

**Ottawa Mayoral Candidate Ade Olumide Platform 5 - Police Anonymized Complaints Transparency Bill Of Rights For The Public & Other Police Officers, Ameliorate The Impact Of 151K Per Person By Excluding Front Line Officers, Maximising The Ratio Of Unsworn Vs Sworn Police Personnel And Reduce The Root Causes Of Crime & Homelessness**

# Ade Olumide for Mayor Competence & Ethics



*In contrast to the current unethical Ottawa City Council, ethical Councillor candidates consent to a 120 Days Police Complaints Transparency Bill of Rights: **Kathleen Caught** Ward 24, **Miranda Gray** Ward 11, **Brandon Russell** Ward 14, **Gino Scaffidi** Ward 18, **Vilteau Delvas** Ward 8, **Peter Karwacki** Ward 13. They did not endorse Ade Olumide for Mayor, they endorsed an end to the cover up of police misconduct.*

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## MAXIMISING THE RATIO OF UNSWORN VS SWORN POLICE PERSONNEL AND REDUCE THE ROOT CAUSES OF CRIME & HOMELESSNESS

With exception of Frontline and Criminal investigations, most other jobs should be undertaken by civilians. Through attrition, this could lead to an annual savings of up to **\$18 million dollars** by replacing up to 400 sworn officers (about 400 sworn officers doing Executive Services, Corporate Accounts, Training, HR & Support Services, Community Relations) with civilians. The savings come from the fact that the average total compensation per person for sworn officers is \$151K, excluding Police the same figure for the City is \$116K.

Directorate	Sworn	Civilian	Total
Office of the Chief & Executive Services	17	25	42
Corporate Support/Corporate Accounts	46	208.5	254.5
Training and Development	66	9	75
People and Culture	3	20	23
Support Services	47	291.1	338.1
Planning, Performance & Analytics	0	31	31
Criminal Investigation	373	43.5	416.5
Community Relations & Frontline Specialized Support	156	9.8	165.8
Frontline	703	8	711
Police Services Board	0	2	2
Grand Total	1411	647.9	2058.9

<https://www.ottawapolice.ca/en/annual-report-2019/staff-complement-and-organization-chart.aspx>

The RCMP had a civilian chief, a Deputy Chief can focus on law enforcement while a demonstrably ethical civilian Chief from existing city staff should focus on implementing the Police Complaints Bill of Rights and maximizing the civilian vs sworn officer ratio. Sworn officers that are willing to take a pay cut, should have the right of first refusal for unsworn jobs. Every dollar spent paying a sworn officer to do an unsworn job is a dollar lost for partnerships with non-profits, farms, faith-based communal initiatives, business, educational and health sectors, to reduce the root causes of homelessness & crime, pursuant to:

- a. City of Ottawa Community Safety and Well-Being Plan “The Community Safety and Well-Being Plan addresses local risks to safety and well-being at the community level in six priority areas: simplifying and integrating systems, strategies to address discrimination, marginalization and racism, financial security and poverty reduction, housing, mental well-being, and gender-based”
- b. Canada’s Reduction of Recidivism Framework Act “(2) (a) initiate pilot projects and develop standardized and evidence-based programs aimed at reducing recidivism; (b) promote the reintegration ... back into the community through access to adequate and ongoing resources as well as employment opportunities in order to lessen the likelihood of their reoffending; (c) support faith-based and communal initiatives ... (d) review and implement international best practices ... (e) evaluate and improve risk assessment instruments and procedures to address racial and cultural biases and ensure that all people who are incarcerated have access to appropriate programs that will help reduce recidivism”

We may not be able to end all drug addiction, but we must invest in preventing new drug addiction, we must have a zero waitlist to enter to enter drug addiction treatment programs, we must increase investment in what works with existing programs re housing, employment, education, reunite with family or friends, harm reduction. Every life has value, we must not criminalize homeless LGBTQ2S people & other homeless people. Supportive housing solutions must include programs to address the root causes. Council should approve a mandate letter requiring the OPSB to define low risk of violence or property crime calls where bylaw and or social and or mental health workers are the first on the scene and they determine whether to call the police.

## BACKGROUND FOR A POLICE COMPLAINTS BILL OF RIGHTS

In 2019, the Ottawa Police had 1,411 sworn employees, with 230 complaints, the number of potential bad cops is likely less than 10%, therefore good cops are in the majority. Candidate Olumide is pro-police duty to keep the community safe, good cops are reputational victims of bad cops.

Any statutory or constitutional right is an s380 Criminal Code "service". An error is not a crime, but whether or not the Police open a criminal investigation, ALL beyond all reasonable doubt deliberate falsehoods to defraud a mandatory statutory or constitutional "service", is a crime. Where Council defraud a mandatory "service" so as to cause a risk to life, health, safety or security, that is an s7 Charter and s219 Criminal Code attempted manslaughter offence. s21b,22.2,23 Criminal Code prohibits any Council omission that facilitates crimes by Ottawa Police officers. Any City Council omissions so as to cover up City staff crime are an s122 Criminal Code breach of trust use of public power to obtain a benefit for the City and s341a Criminal Code fraudulent concealment to facilitate defrauding a service.

On October 29, 2021, the CBC reported the former Ottawa Police Chief's comments re root out the "[rot in the organization ... of cancer](#)". Please see attached example of that cancer, which is an Ottawa Police complaint which has existed for 4 years, **Ottawa Police allege in writing that there is potential for disciplinary action** but because there is no Police Services Act mandatory deadline to issue a decision and because Council has not implemented the 120 Days Bylaw, the investigator and or the Police Chief and or the Police Services Board are inciting more police misconduct which harms the reputation of good cops and disproportionately affect indigenous people, visible minorities and female police officers.

**Problem:** The current **Ottawa City Council was asked about 6 times to pass an "accountability and transparency" bylaw** requiring the Ottawa Police Services Board "OPSB" to with the consent of the victim, publicly disclose anonymized excerpts of all complaints from the public or other police officers, which were dismissed without and investigation and any complaint investigation over the 120 days Office of the Independent Police Review Director "OIPRD" benchmark and the Police Chief reasons for permitting the investigation to exceed 120 days. But for this CBC report, there would have been no investigation;

<https://www.cbc.ca/news/canada/ottawa/police-officer-mental-health-report-by-fake-psychologist-sexual-harassment-1.6083291> ....**the force had said there was no ...investigation... but reversed course after CBC** sent an email ...inquiring about the possibility of an internal investigation... called the OPS decision to do a criminal investigation "lip service." **"Why didn't they listen to me 15 years ago?** I feel like they're just playing games,"

In light of the Newfoundland and Labrador Constabulary Act "*investigation shall be completed as soon as is practicable but no later than 3 months from the date the complaint is filed or received*", New Brunswick Police Act "*Within 60 days .. the investigator shall provide the chief of police with the ... findings and conclusions*" and the disproportionate effect of the lack of an Ontario Police Services Act statutory deadline for the investigation of police misconduct complaints, on the indigenous, black and brown community and white female police officers, the silence of Council is systemic racism and systemic misogyny.

Since the OIPRD 2009 existence, they listed 17 hearings re Ottawa Police misconduct complaints, but in 2019 the OPS website claimed they received 230 complaints (it is a Criminal Code and Police Services Act offence to lie to police), but there is no public record on the content of the complaints. If 2019 was representative of other years, 13 years and maybe 2,300 complaints mean only 1% of complaints reach a hearing. Other than aggregate statistical information for Ontario, there is no case-by-case information on misconduct complaints which did not make it to a hearing, and zero information on Policy Complaints. The following reports explain the problem:

<https://www.aptnnews.ca/national-news/transparency-major-issue-at-police-watchdog-unit-in-quebec-says-new-report/> “ police watchdog lacks transparency when investigating complaints made by Indigenous people according to a new report by an Independent Civilian Observer”

<https://www.cbc.ca/news/canada/toronto/public-complaints-police-disciplinary-hearings-1.5778459> “3,806 complaints made to the OIPRD about Toronto Police .. two per cent, were substantiated, and only one per cent have gone before the Toronto police disciplinary tribunal... a disciplinary hearing was never held because the OIPRD took too long to complete its report... The system is not for the complainant and it's in favour of the officers .. the Chinese and Southeast Asian Legal Clinic in Toronto told CBC News that the slim chance of a public complaint ever going to a disciplinary hearing is one of the reasons she ... doesn't necessarily recommend it. "The system is not working for the public”

<https://www.cbc.ca/news/canada/toronto/ways-to-improve-police-oversight-ontario-1.5780527> “CBC News asked experts and stakeholders how they would ... improve **transparency and accountability** for both police services and the public ... As with investigations, where police often still investigate their own, experts say that police should not be the ones disciplining their own officers”

<https://ottawacitizen.com/news/local-news/police-race-data-report> “Ottawa police... target young black and Middle Eastern men at rates two and three times what would be expected based on their population size.”

<https://toronto.ctvnews.ca/review-finds-people-of-colour-faced-disproportionate-levels-of-force-by-toronto-police-1.5947586> “Black people were over-represented in use of force incidents ... by a factor of 1.6. East/Southeast Asian and Middle Eastern people were both overrepresented by a factor of 1.2, while Latino people were overrepresented in use of force incidents by a factor of 1.5.... Strip searches were also found to be used in a manner that disproportionately targets racialized people.”

<https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00003-eng.htm> “one in five Black (21%) and Indigenous (22%) people have little or no confidence in police, double the proportion among those who were neither Indigenous nor a visible minority (11%)”

<https://www.thestar.com/opinion/contributors/2022/01/17/stop-police-violence-against-female-officers.html> “For years, women in the military have been desperately calling for change... gendered violence against women officers is tolerated and a condition of their employment. ... outside police entity to investigate sexual and physical violence reports against women in the military, how is this possible? Women serving in the RCMP and provincial and municipal policing agencies have been experiencing the same organizational violence and retaliation for decades... policing organizations at the centre of stories of sexual and physical violence, including Victoria, Calgary, Edmonton, Regina, Saskatoon, Ottawa, Halifax, and Charlottetown, and the Royal Newfoundland Constabulary, to name a few.”

**Solution:** Municipal Act “*by-laws respecting ... Accountability and transparency of ... its local board*” requires that if the Chief truly believe that disclosure of their reasons will compromise a misconduct investigation that should have been concluded within 1 week, the Chief needs to disclose that on a public online database, so that persons can be if necessary held accountable (electoral defeat or termination or suspension or fine or charged under the Police Service Act or Criminal Code etc.) for providing a false reason for extending an investigation beyond 120 days, so as to facilitate a crime or other misconduct.

A police misconduct investigation is not a criminal investigation, that does not mean that the misconduct being investigated is not a crime, 120 days is an OIPRD benchmark for the Chief’s decision, an OIPRD complaint is a

formal public process, and a misconduct complaint hearing is public, most misconduct investigations can be concluded between 1 day to 1 week.

In light of media reports below, **anytime the delay exceeds 120 days, there should be a presumption of bad faith**, it should then be up to the Chief and OPSB to publicly explain why the delay is not bad faith. Let's stop the status quo of Police Chief / OPSB / City Council abuse of the police complaints process to facilitate city employee crimes against residents and the city employees that they are paid to protect.

Ottawa should copy Toronto City Council "Enhancing Policing Accountability through ... Ombudsman Toronto ...b. provide the Ombudsman with a broad legal mandate to review the implementation of Toronto Police Services Board policies and Toronto Police Services Board procedures for the purpose of assessing the "fair process, fair outcome and fair treatment" impacts of those policies and procedures ...".

Ade Olumide is not the only person calling for a transparency database, the petition below lists about 20 references which include academics, media and law enforcement associations calling for a police misconduct transparency database. They were so frustrated by government cover-ups that **Alberta, Idaho, Chicago, Los Angeles, and New York non-government entities created incomplete police misconduct databases.**

## **OIPRD OTTAWA POLICE POLICY COMPLAINT RE FEMALE MEDIA & POLITICIANS**

Some names in the reports below have residency in Ottawa or Toronto, Ottawa Police and Toronto Police have shared jurisdiction, 3 media outlets complained to the Ottawa & Toronto police chiefs and federal minister for public safety. On August 30, 2022, Olumide filed OIPRD complaint E-202208301457005658 seeking:

1. A public policy declaration of the threshold for charging 175(1)(a)(i)(iii) "causes a disturbance...(i) by .. screaming, shouting, swearing, singing or using insulting or obscene language .. ", s264(1)(2d) "threatening conduct", s265(1b) "threatens, by an act or a gesture", s319 "incites hatred ... likely to lead to a breach of the peace" s346(1) "intent to obtain anything, by threats, accusations, menaces", s423(1a,b) "purpose of compelling another person to abstain from doing anything ... intimidates or attempts to intimidate" Criminal Code re threatening conduct against female politicians and female journalists.
2. A public policy declaration that even if the OIPRD does not accept this complaint, that does not preclude the Ottawa or Toronto Police Chiefs from issuing a public policy declaration on the threshold for charging 175(1)(a)(i)(iii), s264(1)(2d), s265(1b), s319, s346(1), s423(1a,b) Criminal Code, re threatening or "accusations, menaces" conduct against female politicians and female journalists. While an OIPRD dismissal of a policy complaint terminates mandatory Police Services Act duties, the s7,15 Charter s21b s219 Criminal Code s1(1)(2)(4),81(2) Police Services Act "safety and security" duty of a Police Chief not to incite future crimes by publicly disclosing a policy cannot be extinguished.

The Supreme Court of Canada defined test for a threat as "whether an utterance is a threat will be reviewed objectively on the basis of what would a reasonable person perceive", however we need to move from whether perpetrator intended to carry out the threat to the intimidation effect on the victim. Regardless of the police thresholds for a "threat" or "likely to lead to a breach of the peace", police cannot allege that "accusations, menaces" intended to prevent female politicians or journalists from doing their job is not an s346(1), s423(1a,b) offence. The RCMP mentioned thresholds, with respect, I request OIPRD / Ottawa Police / Toronto Police public disclosure of the threshold for an s346(1), s423(1a,b) offence against female politicians or journalists.

If the OIPRD does not grant the declarations sought, the OIPRD could be s21b Criminal Code party to any future 175(1)(a)(i)(iii), s264(1)(2d), s265(1b), s319, s346(1), s423(1a,b) Criminal Code offences against any female politicians or journalists. As a result of police silence, the perpetrators think their actions are legal, but it is a crime to make accusations, menaces with intent to extort freedom of employment, so the OIPRD and police must deter crime by informing victims and perpetrators their intimidation charging policies.

<https://www.cbc.ca/news/politics/rcmp-investigating-freeland-1.6566633> “if the threshold for a criminal charge is met, the RCMP or the police of jurisdiction may arrest and lay charges. If the criminal threshold is not met ... the RCMP can still review the individual's comments "from an intelligence perspective... We are seeing more incidents, particularly involving women, involving racialized Canadians, involving Indigenous peoples. I don't believe that that is a coincidence.”

<https://calgaryherald.com/news/local-news/calgary-mayor-speaks-out-about-the-threats-and-intimidation-shes-faced-after-deputy-prime-minister-targeted-by-verbal-abuse> “Recounting numerous instances of threats and intimidation that she’s experienced, Gondek said it’s time for action... there are “people who feel that their freedoms involve being able to intimidate others.”

<https://www.cbc.ca/news/politics/harassment-women-public-life-journalists-politicians-1.6564376> “... emails contained specific, targeted and disturbing threats of violence and sexual assault, as well as racist and misogynistic language.. we were told we were put on a list of journalists to be silenced,”

<https://www.cheknews.ca/unacceptable-conservative-leadership-frontrunner-pierre-poilievre-condemns-harassment-of-deputy-pm-chrystia-freeland-1082492/> “his wife ... has received “so much horrific material directly to her social media accounts,” prompting the couple to hire a private security firm “to protect our family against all of that abuse.”

<https://www.hilltimes.com/2022/08/17/co-ordinated-vitriolic-online-attacks-against-female-journalists-prompt-police-reports-calls-for-action-from-media-organizations/377577> “Several police reports have been filed in Ottawa and Toronto by journalists and columnists ... over incidents of online abuse that directly name a contributor associated with each of the organizations”

[https://www.thestar.com/opinion/public\\_editor/2022/08/11/vicious-online-attacks-wont-silence-voices-in-canadian-media.html](https://www.thestar.com/opinion/public_editor/2022/08/11/vicious-online-attacks-wont-silence-voices-in-canadian-media.html) “...a torrent of racist, homophobic, misogynistic and violent messages being directed at journalists, often women and women of colour. ... the Star, the Hill Times, Global News and the Canadian Association of Journalists, ... came together to pen a letter that is being sent to the chiefs of police in Toronto and Ottawa ... and federal Public Safety Minister Marco Mendicino. It’s also being sent to the heritage minister ... the justice minister, the minister for women and gender equality, the commissioner of the RCMP, and Ontario’s attorney general. The letter points out that ... “targeted, vile threats of violence” — made them fear for their safety and prompted them to file a number of police reports.”

<https://www.thestar.com/opinion/contributors/2022/08/10/every-day-that-passes-without-regulating-online-threats-is-a-win-for-haters.html> “... little institutional help, whether from law enforcement agencies ... hours on hold trying to report the death threats to police... “A People’s Tribunal: Every Woman’s Right to Speak Free from Online hate,” ...spoke about the devastating impacts ... 72 per cent increase in police-reported hate crimes .. is even more cause to worry .. only 1-in-5 people report hate to police).”

[https://www.thestar.com/opinion/editorials/2022/08/18/time-to-tackle-online-abuse.html?utm\\_source=speakable&utm\\_medium=push](https://www.thestar.com/opinion/editorials/2022/08/18/time-to-tackle-online-abuse.html?utm_source=speakable&utm_medium=push) “... abusers are confident they can get away with their threatening behaviour.... That’s a failure of government and law enforcement agencies who are not only letting

down the victims of online abuse but society at large... letter asks ... police forces to investigate... complaints... “review and improve” the process for filing complaints involving hate speech and harassment... reporters had frustrating experiences trying to file police reports and ... **officers were dismissive of their complaints.** Police services have a responsibility to ensure a victim-centred approach to ... legitimate fears for their safety.”

## **CANADA AND ONTARIO SHOULD PAUSE OTTAWA POLICE FUNDING**

Some of those screaming bloody murder regarding Hockey Canada are being hypocritical because some were aware of the problems, but because of a media report, they act like they do not share partial responsibility.

Police have discretion not to investigate a crime that has ended, but if Police have alleged limitless discretion to refuse to disrupt or charge ongoing crimes where the perpetrator and equipment used to commit the crime are at a fixed location, the taxpayers who pay their salaries have a "transparency" "open government" right to read an anonymized copy of the response to a policy complaint challenging limitless discretion.

An example of how the 120-Days Police Transparency Bill of Rights can work, the alleged victim can make a policy complaint about the lack of a policy that whenever there are allegations of rape by more than one alleged perpetrator, the police cannot close the case without interviewing all alleged perpetrators. If the OIPRD does not accept the complaint, there is no way to ensure that the public knows that such a policy was proposed or why it was rejected. Even if the OIPRD accepts the policy complaint there is no requirement for a public decision.

That a police force reopened a complaint due to a media report shows, policies for dealing with allegations of gang rape are insufficient; <https://toronto.citynews.ca/2022/07/22/hockey-canada-juniors-sex-assault/> “Two of Canada’s men’s world junior hockey teams are being investigated by police following alleged group sexual assaults in 2003 and 2018” <https://london.ctvnews.ca/london-police-to-reopen-criminal-investigation-into-hockey-canada-sexual-assault-allegations-1.5998669> “..a team of investigators has determined “there are further investigative opportunities available to us, and as such, the criminal investigation has been re-opened to allow those opportunities to be explored.”... police was launching an internal review of the sexual assault investigation that transpired four years ago... alleged she was sexually assaulted by eight unidentified players”

We saw the effect of Canada pausing funding of Hockey and Gymnastics Canada due to the handling of a sexual misconduct complaint. Why did Ottawa Police settle with a police officer who faced allegations of sexual harassment? the investigation to hearing took about 4 years, they settled an alleged perpetrator before we could find out if he was innocent or guilty, that shocking and unethical decision is likely to incite future police misconduct. Canada and Ontario should pause Ottawa Police funding until they stop using government funds to cover up and incite sexual harassment by not implementing a 120 Days Police Anonymized Complaints Transparency Bylaw.

## **POLICE COMPLAINTS BILL OF RIGHTS**

Mayoral Candidate Ade Olumide spoke at a community association meeting on July 12, 2022, a Councillor that was the subject of an Integrity Commissioner Report on sexual harassment and his staff attended to discourage the community association from issuing a news release re 120 Days Bill of Rights by articulating Council's implied position that a 120-day disclosure will allegedly interfere with an investigation. The Councillor / Council appears united in an implied position that police power to cover up misconduct should continue. <https://twitter.com/ottawacityethic/status/1547272891997343746?s=20&t=x8GNQV4iNSHrPL-6pXQLwg>

- a. Firstly, the Police Chief can redact but it will be online so after the investigation is complete, we can unredact and see if the Police Chief lied about the reason for the redaction.

- b. Secondly, the NFLD and New Brunswick Police Act provides for a maximum of 90 days and 60 days respectively, no extensions are allowed, therefore in Ontario, anytime an investigation exceeds the OIPRD benchmark of 120 days, the bad faith burden of proof should be reversed on the Chief.
- c. Thirdly, when an investigation goes beyond 120 days, the public is entitled to know the Chief's reason for permitting an extension, a contrary opinion will harm the reputation of good cops and disproportionately harm Aboriginals, blacks, browns, and caucasian female employees of the police.
- d. Fourthly, if a Chief / Board truly believe that disclosure of their reasons will compromise a misconduct investigation that should have been concluded within 1 week, the Chief / Board needs to disclose that on a public online database, so the Chief / Board can be if necessary held accountable (electoral defeat or termination or suspension or fine or charged under the Police Service Act or Criminal Code etc.) for a false reason for extending an investigation, so as to facilitate a crime or other misconduct.
- e. Fifthly, ALL Ontario Privacy Commissioner decisions are publicly available online, that includes records related to criminal proceedings, the only reputational safeguard is that the decisions are anonymized, therefore, there is no good faith reason to decline anonymized police complaint decisions.

Voters should make an informed decision on the competence and ethical judgement of our elected representatives; ALL current members of the Council should disclose their reasons for refusing to create a 120-Day Police Complaints Bill Of Rights Accountability & Transparency Bylaw and the following:

1. You have a right to a bylaw or policy or rule or guideline re “integrity” “transparency” “accountability” “open government” “health, safety and well-being” “protection of persons and property” **public online database** system for all complaints from a member of the public that are accepted or rejected by the Office of Independent Police Review Director “OIPRD”, it shall include the OIPRD decision, the Police Chief reply (if any), the Complainant reply (if any). One reply may suffice for same matter complaints e.g. police handling of a truck protest. Neither the Ontario legislature or Council has power to change Criminal Code 25.1(9)(11b), 34, 35, circumstances where police can violate the Criminal Code, s91(27) Constitution Act 1867 makes Criminal law the exclusive jurisdiction of the Parliament of Canada, therefore no interpretation of the Police Services Act has jurisdiction to defraud Municipal Act “transparency” “accountability” powers so as to violate s21b s22.2 s23 s219 Criminal Code.
2. You have a right to a bylaw or policy or rule or guideline to receive complaints about private organizations or public organizations other than the City or partnerships which **use Ottawa taxpayer funds to violate a law**, right of reply by the organization and a recommendation to Council or a Committee on whether the organization may continue receiving funding or whether a partnership can continue. Staff should not engage bylaw resources to investigate these 3<sup>rd</sup> party organizations or partnerships, they should simply recommend cessation or continuation of municipal taxpayer funding or partnership based on the documentary evidence provided by the complainant and the reply. Staff may in exceptional circumstances reserve the right to request an oral hearing or a written reply on a specific issue that is relevant to a decision on whether to cease or continue municipal taxpayer funding. They should not make a finding of fact on the allegation that an organization violated a law, rather they should make a list of questions that they could not be determined with certainty. This can lead to better internal controls in order to qualify for future funding. For example, if an organization receives funding to provide a service to the public, and they deny service by deliberately making a false statement, that is easier to assess, but if they deny service without providing reasons or they refuse to respond to a request for a service, it would be harder for the City to determine whether that differential treatment is intended to violate the Human Rights Code or Criminal Code or another law.

3. You have a right to a bylaw or policy or rule or guideline that since there is a lawful process to redact records and request exemptions AND the decision of a Privacy Commissioner maybe be challenged in court, there is no justification for beyond all reasonable doubt evidence of crimes like **refusing to process an MFIPPA Act request** (s341a fraudulent concealment s380(1a) Criminal Code “falsehood, deceit, other fraudulent means” to defraud MFIPPA Act records) or abusing staff s2 Charter freedom of conscience by directing staff to stop processing an MFIPPA Act request (s22 Criminal Code person counselling), this should be grounds for immediate termination of employment with cause.
4. You have a right to a bylaw or policy or rule or guideline that OIPRD decisions to **screen out misconduct complaints**, do not preclude the Police Chief discretion to reply to an OIPRD misconduct complaint decision in a manner that will deter future misconduct. As determined by an OPSB Review of Chief administration of a complaint, an unreasonable reply or an unreasonable lack of reply, could be a ground for OPSB to file a complaint against the Police Chief or publicly disclose the results of a review of whether a reply or lack of reply violates s21b s23 s22.2 s219 Criminal Code. Council reserves the right to replace appointments on the OPSB that do not comply with a Council bylaw requiring OPSB to develop a transparency policy for reviewing the Chief administration of misconduct complaints, in compliance with the Canada Victims Bill of Rights definition of a victim and the right of a victim to file a complaint; whether or not anyone was charged, if the allegations in the Complaint are true, is the complainant the victim of a Criminal Code offence? Can the handling of the complaint incite a revictimization of the victim?.
5. You have a right to a bylaw or policy or rule or guideline that OIPRD decisions to **screen out service or policy complaints**, do not preclude Police Chief discretion to reply to an OIPRD policy complaint decision by creating the requested policy or a different policy with similar intent. As determined by an OPSB Review of Chief administration of a complaint, an unreasonable reply or an unreasonable lack of reply, could be a ground for OPSB to file a complaint against the Police Chief or publicly disclose the results of a review of whether a reply or lack of reply violates s21b s23 s22.2 s219 Criminal Code / create a policy without a complaint. Council reserves the right to replace appointments on the OPSB that do not comply with a Council bylaw requiring OPSB to develop a transparency policy for reviewing the Chief administration of policy complaints, in compliance with the Canada Victims Bill of Rights definition of a victim and the right of a victim to file a complaint; whether or not anyone was charged, if the allegations in the Complaint are true, would the complainant the victim of a Criminal Code offence? Can the handling of the complaint incite a revictimization of the victim?.
6. You have a right to a bylaw or policy or rule or guideline that where the Ottawa Police takes **more than 120 days** to issue an OIPRD screened-in misconduct or policy complaint, the Chief of Police shall provide a written reasonable justification to the Board. As determined by an OPSB Review of Chief administration of a complaint, an unreasonable delay, could be a ground for OPSB to file a complaint against the Police Chief or publicly disclose the results of a review of whether an unreasonable delay violates s21b s23 s22.2 s219 Criminal Code / create a policy without a complaint. Council reserves the right to replace appointments on the OPSB that do not comply with a Council bylaw requiring OPSB to develop a transparency policy for reviewing Chief reasons for taking more than 120 days to issue a complaints decision. Some jurisdictions require a written update to the complainant every 30 days. Ontario Police Services Act does not prohibit a Council Municipal Act Transparency Bylaw or OPSB Transparency Policy for internal (police against police) and public complaints.
7. You have a right to a bylaw or policy or rule or guideline that pursuant to Police Services Act “81(1) *No person shall, (a) induce or attempt to induce ...police force to withhold .. services; or (b) induce or attempt to induce a police officer to commit misconduct. (2) No...police force shall withhold .. services*” AND the open court constitutional principle, s21b s22.2 s25.1(9)(11b) s34 s35 s494(1a)(2) Criminal Code, s6,s7,s9,s10

Victims Bill of Rights, s7 Charter Rights to life, health, safety, security, neither courts nor administrative tribunals have immunity from the Criminal Code, the OPSB shall create a **“Court or Tribunal or Judicial Council” policy** that discloses online, the reasons re each element of the offence for declining Police Services Act or Criminal Code charges for out of court (non-adjudicative) crimes which include:

- I. allegedly acting without lawful justification to direct a police officer to violate the criminal code by arresting or investigating anyone as a reprisal for exercising a mandatory Criminal Code right
- II. allegedly violating the s219 Criminal Code which includes acting without lawful justification to threaten arrest or home seizure or substantial fine, defrauding s7 Charter access to health care without obtaining the expert opinion of a medical professional, defrauding s8 Charter against unreasonable search and seizure by directing police to open a criminal investigation as a reprisal for mandatory Criminal Code rights, defraud an s9 Charter rights against arbitrary arrest and or imprisonment etc. defraud an s10 Charter right to reasons for arrest, defraud s24 Charter access to a court or a tribunal in order to facilitate a criminal code offence,

**CHANGE.ORG PETITION FOR POLICE AND MILITARY ANONYMIZED COMPLAINTS  
TRANSPARENCY BILL OF RIGHTS <https://chng.it/GLfvt6Chrg>**

To All Levels of the Elected USA and Canadian Governments to safeguard the reputation of good officers (the majority) through a 120 Days Police and Military Complaints (Includes Sexual Harassment and Assault) **Transparency Bill of Rights to deter bad officers from abusing the public or other officers:**

- a) public online anonymized copy of all misconduct (violation of any law or prescribed code of conduct) or service (for example a refusal to open a sexual harassment or assault investigation) or policy (for example a refusal to track the use of force and race-based data) complains from the public or an officer,
- b) supported by an affidavit which can lead to charges if the allegations are false,
- c) the police or military or outside investigator result, and sanctions if applicable,
- d) the reason for any redaction that is contrary to the alleged victim's consent if applicable,
- e) the reason for extending an investigation beyond 120 days if applicable,
- f) naming of perpetrator upon “convictions, terminations, de-certifications, civil judgments, resignations and retirements while under investigation for serious misconduct, and sustained complaints or records of disciplinary actions”,

WHEREAS the Executive Orders of President Donald Trump and President Joe Biden affecting the police complain database is progress, it does not include sexual harassment or assault complaints in the military, transparency of the length of the investigation, transparency of the investigation decision, transparency of the reason for dismissing a misconduct or service or policy complaint without an investigation (sustained allegations that do not lead to a sustained complaint), transparency of misconduct sanctions that are deemed not serious. There is no federal anonymized or named database with guaranteed public access, no guarantee that State, local, and tribal police departments will implement or integrate a database. **Canada should copy the USA requirements for the federal AG to investigate systemic issues with non-federal police complaint processes and create a database for military noncriminal sexual harassment complaints.**

WHEREAS A doctor or lawyer cannot practice without a license, but police are yet to be deemed regulated professionals. Groups of academics or media or law enforcement associations in Alberta, Idaho, Chicago, Los Angeles, New York created police misconduct databases, but without government, it is impossible to resolve loopholes. Ontario Privacy Commissioner decisions include records related to criminal investigations and an anonymized copy of all decisions is publicly available online. Newfoundland and New Brunswick do not permit any police misconduct investigation to exceed 90 and 60 days respectively. **The USA should copy Canada's**

**direction that state civil authorities take over federal military police investigation of sexual assaults.** For example Canada paused Hockey Canada funding for potentially using taxpayer dollars to cover up prior and incite future sexual misconduct, but Ottawa Police did the same thing and Canada is yet to pause funding.

WHEREAS the Office of Independent Police Review Directorate “OIPRD” target for the length of an investigation is 120 days, since OIPRD 2009 existence, they have listed only 17 hearings re Ottawa Police Service “OPS” misconduct complaints, but in 2019, the OPS received 230 complaints from the public, 119 were investigated but there is no public record on the content of the public complaints or the internal complaints from other officers. If 2019 is representative of other years, in 13 years, **only about 1% of complaints from the public lead to a hearing.** Other than aggregate statistical information for Ontario, there is no case-by-case information on misconduct complaints which did not make it to a hearing, and zero information on Policy Complaints.

WHEREAS if the police or military refuse to investigate a misconduct complaint or an investigation goes beyond 120 days, the public is entitled to immediately or after the investigation, see the reason for permitting an extension, a contrary opinion will harm the reputation of good cops (the majority) and **disproportionately harm indigenous people, visible minorities, and caucasian female employees of the police or military.**

WHEREAS a police or military misconduct investigation is akin to a company HR department investigation of a company employee, not all criminal code violations lead to criminal charges, the purpose of misconduct investigations are mostly to determine if civil sanctions like a warning or suspension or termination, however **the underlying conduct that leads to a civil sanction may also be a criminal code violation.**

BE IT RESOLVED that deterring misconduct through transparency is cheaper than investigating and resolving complaints, upon consideration of media reports below, any politician that facilitates ongoing or incites future criminal or other misconduct by opposing this petition objective, **is ethically unfit to hold public office at any a level of government.**

<https://www.nytimes.com/2021/08/03/magazine/military-sexual-assault.html> “nearly one in four servicewomen reports experiencing sexual assault in the military, and **more than half report experiencing harassment,**”  
<https://www.cbc.ca/news/politics/number-of-sexual-misconduct-investigations-expected-transferred-civilians-1.6247095> “... **military sexual misconduct investigations ... handed over to civilian police**”  
<https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00013-eng.htm> “...large rise in ... **sexual assault (+18%) ... accounted for 40% of the increase in the Violent CSI.**”

<https://www.cbc.ca/news/canada/ottawa/use-of-force-review-ottawa-police-service-1.6450059> “Ottawa police officers have disproportionately used force against people they believed were **Black, Indigenous or Middle Eastern,** according to a report covering the first year that race-based data was collected.”  
<https://www.cnn.com/2016/12/20/health/black-men-killed-by-police> “Black men are nearly **three times as likely to be killed by legal intervention than white men,** according to ... American Journal of Public Health”

<https://priceschool.usc.edu/news/usc-research-institute-announces-national-registry-to-track-police-misconduct/> “...the LEWIS (Law Enforcement Work Inquiry System) Registry ... will be the **first comprehensive national catalog** of police officers who have been terminated or resigned due to misconduct. ... such as excessive use of force, corruption, domestic violence, sexual assault, physical assault, harassment, perjury, hate group affiliation or falsifying a police report. All information in the registry is drawn from public sources, such as official department statements, court records, police notices, news reports, and other open sources.”

<https://www.msnbc.com/the-reidout/reidout-blog/biden-executive-order-police-george-floyd-rcna30639> “.. The executive order ... a database to track incidents of misconduct committed by federal law enforcement ... like officer convictions, “terminations, de-certifications, civil judgments, resignations and retirements while under investigation for serious misconduct, and **sustained complaints** or records of disciplinary actions for **serious misconduct**.” ... attorney general to assess whether and how the records in the database could be made public”

<https://www.lebtown.com/2022/06/21/statewide-pennsylvania-police-hiring-database-hindered-by-loopholes-lack-of-enforcement/> “... did not include any enforcement measures if they failed to ... upload records when an officer leaves their employment ... bill would have required ... all disciplinary actions and notify the public of their intent to hire someone who had “**substantiated allegations, substantiated complaints or completed or ongoing investigations**” ... in 10 categories: the use of excessive force, harassment, theft, discrimination, sexual abuse, sexual misconduct, domestic violence, coercion of a false confession, filing a false report, or a judicial finding of dishonesty... The bill that passed ... requires ... only ... “final and binding” discipline, ... voluntarily accepted a punishment or it went through formal adjudication. “Most transgressions do not get resolved, and so they are very rarely final and binding”

<https://www.tampabay.com/news/florida-politics/2022/07/28/florida-new-database-on-cops-with-bad-records-has-holes-reform-advocates-say/> “... without a court conviction, it’s extremely difficult to know if an officer has been repeatedly accused of brutality, or of falsifying records.. ... the Florida Officer’s Discipline Database.. website can be accessed ... but ... doesn’t include citizen complaints, only goes back a decade, and for an officer to make the list, he or she must have a felony criminal conviction or have been found guilty of a moral character violation.... **Derek Chauvin, convicted in the murder of George Floyd, had more than 20 complaints against him** ... people have been calling for — not only convictions, but complaints.”

<https://sourcenm.com/2022/02/21/police-accountability-database-stripped-out-of-crime-package/> “... the database would have contained information on hiring of an officer, their termination, criminal convictions for on-duty conduct, any civil judgments for on-duty conduct, any de-certifications and any separation agreements with past police departments... **police agencies told legislative staff that they want the database** ...”

<https://www.cnn.com/2021/05/16/us/police-national-decertification-index-database/index.html> “... there needs to be greater federal oversight to track officers who have been involved in misconduct ... law enforcement people can move from state to state and ... have the power to use deadly force and arrest ... There is a Justice Department-funded police misconduct registry ... **It does not track officers accused of misconduct... the database is not public** ... There's also nothing mandating every state to contribute”

<https://www.nbcnews.com/tech/tech-news/politicians-have-expressed-interest-national-police-database-one-already-exists-n1242696> “... President Donald Trump directed the Justice Department to create a database that would cover federal, state, local, tribal and territorial law enforcement agencies; it would also have information about terminations and civil judgments. .... **police officers should be treated like ... other highly regulated professionals who need state-issued certifications or licenses** ... others besides Becar's group have stepped in with databases ... news organization ProPublica this year published a database of thousands of civilian complaints against New York City police officers including complaints where allegations were not substantiated. The Invisible Institute, a Chicago journalism organization, has published complaint records ..”

<https://calgaryherald.com/news/local-news/0525-police-misconduct> “Volunteer group launches interactive database of police misconduct cases ... The volunteer group comprises academics, lawyers, students and other professionals ... The data comes from ... newspaper clippings, CanLII (Canadian Legal Information Institute) decisions, disciplinary hearings and documents received through Freedom of Information requests....”

“Compiling ... in **one place, publicly accessible ... will aid efforts to hold police ... accountable....** of violent behaviour, charges against off-duty officers, sexual abuse and other misconduct...”

<https://www.ottawalife.com/article/rapes-and-lies-the-cancerous-misconduct-at-the-ottawa-police-service> "... gross incompetence of the OPSB can be measured by their inaction on multiple files where OPS cops have committed serious and at times violent crimes against both citizens and their fellow employees without consequences. The OPSB's **propensity to turn a blind eye to the victims of rape, sexual assault and misogyny have made them all accessories by default to the ongoing rape culture** at the OPS. ...they have behaved as meek cowards ...while allowing OPS Chief ... to boss them around like children ... Ironically, it was ... who constantly and very harshly criticized Mayor ... city staff and other councillors over a **lack of transparency** .... her preponderance for secrecy and not disclosing information to the public or hiding behind convenient rules created by her fellow politicians and police management to not disclose information ... “

<https://www.cbc.ca/news/canada/ottawa/police-officer-mental-health-report-by-fake-psychologist-sexual-harassment-1.6083291> ....**the force had said there was no ...investigation... but reversed course after CBC** ...inquiring about the possibility of an internal investigation... called the OPS decision to do a criminal investigation "lip service." "**Why didn't they listen to me 15 years ago?** I feel like they're just playing games,"

<https://www.cbc.ca/news/politics/rcmp-discipline-mendicino-1.6321653> "The challenge that we're seeing is the time it's taken for these things to be investigated, for decisions to be made and for corrective measures to be implemented," he said. "But hopefully, we'll get to a place where the **two-year, three-year, four-year decision making process comes back down** to something that's reasonable and both parties involved can have closure in a reasonable timeframe."

<https://toronto.citynews.ca/2021/06/28/women-in-policing-share-stories-of-harassment-ask-why-is-it-so-hard-to-get-justice/> “Women in policing ...ask why is it so hard to get justice... “It’s not just a few bad apples. It is culturally and institutionally embedded” ... “Unions remain white heteronormative male dominated institutions ... **not always understanding or willing to understand what systemic sexism or racism** looks like ...Sexual abuse and harassment of female officers has been well documented ...”

## CANADA AND TEN PROVINCIAL LEGISLATIONS RE LENGTH OF POLICE MISCONDUCT INVESTIGATIONS

**Royal Canadian Mounted Police Act 45.63** The Commissioner shall notify in writing the complainant and the member or other person .. the status of the investigation to date not later than 45 days after being notified of the complaint and monthly after that during the course of the investigation unless, in the Commissioner’s opinion, to do so might compromise or hinder any investigation ... 45.64 As soon as feasible after the investigation of a complaint is completed, the Commissioner shall prepare and send to the complainant, the member or other person ..

**Alberta Police Act 45(1)** ... the chief shall cause the complaint to be investigated ... (7) If a complaint is being investigated .. the chief of police must advise the complainant in writing at least once every 45 days as to the progress of the investigation.

**British Columbia Police Act Confidentiality of investigations 95(2)**Despite subsection (1), the police complaint commissioner may make a disclosure described in subsection (1) if she or he considers it in the public interest. ...99 (1)An investigation into the conduct of a member or former member must be completed within 6 months .. unless (a)the police complaint commissioner grants one or more extensions ..(b)the discipline authority directs further investigation ... [if member's or former member's request for further investigation is accepted] or ... [adjournment of discipline proceeding for further investigation]. (2)The police complaint commissioner may grant an extension ... only if

the police complaint commissioner is satisfied.. (a) new investigative leads are discovered that could not have been revealed with reasonable care; (b) the case or investigation is unusually complex; (c) an extension is in the public interest.

**Manitoba** Police Act 73(1) A police chief must, as soon as practicable, notify the independent investigation unit (a) when the police service receives a formal complaint ... (b) when the police service is conducting an investigation ... 73(3) When an investigation into a matter referred to in subsection (1) has been completed, the police chief must provide the civilian director with the results of the investigation... 76 The minister may make regulations respecting ... (b) public reporting on the results of such investigations, including the form and content of the reports.

**New Brunswick** Police Act 28.1(1) If the chief of police conducts an investigation .. the chief of police shall, within 30 days after the filing of the complaint (a) appoint as an investigator 28.2(1) Within 60 days after the appointment of an investigator, the investigator shall provide the chief of police with the full details of the investigation, including ... (e) a summary of the investigator's findings and conclusions.

**Newfoundland and Labrador** Constabulary Act 24(3) Upon receipt of a complaint under subsection (1), the chief, or the deputy chief shall investigate the complaint and that investigation shall be completed as soon as is practicable but no later than 3 months from the date the complaint is filed or received.

**Nova Scotia** Police Act Referral to chief officer 71 (1) A complaint .. shall be referred to the chief officer of that police department in accordance with the regulations... (4) The chief officer shall report all complaints to the Complaints Commissioner at the time and in the manner prescribed by regulation [*Police 36 (1) An investigation must be completed no later than 60 days after the date the complaint was first made. (2) Despite subsection (1), the Complaints Commissioner may, on request before or after the time limit has expired, extend the time to complete the investigation if the Complaints Commissioner is satisfied that there are reasonable grounds for granting the extension and the extension will not unduly prejudice any member*].

**Ontario** Police Act 62 (1) If a complaint about the conduct of a police officer is referred under clause 61 (5) (a) to the chief of police .. the chief of police shall, on receipt of the complaint, promptly give notice of the substance of the complaint to the police officer who is the subject of the complaint unless, (a) in the chief of police's opinion, to do so might prejudice an investigation into the matter; ... 68 (1) The Independent Police Review Director shall cause every complaint retained by him or her under clause 61 (5) (c) to be investigated and the investigation to be reported on in a written report. ... (3) If at the conclusion of the investigation the Independent Police Review Director believes on reasonable grounds ... misconduct as defined in section 80 or unsatisfactory work performance, he or she shall refer the matter, together with the written report, to the chief of police ... (5) Subject to subsection (6), the chief of police shall hold a hearing ... 83(17) If six months have elapsed .. no notice of hearing shall be served unless the board, ... or the Commissioner, ... is of the opinion that it was reasonable, under the circumstances, to delay serving the notice of hearing.

**Prince Edward Island** Police Act 27(1) Within 90 days of being designated to conduct an investigation, or within such longer period as may be determined by the chief officer of the respondent, an investigator shall.. (b) submit a written report of his or her findings to the chief officer of the respondent.

**Quebec** Police Act 175. Not later than 45 days after deciding to hold an investigation and as needed thereafter during the course of the investigation, the Commissioner shall notify in writing the complainant, the police officer .. and the director of the police force .. of the status of the investigation, unless, in the Commissioner's opinion, to do so might adversely affect the investigation. 176. The investigation report shall be submitted .. within six months, except where the commissioner is satisfied that exceptional circumstances warrant otherwise.

**Saskatchewan** Police Act 41(1) In the case of a public complaint ... the chief shall give notice in writing to the PCC and the member .. the status of the complaint: (a) not later than 60 days after the day on which the report is recorded by the person who received it; and (b) every 60 days after the expiry of the period mentioned in clause (a) during the course of an investigation. ... (3) If the PCC receives notice pursuant to this section, the PCC shall, as soon as is practicable, give notice in writing to the complainant of the status of the complaint.

## RELEVANT LAWS

**Municipal Act** s10(1)(2-1,2,5,6,7,8) “2... may pass by-laws respecting ... 2. Accountability and transparency of ... its local board”, s224(a,b,c,d,1,f), s270(1-4,5),

**Police Services Act** s1(1)(2)(3)(4), 31(1)b,c,e,f,i,j(1.1a),(3),(6), 61(1)(2), 63(1,2,4,5,6,8),66(3),76(1), 77,80(1)  
 A police officer is guilty of misconduct if he or she, (a) commits an offence described in a prescribed code of conduct; ... (e) commits an offence described in subsection 79 (1) or (2) (offences, complaints);  
 ..(f) contravenes section 81 (inducing misconduct, withholding services);81, “31(1)(f) policies respecting the disclosure by chiefs of police of personal information ... (i) guidelines for dealing with complaints ...  
 (j) review the chief of police’s administration of the complaints ...regular reports from the chief .. on ...  
 complaints (6) The board may, by by-law, make rules for ... the police force.. 63(5) A complainant may, within 30 days .. request that the board review the complaint ..66(3) ... if at the conclusion of the investigation and on review of the written report ... the chief of police believes ...conduct constitutes misconduct .. or unsatisfactory work performance, he or she shall hold a hearing...76 (1) A chief of police may make a complaint ... about the conduct of a police officer..77 (1) A board may make a complaint .. about the conduct of the .. chief.. 81(1) No person shall, (a) induce or attempt to induce ...police force to withhold .. services; or (b) induce or attempt to induce a police officer to commit misconduct. (2) No...police force shall withhold .. services”

**Police Services Act Ontario Regulation 268/10** 1. .. member of the board ... uphold the Constitution of Canada ... to the best of my ability, discharge my duties ... faithfully, impartially and according to the Police Services Act, any other Act, and any regulation, rule or by-law... 2. .. police officer ... uphold the Constitution ... to the best of my ability, preserve the peace, prevent offences and discharge my other duties ... faithfully, impartially and according to law. ..29. (1) .. establish policies for the assessment of police officers’ work performance. **Code Of Conduct** ...2(1)(a) **Discreditable Conduct**.. (i) fails to treat or protect persons equally without discrimination ... (ii) uses profane, abusive or insulting language ... (v) ... otherwise uncivil .... (viii) withholds or suppresses a complaint or report against .. a police ... or ...policies of or services ... (ix) is guilty of a criminal offence .., (x) contravenes any provision of the Act or the regulations, or (xi) .. likely to bring discredit upon the reputation of the police .. (c) **Neglect of Duty** ... (i) without lawful excuse, neglects or omits promptly and diligently to perform a duty ... (vi) fails to report a matter that it is his or her duty to report, (vii) fails to report anything that he or she knows concerning a criminal or other charge, or fails to disclose any evidence that he or she, or any person within his or her knowledge ... (viii) omits to make any necessary entry in a record, ... (d) **Deceit** ... (i) knowingly makes or signs a false statement in a record, (ii) wilfully or negligently makes a false, misleading or inaccurate statement pertaining to official duties, or (iii) without lawful excuse, destroys or mutilates a record or alters or erases an entry in a record; ... (g) **Unlawful or Unnecessary Exercise of Authority**, in that he or she, (i) without good and sufficient cause makes an unlawful or unnecessary arrest, (i.1) without good and sufficient cause makes an unlawful or unnecessary physical or psychological detention, ... 3... commits misconduct if he or she conspires in, abets or is knowingly an accessory to any misconduct ...

**Public Service of Ontario Act 2006; 108** (1) In this Part, “wrongdoing” means, (a) a contravention by a public servant, .. of an Act of the Assembly or of the Parliament of Canada, or of a regulation made under such an Act, (b) an act or omission of a public servant, .. that creates a grave danger to the life, health or safety of persons .. where the danger is unreasonable having regard to his or her duties, powers and functions and any other relevant circumstance, ..(d) directing or counselling wrongdoing....

**Criminal Code** 21b, 22.2, 23, [party to s139 obstruction of justice, 265(1a,b)(3b,c,d) assault, s298 libel, 346(1.1)(b) extortion, 423.1(b) intimidation], 25.1(9)(11b), 34, 35, s219 attempted manslaughter by “does or omits to do anything” judicial or police or health care diagnosis, attempted 222, 298, 299, 307, 309, 310, 311, 312, 313, 314, 315, 319, 341a fraudulent concealment contrary to transparency and open government

constitutional and statutory principles, 361(1), s380(1a) defraud integrity, transparency, accountability, open government services, s494(1a)(2) Criminal Code / s307 “fair reports of ... judicial proceeding” s312 “necessary to refute defamatory matter published” s315 Publication To “Redress Of Wrong” s319 “ incites hatred .. likely to lead to a breach of the peace” s494(1a)(2) “finds committing an indictable offence” 504 “justice shall receive the information”

**Charter Rights** s1 s2 s3 s7 s8 s12 s10 s15 s24: s2 freedom of association & expression s3 representation in government & qualified for membership s7 right to life, health, safety, security, s8 against property seizure / substantial fine / s9 against imprisonment or threats of imprisonment, s10 right to reasons for arrests or threats of arrest, s15 differential treatment with intent to extend prior and ongoing racism and incite lifetime / after death future racism

**Canada Victims Bill of Rights** Preamble, s2,3,6,7,9,10,16, “6 ... right to file a complaint for an infringement or denial of .. rights under this Act. ...7 ..right, on request, to information about (a) the status and outcome of the investigation .. (b) ... proceedings in relation to the offence ... progress and outcome. 9 ... right to have their security considered ...10 ...right to .. protect the victim from intimidation and retaliation....”

**Ottawa Accountability and Transparency Policy** “... 1. Decision-making will be open and transparent. 2. Municipal operations will be conducted in an ethical and accountable manner. ..4. Municipal information will be accessible so that it is consistent with legislative requirements. 5 Inquiries, concerns and complaints will be responded to in a timely manner... Accountability ... take responsibility for its actions, decisions and policies and that it is answerable to the public at large. Transparency ... accessible, clear and visible manner and that its activities are open to examination ... 4. Open government The City of Ottawa is accountable and transparent... The following are policies, procedures and practices that ensure the City is transparent in its operations and residents are aware... 7. Public Engagement Strategy .. Policy Overview ..2.. The integrity of City Council as a whole and the offices of the Members must be protected ... Section 225 further describes the role of the Mayor as Head of Council: ... To act as Chief Executive Officer of the municipality.. To provide leadership to the council; To provide information and recommendations to the council with respect to the role of council to ensure administrative, accountability and transparency policies are in place;”

**Ontario O. Reg. 58/16: Collection Of Identifying Information- Prohibition And Duties** “8. A police officer who attempts to collect identifying information ... shall record ... officer’s reason”

**Ontario Libel and Slander Act** s4 “proceedings in court.. reasonable statement of explanation or contradiction” s5(2), s16 “Slander affecting ..professional or business reputation” s17 “Slander of title”

**Canadian Bill of Rights** s1(a) “life, liberty, security of the person and enjoyment of property” s2(a,b,c,e) “principle of fundamental justice” against lifetime / after death media s298 Criminal Code libel incitement of hate crimes by defrauding Criminal Code s298, s341(a), s380(1a) right of reply

**UN Universal Declaration of Human Rights** Preamble,1,3,5,7,8,9,12,21,23,25,28,29,30 “7 .. entitled to equal protection .. against any incitement to such discrimination 25(1) ..Health And Well-Being..”

**UN International Covenant on Civil and Political Right** Article 2,5, 9(1)(2)(4)(5), 17,18(2), 19(3), 20(2), 22(2),25, “9(1)...2... reasons for his arrest ... 20(2) ...incitement to discrimination, hostility...”

**UN Convention/Committee on the Elimination of Racial Discrimination** Article 1,2,4,5,6 “2(c) shall review .. local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination, .. 4 adopt positive measures to eradicate all incitement to discrimination 5(b)

.. security of person and protection by the State against violence or bodily harm.... (d)(iv) .. public health, medical care, .. social services .. (f) .. access to any place or service intended for use by the general public ....6 effective protection ...through competent tribunals”

**American Declaration** Article I, IV, XI, XIV, XVII, XX, XXI, XXII, XXV, XXVIII, XXXIV “Article XI... preservation of his health .. “

**American Convention** Article 4(1), 5(1)(2), 7(1)(3)(4), 10, 11(1)(2)(3), 13(5), 21(2), 32(1) “Article 5. ...1.. physical, mental, and moral integrity respected. 2.. inherent dignity of the human person...Article 7...4. Anyone who is detained shall be informed of the reasons”

**Code of Conduct for Members of Council** (By-law No. 2018-400) Section 1 - Statutory Provisions Regulating Conduct.. 2 a) ..Municipal Act, 2001; g) ..Ontario Human Rights Code; h) ..Criminal Code of Canada;.. Section 4 - General Integrity 1.. integrity, accountability and transparency, 2.. complying with all applicable legislation ... 3.. recognize .. public ... right to open government and transparent decision-making. 4.. serve and be seen to serve ... constituents .. conscientious and diligent... open mind. ... Section 7 - .. duty to treat members of the public, ... without ... discrimination ..]

*Kosoian v. Société de transport de Montréal* - 2019 SCC 59 - 2019-11-29 [6] .... Every person can therefore legitimately expect that police officers who deal with him or her will comply with the law in force, which necessarily requires them to know the statutes, regulations and by-laws they are called upon to enforce. Police officers are thus obliged to have an adequate knowledge and understanding of the statutes, regulations and by-laws they have to enforce. **Police forces and municipal bodies have a correlative obligation to provide police officers with proper training, including with respect to the law in force... [55] Police officers are obliged to have an adequate knowledge and understanding of criminal and penal law, .. and of the rights and freedoms protected by the Charters....[58]** ... Citizens rightly expect them to have an adequate knowledge and understanding of the statutes, regulations and by laws .. to maintain peace, order and public security and to prevent and repress crime and offences under the law and by laws (Police Act, s. 48 para. 1) ...[59] The training and instructions given to police officers, as well as **internal police force policies, directives and procedures, must be considered** ... Similarly, the usual practices are at most a relevant factor. As the Court stated ... “[i]t is not sufficient . . . that the common professional practice be followed in order to avoid liability. That practice has to be demonstrably reasonable” (p. 434). **The mere fact that an error of law is repeated does not make it excusable.** [60] As professionals responsible for law enforcement, police officers must be able to exercise judgment with respect to the applicable law. **They cannot rely blindly on the training and instructions given to them,** nor can they mechanically follow internal policies, directives and procedures or usual police practices.

*Johnston et al. v. Prince Edward Island*, 1995 10509 (NL SCTD).... *City of Kamloops v. Nielsen*, [1984 CanLII 21 \(SCC\)](#), ...: 'In my view, **inaction for no reason or inaction for an improper reason cannot be ... bona fide exercise of discretion.** Where the question whether the requisite action should be taken has not even been considered by the public authority, or at least has not been considered in good faith....,

*R. v. Onigbinde-Bey*, 2017 ONCJ 418 [82] ...s. 138 of the Police Services Act affords express authority for the exercise of court officers’ powers in courthouse environments. Although s. 138 authorizes warrantless search powers, they extend only to those “entering or attempting to enter the premises” – **not those who have already been granted entry.** The same provision authorizes **court officers to “[d]emand that a person immediately leaves premises** where court proceedings are conducted ... **if there is reason to believe that the person poses a security risk”**....[91] Carpenter’s effort to seize the phone from the unyielding defendant arguably amounts to both an **attempted theft and an assault.** The defendant was entitled to resist Carpenter’s overreach”.

Gosselin v. Québec (Attorney General), [2002] 4 SCR 429, 2002 SCC 84... By enacting the Social Aid Act, the Quebec government **triggered a state obligation**...C. Negative vs. Positive Rights and the Requirement of State Action [319] ... rights include a **positive dimension**, such that they are not merely rights of non-interference but also what might be described as **rights of “performance”**, then they may be **violable by mere inaction**...

Islip v. Coldmatic Refrigeration of Canada Ltd., 2002 BCCA 255 (CanLII), 2002 BCCA 255 ...an incomplete representation may amount to an actionable falsehood: ... **An incomplete statement may be as misleading as a false one**, and such half-truths have frequently been treated as legally significant misrepresentations. ...it is open to the court to hold that the concealment of the material facts can, when taken with general statements, true in themselves but incomplete, turn those statements into misrepresentations...

Brar and others v. B.C. Veterinary Medical Association and Osborne, 2015 BCHRT 151 (CanLII [742] .. organizations have an obligation to...to be aware of **whether their practices, policies and programs are having an adverse impact or resulting in systemic discrimination** vis-à-vis racialized persons .. organization violates the Code where it **directly or indirectly, intentionally or unintentionally** .. rather authorizes, **condones, adopts or ratifies behaviour that is contrary**...

Talos v. Grand Erie District School Board, 2018 HRTO 680 .. **perpetuation of disadvantage and stereotyping as the primary indicators of discrimination**.. whether.. fails to respond to the actual capacities and needs of the members of the group and instead imposes burdens or **denies benefits** in a manner that has the **effect of reinforcing, perpetuating or exacerbating their disadvantage**.

Law V. Canada , 1999 SCR 497, “(b) **fail to take into account the claimant’s already disadvantaged position** .. differential treatment .. **withholding a benefit** from the claimant in a **manner which reflects the stereotypical application** ..or ..effect of perpetuating or promoting the view that the individual is **less .. worthy of recognition** or value as a human being ..equally deserving of concern, respect, and consideration?”

Elmasry And Habib V. Roger’s Publishing 2008 BCHRT 378 “expose” was more subtle and indirect and meant to **leave a person unprotected** .. open to .. censure or danger, thus creating the right conditions for hatred or contempt to flourish.. vulnerable to .. hostility; or putting them at risk to be hated.. **likely to increase the risk** of .. hateful or contemptuous behaviour”

Freeman v. Canada (Citizenship and Immigration), 2013-10-23, 2013 FC 1065, IMM-6304-12, Bad Faith ...[24]..Supreme Court .. Roncarelli that “good faith” means “... carrying out the statute according to its intent and for its purpose; ... not with an **improper intent** and for an alien purpose... “good faith” does not mean acting “for the purposes of **punishing a person for exercising an unchallengeable right**” and “it does not mean arbitrarily and illegally attempting to divest a citizen of an incident of his civil status”.. [27]..Supreme Court observed ... bad faith can include “acts that are so markedly inconsistent with the relevant legislative context that a court cannot reasonably conclude that they were performed in good faith”. [28] Direct evidence of bad faith is not required. It can, .. be inferred from the surrounding circumstances.. [29].. absence of good faith can be deduced and bad faith presumed”.

Canada (Citizenship and Immigration) v. Tennant, 2018 FCA 132 (CanLII) “[12]..a **constitutional provision or principle takes precedence over statutory and subordinate legislative provisions, and they take precedence over judge-made common law**” [23] “.. In our system of governance, all holders of public power, even the most powerful of them—the Governor-General, the **Prime Minister, Ministers, the Cabinet, Chief Justices and puisne judges, Deputy Ministers, and so on—must obey the law:**

...[24] Tyranny, despotism and abuse can come in many forms, sizes, and motivations: .. Over centuries of experience, we have learned that all are nevertheless the same: all are pernicious. Thus, we insist that all who exercise public power—no matter how lofty, no matter how important—must be subject to meaningful and fully **independent review and accountability**.

Michel Girouard v Attorney General of Canada 2018 FC 865, T-409-18 20180829 “[6] .. Federal Court of Appeal recently recalled, such **absolute power has no place within our democracy: .. all public power, even the most powerful of them** ---the Governor General, the **Prime Minister, Ministers, the Cabinet, Chief Justices and puisne judges, Deputy Ministers**, and so on – **must obey the law** ... [7] Therefore, as per the fundamental principles of our democracy, all those who exercise public power, regardless of their status or the importance of their titles, must be subject to independent review and held accountable as appropriate. **This also goes for the CJC and the chief justices who make up its membership** ...

R. v. Swearngen, 2003 CanLII 16208 (ON SC) Criminal Purpose Exception [8] Not all communications between solicitor and client are protected. One of the well-established exceptions is when the communication with the solicitor is to advance a criminal or fraudulent purpose. Mr. Justice Dickson in Solosky v. the Queen (supra) noted, at pp. 835-36 S.C.R., p. 507 C.C.C.:... **if a client seeks guidance from a lawyer in order to facilitate the commission of a crime or a fraud, the communication will not be privileged and it is immaterial whether the lawyer is an unwitting dupe or knowing participant**. The classic case is R. v. Cox and Railton (1884), 14 Q.B.D. 153 in which Stephen J., had this to say (p. 167): "**A communication in furtherance of a criminal purpose does not 'come in the ordinary scope of professional employment'**".[9] The criminal purpose exception to solicitor-client privilege was also affirmed in Descôteaux v. Mierzwinski and Attorney-General of Quebec, supra. .. **Communications made in order to facilitate the commission of a crime or fraud will not be confidential** either, regardless of whether or not the lawyer is acting in good faith. [page28] He also commented that, **in some instances, the communication itself may be the actus reus of the crime**. .. in R. v. Cox and Railton (1884), 14 Q.B.D. 153 .. The reason on which the rule is said to rest cannot include the case of communications, criminal in themselves, or intended to further any criminal purpose, for the protection of such communications cannot possibly be otherwise than injurious to the interests of justice, and to those of the administration of justice. Nor do such communications fall within the terms of the rule ...[10] In R. v. McClure, 2001 SCC 14 (CanLII), [2001] 1 S.C.R. 445, 151 C.C.C. (3d) 321,:...only communications made for the legitimate purpose of obtaining lawful professional advice or assistance are privileged. [11] ... **Society has an interest in ensuring that solicitor-client privilege is not used as a vehicle for undermining the legal system**. [12] **Privilege does not attach to communications made for a criminal purpose. There is no societal interest in permitting an individual to hide a criminal purpose behind the wall of solicitor-client privilege**. To do so would undermine the integrity of the legal system; it would undermine the credibility of lawyers as officers of the court, a role that is critical to the functioning of the legal system.

R. v. Lucas, [1998] 1 S.C.R. 439.... Defamation is ..like **Theft or Battery of the Person**.. criminal libel is .. as a deliberate **assault or causing damage to property**

Kent v Martin, 2016 ABQB 314 ..[9] .. none of the respondents offered an apology, or a retraction, .... **rebuttal offered .. was not published. .. explanation for refusing to publish the rebuttal was “not reasonable”** ..[12] .. responsible communication on matters of public interest...e. **whether the plaintiff's side of the story was sought and accurately reported** [152] . .journalists must: ... (m)ake a **genuine effort to contact anyone who is being criticized in a story**. A last-minute call as the newspaper is about to go to press is not sufficient. **Repeated attempts must be made to contact the target of the story, so that the person has a chance to respond to an allegation or to offer an explanation**. The effort may produce new information that changes the tenor of the story or spares the media outlet from publishing false or misleading statements which would have to be corrected or retracted later. The courts have said a **sincere effort must be made to**

**contact the target of an accusation,..** If an explanation is offered – even one that appears suspect or self-serving-fairness and the **law demand that it be reported and given a prominent place** in the story. [156] ... in the **age of the internet**, when defamatory material can spread ... reportage.. (3) the report sets out **both sides of the dispute fairly**; ..

## POTENTIAL AMENDMENTS FOR OTTAWA POLICE SERVICES BOARD POLICY MANUAL

Policy Number: GA-9 – Policy Name: Complaints Legislative Reference / Authority Ontario Police Services Act, sections 31(1)(i), 31(1)(j) and Part V Ontario Regulation 263/09 – Local Complaints

Board Policy This policy provides direction to the Board and to the Chief of Police regarding the obligations of both parties under the Police Services Act and associated Regulations. 1. General Application It is the direction of the Ottawa Police Services Board that the Chief of Police shall: 1. Develop and maintain an Ottawa Police Service Complaints Procedure to ensure that complaints are processed in accordance with the provisions of the Act, the Criminal Code, the Charter, associated regulations and this policy. 2. Ensure that the Complaints Procedure incorporates a fair and transparent process for both the public and members of the Ottawa Police Service including a public online database where the public can review OIPRD decisions to the Chief, reply of the Chief (if any) and Complainant (if any) so that if necessary, the public through Council can hold the OPSB accountable for facilitating Criminal Code or Charter violations and a requirement that, where notice or information is to be provided to a person affected by a complaint (either a complainant or police officer), that notice and investigation is prompt, professional, complete and delivered in accordance with the Act.

...  
3. Publication Of Decisions The Chief shall ensure that every decision made as a result of a hearing or not to proceed to a hearing or the OIPRD decision to screen out a misconduct complaint, is made available to the public in the manner that he or she considers appropriate in the circumstances, and shall provide a copy of each such decision to the OIPRD and with the consent of the complainant disclosed through a public online database. Any screened in decision shall trigger “must advise the complainant in writing at least once every 45 days as to the status of the complaint” If the OIPRD fails to issue to the Chief a misconduct complaint screening decision within 120 days (OIPRD benchmark for the Chief), and the Chief receives a complaint that the delay violates an s7 Charter right to life, health, safety, security, the Chief’s opinion on the delay and actions taken (if any) shall be communicated to the OPSB, which shall comply with its duty of care to Ottawa electors by providing OIPRD a deadline to issue a screening decision, failing which that OIPRD Notice shall be publicly available on an online database.

5. Policy And Service Complaints The OIPRD determines if a complaint is about a policy or service of the Police Service and will refer the complaint to the Chief of Police. The Chief of Police: 1. Shall ensure that within 60 days of the OIPRD referral, the complainant is notified in writing of the disposition of the complaint, with reasons for the decision, and of their right to request the Police Services Board to review the complaint if they are not satisfied with the disposition. .. 1.5 Shall ensure that within 60 days of the OIPRD decision to screen out a policy or service complaint, the OIPRD decision and comments of the Chief (if any) or Complainant (if any) are with the consent of the complainant publicly disclosed through a public online database. ...3. Shall ensure that upon disposition of every complaint about a policy or service or complaints which were screened out, a brief written synopsis, including the disposition of the complaint, is submitted to the Police Services Board as part of the Quarterly Complaints Report and with the consent of the complainant disclosed through a public online database. Any screened in decision shall trigger “must advise the complainant in writing at least once every 45 days as to the status of the complaint”. If the OIPRD fails to issue to the Chief a policy or service complaint screening decision within 120 days (OIPRD benchmark for the Chief), and the Chief receives a complaint that the delay violates an s7 Charter right to life, health, safety, security, the Chief’s

opinion on the delay and actions taken (if any) shall be communicated to the OPSB, which shall comply with its duty of care to Ottawa electors by providing OIPRD a deadline to issue a screening decision, failing which that OIPRD Notice shall be publicly available on an online database.

1. This section is applicable to complaints about the conduct of an officer other than the Chief or a Deputy Chief. The Chief of Police shall ensure that: a) The Complaints Procedure regarding the handling of public complaints about the conduct of an officer is compliant with the Act, the Criminal Code and the Charter. b) The Board is kept informed of any serious complaint by way of confidential written reports. c) All decisions concerning criminal charges will be made in consultation with the Crown Attorney's Office, however the Police may lay a charge without the consent of the Crown Attorney's Office. The Board shall be notified of these decisions as soon as reasonably possible and in any event within 30 days. e) Complainants are given all necessary guidance, support and protection, including confidentiality of the complainant's identity when requested by the complainant, except for such disclosures as may be required by law. f) Complainants are advised of the progress of disciplinary proceedings or the reasons for an investigation that exceeds 6 months and their right to accept an OPSB decision to permit the Chief to exceed 6 months to issue a decision or request that Council replace any OPSB appointee that voted to grant an extension that violates the Criminal Code. With the consent of the complainant, the decision of OPSB and Council shall be disclosed through a public online database, and their right to participate and are also informed of their right to request anonymity and a closed hearing. A member of the OPSB is entitled to a public dissenting opinion to any public OPSB decision,

2. Internal Board Complaints About the Chief or Deputy Chief...3. If the Board is of the opinion that the Chief or Deputy Chief's conduct may constitute an offence, or misconduct or unsatisfactory work performance, the Board shall ask the Ontario Civilian Police Commission to assign the Chief of Police of another police force to cause the complaint to be investigated promptly, and the investigation to be reported on in a written report at the Board's expense...

3. Public Complaints About the Chief or Deputy Chief...3. If a complaint passes the preliminary screening, the OIPRD shall refer all complaints about a Chief or Deputy Chief to the Board for review. 3.5 If a complaint about a Chief or Deputy Chief does not pass the preliminary screening of the OIPRD, the Board reserves the right to review the Chief administration of a complaint and notify the public that the review raises questions about whether a complaint was handled in a manner that violates the s21b s22.2 s23 s219 Criminal Code s7 Charter rights to life, health, safety, security.

9. REPORTING REQUIREMENTS The Chief of Police shall: 1. Submit quarterly written Complaints Reports ...a) For Policy and Service Complaints that are referred or not referred by the OIPRD

### **City Of Ottawa Police Services Board Policy Manual ...**

1.7 Board Members' Code Of Conduct ... ethical ...

1. ... unconflicted loyalty to the interests of the community...

3c) Board members will make no judgements of the Chief or organizational performance except as that performance is assessed against explicit Board policies by the official process which includes the opportunity for a member to include in the private or public record a dissenting opinion on any Board decision .....

5. ... not violate or cause to be violated, any legislated act, standard or regulation, or by-law...

2.1 ...The Board will instruct the Chief through written policies. Interpretation, implementation and detailed operational policy development are the purview of the Chief, however all policies within the Policy Manual are "direction on day-to-day operation of the police force", reasonable people can differ on what is a "detailed

operational policy development”, consequently the Board may with or without a complaint direct the Chief to create a detailed operational policy on any police matter, and a recommendation on incorporating such policy in the Policy Manual may be accepted AS IS or with amendments by the Board.

- 2.2 ... 1. The Board will direct the Chief to achieve certain results.. through the establishment of Ends to be Achieved and identify the boundaries of acceptable practices and conduct through the establishment of Chief’s Requirements Policies for handling internal and public complaints and other matters.
2. The Chief is authorized to establish all further policies, make all decisions, take all actions, establish all practices, and develop all activities that are consistent with the Board’s Ends to be Achieved and Chief’s Requirements.
3. The Board may change its Ends to be Achieved and Chief’s Requirements policies, thereby shifting the boundary between Board and Chief domains as long as it does not contravene existing legislation and associated regulations. ... so long as any particular delegation is in place, the Board and its members will respect and support the Chief’s choices. This does not prevent the Board from obtaining information in the delegated areas for handling internal and public complaints and other matters.
4. Only decisions of the Board acting as a body are binding upon the Chief...b) In the case of Board members or committees requesting information or assistance without Board authorization, the Chief can refuse such requests that require, in the Chief’s judgement, a material amount of staff time or funds or are disruptive, if these exceptions are not present, the Chief shall provide Board members or committees requesting information or assistance.

2.3...Consequently, the Chief’s job contributions can be stated as performance in only two areas[32]:

1. Organizational accomplishment of the provisions of Board policies on Ends to be Achieved for handling internal and public complaints and other matters.
2. Organization operation within the boundaries of practice and conduct established in Board policies on Chief’s Requirements for handling internal and public complaints and other matters.

- 2.4 Monitoring The Chief’s Performance...2. A given policy may be monitored in one or more of three ways:
- a) Internal Report: Disclosure of compliance information to the Board from the Chief.
  - b) External Report: Discovery of compliance information by a disinterested, external auditor, inspector or judge[33], or by the Ministry of the Solicitor General as part of their regular audit of a police service...
  - c) Direct Board Inspection: Discovery of compliance information by a Board member, a committee or the Board as a whole...
3. In every case, the standard for compliance shall be any reasonable consistent interpretation ...
4. Upon the choice of the Board, any policy can be monitored by any method at any time. For regular monitoring, however, each Ends to be Achieved and Chief’s Requirements policy will be classified by the board according to frequency and method...

Monitoring Grid ....

Treatment of the Public A, B, C Annually...

Administration of Complaints or Other Operations A, B, C Annually

Administration of Complaints or Other Ends to be Achieved (March)

Criminal Misconduct Complaints and Other Crime Prevention A, B Annually ...

Criminal Misconduct Complaints and Other Law Enforcement A, B Annually ...

Administration of Complaints or Other Victims Assistance Whether Or Not The Perpetrator Was Charged A, B Annually ...

3.1 ... Chief of Police shall ensure that all practices, activities, decisions or organizational circumstances are consistent with the Police Services Act .. other relevant statutes, contractual agreements .. professional ethics....

3.2 ...ensure that humane and safe conditions are maintained and that all related legislation and regulations are complied with...

1. ...Canadian Human Rights Code, the Ontario Human Rights Code, the Employment Standards Act, Employment Equity, the Health and Safety Act and the Police Services Act.[38]

2.. rules for staff relations, provide for effective handling of grievances, and protect against wrongful conditions.

3. All staff (sworn officers and civilian personnel) receive formal feedback ...

5. Sworn officers do not engage in any activity that interferes with or influences adversely the performance of his or her duties as a member of the Ottawa Police Service or is likely to bring discredit ...

8. Staff are acquainted with their rights under this policy. ....

3.8 Communication And Counsel To The Board... timely, complete and accurate...

1... timely, accurate and understandable fashion, directly addressing the provisions of the Board policies being monitored.

2. The Board is provided with information as required by the Police Services Act and associated Regulations. This includes: a) An annual report on the secondary activities of all sworn officers[61].

b) Quarterly reports on the administration of the screened-in or out or informal misconduct or policy or service complaints system with sufficient detail to understand the nature of the complaint and the resolution (if any) and the risk for Charter or Criminal Code or other statutory liability for the Board ... [62]. c) An annual report summarizing the activities of ... i. its performance objectives, indicators and results; ii. public complaints... d) Information that will be included in the Board's Business Plan ..... viii. police assistance to victims of crime (whether or not the perpetrator was charged) and re-victimization rates;...e) Advise the Board on any secondary activities that he is personally contemplating (including extending a misconduct complaint investigation beyond 60 days) so that the Board can determine if it is acceptable[65].

4. Gather for the Board as many staff and external and complainants' points of view, issues, and options as needed for fully informed Board choices. Reports to the Board shall indicate what consultation took place and how the Chief's recommendation reflects or does not reflect the input received [71].

5. Inform the Board on significant program changes related to complaints or services offered to the community.

...

7. Let the Board be aware of relevant trends, significant changes in federal, provincial or municipal policies, anticipated adverse media coverage, material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established.

8. Advise the Board if, in the Chief's opinion, the Board is not in compliance with the Criminal Code or Charter or its own policies on Governance Process and Board-Chief Linkages, particularly in the case of Board behaviour that is detrimental to the work relationship between the Board and the Chief.

...

11. Report in a timely manner an actual or anticipated non-compliance with any policy of the Board on internal or public complaints or other matters.

.....

3.11... In ensuring that service is provided related to crime prevention, law enforcement, victims' assistance (whether or not anyone was charged), public order maintenance and emergency response services, the Chief shall ensure that generally accepted policing practices are followed including those Regulations and Guidelines specifically prescribed by the Solicitor General of Ontario. ...

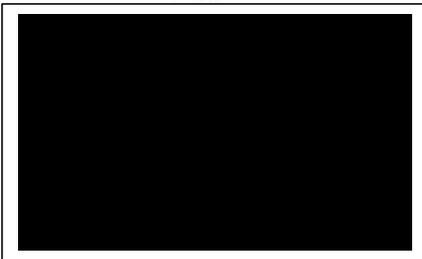
1. Procedures and processes on problem-oriented policing and crime prevention initiatives[81]. .....
5. A criminal investigation management plan that:... c) Lists the occurrences for which the supervisor must assign responsibility to undertake or manage the investigation to a criminal investigator;[92]...
6. Procedures and processes for undertaking and managing general criminal investigations and investigations into[96]:... g) fraud and false pretence, including defrauding mandatory services (reference Appendix 1.40); h) hate or bias motivated crime and hate propaganda, (reference Appendix 1.9 & 1.10); i) homicides and attempted homicides includes defrauding access to health care, requesting an unlawful arrest (reference Appendix 1.41);... o) proceeds of crime whether or not anyone is charged (reference Appendix 1.43); .. p) property offences, including break and enter, media libel (reference Appendix 1.32); v) crimes involving a member of a police service; .... x) unlawful investigation request or complaint y) extortion of mandatory services y) Non-adjudicative crimes or Police Services Act offences by courts or tribunals .....
9. Procedures and processes in respect of:...i) When investigative supports are obtained from one or more persons or lawyer or organizations other than police forces to provide those supports by means of a person or organization that is not a police force, the person providing the investigative support shall[100]... c) Obtaining when required, expert or specialized assistance from another police force, or lawyer or government agency, other organization or individual, in relation to a criminal investigation being undertaken by the Ottawa Police Service.[104]...
11. A court security plan, which includes the s7 s8 s9 s10 Charter procedure for ensuring that anyone who is arrested or investigated at the request of a court official may after the arrest obtain a reason for the arrest from the police station incident report and if the reason for the arrest or investigation is unlawful, there may be charges under the s140 Criminal Code or s81 Police Services Act [106]
12. Procedures on court security that address supervision and training for police and court staff on the potential s7 s8 s9 s10 Charter consequences of directing police to arrest anyone include a potential investigation on whether there was a lawful reason for engaging the police.[107]
13. Procedures on providing assistance to victims of crime that a) Reflect the principles of the Victims' Bill of Rights, 1995;[108] and b) Set out the roles and responsibilities of staff (sworn officers and civilian) in providing assistance to victims, whether or not anyone is charged, where the facts and evidence provided by the complainant leads to the conclusion that on the balance of probabilities the complainant is a Criminal Code victim, the complainant may be designated an alleged victim, if the offence is ongoing or the proceeds of the crime can be returned, the complaint shall be investigated, and pursuant to s7 Victims Bill of Right, the complainant may be designated a victim or the Police shall make a finding of fact for each element of the offence. The Police are not required to charge all criminal offences, therefore the designation as a victim does not necessarily trigger a charge, it does mean that where possible the proceeds of a crime shall be returned and the perpetrator shall be directed to stop the crime and not repeat the crime and if the crime is repeated there should be a reasonable justification for not laying a charge. [109]  
.....  
4.4... Are to be doing something that reflects the principles of the Act Respecting Victims of Crime. Will require quantitative and qualitative performance objectives and indicators relating to .. police assistance to victims of crime and re-victimization rates...



**OTTAWA POLICE SERVICE  
SERVICE DE POLICE D'OTTAWA**

*The Trusted Leader in Policing  
Le chef de file de confiance dans la police*

Our File Number: 20-0101  
IPC Appeal Number: MA20-00157



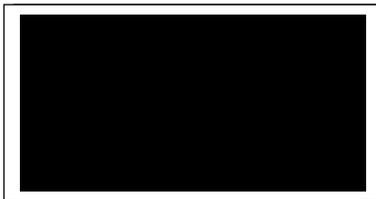
**RE: Index of withheld records**

After communication with the Information and Privacy Commissioner's office, it was decided that this institution will provide you with a brief list of the records that are withheld in full under Section 52(3). The records withheld in full consist of:

- **A letter sent to an Ottawa Police Service Officer**
- **An internal Ottawa Police Service e-mail**
- **An external e-mail to Ottawa Police Service from the OIPRD**
- **An external e-mail to the Ottawa Police Service from the OIPRD**
- **A letter sent to the Ottawa Police Service from the OIPRD**
- **Correspondence sent to the Ottawa Police Service from the OIPRD**

As you currently have an Appeal with the Information and Privacy Commissioner's Office, if you have any questions, or require information, please contact the IPC.

Sincerely,



Freedom of Information Analyst



**OTTAWA POLICE SERVICE**  
**SERVICE DE POLICE D'OTTAWA**

*The Trusted Leader in Policing*  
*Le chef de file de confiance dans la police*

Our File Number: 21-0101  
Appeal Number: MA20-00157

June 23, 2021

Information and Privacy Commissioner of Ontario  
20 Bloor Street East  
P.O. Box 75120  
Toronto, Ontario M4W 3T3

**RE: NOTICE OF INQUIRY – REPRESENTATIONS**

Please find enclosed this institution's representations with respect to the received Reply Notice of Inquiry.

**Issue A: Sharing of Representations**

**Issue B: Labour Relations and Employment Records**

The records at issue, numbered 2 through 7, fall under Section 52(3), thus the Act does not apply to these records.

The records at issue pertain to a complaint that was made about an Officer, and was collected, prepared, maintained and used by the employer, Ottawa Police Service, regarding this employee Police Officer. The records, all relating to a complaint about this employee are considered staff relations, are about the conduct of this employee. These records, held by the Professional Standards Section, relate to employment, as there is the potential for disciplinary action against the named officer. These records would be part of the Officer's human resources file. The Ottawa Police Service has a great interest in these labour relation related records, as they pertain entirely to the relationship between the employer, Ottawa Police Service, and the employee, Police Officer. Section 52(4) does not apply to any of records at issue.

