

BILL 103 - SUMMIT

Regulations that Promote Transparency, Accessibility,
Accountability, Public Support and Education within
Ontario's New Police Complaints System



BILL 103 - SUMMIT

REPORT on the Bill 103 Summit *held September 24 -26, 2008 in Toronto*

Submitted to:
the Independent Police Review Director of Ontario, and
to the Attorney General of Ontario

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www.bill103-summit.org

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Executive Summary

Scadding Court Community Centre (SCCC) and partners of the Community Education and Access to Police Complaints (CEAPC) Partnership hosted a community-led Bill 103-Summit in Toronto from September 24th to 26th, 2008. The purpose of the Summit was to inform the development of regulations that will shape the new police complaints system. The complaints system will be headed by the Independent Police Review Director (IPRD) under Ontario's *Bill 103: An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act (hereinafter "Bill 103")*.

The new legislation introduced an overhaul of the police complaints system in Ontario that was instituted in 1997. As the legislation currently stands, limited details have been provided about the new system and about the IPRD, who possesses wide-ranging decision-making powers to develop regulations that will guide policies and procedures of the new system.

The organizers of the Bill 103-Summit sought to create an opportunity for the three pillars of community, police and government to engage in constructive dialogue through equitable and meaningful participation that will support the development and eventual implementation of a police complaints system that reflects the priorities of all parties involved. Of the three pillars listed above, the community pillar is the least developed and as such requires particular consideration and attention in moving forward.

The issue of police complaints and, more generally police services is important to many of Ontario's diverse communities. Building on the four themes of accessibility, public education and support, accountability and transparency, the Bill 103-Summit led to the development of recommendations to inform a new police complaints system that is accessible, fair, effective and inclusive of the community perspective. The Summit was intended to complement other consultations, including those conducted by the Independent Police Review Office. Through a unique and participatory approach, the Summit provided a meaningful opportunity for learning and civic engagement that will shape the development of regulations over the next year. These regulations will inform a new police complaints system that will promote enhanced police-community relations, support community policing activities and ensure community safety.

A number of the issues raised as well as some of the recommendations below lie outside of the jurisdiction of the Office of the IPRD. A follow up report will elaborate on these points and be directed to the Attorney General and the Solicitor General of Ontario.

This report reflects the recommendations generated at the Summit on how communities can be a part of and interact with the new system, with a focus on transparency, accessibility, accountability, and public support and education. These recommendations have come out of the dialogue that took place at the Summit and do not document or reflect the specific views or opinions of individual delegates or groups participating in the Summit.

Summary of Key Recommendations

The following recommendations summarize the proposed duties and responsibilities of the IPRD and the office of the IPRD:

Public Education and Support

- Identify the types of “assistance” that the IPRD will provide to complainants, including the IPRD’s obligations in this respect;
- Communicate information in plain, simple language clearly outlining the process from beginning to end;
- Provide education through partnerships with the community pillar in order to teach diverse communities, including new arrivals
- Develop education to meet the needs of specific communities targeted, including those from marginalized groups through the use of clear, culturally and linguistically appropriate language delivered through a variety of communication channels and tools;
- Provide support across the three pillars, with an emphasis on the community pillar.
- Utilize a case management approach to ensure that there is a main point within the office of the IPRD who can be contacted regarding the complaint / investigation process.

Community Concerns and Accessibility

- Ensure that linguistic, geographic, and other barriers do not prevent complainants from accessing the system, particularly complainants from marginalized communities;
- Acknowledge and address fears felt by the community in making complaints and provide a safe environment for community members to launch complaints and to understand the consequences of engaging in the complaints process;
- Clarify rights to confidentiality and any adverse consequences that may flow from it;
- Clarify the scope of third party rights by outlining any limits on privacy rights for those directly affected by the complaint, including the right of disclosure, notification etc.;
- Identify and make use of opportunities for the new system to be integrated with and build on existing infrastructure, systems, services and resources in Ontario;
- Ensure that the community pillar of a three pillar complaints system (community, government and police) is established as a formal, recognized element of the new complaints system and are actively engaged in the system;
- Provide complainants with improved access to legal support and advice, including support and advice from the office of the IPRD;
- Ensure flexible informal resolution processes that accommodate individual needs and priorities;
- Provide opportunities for individuals to make anonymous complaints whilst acknowledging concerns about transparency;

Roles and Organizational Structures

- Ensure that immunity powers for the IPRD, staff in the office of the IPRD and investigators are balanced with strict codes of conduct and accountability procedures;
- Clarify the IPRD's discretionary power to refuse complaints, including for such reasons as “frivolous”, “vexatious” and “not in the public interest;”
- Provide structures that ensure equitable access to and input into the complaints process by individuals in urban, rural and remote regions across Ontario;
- Clarify framework and criteria for funding, ensuring that the community pillar has access to adequate funding.

Review and Investigation of Complaints

- Establish mechanisms to foster accountability and transparency in the investigation process through regular disclosure to ensure that police officers and complainants are kept informed of developments;

Reporting, Audits and Systemic Issues

- Ensure annual reports identify systemic barriers and needed improvements to the system;
- Ensure annual reports are widely disseminated and released through public relations sessions between the government and the police and involve communities that are impacted by report;

Development of the System

- That the IPRD establish two pilot projects, one in the Greater Toronto Area and one in a rural or remote area, in order to develop and put into practice the three pillar model, clarify roles, test approaches and materials, and to develop best practices. This will ensure the development of an appropriate and effective new system.

I. Context and Background

Part One: Brief History of Police Complaints in Ontario

The shifts in civilian oversight in Ontario have been likened to a pendulum swing, with control for oversight swinging back and forth from a 'hands-offs' period in the 1970s to periods of pro-civilian oversight in the early 1990s (Bourke, 2008, p.5)

Despite changes to the system over the years, there has been general consensus on the need for civilian oversight of the complaints system. During the 1970s, there was increased public interest in Ontario in the police complaints system. Reviews of the system conducted between 1974 and 1979 concluded that a greater civilian component was needed for the police complaints process (Bourke, 2008). In 1978, a new process for addressing complaints was voluntarily adopted by many local Boards of the Commissioners of Police (today's Police Services Boards). Under this process, police were given authority for conducting investigations and police chiefs were responsible for decisions and complaints. After disposition of a complaint, a complainant could request a hearing before the local Board of Commissioners of Police and appeal decisions through the Ontario Police Commission (now the Ontario Civilian Commission on Police Services – OCCOPS), which could then request an investigation if the matter warranted. In general, there was not a high level of satisfaction with this system (LeSage, 2005, p. 18).

In 1981, the *Metropolitan Toronto Police Force Complaints Project Act* established an independent civilian Public Complaints Commissioner in Toronto on a trial basis. Under this *Act*, 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. A Public Complaints Board conducted hearings of matters that were referred by the Chief of Police or by the Commissioner.

In 1989, the Liberal Government appointed Judge Clare Lewis to create the Race Relations and Policing Task Force. The Report of the Race Relations and Policing Task Force outlined needed improvements for policing in Ontario with respect to race relations and made recommendations that included the creation of the Special Investigations Unit, increased diversity in Ontario's police services, improved community relations and the use of statistical data on use of force by the police. In 1990, with the passage of the *Ontario 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).

In 1990, with a few minor changes, Toronto's trial system expanded across Ontario and created the Police Complaints Commissioner (PCC), which operated between 1991 and 1996 with regional offices in Toronto, Ottawa, Windsor, Mississauga, Peterborough, Sudbury and Thunder Bay. Although the PCC had the power to conduct complaint investigations, it did so sparingly. However, it did review a significant number of decisions made by chiefs of police and the OPP Commissioner. All provincial police services in the Province were required to establish PCIB's.

In 1992 the Public Complaints Board evolved into the permanent Board of Inquiry, a permanent tribunal with members appointed by Cabinet. Board of Inquiry decisions could be appealed to the Divisional Court. In 1997, the Police Complaints Commissioner model was discontinued and a new public complaints system was introduced by the Conservative government under Bill 105. Under this system, local police services were responsible for complaints intake, investigation and adjudication. The Ontario Civilian Commission on Police Services, an independent tribunal, played a role in reviewing how police handled complaints.

In a 2002 performance audit, the Auditor of the City of Toronto expressed concern about the complaints process because it gave the police authority in investigating complaints, which impacted negatively on the public's perception of and confidence in the system (Le Sage, 2005, p.24). In 2003, the Ontario Human Rights Commission released *Paying the Price: The Human Cost of Racial Profiling (2003)*, a report stemming from a public inquiry into racial profiling. Focusing on personal accounts of over 400 people impacted by profiling, the report signalled a lack of confidence in the existing complaints system (Ontario Human Rights Commission, 2003).

In 2004, Ontario's Liberal government appointed the Honourable Patrick J. LeSage to undertake a review of the province's police complaints system under the *Police Services Act* (PSA). Justice LeSage was responsible for advising the Ontario government on the development of a fair, effective and transparent model for resolving public complaints. 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 (Le Sage, 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). Other identified barriers to filing complaints included the requirement for written and signed complaints, which was difficult for those lacking literacy skills or proficiency in English or French, and the prohibition against third party complaints, which prevented those who witnessed misconduct or advocacy groups from submitting complaints. Community groups recommended a civilian-based complaint process with channels for informal resolution.

In 2005, Justice LeSage presented his report to the Attorney General with 27 recommendations that touched upon all areas of the system including administration, access, informal resolution, the investigation, hearings and 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. Justice LeSage also recommended greater access to the system by complainants, greater outreach, an extensive public education program to inform citizens about how the system operates and can be accessed, and involvement of community groups, schools, organizations and legal clinics.

Part Two: CEAPC Initiatives in the Police Complaints System

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 across the city 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 (SCCC) 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 and grassroots and advocacy groups.

The goal of the project was to increase community safety by enhancing the relationship between diverse communities and police in two main ways:

- Making the police complaints system more available and accessible to members of diverse communities and
- Creating opportunities for police and communities to come together, build trust and engage in dialogue.

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 in the police process. 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 police and with the justice system through the distribution of multilingual brochures about the complaints process and workshops and orientation sessions that brought together police and communities. Active participation by partners, including the Toronto Police Services, has been a key element in CEAPC's success and sustainability.

Although funding for the two year demonstration project ended in December 2006, CEAPC continues 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 CEAPC project demonstrated the efficacy of community-based complaint intake, which is particularly beneficial for those marginalized due to income level, race, culture, neighbourhood, literacy challenges, newcomer status and other factors. It also demonstrated that collaborative efforts between police and communities with a shared goal can build trust between the two groups and enhance community-police relations. The heightened stability that flows from this collaboration has social and economic implications for neighbourhoods and for cities.

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 Independent Police Review Director (IPRD) mandated under Bill 103. These findings were submitted to the Attorney General's office for its consideration in April 2007.

Part Three: A New Police Complaints System for Ontario

In 2007 the *Independent Police Review Act* was passed. Based largely on recommendations stemming from the LeSage report, the Act created an independent and transparent police complaints system which will be led by an Independent Police Review Director and a new civilian organization that will administer the system – the Office of the Independent Police Review Director (Ministry of Attorney General, 2006). Under the new system, the Office of the IPRD 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. Members of the public can still file directly with their local police service. This option differed from the old system where complaints had 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 system included procedures for filing third party complaints, formal powers of the IPRD to investigate systemic complaints, and the introduction of auditing and ongoing reporting procedures.

Part Four: The Bill 103-Summit and the Three Pillar Model

Ontario's police complaints process has favoured engagement and priorities of certain stakeholders over others at different historical moments. A transparent, accountable, accessible and fair police complaints system rests on three pillars: Government, Police and Community. An equitable relationship and ongoing dialogue between all three pillars is critical for developing and implementing legislation, regulations and measures to implement the new complaints system.

The Bill 103-Summit supports and enhances relationships around the new system between government, police and community. By bringing these three pillars together, the Bill 103 Summit served as a starting point to:

- Provide a venue for constructive dialogue and engagement between stakeholders from amongst the three pillars across the province;
- Ensure meaningful community participation from members of diverse communities, community-based organizations, police, and individuals/groups with expertise on issues related to police complaints;
- Generate recommendations which will assist in the development of a police complaints system that is more transparent, responsive supportive and accessible; and
- Create a model for equitable participation of government, community and police in creating an effective complaints system.

II Bill 103-SUMMIT

Part One: Summit Format

The Bill 103-Summit: Regulations that promote Transparency, Accessibility, Accountability, Public Support and Education within Ontario's New Police Complaints System was held in Toronto over a three day period from September 24-26, 2008. One hundred thirty four (134) individuals representing a wide spectrum of community organizations, police forces and government convened to:

- Review *Bill 103: An Act to establish an Independent Police Review Director* and create a new public complaints process by amending the *2007 Police Services Act*;
- Evaluate the process of reforming the police complaints system in Ontario (ultimately, through operative and reasonable policy, protocols and regulations); and
- Develop recommendations for taking action and moving forward.

Delegates were invited from amongst government, police and community: municipal and regional police forces from across Ontario, professional organizations, representatives from diverse community organizations from across the province, public interest groups, community members, youth and individuals who have gone through the complaints process., the Ministry of the Attorney General, the Office of the Independent Review Director (IPRD), Heritage Canada, the City of Toronto, the University of Toronto and York University.

Opening day presentations were made by the following speakers:

- David Miller, Mayor of the City of Toronto;
- Chris Bentley, Attorney General of Ontario; and
- Anita Balakrishna, Summit Steering Committee Chair.

These presentations were followed by panel discussions that were led by the following speakers:

- George H. Cowley, Director of Legal Services, Toronto Police Service;
- Dr. Margaret Beare, Head of the Department of Sociology, York University; and
- Marie Chen, senior lawyer with the African Canadian Legal Clinic.

The following individuals spoke at the opening day Summit Dinner:

- Gerry McNeilly, the newly appointed Independent Police Review Director of Ontario;
- Dr. Alok Mukherjee, Chair of the Toronto Police Services Board; and
- Dudley Laws, community activist.

Summit participants were divided into four working groups to explore the four Summit themes: Accessibility; Public Education & Support; Transparency; and Accountability. Working groups allowed for an in-depth exploration of each theme as it relates to the *Independent Police Review Act* and identification of recommendations for the development of its regulations. Assignment of delegates to specific working groups was aimed at achieving balanced representation of expertise, background and geographic regions. Delegates convened into working groups on the first day of the Summit to develop definitions and identify general principals and approaches around their respective themes, which were taken up during the day long working group sessions that were held on the second day. On the closing day, summaries of working group discussions were presented. Closing presentations were made by Barbara Hall, Chief Commissioner of the Ontario Human Rights Commission and Anita Balakrishna of the Summit Steering Committee.

Part Two: Youth Involvement

On Wednesday September 23, a youth workshop was held in order to prepare the Summit's youth delegates for their participation. Workshop facilitators from CEAPC partner Justice for Children and Youth, the Ontario Justice Education Network and the University of Toronto provided learning sessions and led discussions on topics that included the regulatory process in Ontario, the new police complaints system and police complaint systems as essential civilian oversight processes in democratic societies. This workshop was highly successful in preparing the youth both in terms of understanding the context and vocabulary of the Summit, building confidence and formulating their ideas for participation.

Part Three: Preparatory Information

Prior to the Summit, delegates received electronic packages which included details about the Summit activities, their participation at the Summit, a copy of the Bill and a series of background documents to prepare them for engaging in informed dialogue on the issues to be raised. These materials were also available through the Bill 103 website (www.bill103-summit.org), which also provided links to a range of additional information sources on the issue of police complaints.

Part Four: Wiki

The Summit Steering Committee established a Summit Wiki. Notes from the Summit working groups were posted on-line for access by "virtual delegates" who were able to post comments, questions, and edit text posted by others. Twenty four (24) individuals registered as virtual delegates through the WIKI. The Summit Wiki supported greater community engagement in the Summit-Bill 103, by allowing input from delegates unable to attend the Summit. It also allowed for content that was used to generally inform the final Summit report.

III Working Group Definitions & General Principles

Part One: Accessibility

Civilian oversight processes, such as police complaints systems, represent an important tenet of democratic societies. In considering issues of accessibility as both a process and a goal, delegates from the working group identified the removal of socio-economic, demographic and other barriers as a key guiding principal upon which an accessible police complaints system should be based. Accessibility was defined by the working group as a barrier free, equitable and fair process that achieves:

- Inclusivity;
- Support; and
- Ongoing communication and outcomes for all persons.

By fostering social and systemic changes, an accessible police complaints system should enable diverse communities to better access the system, particularly members of the community who may be marginalized due to race, language, disability, literacy, geography, non-status, criminal status, mental illness and sexual orientation. What must also be addressed are feelings of fear faced by members of the community in accessing the system, perhaps due to perceived power imbalances between the community and the police. Providing space for constructive dialogue between these two pillars will contribute to reducing negative feelings that may often serve as catalysts for complaints.

Police services have a vested interest in establishing an accessible system as a tool for building greater community trust and confidence in police officers and in the system. Complaints about the system provide information about or “early warning” of systemic problems, such as racism, that should be addressed through training and education of officers. Complaints, if noted in officers’ files, also provide record of an officer’s past conduct and patterns of behaviour, ensuring that informed decisions are made for promotion and other purposes.

Delegates identified the following broad approaches to and principles underlying accessibility as key issues for guiding working group discussions:

- Involve an active commitment to engaging in ongoing trust-building;
- Ensure that the needs of all individuals are met, particularly individuals from vulnerable and marginalized communities;
- Ensure that individuals are able to access a safe process that promotes empowerment, preserves dignity and integrity, and provides ongoing support.

Part Two: Public Education and Support

A police complaints system that provides public education and support for members of the community is premised on the principle that every individual in Ontario has a right to be informed about the *Independent Police Review Act* and be supported through open and equal access to its full application. Complainants should be provided with moral, financial and legal support and information, all of which may vary across regions.

Delegates pointed out that a police system whose goal is to provide public education and support is one that:

- Is part of a larger process of trust and relationship building between police and communities;
- Focuses on the rights and responsibilities of all parties;
- Constantly evolves and provides mechanisms that foster feedback and evaluation from its target audience;
- Is provided along a continuum, addressing the full range of barriers and challenges encountered by Ontario's most vulnerable communities;
- Operates from an anti-oppression framework;
- Must be delivered prior to, during and after the complaints process;
- Recognizes that, as part of the community, the police also need to be educated about the complaints system, its goals and the manner in which it works.

Public education is essential for building trust between the three pillars of community, police and government. Delegates expressed concern about a lack of community confidence in the current system and argued that this must be addressed through police efforts towards trust-building within the community. Delegates also recognized that community efforts to "humanize" the police require community members to move beyond negative perceptions and stereotypes they hold about the police that are influenced by negative media images. In addition, they pointed out that mutual understanding of respective roles and responsibilities on the part of both police and community will serve to foster legitimacy and community "buy into" the system and facilitate community access to the system.

Part Three: Accountability

Interrelated with the themes of accessibility and transparency, accountability provides measures to ensure that members of the community receive information about their rights within the complaints system. An accountable system is one that is "bottom up" and at "arms length" from the police. Clarity was identified as a critical guiding principal necessary for the development of an accountable system. The following issues were identified as important considerations for ensuring clarity:

- Deadlines;
- Organizational structure, including the independence of IPRD;
- Practice guidelines and policies;
- Roles and responsibilities of the police and complainants
- Expectations and consequences;
- Communication of information and reporting;
- Auditing and ongoing review processes in consultation with stakeholders.

An accountable system should foster trust by members of the community sufficient to encourage complainants to come forward and to proceed through the system. Complainants will be better able to manage expectations about the outcome of their complaint if they receive information about the rules guiding the complaints process, their rights and responsibilities under that process and the possible outcomes of their complaint *before* they enter the system. An accountable process includes ongoing and consistent review in consultation with stakeholders, to identify problematic patterns for which necessary remedial action can be taken to improve services.

Part Four: Transparency

A transparent police complaints system provides the community with information about how complaints are received, processed, registered and resolved. It allows police, government and community members to understand who is involved in investigating complaints and in disciplining misconduct. The old complaint system was perceived by the community as biased against complainants because it allowed police to protect fellow officers, resulting in mistrust of the police by the community. Delegates also commented that feelings of mistrust are also felt by the police towards the community.

Change and, consequently, greater trust will only be fostered if the realities of bias and an entrenched police culture are recognised, and if systemic issues faced by members of the community are addressed. Bill 103 should serve as a tool to address systemic issues and to enable the community to see change in a transparent way. A transparent system must strive to build trust that the system will work for and give a voice to all community members, regardless of race, socio-economic status, language and other social differences, reinforced through information about positive community policing initiatives, such as informal resolution processes.

Transparency is directly related to the level of trust that complainants have in the complaints system and to their level of satisfaction with the outcome of their complaint. In other words, the more transparent the process, the more likely complainants will hold realistic expectations about the outcome of their complaint and the less likely disappointing decisions will lead to loss of confidence in the system. A transparent complaints system is one that fosters a sense of ownership by allowing community members to access spaces for public engagement participate in decision-making processes and provide feedback on the outcomes of the process.

IV. Working Group Discussion and Recommendations

Part One: Public Education and Support

Public education and support for the community are fundamental to the success of the new police complaints system. Subsection 58(4) of the Act addresses public education and support in the following way:

The Independent Police Review Director shall provide publicly accessible information about the public complaints system under this Part and shall arrange for the provision of assistance to members of the public in making a complaint.

Public education raised much discussion amongst delegates. Touching upon policy and procedural concerns, discussion focused on the nature of information that should be communicated, how and to whom information should be communicated and by whom it should be delivered. Some delegates expressed concern that subsection 58(4) does not clearly identify the IPRD's obligations in providing support, including the types of "assistance" that will be provided, where it can be obtained and how it will be provided.

Nature of Public Education and Support

Public education materials, as well as the complaint form itself, should be vetted by all three pillars – government, police and community. It was repeatedly stressed by delegates that greater access to the complaints process will be fostered if public education is communicated in language that is simple and free of legal jargon. It should be situated in an anti-oppression framework designed for the most vulnerable and marginalized individuals and should provide information for those involved in the process, as well for those who are not involved.

Numerous barriers often prevent members of marginalized communities from accessing the complaints system. Marginalized communities include individuals with literacy problems who require information about the system or need other individuals to file complaints on their behalf; disabled persons who require access to the office of the IPRD through mobile units, support processes and legal guardians; and individuals with criminal records, or who are in the criminal system, and may fear accessing the complaints system. The IPRD must ensure that information about the complaints system, including policies and procedures for filing complaints, reflects the priorities and experiences of marginalized communities

It is essential that public education is grounded in the three pillars of government, police and community. Public education should communicate information about how and why the new system can make a difference and outline the transition from and differences between the old and new systems. It should provide information on outcomes, the circumstances under which

complaints can be launched, the availability of different options and venues for filing complaints (e.g. post, fax or email), including third party complaints, the parties responsible for delivering the process, what documentation complainants are required to both provide and keep as the process unfolds, timelines, possible outcomes, support mechanisms available throughout the process (including language translation and interpretation services), the consequences of intentionally filing false complaints, including penalties, and the limits on confidentiality of complainant files.

The nature of interaction of the police complaints system with other processes- pending criminal charges, civil suits, and human rights complaints- is an important issue that delegates felt should be clarified by the IPRD. Complainants should be aware of whether and how filing complaints will affect their criminal cases. They should also be made aware of the consequences for filing illegitimate complaints.

When Education and Support Should Be Provided

Public education should be provided at all stages of the complaint process to better foster a system that is perceived as transparent and accountable to the parties involved and as one that will protect vulnerable groups. It is essential that community members understand exactly where their files are at any given point in time (or who has them), where files end up once the process is over and who has access to files and at what point in time. Record keeping procedures should protect vulnerable groups throughout the process by ensuring privacy and confidentiality. Complainants should be responsible for maintaining contact with Complaints Investigators throughout the process and informing them about changes in status and contact information.

An approach that recognizes and capitalizes on what are, in education and parenting, known as "teachable moments" is required, which targets points in time when people are receptive to learning and when acquiring knowledge has the greatest impact. For example, when complainants are informed that their complaints will be investigated, information about the investigative process and about informal resolution processes would be directly relevant.

Support must be provided to complainants on an ongoing basis and personalized with the goal of fostering a system that humanizes the process for them and instils feelings in that they are not just "numbers" in the system. A case management approach that incorporates education and referrals is an effective means of providing support. Models for this approach exist in other sectors, for example, those set out by victim services, patient navigators in hospitals and advocates in legal clinics.

The office of the IPRD should identify the type of support needed by complainants through an evaluation process that collects feedback from complainants in order to assess their level of satisfaction with the system. Delegates stressed how important these types of evaluations are for ensuring that the complaints system continues to evolve.

It was recognized that it is not realistic, feasible or even desirable for the office of the IPRD to provide the full range of support that some complainants may require. Further discussion is needed to determine the appropriate sources, different types of support and the connection that they might have with the office of the IPRD, with broad agreement that the majority of support mechanisms should be grounded in the community, with adequate referral relationships and protocols.

Public Education and Support for the Community

Public education and support must be provided to diverse community members across Ontario. However, given that the new complaints system is based on the three pillars of government, police and community, synergy is required to ensure that each pillar receives the appropriate education from the other pillars: the government should provide education to the community, but the community can also educate the government about the barriers they face accessing the complaints system. Delegates felt that it is important that police officers, particularly new recruits, undergo ongoing training for dealing with diverse communities early in their training or career trajectory. Barriers that currently exist between the police and marginalized communities can be reduced if both pillars jointly participate in workshops and other public education activities.

Delegates made special mention of new arrivals to Canada as one sector of the community requiring attention, suggesting that education be provided to them along with the information that they typically receive as newcomers. Research should be conducted to identify the most effective use of educational and training resources.

Providers of Public Education and Support

Although the three pillars of government, police and community are all essential for providing public education and support, it is important that the office of the IPRD play a coordinating role, particularly in establishing procedural rules for handling complaints, such as those that are handled by the police. The presence of community-liaison staff from the office of the IPRD could improve trust and confidence in the system. A collaborative relationship should be developed between the government and interested organizations to provide public education and support.

In turn, organizations that provide community-based education and support must be formally linked to the pillars of government and police to increase legitimacy and create a cohesive system. The involvement of communities is critical in ensuring that information reaches diverse and specific communities in culturally, linguistically and otherwise sensitive and relevant ways.

Delivery of Public Education and Support

Public education should be disseminated using a wide variety of communication channels and tools, such as workshops and public education campaigns, and should effectively utilize new technologies and various media formats, including print and on-line sources, 1-800 numbers, virtual offices and television. Ongoing evaluations must be conducted to measure the efficacy of such processes.

Given the challenges that diverse communities experience accessing information, it is important that information on the complaints system be disseminated and communicated in ways that reflect the experiences, priorities, needs and learning styles of the target population or group. Some of the issues that need to be considered when selecting appropriate communication tools include residence in urban, sub-urban, rural and remote communities in the GTA communities across Ontario; language and literacy needs and physical barriers accessing communication channels.

The issue of language was identified as one of the major barriers complainants experience in accessing the system. At present, there is no requirement that information about the system be provided in languages other than French and English. However, there was consensus amongst delegates that this requirement must be revised to include a wider array of languages and that complainants should be allowed to make complaints in the language of their choice. Interpretation and translation services should be provided upon request to the widest extent possible at all stages of the process.

The lack of professional qualifications of many translators and interpreters was perceived as problematic by delegates, particularly the lack of technical skills and specific knowledge about the complaints system. As the cost of providing language services may be onerous on community organizations, the office of the IPRD should develop and maintain a network of trained and skilled translators and interpreters who are available to assist at any stage of the process via phone, video-conferencing and through other technologies. In addition, professional court-appointed interpreters should be provided for court hearings. Support, financial and other, must also be provided to community groups to ensure they have the capacity to work with these networks and that they can provide the necessary material in languages and formats appropriate for the community catchment area.

Public education activities should build on existing networks, systems, infrastructure and assets, such as community networks, legal clinics, schools, former complainants, media (e.g. newcomer publications), centralized information services (e.g. 211 Toronto) and Service Canada. For example, information on public education could be included as inserts with driver's license renewal correspondence and be delivered in partnership with regional Advisory Committees and community reference groups.

Despite lack of clarification under the Act with respect to how the office of the IPRD will provide support to complainants in filing complaints, delegates agreed that any support must be available along a continuum (before, during and after the complaints process) in order to reflect and respond to the full experiences of complainants. Logistical and administrative support must be provided, including support in filling out forms, alongside access to moral support and legal advice. The process of filling out forms was an important problem raised by delegates. The office of the IPRD must provide information and the necessary tools (e.g. checklists) to prompt complainants to provide the right type and level of information. Additional types of support include counselling and financial support, which could be these be provided by the office of the IPRD through sub-contracts.

Public education about the complaints system should be integrated into programs and initiatives delivered through other systems, for example, immigrant services and schools. While the mandate of the IPRD does not extend to these systems, efforts should be made to tie into them where possible, for example, by developing educational tools that are directly relevant to Ontario's secondary school curriculum or government settlement service objectives.

Recommendation 1

- Section 58(4) must clearly identify the types of “assistance” that will be provided by the IPRO, who will provide it, where it can be obtained, how it will be carried out and what will be the IPRD’s obligations in this respect.

Recommendation 2

Public education must be communicated in language that is simple and free of legal jargon, situated in an anti-oppression framework and should provide information on:

- Rights and responsibilities of all parties involved;
- Differences between the old and new systems;
- How the new system can make a difference;
- Complaint procedures, including how to contact the IPRO and others for information and support; the circumstances under which informal resolution can be accessed; the review and appeals process; freedom to opt out of a complaint at any stage in the process;
- Interaction of the police complaints system with other processes; and
- Consequences of filing complaints, including penalties e.g. filing false complaints.

Recommendation 3

Public education should be provided to the government, the police, and to the community. It should be communicated jointly by the three pillars through IPRO partnerships with diverse and marginalized community groups, including newcomers using:

- Clear and culturally and linguistically appropriate language;
- A wide variety of communication channels and tools to ensure multiple access points; and
- Community-liaison staff from the office of the IPRD to improve trust and confidence in the system.

Recommendation 4

The IPRD must do the following to eliminate language barriers:

- Ensure that information on the complaints process is provided in the language of the complainant's choice;
- Develop networks of translators and interpreters, including court appointed ones, in collaboration with community organizations, using technologies to provide interpretation and translation services at every stage of the complaints process; and
- Ensure that translators and interpreters are professionally trained, knowledgeable and sensitive about the issues facing the community.

Recommendation 5

- The office of the IPRD should ensure that support is available at all stages of the process, utilizing case management approaches, with opportunities for feedback and evaluation by complainants.

Part Two: Community Concerns

Several sections of the Act were identified by delegates as important for addressing community concerns about access to the complaints system, its accountability to the community pillar and how transparency will be established within it.

Fear and Intimidation

Delegates raised concerns about community perceptions around safety with respect to accessing the complaints system and proceeding through with complaints.

Subsection 79(1) provides:

No person shall harass, coerce or intimidate, or attempt to harass, coerce or intimidate, any other person in relation to a complaint that is made under this part.

Subsection 79(3):

A person who contravenes subsection (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$ 2,000 or to imprisonment for a term of not more than one year, or to both.

Fear of reprisals and feelings of intimidation about accessing an overly bureaucratic and complex process represent significant barriers to community involvement in the complaints process. In particular, fear of retribution by police is a reality and needs to be more fully addressed. It is essential that complainants feel safe throughout the complaints system.

Fear and intimidation are significant issues for groups most likely to have contact with police, including sex-workers, youth, First Nations and racialized communities, low income and poor communities, “street people” and homeless individuals, persons with disabilities, and individuals suffering from mental health problems. Understandably, fear of reprisals as a result of launching a complaint is a particularly significant issue for those who may be without legal status to reside in Canada, many of whom may have had negative experiences with the police in their home countries. Delegates discussed the feasibility of implementing a “don’t ask, don’t tell” policy to protect these individuals from being reported to authorities when they file complaints.

Recommendation 6

The IPRD must acknowledge and address fears the concern of diverse community members around safety and reprisals and:

- Ensure that measures are in place to ensure safety and protection for complainants, such as those provided under section 79(1); and
- Protect those who are not legal residents so that complaints do not trigger enforcement proceedings such as detention and/or removal.

Confidentiality

Ensuring confidentiality in the complaints process is essential for fostering trust and confidence in the police complaints system and, consequently has a direct effect on the willingness of the community to use the system, particularly for individuals without legal residence in Canada. Subsection 26.1 (9) and section 95 promote greater access to and transparency in the system and serve to ensure that communication is provided to complainants on an on-going basis.

Subsection 26.1(9):

The Independent Police Review Director, any employee in the office of the Independent Police Review Director, any investigator appointed under subsection 26.5(1) and any person exercising powers or performing duties at the direction of the Independent Police Review Director shall preserve secrecy in respect of all information obtained in the course of his or her duties under this Act and shall not communicate any such information to any person except.”

- (a) as may be required in connection with the administration of this Act and the regulations;*
- (b) to his or her counsel;*
- (c) as may be required for law enforcement purposes, or*
- (d) with the consent of the person, if any, to whom the information relates*

Section 95:

Every person engaged in the administration of this Part shall preserve secrecy with respect to all information obtained in the course of his or her duties under this Part and shall not communicate such information to any other person except:

- (b) as may be required in connection with the administration of this Act and the regulations;*
- (b) to his or her counsel;*
- (c) as may be required for law enforcement purposes, or*
- (d) with the consent of the person, if any, to whom the information relates*

Delegates agreed that persons who do not have legal residence status should have rights to confidentiality. There should be no obligation on the part of the IPRO to report these individuals to immigration officials in the event that they decide to file complaints. However, if such assurances are not possible, persons without legal residence status must be provided with information about the consequences with immigration officials that may result from filing complaints.

Recommendation 7

Ensuring confidentiality requires that the IPRD do the following:

- Clarify the consequences under subsection 26.1 (9) and section 95 for persons without legal residence status.

Third Parties Rights to Make Complaints

Subsections 58(1) and 60(6) address third party complaints and provide the IPRD with discretionary power to refuse to deal with a complaints made by third parties:

Subsection 58(1) provides:

Any member of the public may make a complaint under this Part to the Independent Police Review Director about,

(a) the policies of or services provided by a police force; or

(b) the conduct of a police officer.

Subsection 60 (6) provides:

The Independent Police Review Director may decide not to deal with a complaint made by a member of the public about the conduct of a police officer if the complainant is not one of the following:

- 1. A person at whom the conduct was directed.*
- 2. A person who saw or heard the conduct or its effects as a result of being physically present at the time and place that the conduct or its effects occurred.*
- 3. A person who,*
 - i. was in a personal relationship with a person described in paragraph 1 at the time that the conduct occurred, and*
 - ii. suffered loss, damage, distress, danger or inconvenience as a result of the conduct.*
- 4. A person who has knowledge of the conduct, or has in his or her possession or under his or her control anything relating to the conduct, if, in the Independent Police Review Director's opinion, the knowledge or thing constitutes compelling evidence that the conduct complained of is misconduct as defined in section 80 or unsatisfactory work performance and the evidence would likely be admissible in a court proceeding.*

Delegates suggested that the term “personal relationship” should be more clearly defined and that the office of the IPRD should establish a glossary of terms that describe the criteria under which third party complaints are permitted. They also argued that subsection 60 (6) should not override subsection 58 (1) with respect to the IPRD’s discretionary power to reject complaints

There was also discussion about rights of disclosure under third party mechanisms. Some delegates suggested that persons who are the subjects of complaints should receive notification that a complaint is being made on their behalf by a third party. They should be given a choice as to whether or not they wish to proceed with the complaint. Delegates pointed out that that rights of disclosure for third parties raise concerns around privacy issues, resulting in limits placed on the type of information to which third parties have access. Guidelines should detail the information that third parties have access to and the criteria under which third parties can proceed with complaints in situations where persons who are subjects of complaints have not given consent to having their complaint proceed through the system.

Recommendation 8

The IPRD must do the following to clarify third party rights:

- Define the scope of third party rights and outline the criteria under which third party complaints are permitted under 58(1) and 60(6) e.g. clarify if and how a third party can proceed with a complaint without consent of the principal, limits on privacy rights for individuals directly involved in the complaint, including rights of disclosure and notification; and
- Define “personal relationship” under 60(6).

The Role of Agents

Subsection 58(3) provides:

A complainant under subsection (1) may act through an agent in respect of a complaint made under this Part.

Delegates agreed that agents, such as community organizations, are critical in creating a safe environment for complainants. Community organizations provide assistance to complainants who require support and information but who are unable to easily access the system, such as individuals suffering from mental health problems, literacy issues and other barriers. Active involvement by the community as agents will facilitate and legitimize the inclusion of community pillar in the complaints system.

The office of the IPRD should provide education and support (including financial support) to community members to ensure that they are fully informed of their right to receive assistance

from agents and are able to do so. Widely available access points must be utilized as forums for public education, including schools, libraries, community groups, religious groups and health service providers. Additionally, training and funding support for community groups are needed to ensure that they have the capacity for full involvement in a sustainable manner and that outreach programs provided are consistent across organizations and of the highest quality.

Some delegates expressed concern over the integrity of complaints that are launched by agents, such as community organizations, on behalf of individual complainants. Specifically, there were concerns about the extent to which the complainants' grievances would be accurately reflected in complaints launched by agents on the complainant's behalf. Delegates suggested that this issue should be addressed through guidelines that specify the type of assistance that may be provided by agents to complainants in community settings.

Recommendation 9

The office of the IPRD must do the following to ensure that community organizations provide support to the community:

- Develop guidelines on the types of assistance that the community pillar and agents can provide to the complainant;
- Provide widely available information access points (schools; libraries; community groups; religious groups; doctors etc.) to ensure that community members are fully informed of their right to receive assistance from agents; and
- Provide financial support and training to community organizations to ensure their active involvement as agents in the process and to maintain consistency and quality.

Legal Advice and Support

Subsection 83 (4) provides:

The parties to the hearing shall be given reasonable notice of the hearing and each party may be represented by counsel or an agent.

The complaints system is one that is both complex and legalistic and those involved in the system will likely require some form of legal advice and support to ensure that they are able to navigate through it. Police have access to legal advice and support. However, as noted by delegates, the Act does not guarantee legal advice and support for complainants, despite the fact that such advice and support are critical for ensuring a more balanced relationship between the police and community pillars. Delegates agreed that at the very least, complainants must be informed of their options for legal advice and support.

Delegates debated whether legal advice and support can be provided under Ontario's legal aid system, given that legal aid certificates are not currently available for police complaints. Despite the fact that legal aid support would improve complainant access to the police complaints system, delegates doubted that it could be extended to the police complaints system as it is currently established. The issue of a properly funded legal aid system is a broader systemic one that delegates agreed went beyond the scope of the Bill 103- Summit.

Delegates did suggest that the Human Rights Legal Support Centre could serve as a model for legal representation. It provides human rights legal services to individuals in Ontario, ranging from assistance with filing an application at the Ontario Human Rights Tribunal to legal representation on human rights applications. It was also suggested that the IPRD could make staff available (e.g. lawyers and paralegals) who would provide general legal information, rather than legal advice, to complainants about the complaints system. Staff could also be available to attend hearings. Additional sources of support to complainants should involve cooperation between the office of the IPRD and other institutions, such as referrals to community legal clinics and pro bono clinics. Delegates that studies should be undertaken in order to provide information on complainant access to legal representation.

Recommendation 10

The office of the IPRD must do the following to ensure that community members receive legal advice and support:

- Provide greater and improved access to legal advice and support for complainants, including referrals to community legal clinics and to pro bono clinics; and
- Provide staff to dispense general legal information about the complaints system and to attend hearings.

Informal Resolution Processes

Delegates welcomed mechanisms, such as informal resolution procedures, provided under subsection 66(4) that they facilitate greater communication and contact between the police and community pillars:

Subsection 66 (4):

If at the conclusion of the investigation and on review of the written report submitted to him or her, the chief of police is of the opinion that there was misconduct or unsatisfactory work performance but that it was not of a serious nature, the chief of

police may resolve the matter informally without holding a hearing, if the police officer and the complainant consent to the proposed resolution.

Subsection 66(8):

A police officer or a complainant who consents to a proposed resolution under subsection (4) may revoke the consent by notifying the chief of police in writing of the revocation no later than 12 business days after the day on which the consent is given.

Informal resolution processes are important avenues for community members to obtain apologies from the police, particularly written apologies. Given the negative perceptions that community members hold about how police are disciplined within the process, apologies may serve as a type of “closure”, important for addressing feelings of anger and frustration by community members as a result of their experience with the police.

The IPRD must also establish clear guidelines for community participation in the informal resolution processes. Processes established must be sufficiently broad and flexible to allow complainants to actively participate at every stage of the process. In addition, it is essential that informal resolution processes be held in environments and at locations where complaints can feel safe and welcome.

There are two access points for engaging in informal resolutions: 1) prior to an investigation, when an individual makes a complaint to the police and receives an immediate response and 2) after an investigation has been conducted. It is important that community members not feel intimidated by the multiple stages of the process and that the IPRD clearly outline the process for filing and resolving complaints, as well as the relationship between access and outcomes.

Some delegates suggested that informal resolution process should be recorded through written reports. At the very least, *general* data from this process could serve the IPRD in identifying the types of incidents that lead to informal resolution processes and the outcomes of informal resolutions processes, thus improving transparency and accountability

Recommendation 11

The IPRD must do the following to ensure that the informal resolution process is accessible and transparent for the community:

- Ensure flexible informal resolution processes that accommodate individual needs and preferences (e.g. locations); and
- Establish guidelines around the use of written records of informal resolution processes.

Anonymous Complaints

Although unclear as to whether anonymous complaints are permitted under the new complaints system, the topic elicited much discussion. Some delegates supported a process that would allow for anonymous complaints as an avenue through which community members could raise concerns about problems with the police within their own communities, without having to partake in the complaints process. Complainants who wish to make anonymous complaints should be given the option of accessing a variety of avenues, including tip-lines, call centres, the Internet, the media, third parties, and referrals from the office of the IPRD.

However, other delegates argued that transparency for all parties would be compromised if anonymous complaints were allowed. At the very least, complainants should be informed about circumstances where maintaining anonymity may not be feasible.

The IPRD should provide clarification on whether anonymous complaints are permitted, and if so, whether there are safeguards that will balance concerns about transparency with those about privacy. Other information that delegates suggested should be provided by the IPRD include: tracking and follow up on anonymous complaints; the feasibility of including anonymous complaints in annual reports; and the process within the IPRD for handling formal complaints launched by police officers against other officers.

Recommendation 12

The IPRD should:

- Provide clarification on the process for handling anonymous complaints both for the public and for officers;
- Provide complainants with various avenues through which they can make anonymous complaints, balancing transparency in the system with privacy concerns; and
- Provide details about how anonymous complaints will be tracked and included in annual reports.

Part Three: Roles and Organizational Structures

Accessible Rules and Guidelines

The following subsections determine the manner in which complaints are handled by the IPRD:

Subsection 56 (1) provides:

For the purpose of this Part, the Independent Police Review Director may,

- (a) establish procedural rules for anything related to the powers, duties or functions of the Independent Police Review Director under this Part;*
- (b) establish procedural rules and guidelines for the handling by chiefs of police and boards of complaints made by members of the public under this Part; and*
- (c) provide guidance to assist chiefs of police and boards in the handling of complaints made by members of the public under this Part,*

Subsection 56(2) provides:

Procedural rules established by the Independent Police Review Director under clause (1) (a) shall be in writing and shall be made available to the public in a readily accessible manner.

Recommendation 13

- The IPRD should devise regulations that are accessible to a large a segment of the community as possible.

Immunity Powers

Subsection 26.1 (10) provides:

The Independent Police Review Director, an employee in the office of the Independent Police Review Director, an investigator appointed under subsection 26.5 (1) or a person exercising powers or performing duties at the direction of the Independent Police Review Director shall not be required to give testimony in a civil proceeding with regard to information obtained in the course of his or her duties, except at a hearing held under Part V.

Subsection 26.1 (12) provides:

No action or other proceeding for damages lies or shall be instituted against the Independent Police Review Director, an employee in the office of the Independent Police Review Director, an investigator appointed under subsection 26.5(1) or a person exercising powers or performing duties at the direction of the Independent Police Review Director, for any act done in good faith in the execution or intended execution of any power or the performance or intended performance of any duty under this Act or for any alleged neglect or default in the execution or performance in good faith of that power or duty.

Immunity from action or proceedings for the IPRD, for staff from the IPRD and for investigators accord them with powers that are perceived by delegates to be far-reaching and extensive, raising concerns about oversight or accountability in the system. The IPRD must provide further information on the nature of immunity provided, and accountability procedures to balance such powers, particularly as it relates to investigators e.g. whether they will be held accountable under the criminal code. Terminology, such as “actions made in good-faith” must be clarified and there must also be clarification about for investigators.

Concerns about the extent of powers accorded under the immunity provisions could be eased if the community is assured that staff and investigators are both skilled and highly trained based on recruitment standards and training processes. The office of the IPRD must outline recruitment and training criteria and make them fully accessible to the community.

There was also concern that the immunity accorded to staff will lead to a failure to reprimand behavioural misconduct. It is important to establish clear mechanisms and procedures, including reprimand procedures, for addressing gross misconduct and negligence in the performance of duties. Delegates agreed that confidence in the system will be improved if staff members are held accountable to clear codes of conduct.

Recommendation 14

The IPRD must do the following to ensure that the community perceives the staff from the office of the IPRD as accountable and competent:

- Clarify the term “in-good-faith” under section 26.1 (12);
- Establish codes of conduct and accountability mechanisms, including gross negligence standards and reprimand procedures; and
- Outline and make public recruitment and training processes for staff.

IPRD’s Discretionary Power to Refuse Complaints

60(1):

The Independent Police Review Director may, in accordance with this section, decide not to deal with a complaint made to him or her by a member of the public under this Part.

60(2)

The Independent Police Review Director may decide not to deal with a complaint made by a member of the public if the complaint is made more than six months after the facts on which it is based occurred.

60(4)

The Independent Police Review Director may decide not to deal with a complaint made by a member of the public if, in his or her opinion, one of the following applies:

- 1. The complaint is frivolous or vexatious or made in bad faith.*
- 2. The complaint could be more appropriately dealt with, in whole or in part, under another Act, or other law*
- 3. Having regard to all the circumstances, dealing with the complaint is not in the public interest.*

These subsections generated considerable discussion amongst delegates. The IPRD's discretionary powers under these subsections was a major concern. There was consensus that terms such as "frivolous" "vexatious" and "not in the public interest" are counterintuitive to fostering community trust. The concept of "public interest" was not well understood by many delegates and prompted much discussion, with concerns expressed that this may serve as a convenient way for the system to avoid addressing complaints.

Recommendation 15

The IPRD must do the following to exercise its discretionary power in refusing to deal with a complaint:

- Specify the types of complaints that the IPRD can refuse to deal with, including those considered to be "frivolous" "vexatious" and "not in the public interest".

Regional Offices

Subsection 26.1(7) provides:

The Independent Police Review Director may establish regional offices, and anything that is given to the Independent Police Review Director under this Act may be given at one of the regional offices.

Delegates agreed that measures must be established to ensure equitable access to the complaints system for urban, sub-urban, rural and remote populations across Ontario. While it is important that consistent messages be communicated across the province, public education approaches that target the specific experiences and priorities of communities through the use of available demographic information may be even more effective in ensuring access as they encourage public participation and ownership.

The office of the IPRD must ensure strategic considerations in establishing offices responsible for addressing regional needs and providing information, education and other services to the community. Since it may not be possible to establish regional offices in all localities, the office

of the IPRD should utilize existing resources within various organizations and ensure that trained staff members within these organizations are available to assist with intake duties. It was suggested that regional advisory committees could provide support for and input into the system.

Regional bodies must ensure the greatest access possible by ensuring that their operations are sufficiently flexible and amenable to the priorities and needs of community members. Some ways in which access can be increased include extending operating hours beyond standard working hours and using alternative technologies, such as video-conferencing and 1-800 numbers. In addition, communication and outreach tools must be disseminated as widely as possible.

Recommendation 16

The IPRD must do the following to ensure community access and regional input:

- Develop flexible and targeted strategic methods to ensure wide accessibility to the complaints system for communities across all regions in Ontario;
- Establish regional advisory committees to support all aspects of the system's implementation and to provide ongoing input into system

IPRD Appointment and IPRO Staffing

Concerns were raised about the appointment procedures for the IPRD and staffing of the office of the IPRD.

Subsection 26.1(1) provides:

There shall be an Independent Police Review Director, who shall be appointed by the Lieutenant Governor in Council, on the recommendation of the Attorney General

Subsection 26.1(2) provides:

A person who is a police officer or former police officer shall not be appointed as Independent Police Review Director.

26.1 (5)

A person who is a police officer shall not be appointed as an employee in the office of the Independent Police Review Director.

It is important that clear regulations are established about the roles and responsibilities of IPRO staff, given its critical role in the success of the process, for example in intake of complaints, a stage that sets the tone of the complaints system. The powers of immunity accorded to staff in the performance of their duties, under the immunity provisions (particularly with respect to “in

good faith”) provide the IPRD with wide discretionary powers that, as argued elsewhere in this report, necessitates counterbalance measures to ensure accountability in the system, such as assurances that staff meet the highest level of recruitment and training standards. It was noted by delegates that while those who are currently police officers cannot work for the office of the IPRD, retired officers may do so

The IPRD’s ability to operate independently within the complaints system elicited much discussion amongst delegates, particularly given the government pillar’s involvement in funding the office of the IPRD, the IPRD’s accountability to the Attorney General and the role of the government pillar in providing legislative and administrative functions. The independence of the IPRD is crucial to ensure accountability in the system. Some delegates argued that assurance of a fixed term for the IPRD would better insulate IPRD appointments from partisan politics and arbitrary removal by succeeding governments. However, other delegates argued that term contracts for the IPRD were unnecessary. The regulations should clarify the issues of term contracts.

Annual performance audits should be conducted to assess the IPRD’s performance with respect to the pillars of government, police and community. Audits should be submitted to the Legislature and the Attorney General, and read before the Legislative Assembly, but, again, such procedures must be clarified.

Recommendation 17

Guidelines on IPRD appointment and staffing should outline the following:

- Length of service term for the IPRD;
- Terms of reference and accountability performance measures for the IPRD and staff from the office of the IPRD with respect to the system’s stakeholders (community, government and police); and
- Procedures for submitting audit reports to the Legislature and the Attorney General.

Funding the Police Complaints System

Of major concern for delegates in all working groups was the issue of how the complaints system will be funded. A properly funded complaints system is essential for ensuring transparency and accessibility in the system and in ensuring delivery of public education and support. Funding must be both adequate and sustainable.

Funding procedures and entitlements have a direct impact on the roles played by the pillars of government, police and community in the system and how effectively they are able to fulfill their roles. The office of the IPRD must be adequately funded to ensure its independence. As the pillar with the greatest amount of resources, it was felt by delegates that the government must take the

lead role in developing communication tools and public education to increase access to the system. Funding for the community pillar must be adequate and sustainable to ensure that the community pillar is actively involved in the system and has the requisite capacity and resources to provide public education and support.

The regulations should address both current and future funding requirements, including information on who will be responsible for funding processes. It is important that information on spending be transparent.

Recommendation 18

The government must do the following to ensure sustainable and adequate funding:

- Provide details on funding mechanisms and requirements;
- Ensure adequate funding for the IPRO to ensure its independence; and
- Ensure adequate and sustainable funding to enable the community to provide public education and support.

Part Four: Review and Investigation of Complaints

Notice

Notice provisions are provided under several subsections of the Act. Delegates highlighted provisions regarding complaints about municipal force policies:

Subsection 61(2):

A complaint about the policies of or services provided by a municipal police force shall be referred by the Independent Police Review Director to the municipal chief of police and dealt with under section 63.

Subsection 63(1):

The chief of police shall review every complaint that is referred to him or her by the Independent Police Review Director under subsection 61(2) and shall take any actions, or no action, in response to the complaint as he or she considers appropriate

Subsection 63(2):

The chief of police shall, within 60 days of the referral of the complaint to him or her, notify the complainant in writing of his or her disposition of the complaint, with reasons, and of the complainant's right to request that the board review the complaint if the complainant is not satisfied with the disposition.

Subsection 63(5):

A complainant may, within 30 days after receiving the notice under subsection (2), request that the board review the complaint by serving a written request to that effect on the board.

Mechanisms must be established to facilitate disclosure to the complainant throughout the investigation process and to ensure that both the police officer and the complainant are kept informed. Complainants must be aware of their right to request that the board review their complaints if they don't agree with the chief's disposition. This requirement should be provided along with appropriate public education and support.

The above provisions underscore concerns expressed by delegates that IPRD decisions with regards to referrals to the police may be entirely dependent upon resources available to the office of the IPRD. There is a risk that the IPRD will not have the capacity to deal with individual complaints and may refer them if there aren't sufficient resources in place to fund the office. This matter again raises concerns about funding.

Recommendation 19

- Requirements for notice must be situated in a framework that ensures regular disclosure throughout the investigation process as well as appropriate public education and support.

Subsection 96 (1) provides for various ways to provide notice, referral, request or other documents to a complainant:

Where a notice, referral, request or other document is required to be given to or served on a person or body under this Part, it may be given or served personally, by mail, by fax or other electronic transmission, or by some other method that allows proof of receipt.

Recommendation 20

- Complainants should have access to complaints through a variety of avenues that are appropriate to meet the needs of community members, including members that face barriers to accessing the system.

Access to Written Reports

Several provisions ensure that all parties in the complaints system have access to written reports:

Subsection 66(1) provides:

The chief of police shall cause every complaint referred to him or her by the Independent Police Review Director under clause 61(5) (a) to be investigated and the investigation to be reported on in a written report.

Subsection 66(2) provides:

If at the conclusion of the investigation and on review of the written report submitted to him or her the chief of police is of the opinion that the complaint is unsubstantiated, the chief of police shall take no action in response to the complaint and shall notify the complainant, the police officer who is the subject of the complaint and the Independent Police Review Director, in writing, together with a copy of the written report, of the decision and of the complainant's right under 71(1) to ask the Independent Police Review Director to review the decision within 30 days of receiving the notice.

Section 67(1) refers to complaints about a police officer's conduct referred by the IPRD for investigation by another police force:

The chief of police shall cause every complaint referred to him or her by the Independent Police Review Director under clause 61(5) (b) to be investigated and the investigation to be reported on in a written report

Under these subsections, the chief of police must report back to the complainant in cases where an unsubstantiated complaint has been made. Delegates noted that there is no requirement for the chief of police to provide written reports in cases where a substantiated complaint has been made and where the matter proceeds to informal resolution or investigation. Accountability measures should require that written reports be submitted to all parties involved, regardless of the outcome of the complaint.

Recommendation 21

The IPRD must do the following to ensure that all parties have access to the complaint report:

- Provide clarification on access procedures under sections 66 and 67 with respect to written reports for substantiated complaints

Part Five: Feedback and Oversight Processes: Reporting, Audits and Systemic Issues

Annual Reports

Section 26.1(8):

After the end of each year, the Independent Police Review Director shall file with the Attorney General an annual report on the affairs of the office of the Independent Police Review Director, and shall make the report available to the public.

Annual reports are critical mechanisms for fostering accessibility, accountability and transparency of the police complaints system. However, clarity is needed on the type of information that the IPRD will present in reports. Delegates suggested a variety of information that should be included, such as analysis of trends, future initiatives to improve the system, dispositions and outcomes of complaints and budget and spending information. Some delegates suggested that reports must capture all complaints that are submitted rather than just those that are resolved.

Much discussion focused on whether statistical information should be presented in annual reports. Some delegates feared that reporting of statistics could have a damaging effect on the reputation of police forces. Other delegates argued that it is important to present statistical data, but that it is essential that they are presented in a responsible manner with qualifiers explaining the context and the nature of the information presented, taking into account any negative impact on perceptions about the system, due to misinterpretations or misunderstandings. For example, rather than being regarded as a failure of the system, an increase in the number of complaints against the police may be viewed as a positive trend development and indicate increased efficacy of the system as a result of greater accessibility and decreased fear felt by community members in making complaints. Public announcements made upon the release of annual reports should provide contextual background information and community groups have an essential role to play in disseminating information contained in annual reports and in ensuring that their contents are not misconstrued.

There was also much debate about collecting race statistics, with some delegates arguing that this information could be used to identify systemic issues which must be addressed, ultimately resulting in improvements to the system. On the other side of the debate were delegates who argued that race statistics will not have a positive impact on the outcome of complaints, since race may not have played any role in cases that led to the filing of a complaint. The question of race-based statistics is a contentious one and requires additional consultation and analysis. As such, delegates failed to reach a consensus on this issue.

Annual reports should be written in simple language and should be disseminated to the public through a wide variety of channels, including electronic resources, and with wide media coverage and should be presented as tools for further improvement of the system. They should be released by the IPRD through joint public campaign sessions with the police and community pillars, specifically involving communities that may be impacted by the report. They should be submitted to the Legislature and/or appropriate Committee, in addition to the Attorney General.

Recommendation 22

In order to ensure that annual reports foster accountability and transparency and serve as tools for further improvement of the system, the IPRD must ensure the following:

- Annual reports should be widely disseminated through a wide variety of communication channels;
- Reports should be presented through joint public relations sessions involving the government, police and community pillars;
- Community groups have a role to play in providing context for information contained in annual reports in order to ensure that their contents are not misconstrued; and
- Annual reports should be submitted to the Legislature and/or appropriate Committee, in addition to the Attorney General.

Audits

Section 91(1):

The Independent Police Review Director may, at any time, require that a board submit to him or her a performance audit, conducted by an independent auditor at the board's expense, of the board's administration of complaints made under this Part by members of the public.

Annual audits were generally welcomed by delegates as important tools for assessing the IPRD's performance within various regions and within different communities across Ontario. The community should play a role in evaluation and auditing procedures through consultations and other initiatives that engage community members.

Delegates suggested that audits should be submitted to the Legislature and/or appropriate Committee, in addition to the Attorney General and read before the Legislative Assembly.

Recommendation 23

In order to ensure that audit mechanisms foster transparency in the system the IPRD should ensure the following:

- The community should be involved in evaluation, audit and feedback processes;
- Audits should be submitted to the Legislature and/or appropriate Committee, in addition to the Attorney General and read before the Legislative Assembly.

Systemic Issues

Section 57:

In addition to his or her other functions under this Act, the Independent Police Review Director may examine and review issues of a systemic nature that are the subject of, or that give rise to, complaints made by members of the public under his Part and may make recommendations respecting such issues to the Solicitor General, the Attorney General, chiefs of police, boards, or any other person or body.

The IPRD must provide clear guidelines on how data will be collected under section 57. The IPRD's power to make recommendations to address systemic issues will have little impact unless they are linked to requirements for response by the police to issues highlighted. They should also outline the process for and timeframe in which such responses should be provided.

Recommendation 24

- The IPRD must clarify how data on systemic issues will be collected under section 57
- The IPRD must ensure that appropriate response mechanisms are in place to address systemic issues that are identified.

V. Recommendations

Public Education and Support

Recommendation 1

- Section 58(4) must clearly identify the types of “assistance” that will be provided by the IPRO, who will provide it, where it can be obtained, how it will be carried out and what will be the IPRD’s obligations in this respect.

Recommendation 2

Public education must be communicated in language that is simple and free of legal jargon, situated in an anti-oppression framework and should provide information on:

- Rights and responsibilities of all parties involved;
- Differences between the old and new systems;
- How the new system can make a difference;
- Complaint procedures, including how to contact the IPRO and others for information and support; the circumstances under which informal resolution can be accessed; the review and appeals process; freedom to opt out of a complaint at any stage in the process;
- Interaction of the police complaints system with other processes; and
- Consequences of filing complaints, including penalties e.g. filing false complaints.

Recommendation 3

Public education should be provided to the government, the police, and to the community. It should be communicated jointly by the three pillars through IPRO partnerships with diverse and marginalized community groups, including newcomers using:

- Clear and culturally and linguistically appropriate language;
- A wide variety of communication channels and tools to ensure multiple access points; and
- Community-liaison staff from the office of the IPRD to improve trust and confidence in the system.

Recommendation 4

The IPRD must do the following to eliminate language barriers:

- Ensure that information on the complaints process is provided in the language of the complainant’s choice;

- Develop networks of translators and interpreters, including court appointed ones, in collaboration with community organizations, using technologies to provide interpretation and translation services at every stage of the complaints process; and
- Ensure that translators and interpreters are professionally trained, knowledgeable and sensitive about the issues facing the community.

Recommendation 5

- The office of the IPRD should ensure that support is available at all stages of the process, utilizing case management approaches, with opportunities for feedback and evaluation by complainants.

Community Concerns

Recommendation 6

The IPRD must acknowledge and address fears the concern of diverse community members around safety and reprisals and:

- Ensure that measures are in place to ensure safety and protection for complainants, such as those provided under section 79(1); and
- Protect those who are not legal residents so that complaints do not trigger enforcement proceedings such as detention and/or removal.

Recommendation 7

Ensuring confidentiality requires that the IPRD do the following:

- Clarify the consequences under subsection 26.1 (9) and section 95 for persons without legal residence status.

Recommendation 8

The IPRD must do the following to clarify third party rights:

- Define the scope of third party rights and outline the criteria under which third party complaints are permitted under 589(1) and 60(6) e.g. clarify if and how a third party can proceed with a complaint without consent of the principal, limits on privacy rights for individuals directly involved in the complaint, including rights of disclosure and notification; and
- Define “personal relationship” under 60(6).

Recommendation 9

The office of the IPRD must do the following to ensure that community organizations provide support to the community:

- Develop guidelines on the types of assistance that the community pillar and agents can provide to the complainant;
- Provide widely available information access points (schools; libraries; community groups; religious groups; doctors etc.) to ensure that community members are fully informed of their right to receive assistance from agents; and
- Provide financial support and training to community organizations to ensure their active involvement as agents in the process and to maintain consistency and quality.

Recommendation 10

The office of the IPRD must do the following to ensure that community members receive legal advice and support:

- Provide greater and improved access to legal advice and support for complainants, including referrals to community legal clinics and to pro bono clinics; and
- Provide staff to dispense general legal information about the complaints system and to attend hearings.

Recommendation 11

The IPRD must do the following to ensure that the informal resolution process is accessible and transparent for the community:

- Ensure flexible informal resolution processes that accommodate individual needs and preferences (e.g. locations); and
- Establish guidelines around the use of written records of informal resolution processes.

Recommendation 12

The IPRD should:

- Provide clarification on the process for handling anonymous complaints both for the public and for officers;
- Provide complainants with various avenues through which they can make anonymous complaints, balancing transparency in the system with privacy concerns; and
- Provide details about how anonymous complaints will be tracked and included in annual reports.

Roles and Organizational Structures.

Recommendation 13

- The IPRD should devise regulations that are accessible to a large a segment of the community as possible.

Recommendation 14

The IPRD must do the following to ensure that the community perceives the staff from the office of the IPRD as accountable and competent:

- Clarify the term “in-good-faith” under section 26.1 (12);
- Establish codes of conduct and accountability mechanisms, including gross negligence standards and reprimand procedures; and
- Outline and make public recruitment and training processes for staff.

Recommendation 15

The IPRD must do the following to exercise its discretionary power in refusing to deal with a complaint:

- Specify the types of complaints that the IPRD can refuse to deal with, including those considered to be “frivolous”” vexatious” and “not in the public interest”.

Recommendation 16

The IPRD must do the following to ensure community access and regional input:

- Develop flexible and targeted strategic methods to ensure wide accessibility to the complaints system for communities across all regions in Ontario;
- Establish regional advisory committees to support all aspects of the system’s implementation and to provide ongoing input into system

Recommendation 17

Guidelines on IPRD appointment and staffing should outline the following:

- Length of service term for the IPRD;
- Terms of reference and accountability performance measures for the IPRD and staff from the office of the IPRD with respect to the system’s stakeholders (community, government and police); and
- Procedures for submitting audit reports to the Legislature and the Attorney General.

Recommendation 18

The government must do the following to ensure sustainable and adequate funding:

- Provide details on funding mechanisms and requirements;
- Ensure adequate funding for the IPRO to ensure its independence; and
- Ensure adequate and sustainable funding to enable the community to provide public education and support

Review and Investigation of Complaints

Recommendation 19

- Requirements for notice must be situated in a framework that ensures regular disclosure throughout the investigation process as well as appropriate public education and support.

Recommendation 20

- Complainants should have access to complaints through a variety of avenues that are appropriate to meet the needs of community members, including members that face barriers to accessing the system.

Recommendation 21

The IPRD must do the following to ensure that all parties have access to the complaint report:

- Provide clarification on access procedures under sections 66 and 67 with respect to written reports for substantiated complaints

Feedback and Oversight Processes: Reporting, Audits and Systemic Issues

Recommendation 22

In order to ensure that annual reports foster accountability and transparency and serve as tools for further improvement of the system, the IPRD must ensure the following:

- Annual reports should be widely disseminated through a wide variety of communication channels;
- Reports should be presented through joint public relations sessions involving the government, police and community pillars;
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- Annual reports should be submitted to the Legislature and/or appropriate Committee, in addition to the Attorney General.

Recommendation 23

In order to ensure that audit mechanisms foster transparency in the system the IPRD should ensure the following:

- The community should be involved in evaluation, audit and feedback processes;
- Audits should be submitted to the Legislature and/or appropriate Committee, in addition to the Attorney General and read before the Legislative Assembly.

Recommendation 24

- The IPRD must clarify how data on systemic issues will be collected under section 57
- The IPRD must ensure that appropriate response mechanisms are in place to address systemic issues that are identified.

Recommendation 25

- That the IPRD establish two pilot projects, one in the Greater Toronto Area and one in a rural or remote area, in order to develop and put into practice the three pillar model, clarify roles, test approaches and materials, and to develop best practices. This will ensure the development of an appropriate and effective new system.

VI Conclusion

The Bill 103-Summit represented a critical opportunity for community organisations to shape Ontario's new police complaints system under the *Police Services Act*. Collaborative relationships that had been developed between the government, police and community pillars prior to the Summit were both strengthened and key to the Summit's success and will ensure a solid basis with which to move forward as the new system is developed and implemented. A major message that came out of the Bill 103-Summit was recognition of the differing roles that each of the three pillars must have in the system.

The impetus for the Summit was to determine how the new system should address the needs of the community and how a framework can be developed for active engagement by the community in implementing and supporting the new complaints system. Every effort should be made by the two other pillars to provide the necessary resources-including financial-to the community to ensure that existing expertise is utilized and that capacity is developed to address current and emerging priority areas. Ultimately, community input will foster greater trust and public confidence that the new police complaints system will address the diverse needs of people across Ontario who will require, and must be assured of receiving, the type of support that the community pillar is uniquely placed to provide.

VII Next Steps

The Independent Police Review Director must develop and make public a framework with timelines that outline the process to be followed in developing and implementing Ontario's new police complaints system. The three pillars must establish a process for regular consultations to ensure that information is shared between them about developments, issues and concerns as the complaints system is implemented.

It is recognized that a number of the issues raised in this report as well as some recommendations put forward are beyond the scope and jurisdiction of the Office of the IPRD. A follow up report to this Summit Report will elaborate on these points and be directed to the Attorney General and the Solicitor General of Ontario.

VIII REFERENCES

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IX APPENDIX A:

Bill 103- Summit Speaker Bios

In order of appearance

Honourable Mayor David Miller

In November 2003, Torontonians chose David Miller as their new mayor and in November, 2006 he was re-elected for a second four-year term. His mandate is to make Toronto a city of prosperity and opportunity for all residents. As the City comes into its own as a full-fledged government, it is reinvesting in Toronto's neighbourhoods and communities through initiatives like the Mayor's Community Safety Plan and the rejuvenation of parks and public spaces. Mayor Miller also works to make Toronto a world-leading city on environmental issues and is Chair of the influential C40 Group of World Cities leading the fight against Climate Change.

Minister Chris Bentley, Attorney General of Ontario

Chris Bentley was elected to the Ontario legislature in 2003 and re-elected in 2007. He previously served as Minister of Training, Colleges and Universities and Minister of Labour. He is a lawyer who has practiced criminal and labour law. He also taught part-time at the University of Western Ontario Law School, where he helped to establish the Law School Careers Office. He has also been a continuing education lecturer in courses for judges, crown attorneys, the police and defense counsel.

Anita Balakrishna

Anita Balakrishna is a graduate of Osgoode Hall Law School and was called to the Ontario Bar in 2004 after articling with the Ontario Human Rights Commission. Anita has been the Staff Lawyer at SALCO since October 2004. She works mainly with low-income and otherwise marginalized South Asian clients in the areas of immigration and refugee law, human rights, police complaints, and income security law.

Dr. Margaret E. Beare, York University

Dr. Beare is Head of the Department of Sociology at York University. Her career combines academic teaching with research and policy development. Professor Beare has been involved in police research for more than 20 years. Her research interests are the transnationalization of crime and law enforcement, public and private policing, women and the criminal justice system, and corrections. Her second book explores police independence: *Police and Government Relations: Who's Calling the Shots*.

Marie Chen, African Canadian Legal Clinic

Marie Chen is a senior lawyer at the African Canadian Legal Clinic, which provides advice and represents African Canadians in all legal forums, particularly in the courts through race-based test cases that are likely to result in significant legal precedents. Her work is focused on test case *Charter*, equality and human rights litigation, involving systemic discrimination and anti-Black racism. She has appeared before various tribunals and levels of Court including the Supreme Court of Canada. Her work at the ACLC also involves anti-racism advocacy, law reform and community activities at Canadian and international forums. She was a member of the Ontario Hate Crimes Community Working Group (2006). Before joining the ACLC in 2000, Ms. Chen practiced immigration and refugee law with Jackman and Associates.

George H. Cowley, Toronto Police Service

George Cowley has been a member of the Toronto Police Service for 31 years as both a police officer and as the Director of Legal Services. He holds a Bachelor of Laws degree and a Master of Laws degree, specializing in criminal law, both from Osgoode Hall Law School, 2001. Mr. Cowley's work includes providing legal advice to members of the Service, responding to court orders and subpoenas, appearing in court as required, managing all civil actions against the police and prosecuting police officers in the tribunal for misconduct. He is also a member of the adjunct faculty at the University of Toronto Law School.

Dr. Alok Mukherjee, Chair, Toronto Police Services Board

With his philosophy that positive outcomes result from the collective work of many people, Dr. Mukherjee previously served as Acting Chief Commissioner and Vice Chair of the Ontario Human Rights Commission. His approach is to act as a facilitator, coordinator, co-worker and voice to create greater access to the services and a more open and accountable delivery of human rights in Ontario. As an individual who is also active in several community organizations including the South Asian Fellowship, the National Association of Canadians of Origins in India and South Asians Fighting against Racism, Dr. Mukherjee is frequently called upon to speak and write on human rights, employment equity and anti-racist education issues.

Gerry McNeilly, Independent Police Review Director

Gerry McNeilly was appointed as the Independent Police Review Director in June of 2008. Mr. McNeilly is a former chair of the Board of Inquiry for the Ontario Human Rights Tribunal and has also served as a justice of the peace and a deputy judge. For the last nine years he has served as the Executive Director for Legal Aid Manitoba. Mr. McNeilly looks forward to implementing a system that has the confidence of the public and the police.

Dudley Z. Laws, Community Activist

Dudley Laws has dedicated his life to the struggles for social justice and equality. He immigrated to Britain in 1955 where he was active in the movement in defense of the West Indian and African communities against ongoing racist attacks. He migrated to Canada in the 1960's and joined the Universal African Improvement Association (UIAA), through which he developed programs offering services to black youth, domestic workers, and blacks in the prison system and other sectors of the community. This experience enabled Mr. Laws to link individual problems to institutional racism. Mr. Laws has spoken out against racist immigration policies, the plight of refugees and immigrants and been very active in advocating for changes to immigration policy.

Barbara Hall, Chief Commissioner - Ontario Human Rights Commission

Barbara Hall was appointed Chief Commissioner of the Ontario Human Rights Commission in November 2005, after 40 years as a community worker, lawyer and municipal politician. She served three terms as a city councillor and as Toronto's mayor from 1994 to 1997. From 1998 to 2002 she headed the federal government's National Strategy on Community Safety and Crime Prevention. Ms. Hall also practised criminal and family law, was a member of the Ontario Health Ministry's Health Results Team, and lectured nationally and internationally on urban and social issues. She has a strong record of bringing diverse groups together to build healthy communities.

X APPENDIX B:

BILL 103 - SUMMIT

Regulations that Promote Transparency, Accessibility, Accountability, Public Support and Education within Ontario's New Police Complaints System



Funding to support the Bill103 Summit has been provided by:



The Law Foundation of Ontario
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Additional support for the Bill103 Summit has been provided by:



51 Division



Pro Bono Students Canada



Toronto Community Housing



XI APPENDIX C:

Bill 103-Summit Steering Committee Members and Contributors

Steering Committee Members

- Anita Balakrishna - South Asian Legal Clinic of Ontario (Chair)
- Kevin Lee - Scadding Court Community Centre (Vice Chair)
- Inspector Olga Cook - Professional Standards, Toronto Police Service
- Ceta Ramkhalawansingh - Diversity Management and Community Engagement, City of Toronto
- Susanne Burkhardt - Scadding Court Community Centre
- Gary Magee - Justice for Children and Youth
- Dr. Mariana Valverde - Centre of Criminology, University of Toronto
- Yonas Haile-Michael - Department of Canadian Heritage
- Mary Birdsell - Justice for Children and Youth
- J.M. (Michelle) Farrell - Diversity, Equity & Ethics, Ontario Provincial Police
- Kerry O'Meara - Scadding Court Community Centre Youth Rep.
- Ali Jimaleh - Scadding Court Community Centre Youth Rep.
- Dr. Linda Joy Epp - Scadding Court Community Centre Summit Coordinator

Other Contributors

- S/Sgt. Russ Jarosz - Professional Standards, Toronto Police Service
- S/Sgt. Warren Wilson - Toronto Police Service
- Chris Bourke - Student, Department of Criminology, University of Toronto
- Ioana Hancas - Student, Faculty of Law, University of Toronto
- Philip Klassen - Student, Faculty of Law, Queen's University