103: An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act*. Toronto, ON: Community Education and Access to Police Complaints Demonstration Project.
- Christie, C.A., Montrosse, B.E., & Klein, B.M. (2005). Emergent design evaluation: A case study. *Evaluation and Program Planning*, 28, 271-277.
- Foster-Fishman, P.G., Nowell, B., & Yang, H. (2007). Putting the system back into systems change: A framework for understanding and changing organizational and community systems. *American Journal of Community Psychology*, 39, 197-215.
- Lesage, Patrick J. (April 2005), *Report on the Police Complaints System in Ontario*. Toronto, ON: Attorney General Office of Ontario. Available at: <http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/LeSage/en-fullreport.pdf>
- Maguire, M., & Corbett, C. (1991). *A study of the police complaints system*. London: HMSO.
- Office of the Independent Police Review Director (OIPRD, 2012) "About the OIPRD". Available at: <http://www.oiprd.on.ca/CMS/About.aspx>
- Prenzler, T. (2000). Civilian oversight of police. *British Journal of Criminology*, 40, 65-85.
- Smith, G. (2010). Every complaint matters: Human Rights Commissioner's opinion concerning independent and effective determination of complaints against the police. *International Journal of Law, Crime and Justice*, 38, 59-74.
- Smith, G. (2009). Why don't more people complain against the police? *European Journal of Criminology*, 6, 249-266.

Walker, S., & Kreisel, B.W. (1996). Varieties of citizen review: The implications of organizational features of complaint review procedures for accountability of the police. *American Journal of Police*, 15(3), 65-88.

Wortley, S. (2003). Civilian governance and policing in a multicultural society: A discussion paper. Prepared for the *Multiculturalism Directorate Canadian Heritage*. Available at: [http://www.pch.gc.ca/progs/multi/pubs/police/civil\\_e.pdf](http://www.pch.gc.ca/progs/multi/pubs/police/civil_e.pdf)

**APPENDIX A:**

**BRIEF HISTORY OF THE  
POLICE COMPLAINTS SYSTEM  
IN ONTARIO**

## Overview

---

The police complaints system has undergone changes that sought to determine the best model to ensure civilian oversight of the system. Reviews of the system conducted between 1974 and 1979 concluded that a greater civilian component was needed to ensure the integrity and effectiveness of the police complaints process (Bourke, 2008).

From 1981 until the passage of Bill 103, there were various models in the province. The *Metropolitan Toronto Police Force Complaints Project Act* (1981) established an independent civilian Public Complaints Commissioner in Toronto under which the Toronto Chief of Police set up a Public Complaints Investigation Bureau (PCIB) to receive, record, and investigate complaints and inquiries. Investigations were monitored and reviewed by a civilian Public Complaints Commissioner who also had independent investigative powers.

In 1990, with the passage of the *Police Services Act*, there was a major overhaul of Ontario's approach to policing with members of the public now being able to make complaints (including third party complaints), to the Public Complaints Investigations Bureau (PCIB), the Public Complaints Commissioner, which had province wide authority, or to any police station, bureau or detachment (Bourke, 2008; LeSage, 2005). This model operated between 1991 and 1996, and in 1997, a new public complaints system was introduced under which local police services were responsible for the intake, investigation, and adjudication of complaints at this time. The Ontario Civilian Commission on Police Services, an independent tribunal, played a role in reviewing how the police handled complaints.

However, there was concern that by giving the police authority to investigate complaints could negatively impact the public's perception of, and confidence in, the system (LeSage, 2005). In 2004, the Honourable Patrick J. LeSage undertook a review of the province's police complaints system under the *Police Services Act*. Justice LeSage received written submissions, held public meetings, and travelled extensively across Ontario to meet with police and community groups (LeSage, 2005).

During submissions, community groups concluded that the system was too complex and difficult to navigate (LeSage, 2005). They also expressed concerns about the legitimacy and integrity of a system that required complaints against police officers to be filed with and investigated by the police, often the same police service against which the complaint was made (LeSage, 2005).

In 2005, Justice LeSage presented his report to the Attorney General of Ontario with 27 recommendations that touched upon all areas of the system including administration, access, informal resolution, investigations, hearings, the appeal process, audits and funding. Chief

among his key recommendations was a call for an independent body that would administer the complaints system in Ontario and civilian administrators who would be responsible for the administration of the complaints system for each region of the province. He recommended that the new body have power of inquiry to identify systemic problems that may underlie complaints and make recommendations to prevent their occurrence.

Bill 103, *An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act the Independent Police Review Act*, received assent on May 17, 2007. Based largely on recommendations stemming from the LeSage report, it created an independent and transparent police complaints system led by an Independent Police Review Director and a civilian organization to administer the system – the Office of the Independent Police Review Director.

The Office of the Independent Police Review Director is given responsibility for receiving complaints and for determining on a case-by-case basis the body responsible for investigating the complaint: the independent civilian body itself, the police service affected or another police service. The OIPRD has an oversight role for complaints made by the public against the police, from receiving complaints to making a decision on complaints. The OIPRD also has the authority to look at systemic complaints and make recommendations for change.

Under this system, members of the public file complainants directly with their local police services or to the OIPRD in paper format or online. This process differs from the old system which required complaints to be filed with and investigated by the same police force against which the complaint was made. Other notable differences between the old and new systems include procedures for filing third party complaints, formal powers of the OIPRD to investigate systemic complaints, the introduction of auditing, and establishing ongoing reporting procedures.

## **Community Initiatives in Developing the OIPRD**

---

The Community Education and Access to Police Complaints Process (CEAPC) project developed out of a 2002 community-based response to issues of police-community relations initiated by the Alexandra Park & Greater Community Race Relations Task Team. Consultations in other Toronto neighbourhoods later confirmed that issues identified in that community were experienced across the city. Diverse community members perceived the police complaints system as inaccessible, insensitive to their needs, and lacking in transparency and accountability. These findings prompted the development of a pilot project to explore community-based complaints education and intake.

The CEAPC project was a two-year demonstration project developed by Scadding Court Community Centre that focused on developing a police complaints system in Toronto that is accessible, particularly for marginalized communities. The project was a partnership of forty organizations from across Toronto, including legal clinics, ethno-cultural organizations, community centres, grassroots, and advocacy groups.

The philosophy and principles of the CEAPC project and partnership are based on the notion of community policing (i.e. police and citizens working together through innovative and collaborative problem solving), regular contact and consultation with communities, ownership and responsibility in neighbourhoods, and the creation of opportunities for the community to be active involvement in this process. The goal of the project was to increase community safety by enhancing the relationship between diverse communities and the police in two ways:

1. To make the police complaints system more accessible to members of diverse communities; and
2. To create opportunities for police and communities to come together, build trust and engage in dialogue.

Project initiatives included provision of translation services, legal education, and referrals to individuals filing police complaints. Opportunities were provided for members of the public to learn about their rights in dealing with the police and with the justice system through the distribution of multilingual brochures about the complaints process and delivering workshops and orientation sessions bringing together police and communities. Active participation by partners, including the Toronto Police Service, was a key element in CEAPC's success and sustainability.

Although funding for the two year demonstration project ended in December 2006, CEAPC continued to receive regular requests for support from members of the public seeking information (e.g. educational brochures) and assistance with the complaints process and requesting workshop delivery at community sites across Toronto. The collective experiences of the CEAPC partners and their constituents provided CEAPC with a wealth of information, a unique perspective, and much frontline experience around police complaints. This expertise was utilized through CEAPC's active involvement in the review of the police complaints system undertaken in Ontario by Justice Patrick LeSage and, subsequently, participation in consultations regarding the Government of Ontario's proposed Bill 103.

Following these consultations, CEAPC developed a detailed analysis of Bill 103, which was presented to the Standing Committee on Justice Policy in January 2007. This analysis outlined key priorities and concerns and 50 recommendations to strengthen the police complaints

system in Ontario. In March 2007, CEAPC carried out community consultations in Toronto, Hamilton, Windsor, and Ottawa. These consultations focused on the criteria and attributes for consideration by the government in filling the position of the Independent Police Review Director (IPRD) as mandated under Bill 103. CEAPC was involved in developing recommendations for the selection process for the Director and in creating the *OIPRD Rules of Procedure*. Findings were submitted to the Attorney General of Ontario for its consideration in April 2007. In September 2008, CEAPC organized the Bill 103 Summit around the themes of transparency, accountability, public education and accessibility. A report with findings of the Summit was sent to office of the Attorney General of Ontario and to the OIPRD.

## **APPENDIX B:**

# **BIOGRAPHIES OF FORUM CO-CHAIRS AND PANELISTS**

NOVEMBER 26 - 27, 2012

## Guest Speaker Bios

*In alphabetical order*

### **Anna Willats, Toronto Police Accountability Coalition**

**Anna Willats** has been a Toronto-based social justice activist, organizer and educator for over 30 years. She has been a member of the Toronto Police Accountability Coalition since its formation in 2001. She has participated in a wide variety of community-based efforts to improve police practices and policies at the local and provincial level. As a professor and project coordinator at George Brown College she helps to prepare women and trans people for employment in a variety of sectors.

### **Catherine Porter, Columnist, Toronto Star**

Catherine Porter is an award-winning columnist with the Toronto Star. She writes three times a week on city politics, environmental issues, activism and development. Catherine has covered the Police Services Board for three years. She was on the second team of journalists to arrive in Port-au-Prince after the devastating earthquake, and has returned to Haiti 12 times since then.

### **Ceta Ramkhalawansingh, Former City of Toronto Manager, Diversity Management and Community Engagement**

Ceta Ramkhalawansingh came to Canada in 1967 with her family from Trinidad and Tobago. She is an active participant in the social, economic, cultural and political life of the community and has been engaged in local, provincial, national and international endeavours on social justice issues. Before joining the Toronto Public Service where she worked for three decades managing diversity and human rights programs, she was and continues to be a citizen activist on land use and heritage conservation issues, an academic, author, researcher and policy analyst. She has served many NGO Boards addressing international development, social and community services, women's issues, education, literacy, long term health care and education.

# THE ONTARIO POLICE COMPLAINTS SYSTEM FORUM

*Perspectives from the community, police and policy-makers*

NOVEMBER 26 - 27, 2012

**Dr. David Webb, Associate Executive Director, Law Enforcement Management  
Institute of Texas**

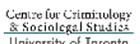
Dr. David Webb is the Assistant Executive Director of the Law Enforcement Management Institute of Texas (LEMIT). He holds a B.A. in political science and is a graduate of Bramshill Police Command College in England. David completed his Ph.D. at Sam Houston State University. He holds a Management Diploma from the National Examination Board (UK). He joined LEMIT in November 2001. He is also an adjunct faculty member of the Criminal Justice Center at the University. David relocated to the United States after spending over 30 years in policing in the United Kingdom, the last twelve years of which were at the rank Chief Superintendent of Police. He spent a number of years as a senior investigator in Internal Affairs. As Director of Training he ran the Devon and Cornwall Police College, before moving to London as a Senior Police Advisor to the Home Office Police Department Office of Science and Technology. David has worked extensively with overseas police departments in Europe, Asia and Africa, as well as with many in the United States. His final police role was as Human Resources Director, which included Internal Affairs, where he was responsible for the introduction of an Integrity Unit. He is an experienced training administrator and is the recipient of a government research award for innovation in policing. In 2005, he introduced the Incident Command Simulation Training Program to the Institute, and is currently designing a Professional Development Program at the Institute. At the College of Criminal Justice he teaches in the Master of Science Program in Criminal Justice Leadership. His policing interests include decision-making, human trafficking, political violence and organizational issues. His latest book, "Competence and Policing – a Research Study" was published in July 2008.

**Debbie Hansen, Director, Office of Student Conflict Resolution, York University**

Debbie Hansen is currently the Director of the Office of Student Conflict Resolution (OSCR) at York University. Debbie oversees the administration of the Code of Student Rights & Responsibilities which applies to non-academic student conduct both on and off campus. Previously Debbie was the Director of Client Services, overseeing both future and current front line student service areas at the university focusing on admissions, registrar, student financial assistance and Ontario Student Assistance Program (OSAP). She has served in key positions such as Director of Non-Academic Employee Relations, Associate Registrar and Acting Director in the Office of Student Affairs – with service spanning 30+ years at York. She has served on several pan-university and external committees.

9:00 AM - 5:00 PM  
AT METRO HALL, 55 JOHN STREET, TORONTO

HOSTED BY



# THE ONTARIO POLICE COMPLAINTS SYSTEM FORUM

*Perspectives from the community, police and policy-makers*

NOVEMBER 26 - 27, 2012

## **Elgin Barrett, Member, Schizophrenia Society of Ontario Speaker's Bureau**

Elgin started developing psychosis in his youth. Around the same time that he graduated from college – studying Law Enforcement - his symptoms really began to be noticeable. Elgin was initially diagnosed as having schizophrenia yet finding adequate treatment proved challenging.

In 1998, Elgin was denied admittance to hospital – it was not deemed necessary – and fell through the healthcare system's many cracks. Following this he embarked on a series of events that ended with him in the cockpit of an airplane. The police quickly put an end to that psychotic episode and Elgin found himself with no idea of what was real and what wasn't. He finally was re-diagnosed with bipolar disease and an appropriate treatment course was found.

Today Elgin is happily married to Pamela and they have a daughter together. With many people in both Elgin and Pamela's families suffering from a variety of mental illnesses, including schizophrenia, both have become strong mental health advocates. Elgin feels very fortunate to have a strong and loving family support system and both he and Pamela are committed to helping others living with mental illnesses.

Currently Elgin is working on a psychology degree at York University to compliment his diploma in Law Enforcement from Seneca College. He hopes this will lead to work within the justice system, specifically work to improve the way people with mental illnesses are treated by police and the courts.

## **Detective Staff Sergeant Faron Whiteye, Major Criminal Investigations, Anishinabek Police Service**

Faron Whiteye is a member of the Moravian First Nation, in southwestern Ontario. In 1988 Faron joined the United States Marine Corps and did tours of duty in Panama in 1989 and Northern Iraq in 1991. As a Corporal he was assigned as NCO in Charge of the Battalion Adjutant's Office, during peace time, where his primary duties concerned preparation and investigation for Non Judicial Proceedings concerning the Code of Conduct of uniformed members of the Armed Forces.

In 1992 he joined the Walpole Island Police Service. In November of 2001 he joined the Anishinabek Police Service and was stationed at the Kettle Point Detachment. In March 2009 he was promoted to Acting Sergeant and seconded to the Ontario Police College, to the Use of Force section as a Firearms and Defensive Tactics Instructor. In July 2010 Faron was promoted to Staff Sergeant and reassigned to Headquarters, Garden River First Nation, Professional Standards Investigation. In May of 2012 Faron was reassigned to Detective Staff Sergeant, in charge of Major Criminal Investigations.

9:00 AM - 5:00 PM  
AT METRO HALL, 55 JOHN STREET, TORONTO

HOSTED BY



UNIVERSITY OF  
**WATERLOO**

Dixon Hall



Toronto Police Service



Centre for Criminology  
& Sociological Studies  
University of Toronto

# THE ONTARIO POLICE COMPLAINTS SYSTEM FORUM

*Perspectives from the community, police and policy-makers*

NOVEMBER 26 - 27, 2012

## **Gerry McNeilly, Director, Office of the Independent Police Review Director (OIPRD)**

Gerry McNeilly was appointed Ontario's first Independent Police Review Director in June of 2008. He is responsible for receiving, managing and overseeing all public complaints against police in Ontario.

Prior to his appointment as IPRD, Mr. McNeilly served as the Executive Director for Legal Aid Manitoba for nine years. He was the Chair of the Board of Inquiry for the Ontario Human Rights Tribunal – now the Human Rights Tribunal of Ontario. He has served as a justice of the peace and a deputy judge. During his many years at the Ministry of the Attorney General, Mr. McNeilly served as the Director of the Unified Family Court, a manager of mediation services, the Acting Director of Courts Administration and helped establish the Unified Family Court system throughout Canada. Mr. McNeilly is also a trained mediator for all areas of law.

Mr. McNeilly was a founding member and chair of the African Canadian Legal Clinic in Toronto and A Woman's Place in Winnipeg, which provides legal support services to abused women.

Mr. McNeilly studied law at Queen's University and has been called to the Bars of Ontario and Manitoba.

## **Inspector Jeff Vibert, Professional Standards, Ontario Provincial Police**

Jeff Vibert is an Acting Inspector with the Ontario Provincial Police presently assigned to the Professional Standards Bureau. Inspector Vibert has been a police officer in the Province of Ontario for the past 25 years. He started his career with the Toronto Police Service in 1988 and joined the OPP in March 1997. Inspector Vibert has spent more than fifteen years in criminal investigations including, Central Region Crime Unit, Provincial Weapons Enforcement Unit, Wiretap Section, and Professional Standards Bureau. In addition, he has spent time as the Detachment Commander in Toronto and Barrie Detachments. Presently, Inspector Vibert is assigned as the Manager of Investigations for Central Region.

## **John Sewell, Co-ordinator, Toronto Police Accountability Coalition**

John Sewell was a member of Toronto City Council from 1969 to 1984, and was Mayor of Toronto 1979-1980. He has engaged in politics in Toronto as a community activist, city councillor, journalist, writer, housing administrator, and entrepreneur, and chaired the Royal Commission on Planning and Development Reform in Ontario, 1991-1993. He has often spoken for and represented those who do not have access to the levers of power in society. He is co-ordinator of Toronto Police Accountability Coalition. He has written for many publications and has authored ten books, mostly about urban issues. His most recent book is 'The Shape of the Suburbs: Understanding Toronto's Sprawl,' published by University of Toronto Press. He was awarded the Order of Canada in 2005.

# THE ONTARIO POLICE COMPLAINTS SYSTEM FORUM

*Perspectives from the community, police and policy-makers*

NOVEMBER 26 - 27, 2012

## **Peter Bruer, Manager, Conflict Resolution & Training, St. Stephen's Community House**

Peter Bruer has a degree in political science from the University of Toronto, and a background in community organizing and advocacy. He was first trained as a mediator in 1992, and in 1996 he was hired by St. Stephen's Community House to run a landlord-tenant mediation project. In 1997 he became Manager of the Conflict Resolution Service, with responsibility for policy, program supervision and development of both its community and professional work. The Conflict Resolution Service is one of the largest and best-known community mediation services in Canada.

With over more than 12 years in the field, Bruer has acquired considerable personal experience mediating and facilitating community disputes and professional conflicts, and has consulted on the design of conflict resolution systems in a variety of settings. He is a trainer and coach, and was for a time a teaching assistant in alternative dispute resolution at Osgoode Law School. He has presented at numerous conferences and universities in Canada, the United States and Latin America, and written for a variety of publications and journals. He is a Director of the ADR Institute of Ontario.

## **Inspector Reuben Stroble, Professional Standards, Toronto Police Service**

Reuben Stroble is an Inspector with the Toronto Police Service Professional Standard Unit. During his policing career, Inspector Stroble has worked in many areas of the police service. As an investigator and a child advocate, he specialized in the area of physical and sexual abuse cases that involve children. In 2001 he became a member of the Toronto Police Sex Crimes Unit where he investigated violent serial sexual offenders. He also became the officer in charge of the Child Exploitation Section dealing with child prostitution and all other forms of commercial sexual exploitation of children. In 2007, he received the Chief of Police Excellence Award for initiating community partnerships to fight child sexual exploitation.

Inspector Stroble has a Bachelors Degree in Criminal Justice and Leadership from the University of Guelph-Humber and has taught part-time at Sheridan College of Applied Arts and Technology. Presently he is the Chair of the Board of Directors for the Gatehouse, a community outreach organization that provides support for victims of sexual abuse.

# THE ONTARIO POLICE COMPLAINTS SYSTEM FORUM

*Perspectives from the community, police and policy-makers*

NOVEMBER 26 - 27, 2012

## *Forum Co-Chairs*

### **Dr. Jennifer L. Schulenberg, Professor, Department of Sociology & Legal Studies, University of Waterloo**

Dr. Jennifer L. Schulenberg is a Forum Co-Chair, member of the Steering Committee, and the principal investigator of the SSHRC Public Outreach Grant providing financial support for the Forum. She received her Ph.D. in Sociology and is currently an Assistant Professor in the Department of Sociology & Legal Studies at the University of Waterloo. Previously she worked in the College of Criminal Justice at Sam Houston State University in Texas (2005-2008) and served as the Associate Editor for the *Canadian Journal of Criminology & Criminal Justice* (2004-2010). She teaches courses on youth crime, research methods, policing, sexuality and the law, and the relationship between law and society. Her research interests span facets of criminology and criminal justice with an overall focus on the use of informal and formal social control. She has published in the areas of police discretion & decision-making, police culture, youth justice legislation, research methods, effective communication, and police training. She continues to work with law enforcement as a consultant and instructor of continuing education certification courses for command personnel. She is fluent in English, German, and French.

### **Lisa Druchok, Youth Community Health Worker at Scadding Court Community Center**

Lisa is the Youth Community Health Worker at Scadding Court Community Center where she has worked with a group of young people aged 13 – 18 over the last two years to develop a youth-led healthy living and illegal drug prevention program called '*the...talk*'. At SCCC, Lisa also works on issues related to youth-police relations and is currently coordinating a longitudinal study to evaluate youth-police funded programs for effectiveness and efficiency in collaboration with many of the Forum Partners. Personal advocacy and social justice work include: Central Toronto Community Health Centre Board of Directors Secretary, member of the Toronto Drug Strategy Stigma and Discrimination Working Group, and environmental educator and activist. Lisa has earned a Bachelor of Arts from York University and a Bachelor of Education from the University of Calgary, and she is currently enrolled in the York University Harm Reduction Certificate Course. Lisa is the Forum Coordinator and sincerely hopes everyone has a fulfilling experience!

9:00 AM - 5:00 PM  
AT METRO HALL, 55 JOHN STREET, TORONTO

HOSTED BY



UNIVERSITY OF  
**WATERLOO**

Dixon Hall 



Centre for Criminology  
& Sociological Studies  
University of Toronto

**APPENDIX C:**

**FORUM WELCOME AND AGENDA**

# THE ONTARIO POLICE COMPLAINTS SYSTEM FORUM

*Perspectives from the community, police and policy-makers*

NOVEMBER 26 - 27, 2012

## Welcome

Thank you for being here over these two days, for your commitment to continuing to build positive community-police relations and for contributing to this system change work that will affect people across the province of Ontario. Congratulate yourself for being part of a difficult conversation and for sharing your personal experiences, insights and professional opinions.

When the idea to bring together the three pillars of community, police and policy-makers to talk about the three year old Office of the Independent Police Review Director came about, we were careful not to call it a review; because it's not. It's a conversation, it's an open forum for sharing experiences and perceptions, it's a discussion about the challenges folks have faced when trying to voice concerns about a service they received, and finally, it's about collaboratively developing recommendations for enhancing the system thereby positively impacting all three stakeholders.

The Forum is an exercise of our democratic right to participate in social systems, and as such serves as model for engaging not only Ontarians, but all Canadians in creating positive change at the local and systemic level.

It is your lived experience, ideas, courage and contributions that will make the Ontario police complaint system and its processes more accessible, accountable and transparent. We, the Steering Committee, need you to be loud over these next two days. Speak up. Represent yourself; represent those you work with and for, those close to you, and everyone else in the province.

This Forum is the work of a diverse and hard working group of people representing a variety of organizations, but the most important contributor is you! We are sincerely grateful for your participation, without you there would be no Forum and the conversation would never happen.

Thank you!

### Forum Co-Chairs

**Lisa Druchok**, *Youth Community Health Worker, Scadding Court Community Centre* (Forum Coordinator)

**Kevin Lee**, *Executive Director, Scadding Court Community Centre*

**Dr. Jennifer Schulenberg**, *Assistant Professor, Department of Sociology & Legal Studies  
University of Waterloo*

9:00 AM - 5:00 PM  
AT METRO HALL, 55 JOHN STREET, TORONTO

HOSTED BY



Toronto Police Service



THE ONTARIO POLICE COMPLAINTS SYSTEM FORUM  
*Perspectives from the community, police and policy-makers*

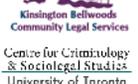
NOVEMBER 26 - 27, 2012

# Agenda

Monday, November 26, 2012			
Examining Progress			
Time	Room #	Activity	Speakers/Facilitators
8:00 – 8:45 AM	308	REGISTRATION	
9:00 – 9:15 AM	308	<b>Opening and Welcome</b>	<b>MC:</b> Catherine Porter, <i>Columnist, Toronto Star</i>  <b>Speakers:</b> Kevin Lee, <i>Executive Director, SCCC</i> Lisa Druchok, <i>Forum Coordinator, SCCC</i> Dr. Jennifer Schulenberg, <i>Assistant Professor, Department of Sociology &amp; Legal Studies, University of Waterloo</i>
9:15 – 9:45 AM		<b>Narratives:</b> Lived Experience Accessing the Police Complaints System	<b>Speakers:</b> Elgin Barrett, <i>Member of Schizophrenia Society of Ontario, Speaker's Bureau</i> <b>Community members</b> <b>Police Officers</b>
9:50 – 10:10 AM		Overview of the OIPRD	<b>Speakers:</b> Gerry McNeilly, <i>Director, OIPRD</i>
10:10 – 10:20 AM	BREAK		
10:25 – 11:30 AM	308	<b>Panel Discussion:</b> Evolving the System	<b>Moderator:</b> Catherine Porter, <i>Columnist, Toronto Star</i>  <b>Speakers:</b> Inspector Jeff Vibert, <i>Professional Standards, Ontario Provincial Police</i>  Anna Willats, <i>Toronto Police Accountability Coalition</i>  Inspector Reuben Stroble, <i>Professional Standards, Toronto Police Service</i>  Dr. David Webb, <i>Assistant Executive Director, Law Enforcement Management Institute of Texas</i>
11:30 AM – 12:00 PM		Q & A	
12:30 – 1:30 PM	Join us for LUNCH at Dim Sum King with keynote speaker <b>John Sewell, Coordinator, Toronto Police Accountability Coalition</b>		

9:00 AM - 5:00 PM  
 AT METRO HALL, 55 JOHN STREET, TORONTO

HOSTED BY



2:00 - 3:20 PM		<b>Concurrent Breakout Sessions:</b>  Public Education and Support  Investigative Complaint Process  Complaint Decision-making Process  Accountability, Accessibility, and Transparency	<b>Facilitators:</b>  <b>Dr. Karen Mock</b> , <i>Human Rights Consultant</i>  <b>Raja Khouri</b> , <i>The Knowledge Centre</i>  <b>Johanna MacDonald</b> , <i>Street Youth Legal Services Lawyer, Justice for Children and Youth</i>  <b>Dr. Margaret Beare</b> , <i>Professor, Osgoode Hall Law School, York University</i>
3:20 – 3:30 PM	308	COFFEE BREAK	
3:35 – 5:00 PM	302  303  304  308	<b>Concurrent Breakout Sessions:</b>  Public Education and Support  Investigative Complaint Process  Complaint Decision-making Process  Accountability, Accessibility, and Transparency	<b>Facilitators:</b>  <b>Dr. Karen Mock</b> , <i>Human Rights Consultant</i>  <b>Raja Khouri</b> , <i>The Knowledge Centre</i>  <b>Johanna MacDonald</b> , <i>Street Youth Legal Services Lawyer, Justice for Children and Youth</i>  <b>Dr. Margaret Beare</b> , <i>Professor, Osgoode Hall Law School, York University</i>

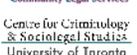
THE ONTARIO POLICE COMPLAINTS SYSTEM FORUM  
*Perspectives from the community, police and policy-makers*

NOVEMBER 26 - 27, 2012

Tuesday, November 27, 2012			
Future Action			
Time	Room #	Activity	Speakers/Facilitators
8:30 AM	308	ARRIVAL	
9:00 – 9:15 AM		<b>Welcoming &amp; Recap Themes from Monday</b>	<b>MC:</b> <b>Ceta Ramkhalawansingh</b> , <i>Former City of Toronto Manager, Diversity Management and Community Engagement</i>  <b>Speakers:</b> <b>Lisa Druchok</b> , <i>Forum Coordinator, SCCC</i> <b>Dr. Jennifer Schulenberg</b> , <i>Assistant Professor, Department of Sociology &amp; Legal Studies, University of Waterloo</i>
9:20 – 10:20 AM		<b>Panel Discussion: Best Practices &amp; Alternative Complaint Systems</b>	<b>Moderator:</b> <b>Ceta Ramkhalawansingh</b> , <i>Former City of Toronto Manager, Diversity Management and Community Engagement</i>  <b>Speakers:</b> <b>Peter Bruer</b> , <i>Manager, Conflict Resolution &amp; Training St. Stephen's Community House</i>  <b>Detective Staff Sergeant Faron Whiteye</b> , <i>Major Crime, Anishinabek Police Service</i>  <b>Debbie Hansen</b> , <i>Director, Office of Student Conflict Resolution, York University</i>  <b>Dr. David Webb</b> , <i>Assistant Executive Director, Law Enforcement Management Institute of Texas</i>
10:20 – 10:35 AM		<b>Q &amp; A</b>	

9:00 AM - 5:00 PM  
 AT METRO HALL, 55 JOHN STREET, TORONTO

HOSTED BY



10:35 – 10:45 AM			
10:50 AM – 12:30 PM	309 314 304 308	<b>Concurrent Breakout Sessions:</b> Public Education and Support Investigative Complaint Process Complaint Decision-making Process Accountability, Accessibility, and Transparency	<b>Facilitators:</b> <b>Dr. Karen Mock</b> , <i>Human Rights Consultant</i> <b>Raja Khouri</b> , <i>The Knowledge Centre</i> <b>Johanna MacDonald</b> , <i>Street Youth Legal Services Lawyer, Justice for Children and Youth</i> <b>Dr. Margaret Beare</b> , <i>Professor, Osgoode Hall Law School, York University</i>
12:30 – 1:15 PM	LUNCH on your own		
1:30 – 3:30 PM	309 314 304 308	<b>Concurrent Breakout Sessions:</b> Public Education and Support Investigative Complaint Process Complaint Decision-making Process Accountability, Accessibility, and Transparency  <b>*Make PowerPoint slide of recommendations for report back</b>  <b>* How can the system be evaluated moving forward?</b>  <b>*Forum Evaluation Survey</b>	<b>Facilitators:</b> <b>Dr. Karen Mock</b> , <i>Human Rights Consultant</i> <b>Raja Khouri</b> , <i>The Knowledge Centre</i> <b>Johanna MacDonald</b> , <i>Street Youth Legal Services Lawyer, Justice for Children and Youth</i> <b>Dr. Margaret Beare</b> , <i>Professor, Osgoode Hall Law School, York University</i>
3:30 – 3:40 PM	308	COFFEE BREAK	
3:40 – 4:50 PM	308	<b>Report back</b>	<b>Delegates:</b> Representatives from

			breakout sessions
4:50 –5:00 PM		<b>Closing Remarks</b>	<b>Forum Steering Committee</b> <b>Lisa Druchok, <i>Forum Coordinator, SCCC</i></b>

**APPENDIX D:**

**COMMUNITY & POLICE  
TESTIMONIALS**

# Testimonials:

From the community



## Police-youth relations

- They want us, the community, to help them but people make us feel like nobodies...we are not just outcasts because we are from the 'hood'.
- The way they treat you don't allow you to change. Always think you are up to something. Some have respect and we know some of them are just doing their jobs.

## Unsubstantiated complaints



- I was disappointed that [this police service] reviewed themselves.

- They should also be able to find a claim to be substantiated without being able to identify the officers.
- I believe that, minus identifying information, all the reports should be public documents.



We expressly requested that the complaint not be sent back to the division but dealt with by an independent investigator...both cases were sent back to the division.

## Youth perceptions

I'm not aware of the system. I don't know how to file a complaint and even if I did, I don't want to get harassed more than I do. If there was more support, promotion, and more discipline to the police I may use it.

- Male, 23 years old

I don't use it because I think it will make no difference.

- Male, 15 years old

I don't use the system...if it started to actually work I would use it.

- Male, 15 years old

Nothing can make me use the complaint system because it is not worth it.

- Male, 16 years old

## Perspectives on change

- ...a huge gap between the type of information required by the public to properly file a complaint and the current education or support efforts of the OIPRD.
- The entire process of filing a complaint has been an attempt to submissively and passively gather information.

## Challenges continue

- ...is the existence of socio-economic barriers these individuals face to really acquire necessary services to have their voices heard.
- The OIPRD does not provide any services to assist vulnerable populations.
- This six month period is far too short to accommodate variation of individual circumstances.

## Testimonials:

From police officers



- ...keep in touch with the subject officer [during the investigation].
- ...the allegation was completely fictitious and malicious...I feel that I should have recourse.



## Improving the quality of life

Officers were frustrated because they were perceived as behaving inappropriately when they were genuinely concerned with community safety.

## Police officer experiences



- I do believe we all have to be accountable for our words and actions whether you are an officer or not.
- We need to find a way to increase understanding about the process but also address the concerns of the police as well.

**APPENDIX E:**

**BREAKOUT GROUPS’  
SPECIFIC RECOMMENDATIONS**

These field notes reflect what was written on the PowerPoint presentations and stated verbally by each breakout group delegate representatives in the recommendations panel at the conclusion of Day Two. They were recorded by Dr. Jennifer Schulenberg.

The 29 thematic recommendations are based on these 59 recommendations: Public outreach and support (16); Accountability, accessibility, and transparency (21); Complaint investigative process (13); and Complaint decision-making process (9).

## **Public outreach and support**

---

### **I. Provide additional support**

1. Engage more mediators, outreach/liaison workers, front line crisis workers in partnership with community organizations.
2. Reach out more directly to vulnerable and marginalized populations who are presently not accessing the system.
  - Work collaboratively to reduce public fear.
3. Create a system for tracking applications, numbers, areas, and types of applications.
4. Improve screening processes to reduce false complaints and explore and trends in these types of complaints.
5. Include a rights-based approach (know your rights) in the education process and leverage existing community training programs to participate in outreach activities.

### **II. Communication**

6. Advertise the OIPRD widely through outreach via radio, TV, and social media applications (e.g. phone, Facebook).
7. All materials should include diversity of the Ontario population on all dimensions (i.e. economic, social, cultural, age, (dis)abilities).

### **III. Education and training**

8. Provide more education opportunities for community organizations (e.g. train the trainer).
  - Particularly run workshops in high risk neighbourhoods.
  - Offer support (human and financial resources) for community agencies to educate and raise awareness amongst their constituents.

9. Recruit, train, and support peer educators who represent vulnerable populations.
10. Provide support for community workers to assist complainants with filling out the paperwork and navigating the process.
11. Report back on this Forum which recommendations have and have not been implemented, including a summary of the progress made in the OIPRD annual report.
12. Disseminate information on how community partners can access funding and support to increase awareness and public trust in the complaints system.
13. Ensure materials are in multiple languages and accessible to people with disabilities.
14. Disseminate information in schools, colleges, universities, legal clinics, court houses, hospitals, libraries, community centres, prisons, health centres, shelters, religious institutions, and resettlement agencies.
15. Explore non-traditional teaching methods to extend outreach activities.
16. Ensure communication of the importance of this work from all levels within the OIPRD.
  - For example, there was no representation from the Director himself at the Forum or sufficient representatives to respond to questions in each breakout group session.

Our three most important recommendations: Educate, educate, educate.

## **Accountability, accessibility, and transparency**

---

### **I. Fear is a real factor**

17. Whether the fear is based on reality or not is irrelevant. The fear is real and reflects relationships between the police and the community.
18. As an organization the OIPRD must acknowledge this fear in order to gain the confidence of potential complainants.
19. Work aggressively to assist the more vulnerable community members in filing their complaints and provide guidance throughout the entire process.

20. When possible in situations where the complaint is being investigated by the police, offer an alternative location rather than the police department for local and informal resolution meetings.
21. Engage with community members in various events aimed at advancing awareness.
22. Bridge the gap between some youth in some communities and the police by developing workshops specific to youth, community and police relations, and the complaints process.

## **II. Anonymous complaints**

23. The OIPRD should collect anonymous information that could be grouped as trends or systemic concerns to be discussed with the police or with the Police Services Board.
24. On an ongoing basis The OIPRD should collect information on complainants' satisfaction and outcomes. This data should include demographic information on race, ethnicity, age, and ability.

## **III. Complaints investigated by the police**

25. It is recognized that the OIPRD cannot and likely should not do all of the investigations. However, the complainant should be notified prior to the file being sent for investigation by the police thereby providing an opportunity for the complainant to withdraw their complaint if desired.

## **IV. Accessibility issues**

There is an extreme lack of resources available to the OIPRD for operations and to achieve their goals and mandate. Further, the filing of complaints is not as easy as it is made out to be.

26. The OIPRD should ensure that accommodations are available and issues of accessibility are underscored at all stages in the complaints process.
27. Explore how language is used, accessed, and communicated to develop a barrier free complaint system (e.g. create definitions, checklist).
28. Clarify the provisions for third parties and agents and this information must be readily and clearly available.

## **V. Partners looking forward**

The communities, the police, and the OIPRD have a role to play. In addition, confidence in the system requires the public believe that their complaint will get results and treated fairly. The statistics are not encouraging.

29. Collect survey data on the satisfaction of complaints and police officers with the process and outcome.
  - The creation of a web based platform for community input on their experiences with the complaint process.

## **VI. Feedback**

30. Reduce the proportion of ex-police who serve as investigators on the OIPRD.
  - Concerns were also raised that the majority of complaint cases are handled by the police.
31. Incorporate into the survey a mechanism to assess whether there is a difference in satisfaction level based on who does the investigation (OIPRD independent vs. police-managed).

## **VII. Systemic issues**

32. Provide the Police Services Board with recommendations related to enhanced and updated training and ways to meet diversity goals.
33. Clarify the scope of its role regarding systemic issues.
  - Ensure the data collected is in a disaggregated form grounded in the Human Rights codes.
34. In relation to police conduct, service, and policy the OIPRD should reflect on areas related to the greatest concerns by communities.

## **VIII. Alternative models**

35. Proceed with the announcement to engage with a stronger focus on mediation processes.
36. Pay careful attention to power dynamics and imbalances within the mediation process.
37. With the mediation process, engage with, and develop the capacity of diverse communities to participate in the mediation process in meaningful ways.

## Complaint Investigative Process

---

### I. Mediation

38. Mediation should be offered as an option that is used when agreed to without prejudice by both parties.
39. Establish criteria for the types of complaints that are appropriate for mediation (e.g. less serious, non-criminal).
40. Only accredited, independent mediators should be used.
41. Mediation must not be used as a means to speed up clearance of cases.
  - Not as a file resource management system so we don't have to investigate or provide a forum for a hearing.
42. Advocate mediation as a good alternative in any complaints system.
  - Currently, we have a punitive system embedded in the *Police Services Act*.

### II. Six month time limit

43. OIPRD should use the most liberal interpretation of Section 60(3), at its discretion, in expanding the six month limit.
  - Three types of exceptions to the six months time limit are currently listed.
    - The exception of the public interest needs to supersede the others.
  - Interpret these discretionary criteria for inclusion not exclusion of complaints.

### III. Systemic issues

44. Learn about patterns from types of complaints to guide ongoing and dedicated effort and resources for the investigation of systemic issues.
  - Take its mandate more to heart, learn more from individual cases, and dedicate time specifically to this issue.
  - Concurrent but dedicated group of analysts to look over individual complaints to see if systemic issues involved.

### IV. Human rights

45. Initiate a procedure to ensure particular attention is paid to the human rights components within complaints.
  - There might be a Code violation but it doesn't fit under misconduct but rather discreditable conduct or may go unrecognized.
  - Address the complaint as fully as possible.

- Officer has a learning experience and for the complainant, although it wasn't misconduct, the police service looked at whether it was a human rights issue.
- If there is no satisfaction under the *PSA* system and then go to the Human Rights Tribunal.

## **V. Screening in/out**

46. Provide targeted education on how to fill out a complaint form and the complaint screening process (e.g. vexatious, frivolous, not in the public interest).
  - The OIPRD has taken steps to make this clearer but more can be done but it's not the most accessible information (e.g. what does each screening criterion mean).
47. A more precise letter for each case that specifically addresses the reasons and criteria for screening out complaints.
  - Currently the exclusion letter provides the reason but no explanation (e.g. why the complaint was adjudicated to be vexatious).
  - Perhaps the complaint can then be used for education to inform the community understanding of what requires grounds for action.

## **VI. Seriousness of complaints**

48. More oversight and rigorous investigation should be dedicated to serious cases, such as excessive use of force.
49. If the complainant specifies that his or her case be dealt with by the OIPRD every attempt should be made to accommodate this request.
50. More information should be provided to community members about the process of Professional Standards investigations.

## **Complaint decision-making process**

---

51. Employ a more restorative justice process to resolve complaints.
52. The review and appeal process needs to be made more accessible to the public.
53. Provide more opportunities and resources for independent investigators at the OIPRD.

54. Conduct an outcome analysis and provide feedback after complaints are filed and adjudicated.
55. The OIPRD must communicate throughout the process.
56. Monitor and evaluate the performance and effectiveness of the OIPRD.
  - The OIPRD cannot change what they don't know.
57. Potentially allow for anonymous complaints and establish clear guidelines on how they will be dealt with by the OIPRD.