

**A COMMUNITY CONSULTATION WITH RESPECT TO
THE POSITION OF
INDEPENDENT POLICE REVIEW DIRECTOR
UNDER BILL 103**

**Conducted by the: Community Access to Police
Complaints (CEAPC) Demonstration Project**

**Co-ordinated by Scadding Court Community Centre
Toronto, Ontario**

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EXECUTIVE SUMMARY

The Community Access to Police Complaints (CEAPC) Demonstration Project was a two year initiative aimed at making the police complaints system in Toronto more available and accessible to the diverse needs of community members, particularly those who are marginalized. Based out of 39 partner organizations from across Toronto (see Appendix I), the project raised awareness about the complaints system, educated diverse community members about the system and trained frontline community workers to support people through the process of making a complaint.

To ensure that the range of communities represented by CEAPC were reflected in a new complaints system, CEAPC participated in the 2004 consultations held by Justice LeSage and developed an analysis of *Bill 103: An act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act*, that was presented to the Ontario government's Standing Committee on Justice Policy in January 2007. These activities were informed by the CEAPC experience of raising awareness, educating and providing community-based intake and support to complainants from diverse Toronto communities.

In March of 2007, CEAPC, through Scadding Court Community Centre, received funding from the Department of Canadian Heritage – Ontario Region Multiculturalism Program to carry out a community consultation regarding the role of the Independent Police Review Director (IPRD) put forward by *Bill 103: An act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act*. This position is important in that the skills, perspectives and approaches they bring to the table will directly impact on the degree to which the new complaints legislation will reflect and serve members of Ontario's diverse communities.

The consultation was implemented through community agencies in Windsor, Hamilton, Toronto and Ottawa. A scheduled consultation in Kenora was initiated but was not fully implemented, due to extenuating circumstances. The consultation framework included a public survey, 12 key informant interviews and 9 focus groups.

Throughout the consultation process, questions and discussion focused around six themes related to the preferred attributes, experience and future role of the IPRD and his/her office as follows:

1. Selection Criteria
2. Process
3. Conflict of Interest
4. Public Outreach and Education
5. Accessibility
6. Accountability

The dialogue provided opportunity for participants to comment on the ideal process for appointment of an IPRD and public expectations around transparency, accessibility and accountability of this office.

Key findings were as follows:

Selection Criteria

- A small majority of survey respondents felt that the ethnoracial background of the IPRD is relevant – more detailed discussion with focus groups and key informants suggested that proven cultural competency may be more relevant than ethnoracial background

- The importance of gender equity was identified in the sense that all complainants should feel comfortable bringing their complaints forward
- A policing background was generally deemed to undermine the credibility and perceived independence of the IPRD
- Key attributes for a Director include a track record of standing up for the public interest, empathy, fairness, cultural competency, proven integrity, a history of public service and community involvement

Process

- There was an almost unanimous expectation that the community (or its representatives) must be included in some capacity in the selection and/or oversight of the IPRD office
- Community involvement from the ground up e.g. throughout the entire process of legislative review and development of the new complaints system
- Long-term, systemic support for community involvement is critical

Conflict of Interest

- Past affiliation with policing/security/military establishments would generally represent a real (or perceived) conflict of interest for the IPRD
- This would undermine the integrity and independence of the IPRD and the office
- On the question of specific political affiliations, respondents were undecided as to whether this would constitute a conflict of interest – track record, earned community trust and integrity were identified as key

Role of Police and Government

- Police should not be involved in the appointment of the IPRD or function of the office
- However, police should be consulted as one of many stakeholders with a vested interest in the process - it is not useful to alienate the police
- There was no clear consensus on the role of government in the appointment of an IPRD – an almost equal number agreed or disagreed that the government should play a significant role (as opposed to staying in a more arms-length role e.g. co-ordinating a representative committee or panel)

Public Outreach, Education and Support

- The importance of ease of access, safety and confidentiality was repeatedly emphasized
- Linguistic and cultural interpretation and translation were highlighted as critical services,
- The IPRD mandate must be made very clear and Director and his/her should be accessible, with a visible and consistent presence in the community
- Some respondents suggested that outreach may be more effective when information comes through grassroots community agencies than from government.
- Outreach was identified as a critical component of the system, with concentrated efforts to use locations/media most likely to reach those most in need of this information

Accessibility

- Use trained community support workers to facilitate access to the complaints system
- Physical accessibility is important, including local/regional offices as well as consideration for the needs of the disabled & proximity to police stations
- Social accessibility (offer comfortable, non-threatening environment)

- Multiple points of access to complaints process (face-to-face, hotline, website, community service providers and other)
- Cultural/linguistic accessibility and clear, concise communications in plain language
- Assurances of confidentiality and protection from retribution
- Support to complainants throughout the entire complaints process

Accountability & Transparency

- The IPRD should produce an annual report card outlining the nature of complaints and their status or resolution
- Must be easily accessible to the public and provide statistics that permit identification of trends or flag systemic issues for follow-up
- IPRD must clearly outline and implement a community accountability process
- Reports annually to the Legislature
- Periodic review of the IPRD
- Some view auditing as redundant given arms-length nature of office, others insist that auditing is critical for maintaining public confidence

The results presented here suggest that according to stakeholders, a functional and effective complaints system depends on the equitable and meaningful participation of government, community and the police. This would ground the system in a way that provides a sense of shared ownership and responsibility. In some cases, the dialogue included a qualified optimism that a sincere commitment to the principle of independent oversight, in conjunction with effective community-based implementation, offers the opportunity to rewrite what has been a historically adversarial relationship.

The efforts and costs of developing new structures and mechanisms within the system to effectively address issues of access, transparency and public awareness/education are likely to be significant. Grounding elements of that system in the communities that it is meant to serve will not only create a credible and more effective system, but will also allow the system to build on existing infrastructure.

It must be noted that in order to involve communities in a meaningful way, an investment of time (for relationship-building) and resources (to allow and support that participation) will be essential. One logical and critical next step in community involvement would therefore be to engage communities in the development of the Regulations for the new legislation.

Based on the results of this consultation and on the experiences of the Community Education and Access to Police Complaints (CEAPC) Demonstration Project, CEAPC submits the recommendations listed below for consideration as the process of implementing Ontario's new police complaints system moves forward. It is recommended that:

1. The personal and professional attributes put forward in this report should be integrated into the job description, selection process and evaluation of the position of the Independent Police Review Director and his/her office.
2. Community members and/or representatives must be actively involved in the hiring process for the new position of Independent Police Review Director.
3. Information about the selection process and its outcomes should be made publicly available in a very clear and timely manner.

4. Once hired, the IPRD should issue a detailed workplan and timetable for the implementation of the Independent Police Review Act.
5. The Government of Ontario should proceed expediently with the process of implementing the Independent Police Review Act.
6. This report's key themes of equity, consistent and meaningful community involvement, access, transparency and accountability should be raised and addressed as the Government of Ontario moves forward with its process of bringing in a new Ontario police complaints regime.
7. The IPRD and his/her office should consider the CEAPC model as an effective and economically viable model for application in urban settings as well as adaptation for use in non-urban settings.

INTRODUCTION

The Community Access to Police Complaints (CEAPC) Demonstration Project was a two year initiative (2004 - 2006) which aimed to make the police complaints system in Toronto more available and accessible to the diverse needs of community members, particularly those who are marginalized. This was accomplished through the establishment and activities of a dynamic 39 member coalition (see Appendix I), which has successfully educated diverse front-line community workers and members of the general public about issues related to the police complaints process, raised awareness about the complaints system, operated a community-based complaints-intake system and through which:

- 150,000 members of the public across Toronto received linguistically accessible and culturally sensitive information on their rights as they relate to policing, and on the police complaints system.
- A Toronto Transit Corporation (TTC) ad campaign raised awareness about police complaints and the project among many of the 1 million daily riders.
- 80 community workers received in-depth education on the issue of police complaints, were trained to pass on that information and provide support to people wishing to file complaints and delivered a community-based complaint intake and support service.
- Dialogue between communities and police has increased through joint training sessions, meeting and police/community divisional orientations in communities across Toronto.

In order to ensure that the range of communities represented by CEAPC were reflected in a new complaints system, a number of CEAPC partners made deputations in 2004 to Justice Patrick Lesage who was appointed by the current Liberal government to recommend changes to the existing system. CEAPC also developed a detailed analysis¹ of the Ontario government'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*, which was presented to the Standing Committee on Justice Policy in January, 2007. These activities were very much informed by the CEAPC experience of raising awareness, educating and providing community-based intake and support to complainants from diverse Toronto communities.

In March of 2007, CEAPC, with support from the Department of Canadian Heritage, conducted a community consultation regarding the role of the Independent Police Review Director (IPRD) put forward by Bill 103. This position is important in that the skills, perspectives and approaches this individual brings to the table will directly impact on the degree to which the new complaints legislation will reflect and serve members of Ontario's diverse communities, particularly those who are marginalized.

¹ available online at www.scaddingcourt.org/publication/pdflibrary/bill_103_analysis_january_2007.pdf

CONSULTATION FRAMEWORK AND IMPLEMENTATION

The goal of this consultation was to bring forward community-based perspectives on the position of Independent Police Review Director. To achieve this, a consultation framework was developed and then implemented by community-based organizations in four Ontario locations - Hamilton, Windsor, Ottawa and Toronto. A consultation in northern Ontario (Kenora) was scheduled but could not be completed².

The consultation framework was implemented by the following agencies:

1. Multicultural Association of Windsor – Windsor, Ontario
2. Scadding Court Community Centre – Toronto, Ontario
3. Southeast Ottawa Centre for a Healthy Community – Ottawa, Ontario
4. Hamilton Centre for Civic Inclusion – Hamilton, Ontario

In each location the consultation framework consisted of the following:

- A public survey (available in hard copy and online);
- 3 key informant interviews;
- 1 community focus group; and
- 1 focus group with service providers.

Surveys were distributed through the agencies implementing the consultation as well as being posted online through the Scadding Court Community Centre CEAPC website. A total of 236 surveys were returned, with the breakdown by region as follows: Windsor (72), Hamilton (102), Toronto (41) Ottawa (21).

Hamilton's Centre for Civic Inclusion (HCCI) conducted an additional focus group with Aboriginal participants as well as an interview with a key informant representing an Aboriginal perspective.

For a list of service providers, organizations and community stakeholders that participated in focus groups and key informant interviews see Appendix II.

SCOPE OF THE CONSULTATION

The information presented in this report provides a qualitative overview of community perspectives on the police complaints system in Ontario. Though the scope of the consultation was somewhat limited due to resource and time constraints, the information presented here represents the opinions of over 300 diverse community members, including professionals with a stake in policing issues in the province of Ontario as well as community leaders and workers representing populations likely to be affected by *Bill 103*. In order to capture the breadth of information provided in the consultation process, some paraphrasing of comments was necessary.

It should be noted that the selection of focus group members, key informants and survey respondents did not proceed by random sample. As such, the responses are not guaranteed to be representative of the general population. The purpose of the consultation was to provide the Attorney General's office with useful information from the perspective of Ontario's service providers, as well as communities and individuals likely to access the police complaints system.

² A fifth consultation was to be implemented in Kenora in order to contribute a northern as well as Aboriginal perspective on the issues. An extenuating personal situation led to its cancellation.

PROFILE OF SURVEY RESPONDENTS

The public survey consisted of 18 questions (see Appendix III) and was distributed through the community agencies implementing the consultation. It was also available online through the CEAPC project website that is hosted by Scadding Court Community Centre.

The majority of respondents fell into the range between 17 and 50 years of age, with some youth representation as well representation from those over 50 (Figure 1). Estimated household incomes were distributed relatively evenly, with the exception of a somewhat higher proportion of low-income respondents (Figure 2).

Figure 1. Age of respondents

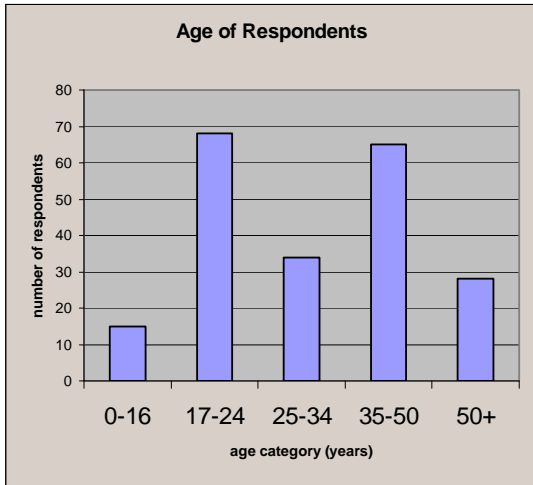
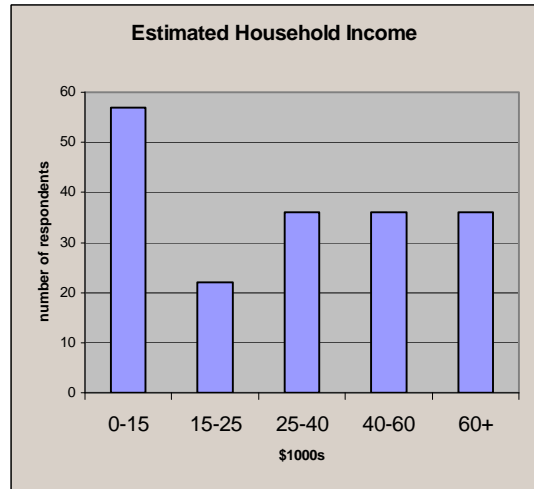


Figure 2. Estimated household income



Results show an ethnically diverse group of respondents (Figure 3), with approximately 25% self-identifying as recent immigrants (Figure 4).

Figure 3. Ethnoracial background

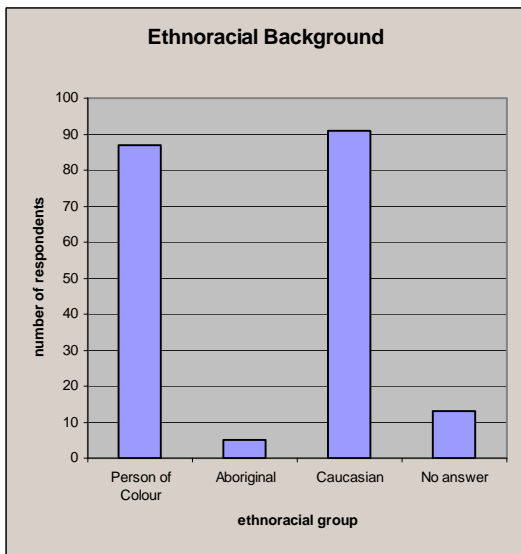
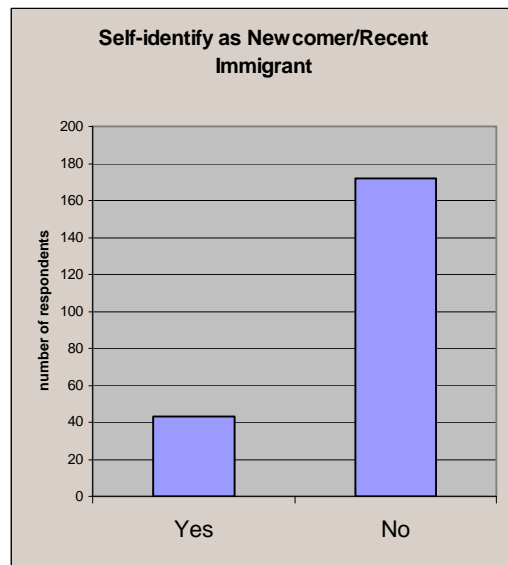


Figure 4. Newcomer/recent immigrant



A fairly high proportion (35%) indicated that they had had personal experience with the police complaints system (Figure 5), while a similar proportion responded that they were aware of the changes to the police complaints legislation (Figure 6).

Figure 5. Experience with police complaints

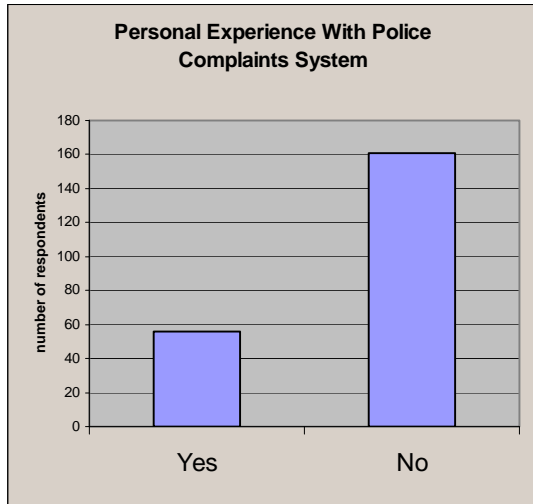
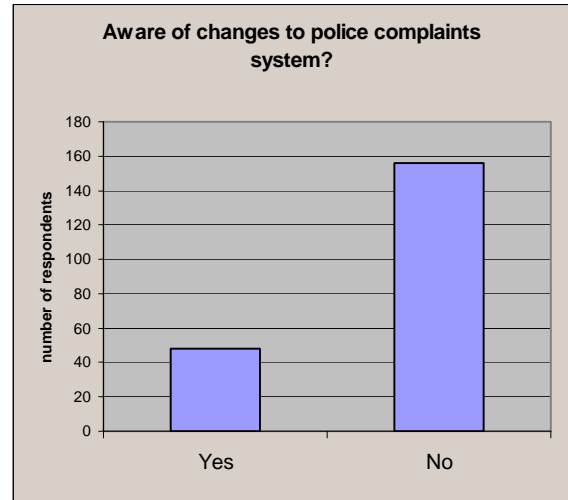
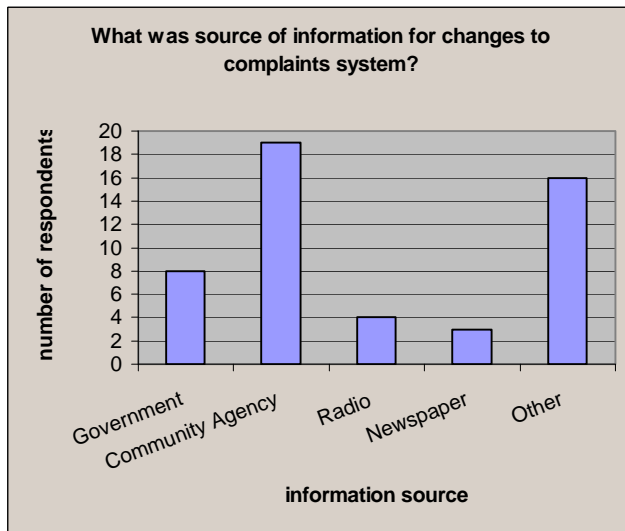


Figure 6. Awareness of changes to police complaints system



Community agencies were ranked highest as the source for information regarding changes to the police complaints system (Figure 7). Other sources included work, listserves, youth organizations, criminal justice system, email and internet discussion forums.

Figure 7. Source of information re: police complaints process



SUMMARY OF FINDINGS

Key informant interviews and focus group discussions regarding the position of the Independent Police Review Director were directed along six topic areas as follows:

1. Selection Criteria
2. Process
3. Conflict of Interest
4. Public Outreach and Education
5. Accessibility
6. Accountability

Under these headings, the findings presented here are summarized according to the themes that emerged in discussion. They are also informed by the results of the public survey (Appendix III). It is noted where these differed, with the observation that the key informants and service providers are more familiar with the complexity of some of the issues inherent to the police complaints system.

1. Selection Criteria

Skills and Attributes

Focus groups and key informants generally agreed that it is not necessary for the IPRD to have a policing background to be competent in the role. Participants noted that there were any number of routes by which a candidate could arrive at an appropriate set of skills for the position. There was no clear consensus on what would constitute the best fit, although knowledge of law and the justice system were frequently mentioned. Other themes included:

- experience with conflict resolution and mediation;
- social services background;
- understanding/experience with human rights; and
- in-depth academic understanding of policing/criminal justice in Ontario.

Some who felt that a policing background would be useful suggested that the need for understanding goes both ways i.e. an understanding of community perspectives and of police perspectives. Experience within the system would lend an appreciation for the challenges faced by police in daily service.

[Positive survey responses to Question 10 e.g. *IPRD should have prior experience with law enforcement* contradicted results for Question 7 e.g. *affiliations with law enforcement or security industry represent a conflict of interest*. Question 7 responses indicated that most view this as a conflict of interest. This may be attributed to a redundancy in the survey, which included 2 similar questions with slightly different wording. Based on the comments received, many respondents seemed to interpret the term “law enforcement” in Question 10 more broadly as including the legal system as well as policing.]

While there was a lack of clear consensus on the preferred professional background of the candidate, there was a high level of alignment between focus group participants, key informants and survey respondents as to the personal attributes or “soft skills” a candidate should bring to the office of the IPRD. Several themes emerged as follows:

- empathy and compassion;
- integrity;
- genuine understanding of the issues faced by marginalized communities (including ethnoracial minorities, women, LGBT community, the mentally ill) through personal and/or work experience;
- cultural competency;
- objectivity and impartiality;
- fairness;
- good listening skills;
- approachability;
- track record of relationship-building; and
- track record of working with and within communities.

Ethnocultural/Ethnoracial Background and Gender

Approximately 50% of survey respondents agreed that the ethnoracial/cultural background of the IPRD was relevant. 17% did not know and the remaining 33% disagreed. Those who agreed provided the following observations:

- this could improve understanding of challenges faced by marginalized communities;
- much police misconduct relates to racial profiling and racism – having a person of colour would increase sensitivity to these issues;
- people of colour and Aboriginal people are underrepresented in positions of power in Canadian society; and
- the office should reflect diversity of Ontario’s population.

Those who disagreed suggested that character was more important than race, that ethnicity does not guarantee unbiased views and that race/ethnicity should not be a factor in appointing the IPRD.

The response of the focus groups and key informants on this subject was also mixed. In some cases, the initial response was agreement that the IPRD should reflect the users of the complaints system (suggested to be those ethnocultural minorities subject to racial profiling). However, further discussion suggested that while this would be helpful in some ways, the character and integrity of the IPRD were more important. Ensuring that the IPRD office and staff reflect community diversity was an additional suggestion on how to address the question of ethnoracial and cultural sensitivity.

Survey responses on gender suggest that it should be not an important consideration. Approximately 50% disagreed that it was relevant to the position as compared to 30% who felt it was important. Those who disagreed mainly said that candidates should be considered on merit alone. Further discussion in focus groups and key informant interviews noted that while gender was not relevant in terms of performance, there are other reasons to ensure equitable representation amongst the IPRD and staff. These include that:

- some ethnocultural groups may not be comfortable disclosing personal information to a woman;
- women may feel more safe talking to other women;
- women are underrepresented in positions of power; and
- there may be a perception that a woman is more likely to bring empathy to the position.

2. Process

There was a substantial amount of feedback on the question of “process” as it relates to setting up the IPRD office as well as to the selection of a Director. One respondent summarized the general tone of the comments and discussion on this topic by noting that “*process determines outcome*”. In this sense, it was felt that the initial selection process would set the tone for future developments in the police complaints system.

Key themes with respect to process include the following:

- it must be open, fair and transparent – free from bias and interference;
- it must include the community or its representatives e.g. leaders, ethno-cultural minorities, law enforcement agencies, judges and elected officials, women’s groups, human rights organizations, criminal justice system, victims of police misconduct;
- the role of the police must be limited to participating as one of many stakeholders at the table; and
- it must be non-partisan.

Role of Government

The public survey showed a mixed response in terms of the government’s role with respect to the IPRD. An almost equal amount agreed and disagreed on the involvement of government in the selection of the Director and function of the IPRD office. Those supporting government involvement felt that:

- government involvement should happen at local level;
- by its nature, government is accountable to the public interest; and
- government plays a role in protecting the public from police misconduct.

Those against suggested that:

- party affiliations will influence the perspective the IPRD brings to office;
- government involvement undermines the credibility of the process; and
- the IPRD is about civilian oversight, not government control.

In further discussions, it was suggested that while government involvement was necessary, its participation should be limited to a coordinating/oversight role.

Role of Police

Approximately half of survey respondents (53%) disagreed that the police should have any involvement in the process of appointing the IPRD. 35% agreed that the police should be involved, but many qualified the involvement as limited to providing input and excluded from any decision-making authority.

A similar response came from focus groups and key informants. There was general agreement that it was not helpful to alienate the police. However, police involvement should be limited to consultation as one of the stakeholders at the table.

Process Models

A key message that emerged in the consultation was that community involvement is critical to ensure public confidence and trust in the IPRD office. Focus groups and key informants stressed the need to build in meaningful community involvement from the ground up i.e. throughout the entire process of legislative review and development of the new complaints system. Furthermore, long-term, systemic support for community involvement is critical to the effectiveness of the complaints process. It was suggested that there is potential for taking advantage of existing institutional structures and expanding on known successes. At the same time, it is necessary to build institutional memory with respect to community agencies and ensure that credibility goes both ways.

Specific suggestions were to:

- consider development and implementation of the complaints system as an ongoing process that should involve the public;
- have government and the Attorney General's office establish a transparent process and then step aside and not be directly involved in the selection (representatives of AG's office could be member of a selection committee);
- examine applicability of model used in selecting the Chief of Police – this was quick, efficient and inclusive and had a consultation process with a defined framework and professional facilitation;
- use a broad-based selection committee representing diverse stakeholders that including community representation and participation;
- create a decision-making group that shares power so that there is a circle and group governance;
- provide community groups and organizations with the opportunity to nominate qualified people with established community support;
- ensure that the process is not “Toronto-centric” – it must consider the needs of outlying/rural/northern communities; and,
- include a process for screening out frivolous complaints – these are also a reality.

3. Conflict Of Interest

Prior Affiliations With Law Enforcement

Over half of survey respondents (56%) agreed that an employment history that includes policing, the security industry or the military would represent a conflict of interest for the position of the IPRD. 27% did not know.

Focus group and key informant interviews repeatedly emphasized that even where a direct conflict was not identified, a perceived bias was just as likely to undermine the (perceived) integrity and independence of the IPRD office. Some of the following comments were noted:

The following would represent a conflict of interest:

- any affiliation, direct or indirect, with the police or police services;
- someone seen as close to the police; and
- having been on a Police Services Board.

The 17% of survey respondents that disagreed commented generally that a history of such service could provide a better understanding of the issues. Other comments included:

- “not a conflict, so long as candidate does not have an axe to grind with police”;
- “police background not necessarily a conflict, with exception of rank and file because ties may be too close to those being investigated”; and
- “prior service necessary for understanding the police perspective”

Political Affiliations

Almost half (47%) of survey respondents agreed that active political affiliations would represent a conflict of interest. Approximately 30% didn’t know, and the remaining 23% disagreed.

Concerns included that:

- there exists the possibility of influence under party line;
- that the position might be used as a platform to advance political interests;
- that the IPRD must be independent of political agendas; and
- that the conservative party is perceived to be pro-police.

It should be noted that the response from key informants and focus groups was somewhat more measured. It was suggested that while the position must be non-partisan, the particular background or personal beliefs of the candidate were not relevant. What was more important was a track record of integrity and standing up for the public interest. Comments included that:

- political affiliations should not form a bias except where that political affiliation placed the person into a relationship with the police;
- strong, progressive people can come from any party or not have political affiliations;
- conflict of interest guidelines would address any issues that come up;
- card-carrying conservatives might make some groups nervous (e.g. gay and lesbian community as one example) ; and
- the office must be completely independent – political ties might create perception of bias.

4. Accessibility

The following themes emerged in the discussion about factors that would facilitate access to the police complaints system:

- physical accessibility (including local/regional offices, consideration for the needs of the disabled, proximity to police stations);
- social accessibility (comfortable, non-threatening environment);
- multiple points of access to complaints process (face-to-face, hotline, website, community service providers and other);
- cultural/linguistic accessibility;
- clear, concise communications in plain language;
- assurances of confidentiality and protection from retribution;
- support to complainants throughout the entire process (counselling, legal advice, translation/interpretation, other); and
- high quality of service by IPRD office (taking on a “customer service” approach).

Discussion suggested that if the IPRD is unable to fulfill its accessibility mandate in a comprehensive and effective manner, it should develop a mechanism to fill service gaps. Such a

mechanism could include collaboration with community-based organizations and institutions. The need for educating and training (sustainably) a cadre of partners was brought forward.

Given six choices, survey respondents most often identified access to trained community support workers as most helpful in making the complaints process more accessible. Local offices and a clear, concise website were ranked second and third.

When given a choice of what kind of supports would be most useful when pursuing a police complaint, legal assistance was ranked number one, trained community support workers ranked second and translation/interpretation services were ranked third most important.

5. Public Outreach and Education

Communicating IPRD Mandate

One of the first requirements in the implementation of a revised police complaints system is to ensure a broad public understanding of the mandate of the IPRD's independent role and function. Some respondents noted that the IPRD would have to work hard to overcome a history of suspicion and mistrust between the public and the police sector. Related observations from focus groups and key informants with respect to communicating the IPRD mandate included the following:

- the IPRD cannot be effective without awareness and acceptance by community;
- the public must therefore be made aware of role and mandate of office;
- the IPRD needs to be presented as a neutral office with integrity;
- the IPRD needs a strong and visible presence at the community level; and
- the office of the IPRD should conduct regular community consultations.

It was also stressed that people need to have a clear understanding of their rights and options. This could be accomplished by providing information on the police complaints system at the time of arrest along with an explanation of an individual's rights. Police could also make information available in the back of police cruisers.

Communication efforts at all levels should also consider regional differences and not always be "Toronto-centric", as noted by some respondents. They should also engage multiple stakeholders (IPRD office, government, community, police) as this would extend the reach and effectiveness of communications efforts.

Outreach Focus

According to interviews, outreach efforts should be concentrated in locations/media most likely to reach those communities who will benefit from an awareness of the IPRD office and services.

According to participants, these could include:

- schools;
- places of worship;
- ethnocultural organizations;
- settlement services;
- social service agencies; and
- equity offices where they exist

Some respondents suggested that outreach may be more effective when information comes through grassroots community agencies than from government.

Increasing Public Awareness

There were many suggestions provided regarding how best to increase public awareness of the police complaints system. These include:

- presence at community activities like festivals, events and celebrations;
- work with community agencies to disseminate information to diverse client base;
- take advantage of ethnic media outlets and community newsletters;
- spokespeople for IPRD operating in different languages would be useful;
- strong web presence;
- high visibility public campaigns, such as those used by election candidates;
- use age-appropriate media to communicate message to youth as well as elders; and
- use community leaders as conduits for information to community.

6. Accountability

Reporting

Survey responses and discussions with focus groups and key informants suggest certain expectations around the transparency and accountability of the IPRD office. Requirements for reporting are outlined in Bill 103, although it is not clear with what frequency and/or detail the IPRD will be expected to produce a summary of activities.

Participants made the following points on the subject of reporting:

- there should be explicit documentation of every complaint made;
- the IPRD should produce an annual report card outlining the nature of complaints and their status or resolution;
- reports must provide statistics that allow the identification of trends or systemic issues in the police complaints system;
- reports should include details about the police precinct or office that has generated the complaint so as to determine if particular areas generate higher or lower than expected numbers of complaints;
- all reports should be easily available to the public (suggestions include a website, electronic distribution lists, newsletter and consideration of dissemination mechanisms employed by other similar independent bodies such as the Ombudsman and the Human Rights Commission);
- the IPRD should report annually to the Legislature; and
- the IPRD must clearly outline and implement a community accountability processes as part of his/her office.

Auditing

An evaluation of the effectiveness and independence of the IPRD were suggested by some respondents to ensure that the office is functioning in the public interest as intended. This could include periodic, random audits of the police complaints system. It was also suggested that a reference group of community representatives could be established for consultation and review.

A few respondents questioned the need for special oversight of the IPRD office, as it should function similarly to other independent commissions. Other observations on auditing included the following:

- the Ombudsman, the Attorney General's Office, the Auditor General, the Ontario Civilian Commission on Police Services (OCCOPS) and the Ontario Human Rights Commission were suggested as possible bodies to audit and/or review the IPRD's performance (either independently or collaboratively);
- the public needs measurable evidence that IPRD can and will function as intended;
- must build in inclusive monitoring mechanisms – community groups are underfunded and cannot take this on in the absence of systemic support for their involvement; and,
- that there should be no tri-party audit system.

ABORIGINAL PERSPECTIVES ON THE IPRD

While the consultation with the Aboriginal community was limited in scope, it did highlight some of the issues unique to this community. As per the discussion, this includes attempts at systemic assimilation and destruction of Aboriginal culture as well as a long history of mistrust of government and authority figures.

The following were some of the key points that emerged:

- a separate office for Aboriginal complainants in an urban setting would assist in making the complaints process more accessible to the community;
- oral tradition should also be considered and respected as a valid form of communication e.g. process shouldn't require excessive amounts of paperwork;
- would hold a community forum to make decisions before it goes to the elders - that way it represents a consensus;
- candidates should preferably have an appreciation for the particular history and experience of Aboriginal Peoples and the context of their interaction with police/authority figures;
- Community needs to be educated about the position, the process and how the new complaints system would work;
- information should be sent to all aboriginal communities, social service agencies particularly those that serve the aboriginal communities, and to aboriginal councils like HEDAC - Hamilton Executive Directors Aboriginal Coalition;
- people need basic information on how the process works, how it affect them, does it speak directly to their community and who from the community is involved;
- without an inclusive process it would be difficult to engage the community;
- gender was considered relevant - preference expressed for a woman director; and,
- a holistic approach to developing an effective complaints system was preferred to the proposed top down approach e.g. group governance as a preferred model.

CONCLUSIONS AND RECOMMENDATIONS

The information gathered through this consultation reflects the thoughts and views of a diverse group of over 300 community members and representatives. Throughout their responses and comments lies a common thread - that of the need for and desire by communities to play a meaningful and useful role throughout the entire process of developing, implementing and evaluating a new police complaints regime in Ontario. Comments and discussion by participants clearly articulate that such involvement would go a long way to address issues of transparency of the system. This point was raised by a majority of participants as a key element of the system's success in increasing public confidence in the provision of police services and in the investigation of complaints against police.

Equitable community involvement would also benefit the system and its stakeholders along a number of additional dimensions, including but not limited to addressing issues of access and support, as well as public awareness/education, accountability and civilian oversight. It must be noted that in order to involve communities in a meaningful way, an investment of time (for relationship-building) and resources (to allow and support that participation) will be essential. A logical and critical next step in community involvement would therefore be to engage communities in the development of the Regulations for the new legislation.

In order to effectively address the issues raised by the participants in this consultation, many of which are echoed in CEAPC's analysis of Bill 103 and those of other community-based stakeholders, the IPRD will need to develop innovative, collaborative and economically viable approaches and mechanisms. The efforts and costs of developing new structures and mechanisms within the system to effectively address issues of access, transparency and public awareness/education are likely to be significant. Grounding elements of that system in the communities that it is meant to serve will not only create a credible and more effective system, but will also allow the system to build on existing infrastructure.

Based on the results of this consultation and on the experiences of the Community Education and Access to Police Complaints (CEAPC) Demonstration Project, CEAPC submits the recommendations listed below for consideration as the process of implementing Ontario's new police complaints system moves forward. It is recommended that:

8. The personal and professional attributes put forward in this report should be integrated into the job description, selection process and evaluation of the position of the Independent Police Review Director and his/her office.
9. Community members and/or representatives must be actively involved in the hiring process for the new position of Independent Police Review Director.
10. Information about the selection process and its outcomes should be made publicly available in a very clear and timely manner.
11. Once hired, the IPRD should issue a detailed workplan and timetable for the implementation of the Independent Police Review Act.
12. The Government of Ontario should proceed expediently with the process of implementing the Independent Police Review Act.

13. This report's key themes of equity, consistent and meaningful community involvement, access, transparency and accountability should be raised and addressed as the Government of Ontario moves forward with its process of bringing in a new Ontario police complaints regime.
14. The IPRD and his/her office should consider the CEAPC model as an effective and economically viable model for application in urban settings as well as adaptation for use in non-urban settings.

APPENDIX I

COMMUNITY EDUCATION AND ACCESS TO POLICE COMPLAINTS (CEAPC) PROJECT PARTNER ORGANIZATIONS

1. African Canadian Social Development Council	2. Alexandra Park Community Centre
3. Alexandra Park Neighbourhood Learning Centre	4. Atkinson Co-Op
5. Canadian Race Relations Foundation	6. Canadian Arab Federation
7. Co-operative Housing Federation of Toronto	8. Community Social Planning Council of Toronto
9. Council of Agencies Serving South Asians	10. Davenport-Perth Neighbourhood Centre
11. Delta Family Resource Centre	12. Eastview Community Neighbourhood Centre
13. Fort York Food Bank	14. Hispanic Development Council
15. Hong Fook Mental Health Association	16. Jamaican Canadian Association
17. Jane/Finch Community Legal Services	18. Jane/Finch Concerned Citizens Organization
19. Justice For Children and Youth	20. Kensington-Bellwoods Community Legal Services
21. Malvern Family Resource Centre	22. Midaynta Association of Somali Serving Agencies
23. New Experiences for Newcomer Women	24. Ontario Council Of Agencies Serving Immigrants
25. Regent Park Focus	26. Regent Park Neighbourhood Initiative
27. Schizophrenia Society of Ontario	28. South Asian Family Support Services
29. South Asian Legal Clinic of Ontario	30. South Asian Women's Centre
31. St. Christopher House	32. St. Stephen's Community House
33. Street Health	34. The 519 Church Street Community Centre
35. Scadding Court Community Centre	36. Toronto Community Housing
37. Toronto Police Accountability Coalition	38. Toronto Police Service
39. YMCA Youth Intervention and Outreach Services	40. YOTHLINK Inncity

APPENDIX II

**LIST OF PARTICIPATING SERVICE PROVIDERS
AND KEY INFORMANTS**

Ottawa: Consultation co-ordinated by Southeast Ottawa Centre for a Healthy Community

Participants	Organization
<i>Service Providers & other</i>	Trinidad/Tobago Association of Ottawa Somali Centre for Family Services Jewish Family Services Members of steering group addressing OPS diversity training and complaints process Community Health and Resource Centre Diversity and Race Relations, Ottawa Police Corporate Communications, Ottawa Police Services
<i>Key Informants</i>	Boys and Girls Club Of Ottawa Multicultural Communities (City of Ottawa) President of Assunah Association of Canada

Toronto: Consultation co-ordinated by Scadding Court Community Centre

Participants	Organization
<i>Service Providers & Community Organizations</i>	Canadian Arab Federation St. Stephen's House Street Health Toronto Police Accountability Coalition Kensington-Bellwoods Community Legal Clinic Parkdale Community Legal Services Department of Canadian Heritage Scadding Court Community Centre
<i>Key Informants</i>	Toronto Police Accountability Coalition Chinese Canadian National Council Hate Crimes Community Working Group

Hamilton: Consultation Co-ordinated by Hamilton Centre for Civic Inclusion

Participants	Organization
<i>Service Providers & Community Organizations</i>	Community Coalition for Immigrants and Refugees Aboriginal community representatives Hamilton Settlement and Integration Settlement Services
<i>Key Informants</i>	Afro-Canadian Caribbean Association Urban Native Homes Hamilton Centre for Civic Inclusion

Windsor: Consultation Co-ordinated by the Multicultural Association of Windsor

Participants	Organization
<i>Service Providers & Community Organizations</i>	St. Peter's Maronite Church Lebanese Christian-Orthodox Windsor Jewish Federation/Community Centre Childrens Aid Society Victim Services Windsor/Essex CanAm Friendship Centre Certified Translator & (Cultural) Interpreter
<i>Key Informants</i>	Windsor & Essex District Black Coalition City of Windsor Multicultural Council & St. Clair College

APPENDIX III
PUBLIC SURVEY

PUBLIC SURVEY

BILL 103: An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act

A recent review of the Police Services Act resulted in changes to Ontario's police complaints legislation (Bill 103). These include the development of a new position known as the "*Independent Police Review Director*" (IPRD), which will create and run an office that will be responsible for the administration of police complaints (something that is currently done by police). The IPRD will also play an important part in the development of the regulations that will determine how the police complaints system is carried out. Under Bill 103, the IPRD has considerable discretionary powers, which means that the approach taken by this individual will directly affect how the police complaints system operates.

The following survey is part of a consultation being undertaken by the Community Education and Access to Police Complaints (CEAPC) project of Scadding Court Community Centre in Toronto. The purpose of this consultation is to ensure that public input is received by the Attorney General's Office prior to the selection of the IPRD.

Your participation in this brief survey will support efforts to ensure that the selection of an IPRD is carried out in a manner that reflects the public interest. The more information and detail you can provide, the more we can provide useful feedback on this important issue!

PART I

Tell us about yourself:

<i>Age:</i>	<i>Annual (household) income:</i>	<i>I consider myself:</i>
0-16 <input type="checkbox"/>	\$0-15,000 <input type="checkbox"/>	Person of colour <input type="checkbox"/>
17-24 <input type="checkbox"/>	\$15,000-25,000 <input type="checkbox"/>	Aboriginal <input type="checkbox"/>
25-34 <input type="checkbox"/>	\$25,000-40,000 <input type="checkbox"/>	Caucasian <input type="checkbox"/>
35-50 <input type="checkbox"/>	\$40,000-60,000 <input type="checkbox"/>	
50+ <input type="checkbox"/>	\$60,000+ <input type="checkbox"/>	

- 1) Do you consider yourself a newcomer (recent immigrant) to Canada? Yes No
- 2) Have you ever had a personal experience with the police complaints system? Yes No
- 3) Were you aware that Ontario's Police Complaints legislation is changing? Yes No
- 4) If so, where did you get your information?

Government office Community group Radio Newspaper Other _____

PART II

For questions 5-14, please indicate to which extent you agree or disagree with the following statements:

- 5) **Ethnocultural/ethnoracial background is important when selecting an Independent Police Review Director.**

Strongly agree Agree Don't know Disagree Strongly disagree

Why?: _____

- 6) **Gender is important in selecting an Independent Police Review Director.**

Strongly agree Agree Don't know Disagree Strongly disagree

Why?: _____

- 7) **Prior affiliations (direct or indirect) with law enforcement or the security industry represent a conflict of interest for the Independent Police Review Director.**

Strongly agree Agree Don't know Disagree Strongly disagree

Why?: _____

8) Active political affiliations represent a conflict of interest for the Independent Police Review Director.

Strongly agree Agree Don't know Disagree Strongly disagree

Why?: _____

9) What other affiliations or memberships would represent a conflict of interest for the IPRD?

Describe: _____

10) The Independent Police Review Director should have prior experience with law enforcement.

Strongly agree Agree Don't know Disagree Strongly disagree

Why?: _____

11) What professional experience should the Independent Police Review Director have?

Describe: _____

12) Government should be involved in the selection of the Independent Police Review Director.

Strongly agree Agree Don't know Disagree Strongly disagree

Why?: _____

13) The police should be involved in the selection of the Independent Police Review Director.

Strongly agree Agree Don't know Disagree Strongly disagree

Why?: _____

14) The public should be involved in the selection of the Independent Police Review Director.

Strongly agree Agree Don't know Disagree Strongly disagree

Why?: _____

15) Who else should be involved in the selection of the Independent Police Review Director?

Describe: _____

PART III

16) Which of the following supports do you feel would be most useful to someone pursuing a police complaint?

Financial Legal Translation/Interpretation Trained community support workers Other

Describe: _____

17) Which of the following would assist you or your group in making the IPRD office more accessible?

Local offices Trained community support workers/agencies Translation/Interpretation Website
Print materials Other

Describe: _____

18) Do you have any other comments or concerns?

19) Can we contact you in future for your input when the Regulations under Bill 103 are being developed? Yes No

APPENDIX IV

**FOCUS GROUP/KEY INFORMANT
DISCUSSION QUESTIONS**

**CONSULTATION ON THE POSITION OF THE INDEPENDENT POLICE REVIEW
DIRECTOR**

**(Bill 103: An act to establish an Independent Police Review Director and create a
new public complaints process by amending the Police Services Act)**

**COORDINATED BY THE COMMUNITY EDUCATION AND ACCESS TO POLICE
COMPLAINTS PROJECT (CEAPC) SCADDING COURT COMMUNITY CENTRE
(TORONTO)**

THEME A: CONFLICT OF INTEREST

Question 1: What attributes, background or affiliations might represent a conflict of interest for the IPRD in their role as independent overseer of the police complaints process?

THEME B: ACCESSIBILITY

Question 2: What would make the IPRD and his/her office more accessible to you or your agency?

THEME C: SELECTION CRITERIA

Question 3: What personal attributes and/or qualifications are relevant in hiring the Independent Police Review Director?

THEME D: SELECTION PROCESS

Question 4: What kind of process should be used in selecting/hiring the Independent Police Review Director?

THEME E: PUBLIC EDUCATION/OUTREACH

Question 5: What are your expectations regarding public education or outreach by the IPRD and his/her office?

THEME F: PUBLIC ACCOUNTABILITY AND TRANSPARENCY

Question 6: What mechanisms should be in place to ensure that the IPRD and his/her office function independently and are accountable to the public?