

Supplementary Request for an investigation of the Ottawa Police Services Board partiality, conflict of interest, bad faith

Ade Olumide Campaign <...>

Sun, Oct 23, 2022 at 12:33 AM

To: ...

Ontario Civilian Police Commission, Telephone: 416-326-1356
15 Grosvenor Street, Ground Floor, Toronto, ON M7A 2G6: Vice-Chair (Part-Time) Jeanie Theoharis, Vice-Chair (Part-Time) Emily Morton, Vice-Chair (Part-Time) Caroline Fletcher-Dagenais, Vice-Chair (Part-Time), Sara Mintz, Member (Part-Time) Colin Osterberg, Member (Part-Time) Kathryn Grieves, Member (Part-Time) Stephanie Kepman, Member (Part-Time) Jesse Boyce, Member (Part-Time) Stephanie Zwicker Slavens, Member (Part-Time) Louise Charette, Executive Chair (Full-Time) Sean Weir

Solicitor General, Tel 416-326-5000, George Drew Bldg 18th Flr, 25 Grosvenor St, Toronto, ON M7A 1Y6, Hon. Michael Kerzner, Solicitor General, 416-326-5000, David Garland, Chief of Staff, 416-326-5000

CC Ottawa Police Services Board and Acting Chief Steve Bell:

Further to the prior complaint re:

Complaint 1- Consultation Report Bias

Complaint 2- Incorrect Consultation Report Evidence

Complaint 3- Irrational Decision Re Consultation Report Request For A Delay

Complaint 4- Legitimate Expectation Re Unbiased Community Consultation Report

Complaint 5- Bad Faith Re Lack Of New Vote Despite October 11, 14 Judicial Review Grounds

Complaint 6- Conflict of Interest Re Interview Criteria

Complaint 7- Potential Non-Confirmation Of October 31 Police Complaints Transparency Bylaw Vote Due To A Conflict Of Interest

Complaint 8- Bad Faith Refusal To Correct Police Services Act Falsehood

Complaint 9- Confidence Of The Black Community

Complaint 10- Confidence Of Council & The Public

Complaint 11- Bad Faith Re Falsehood That The Report Is Not Biased

Please be advised of the following additional grounds, the inability of the Board to provide a single reasonable reason, is evidence that in a judicial review, their decision would be quashed:

Complaint 12- Board's Attack On "Voters ... Priorities Around Policing" Violates The Rule Of Law Against Arbitrary (Contrary To Objects Of Council Representatives Majority Board Vote) Application Of Public Power

Complaint 13- "Participated ... Irrespective Of My Disagreement" Is Grounds For Transparency Of Dissenting Opinions On Board Adjudicative Decisions Like An S7,8,9,10,12,15 Charter Application To Hold An October 31 Vote On A 120 Days Police Complaints Transparency Bill Of Rights.

Complaint 14- Need For Rules Re Board Member Involvement In Election Campaigns

Complaint 15- Absence From The Initial Vote Is Grounds For A New Vote Re October 11,14 New Evidence

Complaint 16- “This Has Impacted The Stability Of The Police Service” Is Incorrect

Complaint 17- “Duty To Select A New Chief To Avoid Any Delays” Is incorrect

Complaint 18- “Unacceptable ...Not ..Confirmed Permanent Chief For Over A Year” Is Incorrect In Light Of Toronto 2 Year Process And Decision To Wait Till After The Election

Complaint 19- “In The ... Interests Of The Next Board To Have .. Position Filled Before .. Their Mandate” Is Incorrect

Complaint 20- “Police Services Act... Board Has The "Statutory Obligation To Recruit And Appoint" The Chief” Meets Test For Materially Misleading Half-Truth (Actionable Falsehood)

Complaint 21- “Not A Lame-Duck Board” Is Incorrect

Complaint 22- Former Police Board Chair Is Correct Re “New Police Board.. Choose A New Chief In Line With Their Values”

Complaint 12- Board’s Attack On “Voters ... Priorities Around Policing” Violates The Rule Of Law Against Arbitrary (Contrary To Objects Of Council Representatives Majority Board Vote) Application Of Public Power

<https://ottawacitizen.com/news/local-news/deachman-police-politicization-detrimental-to-democracy> “Leiper ... favoured waiting until a new council was elected to choose the new chief. “... we are on the eve of an election,” .. “With policing issues in the foreground ... voters will ... send candidates who reflect their priorities around policing... “A new Council and Mayor will bring their perspective, fresh from the doors, to the task of appointing new or returning municipal members to the Police Services Board, which may or may not have had implications for this hiring process had the Board waited.”

Complaint 13- “Participated ... Irrespective Of My Disagreement” Is Grounds For Transparency Of Dissenting Opinions On Board Adjudicative Decisions Like An S7,8,9,10,12,15 Charter Application To Hold An October 31 Vote On A 120 Days Police Complaints Transparency Bill Of Rights.

<https://ottawacitizen.com/news/local-news/eric-stubbs-named-new-ottawa-police-chief> “Since the process began, I have participated in the hiring process irrespective of my disagreement on the timing”

If no Oct 31 vote, the legacy of the Chair includes causation for future crimes against female media, politicians, and officers and working conditions vicarious responsibility for some females quitting media and politics because it is allegedly legal to allegedly joke about sexual or physical violence. The public has a right to transparency of Police lack of response to this request for policy re: threats of sexual or physical violence to 1) carry out the threat 2) intimidate 3) extort freedom of employment 4) cause mental trauma. OIPRD extinguishing a formal right of reply does not preclude Police good faith discretionary Charter mandatory duty to publicly post a reply. If Police and the Board disagree, a policy complaint transparency bylaw would give the public a right to make an ethical judgment on their reasons or lack of reasons.

https://assets.nationbuilder.com/adeformayor/pages/9/attachments/original/1666449989/Ade_Olumide_Policy_Complaint_To_OIPRD_Re_Threats_Re_Female_Politicians_and_Media.pdf?1666449989

The public has a right to know the difference between inciting misogyny AND inciting a breach of peace misogyny.

For example, perps think it is legal to allegedly joke about sexual or physical violence against female media & politicians.

The policy complaint was not necessarily focused on intent to commit a threat.

The Policy complaint was not necessarily focused on intent to intimidate.

The Policy Complaint was not necessarily focused on intent to extort freedom of employment which might include campaigning for a spouse.

The Policy Complaint was not necessarily focused on threshold re “threat” or “likely to lead to a breach of the peace”.

The Policy Complaint is focused on Ottawa and Toronto Police Chiefs which received a complaint from the media, police can't say 'menaces' re female media, politicians are not 346 extort 423 intimidate Criminal Code offenses, nor can they say 175 “causes disturbance using insulting or obscene language” is conditional on intent.

Is the lack of an October 31 vote 21b Criminal Code party to future 175(1)(a)(i)(iii), s264(1)(2d), s265(1b), s319, s346(1), s423(1a,b) crimes re female media & politicians (includes campaign for spouse)? <https://ottawacitizen.com/opinion/mayoral-candidates-olumide-ottawa-needs-a-police-complaints-bill-of-rights>

Complaint 14- Need For Rules Re Board Member Involvement In Election Campaigns

If the 2nd polled Mayoral front runner disagrees with the timing, he would be in the difficult position of critiquing his campaign co-chair. A member of the Police Board should not be involved in any election other than their own. Although in fairness, this might not have changed the Chair’s position; because the Chair is allegedly a member of the alleged Mayor Watson political party, the front runner is allegedly not part of that political party, some in the media have speculated that the announcement was a “power play” to spite the front runner and the Chair may have made the announcement before the election because he wants the trophy of hiring the new Chief, but if the front runner wins, there would be public pressure to let the new Council decide. The front runner has indicated an intent to take a seat on the Board, this could lead to a change in the interview criteria and perhaps the hiring decision.

<https://ottawacitizen.com/news/local-news/timeline-ottawas-long-and-winding-road-to-hiring-a-new-police-chief> “McKenney and Chiarelli send a letter requesting the Ontario Civilian Police Commission investigate the police board’s handling of the hiring process, suggesting there is a conflict of interest related to El-Chantiry, an honorary co-chair of Sutcliffe’s campaign”.

It is not clear why 275(3) Municipal Act was not included in the Police Services Act. It could simply be because this question never came up because no Board announced the hiring of a Chief 3 days before an election. Municipal Act 275(3)"(a) *the appointment or removal from office of any officer(b) the hiring or dismissal of any employee ... (c) the disposition of any real or personal property exceeding \$50,000 at the time of disposal; and (d) making any expenditures or incurring any other liability which exceeds \$50,000*". The majority of the Board is appointed by Council, it is reasonable to recommend that all Boards adopt this rule while permitting exceptions for life, health, safety, and security emergencies.

Complaint 15- Absence From The Initial Vote Is Grounds For A New Vote Re October 11,14 New Evidence

<https://ottawa.citynews.ca/local-news/board-introduces-new-police-chief-5990143> "he was on vacation when the board voted to proceed with the hiring process and the vote was unanimous in his absence. "I would have dissented as the sole vote against and I have continued to express my preference that the board hold off on a decision, but I abide by majority rule,"

Complaint 16- "This Has Impacted The Stability Of The Police Service" Is Incorrect

With exception of this complainant who has critiqued any Chief that permits 4-year investigations without a decision, this complainant has not heard any criticism of the current Chief. The force is stable, but the insertion of a new personality before the election, in the middle of an inquiry, and before the AG Report "has impacted the stability of the Police Service". The focus of the press conference was the timing of the announcement, some in the media questioned whether the Chair has hobbled the new Chief without any discernable public interest benefit to the rush to beat the election date.

<https://ottawa.ctvnews.ca/rcmp-assistant-commissioner-eric-stubbs-hired-as-new-ottawa-police-chief-1.6118247> "the entire Executive Command, with the exception of the Chief Administrative Officer, are in acting positions," the statement said. "This has impacted the stability of the Police Service..."

Complaint 17- "Duty To Select A New Chief To Avoid Any Delays" Is incorrect

Delays are not inherently bad, it depends on the representative democracy objectives of the delay, this is no duty to oppose giving voters an opportunity to recruit board members and a Chief that is aligned with the policing priorities of the electorate, au contraire, there is a duty to yield to the s2 freedom of expression, association, intent of s3 freedom of election Charter rights of voters. <https://www.thestar.com/politics/2022/10/21/ottawa-police-board-names-eric-stubbs-as-new-police-chief.html> "board felt it was their duty to select a new chief to avoid any delays that would come with waiting for a new police board to make the appointment"

Complaint 18- "Unacceptable ...Not ..Confirmed Permanent Chief For Over A Year" Is Incorrect In Light Of Toronto 2 Year Process And Decision To Wait Till After The Election

<https://ottawa.ctvnews.ca/rcmp-assistant-commissioner-eric-stubbs-hired-as-new-ottawa-police-chief-1.6118247> "The Board made its decision because it was (and is) of the view that it is unacceptable for the Police Service and it is unacceptable for the community, to not have a confirmed permanent Chief for over a year."

Complaint 19- “In The ... Interests Of The Next Board To Have .. Position Filled Before .. Their Mandate” Is Incorrect

The Board setting of priorities and selection of a Chief to fulfill those priorities is important because the Board is not allowed to direct the Chief's operational decisions, therefore a competent and ethical Chief will make the Board look good, a contrary scenario will negatively affect the reputation of the Board. This position was aptly summarized by CBC Columnist Shaamini Yogaretnam “decision may be too important to be left to a group that won't have to deal with the consequences”.

<https://ottawa.ctvnews.ca/rcmp-assistant-commissioner-eric-stubbs-hired-as-new-ottawa-police-chief-1.6118247> "It is actually in the best interests of the next Board to have this critical position filled before they begin their mandate”

Complaint 20- “Police Services Act... Board Has The "Statutory Obligation To Recruit And Appoint" The Chief” Is A Materially Misleading Half-Truth (Actionable Falsehood)

In order to determine whether the reply to a question is true, it is necessary to consider the question. The question is why not let the new Board hire the Chief based on the elected priority of the majority of the Board? The answer implies that the Police Services Act has a deadline for how long an acting Chief is required to serve and that is why CFRA Kristy Cameron challenged a candidate by saying the Chair says they have to do this because of the Police Services Act. That candidate was not an expert in the Police Services Act, therefore he was unable to provide a rebuttal to a Police Services Act falsehood.

The Board concealed the Police Services Act definition of Chief, since they have already recruited an Acting Chief, there is no statutory obligation to appoint a permanent Chief; Police Services Act 2(1) “*chief of police*”... *includes an acting chief of police*”; <https://ottawa.ctvnews.ca/rcmp-assistant-commissioner-eric-stubbs-hired-as-new-ottawa-police-chief-1.6118247> “Police Services Act... board has the "statutory obligation to recruit and appoint" the chief”

Complaint 21- “Not A Lame-Duck Board” Is A Misleading Half-Truth

Due to election rules members of the Board were not able to participate in the announcement of the new Chief, therefore the election prevents the full Board from fulfilling all duties. <https://globalnews.ca/news/9217435/ottawa-police-eric-stubbs-chief/> “During a municipal election period, the board continued its work. It’s not a lame-duck board” <https://ottawa.citynews.ca/local-news/board-introduces-new-police-chief-5990143> “... absent from today's announcement due to election blackout rules as both are seeking re-election in their respective wards.”

Complaint 22- The Former Police Board Chair Is Correct Re “New Police Board.. Choose A New Chief In Line With Their Values”

<https://ottawacitizen.com/news/local-news/former-police-board-chair-diane-deans-knocks-double-standard-over-timing-of-hiring-of-new-chief> “...serve as chief until the municipal election, after which a new police board, which would include three city councillors, could choose a new chief in line with their values. “I really believe the new board will chart their own course” ... “They will set out in the early days a strategic direction that they want to take policing in Ottawa, a high-level plan for where they want to go and where their priorities area, and, really, you should match the chief to the kind of direction you want to take.”

Ade Olumide
613-265-6360

Ontario Civilian Police Commission, Telephone: 416-326-1356 October 21, 2022
15 Grosvenor Street, Ground Floor, Toronto, ON M7A 2G6: Vice-Chair (Part-Time) Jeanie Theoharis, Vice-Chair (Part-Time) Emily Morton, Vice-Chair (Part-Time) Caroline Fletcher-Dagenais, Vice-Chair (Part-Time), Sara Mintz, Member (Part-Time) Colin Osterberg, Member (Part-Time) Kathryn Grieves, Member (Part-Time) Stephanie Kepman, Member (Part-Time) Jesse Boyce, Member (Part-Time) Stephanie Zwicker Slavens, Member (Part-Time) Louise Charette, Executive Chair (Full-Time) Sean Weir

Solicitor General, Tel 416-326-5000, George Drew Bldg 18th Flr, 25 Grosvenor St, Toronto, ON M7A 1Y6, Hon. Michael Kerzner, Solicitor General, 416-326-5000, David Garland, Chief of Staff, 416-326-5000

CC Ottawa Police Services Board and Acting Chief Steve Bell:

Request for an investigation of the Ottawa Police Services Board partiality, conflict of interest, bad faith

Take Notice that this complainant and black mayoral candidate takes no position on the “conflict of interest” concerns by 2 other caucasian mayoral candidates re whether the Ottawa Police Services Board Chair is directly or indirectly influencing the position of a caucasian Mayoral Candidate to support hiring a new Chief now while obtaining the personal benefit of avoidance of correction of the falsehood that the Police Services Act requires the Board to hire a new Chief before the new Council is sworn in.

Take Further Notice that the complainant is pro-police and pro-military, he does not support defunding the police, but he supports funding the Reduction of Recidivism Framework Act and the Ottawa Community Safety and Well Being Plan. The issue is a very small minority of officers, likely less than 10% based on the ratio of the 2019 number of complaints to the number of officers. Grounds 6, 7 and 9 have a disproportionate effect on Indigenous people, blacks and caucasian female officers, therefore the Commission lacks jurisdiction to permit the Board to violate Police Services Board Code “9. ... respects the ... Human Rights Code and the Canadian Charter” by failing to hold an October 31

vote on the [120 Days Police Complaints Transparency Bill of Rights](#). Further, the rule of law against arbitrary application of public power is part of the Canadian constitution.

RELIEF 1- Order in the nature of certiorari voiding the contract for the new Chief, so that the new Board can 1) include an interview criterion that includes justification for any applicant party to any police complaints that exceeded 6 months, 2) direct Community Engagement Report to separate the survey results of the public from the Police, Board, Council, staff responses, 3) take into consideration lessons learnt from the Auditor General Report of the root causes of the resignation of the 1st black Police Chief.

RELIEF 2– Order in the nature of mandamus requiring the Board to hold a public vote on a 120 Days Police Complaints Transparency Bill of Rights that achieves the objectives described in the change.org petition.

RELIEF 3- Order in the nature of certiorari voiding any Board permission for any Police Chief to cover up any OIPRD Complaint by permitting any investigation to continue for 4 years without issuing a decision (despite any Police written assertion that there might be disciplinary action against a police officer).

Complaint 1- Consultation Report Bias

1. The Community Engagement Report can be quashed due to bias and lack of independence resulting from the Board, perhaps Council, Police and perhaps their staff in a Community Consultation Survey.

Contrary to O. Reg. 421/97 Police Services Boards Code “7... *shall discharge their duties ... impartially ..*”

Complaint 2- Incorrect Consultation Report Evidence

2. The consequent vote to proceed based upon a biased “Community Engagement Report” is unreasonable because “the decision maker has ... failed to account for the evidence” that the report is biased.

Contrary to O. Reg. 421/97 Police Services Boards Code “7... *shall discharge their duties ... impartially ..*”

Complaint 3- Irrational Decision Re Consultation Report Request For A Delay

3. The unreasonable (irrational) decision to hire a Chief less than a month before the next Council is sworn in to deal with the consequences of hiring a Chief that might be opposed to a 120 Days Police Complaints Transparency Bylaw and the findings of the Auditor General Report re Hefid Community Engagement Report “2.3 *Public Consultation ... Others criticized the timing of the engagement and the entire hiring process. Some believed it was prudent to allow the process to determine the Police's inaction during the 'Freedom Convoy' and what led to the resignation of the previous Police Chief to*

complete before hiring a new chief. A few others shared this view in the select one-on-one interviews”.

Contrary to O. Reg. 421/97 Police Services Boards Code 8. ... *shall uphold the letter and spirit of the Code inspire public confidence in the abilities and integrity of the board...”.*

Complaint 4- Legitimate Expectation Re Unbiased Community Consultation Report

4. The legitimate expectation for an impartial (non city staff residents), non arbitrary (contrary to news release objects) report described in the Community Consultation news release “*June 22, 2022....Ottawa Police Services Board launches community engagement on Chief of Police recruitment... We want to hear from you....Hefid.Solutions will also be holding a series of targeted, one-on-one interviews and group sessions with various representatives in the community to further solicit feedback and ensure input from a range of stakeholder interests. For more information about this community engagement opportunity, please visit <https://letshearyou.ca/projects> ... Hefid.Solutions will be compiling all of the community feedback into a report that ... will be used by the Board and Odgers Berndtson to inform the development of the job posting, as well the interview process”*

Contrary to O. Reg. 421/97 Police Services Boards Code “*7... shall discharge their duties ... impartially ..” 8. ...uphold the letter and spirit of the Code ...inspire public confidence in the abilities and integrity of the board”*

Complaint 5- Bad Faith Re Lack Of New Vote Despite October 11, 14 Judicial Review Grounds

5. Bad faith because there was no emergency meeting and vote on how to handle the content of this email which includes conflict of interest from any decisions to permit 4 years of investigations without a decision and Board opposition to new Council support for a 120 Days Police Complaints Transparency Bylaw.

Contrary to O. Reg. 421/97 Police Services Boards Code “*7... shall discharge their duties ... faithfully, impartially ..” 8. ... shall uphold the letter and spirit of the Code ... in a manner that will inspire public confidence in the abilities and integrity of the board... “*

Complaint 6- Conflict of Interest Re Interview Criteria

6. The vote to proceed can be quashed because any member covering up misconduct by permitting any investigation to continue for 4 years without a decision has a conflict of interest to determine whether an interview question will include the applicant’s 120 Days track record hiring criteria in Hefid Community Engagement Report 3.1.7 120-Days Police Complaints Transparency Bill Of Rights *Few participants supported the proposal submitted that will require the next Police Chief to commit to being transparent on complaints against police officers. It calls for “a public online anonymized copy of every misconduct or policy accepted or rejected the complaint, with redactions if necessary, police investigator decision, the reason for extending any investigation beyond 120 days if applicable, and the reason for any redaction that is contrary to victim consent if applicable so that the public can hold OPS Chief / OPSB / Council directly or indirectly accountable for inciting police misconduct by covering up misconduct.”*

Contrary to Constitutional Rule of Law Against Arbitrary Application Of Public Power and O. Reg. 421/97 Police Services Boards Code “7... *shall discharge their duties ... faithfully, impartially ..*” 8. ... *shall uphold the letter and spirit of the Code ... inspire public confidence in the abilities and integrity of the board...* 9. ... *respects the ... Human Rights Code and the Canadian Charter ...* 10.... *shall not use their office to advance their interests or the interests of any person ... with which they are associated*”.

Complaint 7- Potential Non Confirmation Of October 31 Vote Due To A Conflict Of Interest

7. The complainant wrote to the OPSB that *"I would like to speak to the financial, moral, national and international societal and rule of law benefits of a Board October 31 vote to implement a Police Services Act "policies respecting the disclosure of ... personal information" "guidelines for dealing with complaints" "review of the Chief ... administration of complaints" "the Board, may by by-law, make rules for ... the Police force" 120 Days Police Complaints Transparency Bill of Rights as described in <https://www.change.org/p/transparency-database-for-police-military-complaints-includes-sexual-assault> ... I want an opportunity to explain why this Board should be the trigger for local, national and international police complaints transparency movement"*. The Board indicated that they would get back to the complainant closer to October 31, but in light of the decision to announce a new Chief on October 21, conflict of interest re [page 26 decision to cover up](#) a 4 year investigation without a decision, decision to [cover up sexual harassment allegations](#) by paying out a police officer at the start of a hearing, the complainant does not believe the Board will permit a vote on the transparency bylaw on October 31. Consequently for the same reason that the Hockey Canada Board was forced to resign, if they fail to pass the transparency Bylaw on October 31, the Board should be dissolved.

Contrary to Constitutional Rule of Law Against Arbitrary Application Of Public Power and O. Reg. 421/97 Police Services Boards Code “7... *shall discharge their duties ... faithfully, impartially ..*” 8. ... *shall uphold the letter and spirit of the Code ... inspire public confidence in the abilities and integrity of the board...* 9. ... *respects the ... Human Rights Code and the Canadian Charter ...* 10.... *shall not use their office to advance their interests or the interests of any person ... with which they are associated*”.

Complaint 8- Bad Faith Refusal To Correct Police Services Act Falsehood

8. Board Chair said that the Police Services Act requires them to have to hire a new Chief before the Council is sworn in. This bad faith test is from the Friends of Lansdown case ("lack of candour, frankness, impartiality .. arbitrary .. expense of the public interest ... lack of due diligence"). “Lack of candour” is a fancy legal term for deliberate dishonesty by commission or omission. Evidence of falsity includes the Police Services Act's express provision for an acting Chief and no requirement for a non-acting Chief let alone any limit on how long the Police may be led by an acting Chief. This is confirmed by Toronto which has had an acting Chief for 2 years and made a conscious decision to wait for the swearing-in of the new Council AND Police Services Act 2(1) “chief of police” means a chief of police of a police service maintained by a police service board or the Commissioner, and includes an acting chief of police; ...37 (1) A police service board shall...(d) recruit and appoint the chief of police and any deputy chief of police and determine their remuneration and working conditions, taking their submissions into account”.

Contrary to O. Reg. 421/97 Police Services Boards Code “7... *shall discharge their duties ... faithfully, impartially ..*” 8. ... *shall uphold the letter and spirit of the Code ... in a manner that will inspire public confidence in the abilities and integrity of the board...*”

Complaint 9- Confidence Of The Black Community

9. This Mayoral Candidate attended the Hefid Consultation and personally heard a member of the black community say that the hiring of a new Chief should not proceed until the Auditor General has issued a report on the role any police chief applicants might have played in the alleged sabotage of the first black Police Chief, the former Police Board Chair now describes the alleged sabotage as an “insurrection”. All levels of government were slow to react, therefore the 1st black Chief was not the only one with mistakes. The black Chief did not fix the problems with the police complaints process, but the black police chief was right about the number of additional officers needed. We could hire a Chief that the AG later reveals were party to leaking information or asking other forces not to attend a meeting so as to discredit the black Chief.

A politician needs the vote of the caucasian majority, it is difficult commenting on race issues without being misunderstood. He is aware of some reasonable concerns about reverse discrimination against caucasians, to be clear, he is not saying lower the standard because he is black, he should be treated equally. For example, consider that, other chiefs have made mistakes, even prime ministers and finance ministers have elevated their voice in stressful times, for 2 years, the Police Board raised no objections about his performance. The black Chief told the CBC that there is cancer in the force, the complainant’s reaction was negative towards the black Chief for complaining about cancer rather than removing the cancer, but, maybe without a 120 Days Police Complaints Transparency Bill of Rights, it is impossible to remove the cancer.

Contrary to O. Reg. 421/97 Police Services Boards Code “7... *shall discharge their duties ... faithfully, impartially ..*” 8. ... *shall uphold the letter and spirit of the Code ... in a manner that will inspire public confidence in the abilities and integrity of the board...* 9. ... *respects the dignity of individuals and in accordance with the Human Rights Code and the Canadian Charter ...*”

Complaint 10- Confidence Of Council & The Public

10. No Police Chief can be effective without the confidence of Council and the public, this was the reason given by two of the police chiefs that resigned this year. A growing number of candidates support a Police Complaints Transparency Bylaw, the Board should not rush to hire a Chief that is at variance with the new Council. In contrast to the Board, these ethical Councillor candidates consent to a 120 Days (OIPRD Benchmark) Police Complaints Transparency Bill of Rights: Kathleen Caught Ward 24, Gino Scaffidi Ward 18, Dr Rebecca Bromwich Ward 17, Councillor Shawn Menard Ward 17, Brandon Russell Ward 14, Peter Karwacki Ward 13, Miranda Gray Ward 11, Joseph Ben-Ami Ward 9, Michael Wood Ward 9, Sean Devine (Yes to transparency, de does not know whether the transparency trigger should be 120 days or longer) Ward 9, Vilteau Delvas Ward 8, Wendy Davidson Ward 8, Mathew Duchesne Ward 6, Kevin Hua Ward 6, School Board Trustees: Amanda Presley Zone 5, Dr. Melissa Fraser-Arnott Zone 6, Marguerite Gravelle Zone 3. They did not endorse Ade Olumide for Mayor, they endorsed an end to the cover-up of police misconduct.

Contrary to O. Reg. 421/97 Police Services Boards Code “7... *shall discharge their duties ... faithfully, impartially ..*” 8. ... *shall uphold the letter and spirit of the Code ... in a manner that will inspire public confidence in the abilities and integrity of the board...* “

Complaint 11- Bad Faith Re Falsehood That The Report Is Not Biased

11. <https://www.cbc.ca/news/canada/ottawa/police-services-board-response-potential-conflict-1.6622237> "candidates ... are intentionally misleading the Commission as well as members of the public," El-Chantiry wrote. "... completely false... assertion that the Board's public consultation process was flawed" is “intentionally misleading the Commission as well as members of the public” because the Survey Report did not separate the responses of the public from the responses of police officers, the Police Board, Council and staff.

Contrary to O. Reg. 421/97 Police Services Boards Code “7... *shall discharge their duties ... faithfully, impartially ..*” 8. ... *shall uphold the letter and spirit of the Code ... in a manner that will inspire public confidence in the abilities and integrity of the board...* “

request for ALL wards to act with River Ward to request a delay in hiring a new police chief and for CTV CFRA to correct Police Services Act falsehood

Ade Olumide Mayoral
Campaign <endottawaelectiongambling@gmail.com>
 To:...

Fri, Oct 14, 2022 at 2:05
 PM

Dear Candidates and Future City Council,
 CC Ottawa Police Services Board and City Solicitor
 CC Ottawa City Council and City Clerk

Invite Re October 31 Ottawa Police Services Board Meeting

Please accept this twitter and video invite to attend the October 31 Ottawa Police Board meeting, if Olumide does not have your twitter address, please send it by email.

https://twitter.com/ottawacityethic/status/1580887745891028992?s=20&t=fntm53IF2IIFBtIQ4wRu_oQ

https://www.youtube.com/watch?v=sWoADqwGiEU&t=158s&ab_channel=AdeOlumide

Should ALL wards act with River Ward and ask the Board to delay hiring a new police chief?

Olumide would like to applaud River Ward candidates and CTV CFRA Kristy Cameron for doing a Talk Back Hour question on whether the Board should delay hiring the new Chief until the new Council is sworn in. CTV CFRA Kristy Cameron said that all River Ward candidates had penned a letter asking the Board to so.

This is a good sign of teamwork by competitors and because the candidates are Riley Brockington, Ethan Sabourin, Alex Dugal, a current Councillor is also willing to challenge the lawfulness of the Board's vote. This should not be a political question, there should be unanimous consent between the current and future Council that the only lawful decision is to agree with CBC Columnist Shaamini Yogaretnam that "decision may be too important to be left to a group that won't have to deal with the consequences".

If any other wards or candidates make a similar request to the Police Board, please let the media know, and please let Olumide know, he would like to publish the list of candidates with similar requests, and he would also like to file an immediate complaint to the Solicitor General who can direct an Ontario Civilian Police Commission investigation of:

October 11 "Open Letter To Ottawa Police Services Board re lawfulness of "*Board voted to continue recruitment*" based upon a biased report, an undeclared conflict of interest to develop the interview criteria, unreasonable (irrational) decision to hire a Chief before the next Council is sworn in, the legitimate expectation from the Community Consultation news release and if there is no emergency meeting and vote on how to handle the content of this email, bad faith ('lack of candour, frankness, impartiality .. arbitrary .. expense of the public interest ... lack of due diligence')".

Is Ethan Sabourin correct about the judgement of any mayoral candidate that is opposed to the delay in hiring a new police chief?

Olumide applauds the courage of Ethan Sabourin's barbed comments for any Mayoral Candidate that is opposed to a delay in hiring the new Chief. Olumide also has similar comments re media censoring the position of each Mayoral Candidate and each member of the current Council. Hopefully, the media will consider the public interest and pick up on Ethan Sabourin's request to know the position of all Mayoral Candidates and Olumide's request to know the position of all Councillors and if possible, all candidates.

On a different note, CTV CFRA reported that only Bob Chiarelli and Catharine McKenny are opposed to hiring a new Chief before the next Council is sworn in, they should correct that based on this October 1 email, Olumide made this request on May 1, 2022.

Did the Ottawa Police Services Board Chair deliberately mislead CTV CFRA?

Once again Olumide agrees and applauds the boldness of Ethan Sabourin's allegation that the Board might be rushing to hire a Chief that would oppose the accountability and transparency priorities of the new Council. This prompted CTV CFRA Kristy Cameron to allege that the Board Chair said that the Police Services Board Act requires them to have to hire a new Chief before the Council is sworn in, and she asked Ethan Sabourin for a rebuttal to the Board's position that the Police Services Act is forcing them to do this.

Olumide hereby provides the requested rebuttal; firstly as shown in the October 11 email below, this bad faith test is from the Friends of Lansdown case ("lack of candour, frankness, impartiality ..

arbitrary .. expense of the public interest ... lack of due diligence"). “Lack of candour” is a fancy legal term for deliberate dishonesty by commission or omission.

With that background, it is necessary to ask the Ottawa Police Services Board Chair to clarify his comments to CTV CFRA Kristy Cameron (Olumide has high regard for the Chair, he does not believe that he would intentionally mislead the media, therefore he misspoke or was misled by maybe a lawyer). Olumide has copied the City Solicitor and City Clerk so that they can confidentially tell the Board whether these six October 11 grounds are valid and whether there is a legal obligation to correct the falsehood to CTV CFRA.

Evidence of falsity includes the Police Services Act's express provision for an acting Chief and no requirement for a non-acting Chief let alone any limit on how long the Police may be led by an acting Chief. This is confirmed by Toronto which has had an acting Chief for 2 years and made a conscious decision to wait for the swearing-in of the new Council.

<https://www.thestar.com/news/gta/2022/05/25/toronto-police-board-releases-job-posting-for-citys-next-chief.html> “There is no timeline for hiring provided in the posting, but the police board has said James Ramer, who’s been chief on an interim basis since August 2020, will fill the role until Dec. 31, 2022. The job posting comes just shy of two years since Toronto police chief Mark Saunders announced his sudden retirement in June 2020”

Police Services Act 2(1) “chief of police” means a chief of police of a police service maintained by a police service board or the Commissioner, and includes an acting chief of police; ...37 (1) A police service board shall...(d) recruit and appoint the chief of police and any deputy chief of police and determine their remuneration and working conditions, taking their submissions into account”.

Olumide remains hopeful that the candidates for each Ward will unite on their right to have direct input on who is appointed to the Police Services Board and consequently who becomes the next Chief. Olumide is not asking the media to take sides, he is only asking that they inform the public of the positions of all mayoral candidates, all councillors, all candidates with an email address on the City website.

Ade Olumide
Twitter @ottawacityethic

emergency OPSB meeting re CBC “decision may be too important to be left to a group that won't have to deal with the consequences”

Ade Olumide Mayoral Campaign <endottawaelectiongambling@gmail.com>

Tue, Oct 11,
2022 at 9:23
AM

To:

Open Letter To Ottawa Police Services Board re lawfulness of “*Board voted to continue recruitment*” based upon a biased report, an undeclared conflict of interest to develop the interview criteria, unreasonable (irrational) decision to hire a Chief before the next Council is sworn in, the legitimate expectation from the Community Consultation news release and bad faith (“lack of candour, frankness, impartiality .. arbitrary .. expense of the public interest ... lack of due diligence”) if there is no emergency meeting and vote on how to handle the content of this email.

Attention Candidates for Council (Future Chair and Future Council and OPSB Board Members),

On Sept 1 the Mayoral Race front runner endorsed Olumide's May 1 position by stating that “*This is a time for renewal for the city and for the police. I ask that you allow the new council and new [police board] to choose the chief who will lead that renewal*”, the list of those that support the 120 Days Police Complaints Transparency Bylaw is growing and this criterion for Chief recruitment is in the Hefid Community Engagement Report. Just like Hockey Canada, the current Board might hire a Chief with a track record of opposing what you support. A CBC Columnist correctly stated that “*the decision may be too important to be left to a group that won't have to deal with the consequences*”. We just got a lesson on how fast Council can move on a walk-in motion, although you will be acting for Ottawa, all municipal and provincial governments will hear you, the RCMP and military will hear you, even the executive order of the USA President will hear you, your family will celebrate your effect on our national and international history.

Attention Ottawa Police Services Board, 110 Laurier Avenue W, Ottawa, ON K1P 1J1 Phone:

(613) 560-1270 Fax: (613) 580-2728

Michael Doucet 613-560-1270

Salim Fakirani 613-560-1270

Peter Henschel 613-560-1270

Suzanne Valiquet (613) 560-1270

Councillor Eli El-Chantiry (Chair) 613-580-2480

Councillor Jeff Leiper 613-580-2751

Councillor Cathy Curry 613-580-2474

Executive Director Krista Ferraro (613) 560-1270

Ottawa Police, Deputy Chief, Steve Bell, Interim Chief,

Please accept this request for an emergency Board meeting where candidates and the public may address the Board re <https://www.cbc.ca/news/canada/ottawa/seven-applicants-for-police-chief-role-1.6610464> “*Sept 1. "This is a time for renewal for the city and for the police. I ask that you allow the new council and new [police board] to choose the chief who will lead that renewal," McKenney wrote. Board voted to continue recruitment, chair says ... the board as a whole heard ... consultation participant .. received an honorarium and how more than half of the board participated in their own community consultations... Coun .. publicly admitted doing so ... the decision may be too important to be left to a group that won't have to deal with the consequences”..*

<https://ottawacitizen.com/news/local-news/ottawa-has-high-even-impossible-expectations-for-its-next-police-chief-community-consultation-report> “*Seven per cent of respondents to the survey said they worked for the OPS. Hillel said the report also failed to identify those who provided*

information and comments. “They’re taking all of these final recommendations and just lumping them together without any attention paid to who is saying what,” she said, “and I think that’s where you lose a really important part of this engagement”.

Firstly, there are 4 types of complaints 1) misconduct 2) service 3) policy 4) internal from another officer, and most new Chief needs can be expressed in a complaint, therefore if the complaint process is accountable and transparent, this will solve 80% of the Police Chief problems, therefore the number 1 interview criteria is the applicants' competence and ethics showed handling of complaints during their tenure.

The Board is entitled to disagree, but they are not entitled to vote based on a biased report nor are they entitled to vote when they have a conflict of interest and reasonable apprehension of bias.

To illustrate the magnitude of the problem, 6% of respondents are from the police, but only 0.001% of the population are police officers, therefore the police had a 6,000 times disproportionate effect on the results.

The Board can separately consult the Board, Council and Police, but the conflict-of-interest results cannot be a Community Consultation. There are real consequences, for example in the community consultation attended by Olumide everyone wanted the hiring of the Chief to be delayed until there is a new Council and the Auditor General report is issued. Anecdotally, other than the Board's irrational decision to proceed, Olumide has never heard anyone suggest that the Board should rush to hire a Chief before the new Council is sworn in. Whether the Board would have voted to proceed if 99% of respondents asked for a delay is a question that can't be decided with a biased report.

The mayoral race front-runner should be applauded for supporting Olumide’s Tweet and May 1 video.

https://www.youtube.com/watch?v=dHoUn6NnFQo&ab_channel=AdeOlumide Unlike the Police Complaints Transparency Bylaw matter, in this Police Chief recruitment matter it is not clear that the Board is deliberately violating the Code, however now that these errors in law have been brought to their attention, what happens next will reveal whether this is an honest mistake or something more.

For example, the OIPRD recommends that a Board grant any Chief permission to exceed 6 months, therefore if there are any 4-year investigations without a decision, any Chief or Board member that is aware is automatically implicated by any good or bad faith reason for any investigation that exceeds 6 months. This creates an avoidance of liability incentive for any Board to hire a like minded Chief, therefore, apart from the biased report, this can be both a conflict of interest and grounds for reasonable apprehension of bias.

Olumide is not yet alleging Board desire to hire a Chief that will cover up any Boards' Chiefs' 4 years lack of decisions re any OIPRD approved complaint, but in light of Board opposition to a Police Complaints Transparency Bylaw, the desperation to act against the white and black community, media, mayoral race front runner consensus that hiring of a new Chief should wait until the new Council is sworn in raises questions of irrationality.

OPSB should not act against the community “*interview process*” wishes by hiring a new Chief before the new Council which supports a 120 Days Police Complaints Transparency Bill of Rights has been sworn in. For example finding a Chief that is tough on crime is easy to do, finding an ethically courageous Chief is not so easy. The number 1 interview criterion is how many complaints exceed 120 Days during your tenure, the current Board is opposed to the 120 days transparency bylaw, therefore this will not be an interview question.

1. The Community Engagement Report can be quashed due to bias and lack of independence resulting from the Board, perhaps Council, Police and perhaps their staff in a Community Consultation Survey.
2. The consequent vote to proceed based upon a biased “Community Engagement Report” is unreasonable because “the decision maker has ... failed to account for the evidence” that the report is biased.
3. The unreasonable (irrational) decision to hire a Chief less than a month before the next Council is sworn in to deal with the consequences of hiring a Chief that might be opposed to a 120 Days Police Complaints Transparency Bylaw and the findings of the Auditor General Report re Hefid Community Engagement Report “*2.3 Public Consultation ... Others criticized the timing of the engagement and the entire hiring process. Some believed it was prudent to allow the process to determine the Police's inaction during the 'Freedom Convoy' and what led to the resignation of the previous Police Chief to complete before hiring a new chief. A few others shared this view in the select one-on-one interviews*”.
4. The legitimate expectation for an impartial (non city staff residents), non arbitrary (contrary to news release objects) report described in the Community Consultation news release “*June 22, 2022Ottawa Police Services Board launches community engagement on Chief of Police recruitment... We want to hear from you....Hefid.Solutions will also be holding a series of targeted, one-on-one interviews and group sessions with various representatives in the community to further solicit feedback and ensure input from a range of stakeholder interests. For more information about this community engagement opportunity, please visit <https://letshearyou.ca/projects> ... Hefid.Solutions will be compiling all of the community feedback into a report that ... will be used by the Board and Odgers Berndtson to inform the development of the job posting, as well the interview process*”
5. Bad faith if there is no emergency meeting and vote on how to handle the content of this email which includes conflict of interest from any decisions to permit 4 years of investigations without a decision and Board opposition to new Council support for a 120 Days Police Complaints Transparency Bylaw.
6. The vote to proceed can be quashed because any member covering up misconduct by permitting any investigation to continue for 4 years without a decision has a conflict of interest to determine whether an interview question will include the applicant’s 120 Days track record hiring criteria in Hefid Community Engagement Report 3.1.7 *120-Days Police Complaints*

Transparency Bill Of Rights Few participants supported the proposal submitted that will require the next Police Chief to commit to being transparent on complaints against police officers. It calls for “a public online anonymized copy of every misconduct or policy accepted or rejected the complaint, with redactions if necessary, police investigator decision, the reason for extending any investigation beyond 120 days if applicable, and the reason for any redaction that is contrary to victim consent if applicable so that the public can hold OPS Chief / OPSB / Council directly or indirectly accountable for inciting police misconduct by covering up misconduct.”

Consequently, any Board contract with a new Chief can be quashed on these 6 grounds pursuant to:

2747-3174 Québec Inc. v. Quebec (Régie des permis d'alcool), 1996 CanLII 153 (SCC), [1996] 3 SCR 919 41 ...Impartiality refers to a state of mind or attitude ... in relation to the issues and the parties... "impartial" . . . connotes absence of bias, actual or perceived. The word "independent" ... but a status or relationship to others.. 110 ...There is no compromising when it comes to impartiality, which cannot be "adjusted" or "decreased". A decision maker ... cannot be permitted to be "almost" impartial.. impartiality must, I repeat, be beyond reproach ...117 ... If bias is found, the issue of independence becomes totally moot...257 .. administrative acts are subject to the nemo judex in propria sua causa debet esse rule ... natural justice and the duty to act fairly. 258... Reasonable apprehension of bias is the indicator that allows this issue to be resolved judicially. Would the agency cause an informed person to have a reasonable apprehension of bias in a substantial number of cases? If so, a legal finding of bias will result; if not, a legal finding of impartiality will be made....261 Any breach of the duty to be impartial means that the decision in question can be quashed ...”

Sternberg v. Ontario Racing Commission, 2008 CanLII 50514 (ON SCDC) “[16] Procedural fairness requires impartial and unbiased decision makers. Once a hearing is tainted by the appearance of bias, the integrity of the process requires that the decision of the hearing panel be quashed”

Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65 “[126] ... a reasonable decision is one that is justified in light of the facts...The reasonableness of a decision may be jeopardized where the decision maker has ... failed to account for the evidence before it”

Intercountry Tennis Association v. Human Rights Tribunal of Ontario, 2020 ONSC 1632 “[37] ...patent unreasonableness” standard ... was equivalent to reasonableness. The decisions ... must be respected “unless they are not rationally supported”

Jono Developments Ltd. v. North End Community Health Association, 2014 NSCA 92 “[66] The legitimate expectations doctrine ... served to define the content of the fairness duty in cases where, by representation or past practice, decision-makers had led those affected to expect specific procedural safeguards, [71] ... doctrine exists to ensure governmental actions in dealing with the public are fair, predictable and not arbitrary“

Friends of Lansdowne Inc. v. Ottawa (City), 2011 ONSC 4402 (CanLII) “[19] ...Bad faith by a municipality connotes a lack of candour, frankness and impartiality. It includes arbitrary or unfair conduct and the exercise of power to serve private purposes at the expense of the public interest. [20].. struck down ... a municipal by-law ... for bad faith because it .. was imposed in an arbitrary and unfair manner... lack of any investigation or analysis or 'due diligence' on the part of City Council”

O. Reg. 421/97: Members Of Police Services Boards - Code Of Conduct “7... shall discharge their duties ... impartially ..” 8. ... shall uphold the letter and spirit of the Code ... in a manner that will inspire public confidence in the abilities and integrity of the board... 9. ... respects the dignity of individuals and in accordance with the Human Rights Code and the Canadian Charter ... 10.... shall not use their office to advance their interests or the interests of any person ... with which they are associated”.

With respect any member of the Police Services Board seeking re-election the Municipal Conflict of Interest Act Applies: Municipal Conflict of Interest Act “5.2 (1) *Where a member, ... has any pecuniary interest, direct or indirect, in any matter that is being considered ... the member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter”*

If this request is not successful, if elected Olumide might direct a motion to quash the decision of the Board to hire a new Chief without directing Hefid to create an impartial “Community Engagement Report”, if not elected Olumide will complain to the Solicitor General or work with like-minded individuals in the community to seek a judicial review to quash the Board’s decision. The Solicitor General or Office of Independent Police Review Director “OIPRD” may request an Ontario Civilian Police Commission investigation of a Board member.

If Olumide’s request for an emergency meeting of the Board is granted, any member that participated in the Consultation cannot speak to or vote on the requested motion. Failure to comply engages <https://www.cbc.ca/news/canada/toronto/mayor-rob-ford-will-fight-removal-ruling-tooth-and-nail-1.1187334> *Superior Court ... ruling that the mayor violated the Municipal Conflict of Interest Act by speaking and participating in a council vote”?* Since more than half the Board participated in the Community Consultation there might be quorum issues, the Commission may make appointments to achieve quorum.

When the 2nd front runner announced a plan to hire more officers, the 1st front runner tweeted that the problem is not more officers but police accountability, so what is their plan to increase police accountability (this was the question Olumide asked at a 3rd Eco debate that led to exclusion from the 4th Eco debate.

Olumide is pro-police and pro-military, he does not support defunding the police, but he supports funding the Reduction of Recidivism Framework Act. We are talking about a very small minority of officers, likely less than 10%. Hockey Canada is right in only one respect, this is a whole societal problem. We had a black Chief, who told CBC that there is cancer in the police, but the Chief could not remove cancer, we have problems with the military, that is a sign that the complaint process is

broken and we can no longer rely on some imaginary Chief to change a culture that is hundreds of years old. This is confirmed by the report which states:

The Hefid July 2022 Community Engagement Report sent to the Ottawa Police Services Board was clear that among 1,400 respondents, 42% named “*accountability and transparency*” as a top priority for the Police Chief.

The Ottawa Police Election Coalition for Safer Communities sent a questionnaire to all candidates and sent an email that Professeur Daryl Davies of Carleton University wrote that “*in their responses to the six questions all candidates emphasized the importance of having an accountable police service that makes decisions and deals with police misconduct in a transparent manner*”.

These ethical Councillor candidates consent to a 120 Days (OIPRD Benchmark) 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, Joseph Ben-Ami Ward 9, Michael Wood Ward 9, Sean Devine (Yes to transparency, he does not know whether the transparency trigger should be 120 days or longer) Ward 9, Peter Karwacki Ward 13, Mathew Duchesne Ward 6, Kevin Hua Ward 6. They did not endorse Ade Olumide for Mayor, they endorsed an end to the cover-up of police misconduct.

Olumide is supportive of the Hefid indirect City contract, part of his platform includes lowering entry barriers through a hiring freeze and more \$10K, \$25K, \$50K, \$100K contracts to up to 1,000 white or black or brown owned small businesses which include qualified businesses that have never done business with the City. This will allow new small businesses to build the capacity to in 4 years bid for \$1 million contracts within or outside Ottawa.

The Board should not make Hefid a scapegoat, to whom much is given, much is expected, the Board has access to high-priced lawyers and staff with years of community consultation experience, therefore if the Board is looking for someone to blame for their direct or indirect role in not asking Hefid to isolate Board, Council, Police and staff recommendations from the Community Engagement Report and not asking Hefid to include a delay in hiring as one of the online survey questions, they should look within the City 17K bureaucracy.

Olumide is not claiming to have all the ideas, but for a CBC columnist he might have missed this low-hanging fruit, a smart community member also raised this issue in the Ottawa Citizen Column, surely someone at the City should know this. This is why any good leader should surround themselves with people that are ethical and smarter than them. Regardless of who is at fault, the Board is legally required to pause the hiring process and direct Hefid Solutions to separate input from Council, OPSB, Police and their staff, then Board members who do not have a conflict of interest can use the new impartial report to vote on whether to delay hiring until after the new Council is sworn in and the Auditor General report is public.

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