

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=fntm53IF2IIFBtlQ4wRu_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, 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*”

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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