



Ombudsman
Toronto

Listening. Investigating. Improving City Services.

Attachment 6 CC26.2

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Sent by Email: Chris.Murray@toronto.ca

Chris Murray
City Manager
City of Toronto
100 Queen St., City Hall, 4E
Toronto, ON M5H 2N2

Dear Mr. Murray:

Re: Response to your Questions on Police Accountability
and a Possible Role for Ombudsman Toronto

I write to respond to your letter of October 19, 2020, seeking my perspective on how police oversight might be enhanced in Toronto, without duplicating existing mechanisms. I wish to suggest a role for Ombudsman Toronto.

As you know, the Ombudsman is an independent Officer of Toronto City Council, who impartially investigates City decisions, acts and omissions from an administrative fairness perspective. The Ombudsman's jurisdiction and mandate come from the *City of Toronto Act, 2006* and the *Toronto Municipal Code*, Chapter 3. Within the City and with the public, the Ombudsman is a trusted and respected voice for fairness.

Currently, the Toronto Ombudsman's jurisdiction does not include the Toronto Police Service (the "TPS"). However, with either a legislative amendment or pursuant to an invitation from the TPS and the Toronto Police Services Board (the "Board"), detailed in a Memorandum of Understanding, I believe that my office could play a valuable role in enhancing fairness in how the TPS serves people.

What Ombudsman Toronto Would Do:

- Ombudsman Toronto would identify on its own initiative TPS administrative policies and programs to review from an administrative fairness perspective, based on their systemic implications for Toronto's communities.
- In deciding which policies and programs to review, Ombudsman Toronto would consider issues that City Council or the TPS Board may identify from time to time, and/or which are reported as being of public concern.

- In keeping with its reputation and expertise, Ombudsman Toronto would review TPS administrative policies and programs in a fair, confidential, impartial, transparent and non-adversarial way. We would ensure that those policies and programs provide administrative fairness to all people: a fair process, fair outcomes and fair treatment, recommending improvements where necessary.
- The Ombudsman would report to City Council and the Board annually on this work, and with the results of individual Enquiries and Investigations.

What Ombudsman Toronto Would Not Do:

- Ombudsman Toronto would not review individual complaints from members of the public.
- It would not review operational decisions or actions of the TPS or its members.
- Ombudsman Toronto would not consider questions of police conduct, or employment/labour relations issues.
- It would not duplicate the oversight provided by any other agency or office.

Please note that it is probable that Ombudsman Toronto would require some additional resources to undertake this new mandate.

I respectfully submit that this arrangement would have many advantages for City Council, and for the public it serves.

Expanding Ombudsman Toronto's role in the way I have described would apply a valuable fairness lens to some high impact TPS policies and programs. City Council and the Board would receive direct, independent and impartial reports on the fairness of TPS administrative policies and programs. And most importantly, given Ombudsman Toronto's reputation as a fair and neutral fact finder, having the office in this role would increase public trust in the TPS.

Thank you for the opportunity to present this suggestion. I would be happy to answer any questions you or City Council may have about it.

Sincerely,



Susan E. Opler
Ombudsman

c.c. Ciarán Buggle, Director, Ombudsman Toronto
Meg Shields, Director, Corporate Policy, City of Toronto
Cory Lynch, Solicitor, City of Toronto
Wendy Walberg, City Solicitor, City of Toronto