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Attachment 3

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November 3, 2020

Attn: David Lee / Chris Murray - Executive Committee
City Manager's Office, Governance and Corporate Strategy
City of Toronto
David.R.Lee@toronto.ca

Re: Oversight / Accountability - Toronto Police Services Board & Toronto Police Services

Thanks for providing the Criminal Lawyers' Association (CLA) the opportunity to provide feedback. As the timeline to submit was tight, we appreciate the offer to submit a letter to the Executive Committee. Please refer to the below.

In your view, are there gaps or deficiencies in the current oversight or complaints processes or bodies for policing in Toronto?

A person who believes they are the victim of police misconduct as defined by the *Police Act* and/or *Criminal Code* must be able to simply and fearlessly make a complaint to a body that has the ability and the will to thoroughly and fearlessly investigate that complaint, and if the result of that investigation is a finding of reasonable grounds a violation of the *Police Act* and/or *Criminal Code* has taken place, those violations must be prosecuted. This is all essential both for deterring such misconduct and for maintaining public confidence in policing.

The Office of the Independent Police Review Director complaints procedure provides, in theory, the means to easily and safely complain.

The problem lies with the few number of complaints that are substantiated as serious and proceed to a disciplinary hearing, and the even smaller number of complaints that are successfully prosecuted. Whether or not these are fair results, they will never be *perceived* as fair as long as the process of both investigation and adjudication is—as it is now—dominated by police officers and former police officers.

A citizens' police service should be investigated and adjudicated by impartial citizens with no history of being part of policing.

Investigators should be hired and trained from the public at large. They should be trained like police investigators and empowered like police investigators but they should not have loyalties to policing or be capable as being perceived as having loyalties to policing. The OIPRD must become truly independent and, again, ensure it is perceived to be independent.



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Adjudicators must also be hired and trained from the public at large. They must be truly impartial judges and be perceived to be impartial. A committee to choose them should be made-up of members from all major stakeholders—including the Criminal Lawyers Association—and groups representing different sectors of the community.

There will be a cost to this, both in terms of dollars and police disgruntlement, but the cost of policing that does not enjoy widespread public support dwarfs that cost. And police disgruntlement will only be the disgruntlement of bad police officers. The good ones will be protected by the screening process and impartial adjudicators against unsubstantiated claims.

Should you have any questions or comments about the above, please direct to executive@criminallawyers.ca.

All the best

John Chagnon
Executive Director
Criminal Lawyers' Association