

Memorandum to the Board From Malcolm Mercer

On September 20, 2022, the Expert Panel (the panel) provided an interim report which addressed three areas; the selection of the new Chief of Police, Board Appointments and Labour Relations. This memorandum provides a response. In developing my response, I have consulted with the Chair of the panel, Dr. Marsh (who assisted the panel), the Acting Chief of Police and representatives of the Police Association and of the Senior Officers Association. This has taken somewhat longer than I would have liked but has been appropriate and useful in my view.

Current Context

It is useful to first provide some current context. I have been the appointed administrator of the Thunder Bay Police Services Board since April 19, 2022. My appointment has been extended to March 30, 2023. Of the five people who were board members when I was appointed, only one remains a board member. There are currently three members of the Board. I expect that the new City Council will address board appointments by early December and that the Province may appoint its two board members by the end of the year. Given board orientation and training, I expect that it will take until early 2023 for a functioning board to be re-established. In this context, I am cognizant both that I have important responsibilities as administrator and that I have been asked to fulfil a temporary role as an outsider to the Thunder Bay communities. In my view, it would be unwise, and very likely ineffective, for me to attempt to be the decision-maker on important long-term policy issues for the board and the Police Service. Real change requires the effective involvement of those affected.

That said, it is my considered opinion that there are important structural issues to address in order to better ensure appropriate change and there is an immediate need to recruit and appoint a new Chief of Police.

With this in mind, a Governance Committee with expanded membership and scope was authorized in August 2022. A public call for interested persons was made. We consulted with First Nations leaders, the chair of the panel and others about potential candidates. We had the benefit of a number of interested people who were all interviewed. A short list was developed and was the subject of further consultation. The result was the appointment of David Paul Achneepineskum, CEO of Matawa First Nations, Denise Baxter, Vice Provost of Indigenous Initiatives at Lakehead University and Coralee McGuire-Cyrette, Executive Director of the Ontario Native Women's Association.

The process used for selecting and appointing community members for the Governance Committee has had a further benefit, namely identifying potential board members who may be willing to serve. This information may be of assistance to the Province and the City in their board appointment decisions.

Chief Selection

The interim report rightly addressed chief selection as an important priority. The interim report focuses on the selection process and the attributes/criteria for selection. I would note that work in developing the selection process was well already underway when the panel provided its interim report. I would also note the assistance and advice provided by Elders and Knowledge Keepers at the Elders Gathering sponsored by Animikii Wiikwedong Ikwewug Dewe'igan Wijiwaagan-ag on October 12, 2022.

Significantly, the re-formulated Governance Committee is assigned a lead role in the selection of the new Chief of Police. The newly appointed community members bring expertise and perspective to this process which fully aligns with the recommendations of the panel.

With respect to the other recommended improvements to the selection process and priority characteristics, I fully expect and intend that the selection process reflect these recommendations. Indeed, the process to date effectively does so.

Board Appointments

I have no difficulty generally agreeing with the observations and goals underlying the recommendations regarding board appointments. That said, the legislated decision-makers regarding Board composition are the City and the Province¹. Implementing the panel's recommendations would require agreement and collaboration by these decision-makers.

In accordance with the *Police Services Act*, the board is comprised of five people. Three members are appointed by City. Two members are appointed by the Province. The mayor is entitled to be a board member. The City is required to select one councilor and one community member for the other two municipal appointments. As a result, two of the five board members are necessarily elected municipal officials. This significantly limits who may be appointed. Further, in order to do what is recommended by the panel, it is necessary that the City and the Province work together to align their appointments. This is a challenge given a brand-new elected City council which will not have had the time to consider the recommendations before making the appointments required to re-establish the board.

If an effective board was in place and if the municipal election had not just occurred, much of what the panel recommends with respect to board composition could be achieved, subject to agreement by the City and the Province. In my view, it is necessary that the board now be re-constituted and that the agreement and collaboration required to implement the recommendations as to board composition is not achievable in the time available. That said, the recommendations could and should be addressed after the board is reconstituted, including the recommendation for appointment of a full-time long-term chair².

Further, it seems to me that the prospect of the Province and the City agreeing to what is proposed by the panel in terms of board composition is at best uncertain. In my view, the approach taken with respect to the Governance Committee has greater prospect for practical effect in achieving the intent of the recommendations and that the approach already taken has the prospect of informing the appointments made by the province and the municipality who are the relevant decision-makers. The same approach can be taken with respect to other Board Committees including, for example, a Labour Relations committee.

I note the recommendation for a seven-person board. I agree that a seven-person board would be desirable given the complexities faced by the Thunder Bay Police Services Board. That said, section 27(9)

¹ I refer to the City, rather than to City Council, and to the Province, rather than to the Lieutenant Governor in Council, for simplicity.

² As section 28(1) of the *Police Services Act* requires the annual election of a chair by the board and section 28(2) permits the annual election of a vice-chair, the board cannot establish five-year terms as recommended but could plan to annually reelect a chair and vice chair.

of the *Police Services Act* only permits the Province to approve a seven-person on the application of the municipal council for municipalities whose population exceeds 300,000 people. An amendment to the *Police Services Act* would be required to effect this recommendation. In this regard, I note that section 31(3) of the un-proclaimed *Community Safety and Policing Act, 2019* (the New Act) would allow the municipality, if and when the New Act is proclaimed, to provide for a seven-person board (of which three members would be required to be elected municipal officials). In this context, I doubt the utility of seeking a legislative amendment at this time to specifically address Thunder Bay.

Labour Relations

In the interim report, the panel said that they were struck by the relatively high number of disciplinary actions, requests for PTSD or other mental health related accommodations and human rights complaints. The panel recommended an immediate commitment, in principle, to a trauma-informed labour relations approach and retainer of an independent external expert in trauma-informed practice for assistance in carrying out certain tasks specified by the panel. The panel further recommended establishment of an independent EDI Unit.

The expert panel and trauma-informed culture and practice

In considering the interim report, I have found it useful to distinguish between (i) trauma-informed treatment (ii) trauma-informed policing and (iii) trauma-informed labour relations. As I understand it, the panel advocates both trauma-informed policing and trauma-informed labour relations and focuses on labour relations in its interim report. To state the obvious, trauma-informed treatment would be relevant to individual and organizational health care providers, as opposed to police services.

The panel said that “Trauma-informed culture and practice is a fundamental principle underlying [its] proposals for action to address issues of mental health, human rights and workplace culture”. The panel relied on advice from Dr. Teresa Marsh³ that this type of approach is essential for those that respond to calls for service, especially from the Indigenous and other marginalized communities. The panel further observed that members of the Service themselves experience trauma and that empathy and compassion must be extended to them. In effect, the panel recommended that a trauma-informed approach be taken by and within the Service.

I fully accept the panel’s recognition of:

the prevalence of trauma amongst Indigenous peoples that manifests itself as the current imprint of pain, horror, and fear caused by historical events including colonization, racism, residential schooling, the destruction of traditional culture and languages, and sexual violence.

and that:

[o]thers in our society also carry traumas produced by such social determinants as poverty, homelessness, sexism, racism, and sexual violence. It is critical that the

³ Dr. Marsh has a private practice. She is a registered nurse, a psychotherapist, a somatic experiencing practitioner and an assistant professor, Clinical Sciences, in addiction medicine with the Northern Ontario School of Medicine at Laurentian and Lakehead Universities.

response and practices of those responsible for helping are themselves not re-traumatizing.

Trauma and multi-generational trauma have ongoing effect on many of the people served by the Thunder Bay Police Service and that trauma is also experienced by those providing police services.

In considering the panel's recommendations, I considered the interim report, spoke with Dr. Marsh, reviewed academic literature that she recommended and undertook a further literature search in respect of trauma-informed practice. Having done so, it is worth noting that the context in which trauma is addressed is important. For example, Dr. Marsh has published interesting research which examines blended Indigenous and non-Indigenous approaches to help Indigenous peoples heal from intergenerational trauma symptoms and substance use disorders⁴. This research focuses on how to assist in healing. It draws on both traditional healing methods and Western counselling models, specifically Seeking Safety, for PTSD and substance abuse disorders.

Trauma-informed policing

In the context of the provision of police services, trauma-informed service would differ from the approach taken by treatment service providers, whether under a blended model or otherwise. Obviously, a police service does not provide treatment. In speaking with Dr. Marsh, her focus and recommendation is for education and training to better enable members of the police service to deal with victims, witnesses and accused persons who have suffered trauma. Dr. Marsh sees significant value in trauma-informed policing. As I understand her approach, Dr. Marsh would suggest significant training for police officers so they may better provide trauma-informed police services⁵.

In this respect, I note that it appears that the concept of trauma-informed police services, while intuitively appealing, is not well-established and is not entirely unclear. It may be that the idea is simply that members of the Service would benefit from better understanding the effect of past trauma on victims, witnesses and suspects. It may be that more is meant than that. If trauma-informed policing is to be meaningfully pursued, more definition would be necessary for proper consideration and evaluation.

The idea of trauma-informed policing follows initiatives in other sectors such as health services where trauma-informed service provision has been adopted. Hales *et al* in their article *Trauma-Informed Care Outcome Study*⁶ observed in the health care context that trauma-informed care can avoid retraumatization and better address health issues arising from trauma:

... in the midst of providing resources and supports, the service setting can inadvertently perpetuate or recreate conditions that activate traumatic histories, necessitating a guiding framework for optimal service delivery and outcomes. In a trauma-informed agency, all levels of staff recognize the pervasiveness of trauma

⁴ Marsh *et al*, The International Indigenous Policy Journal, Vol. 11(4), *The Impact of Training Indigenous Facilitators for a Two-Eyed Seeing Research Treatment Intervention for Intergenerational Trauma and Addiction*

⁵ For an article referred to me by Dr. Marsh on trauma-informed policing, see Jones, Journal of Community Safety and Well-Being, 5(2), 69-72, *Pandemic Policing: Trauma-Informed Services*.

See also Bucerius *et al*, The Police Journal: Theory, Practice and Principles, 2022, Vol. 95(3) 421-435, *Policing with a public health lens – Moving towards an understanding of crime as a public health issue*

⁶ Hales *et al*, Research on Social Work Practice, 2019, Vol. 29(5) 529-539, *Trauma-Informed Care Outcome Study*

and its effects, incorporate this knowledge into day-to-day operations, and actively avoid retraumatization. The implementation of trauma-informed care (TIC) shifts the focus from pathologizing to contextualizing. That is, instead of treating symptomatology, practitioners place presenting symptoms within the greater context of the person's history which, in behavioral health-care settings, often involves trauma. (citations omitted)

in *Policing with a public health lens*, Bucerius *et al* note the value of trauma informed services in other contexts saying that⁷:

Trauma informed training has proven to be effective in other settings such as foster care, Education in Child Advocacy Centres.

Moving from health care and other settings to policing, a trauma-informed approach to the provision of police services is supported by the observations by Bucerius *et al*⁸ that:

Police disproportionately deal with the most vulnerable members of society, including individuals with histories of substance use/abuse, street-involvement, mental illness and physical and sexual victimization. These encounters speak to the need for a different ideational and strategic approach to policing. ... (citations omitted)

These general observations are of course especially applicable to Indigenous persons who have experienced collective and individual trauma over generations.

Bucerius *et al* further observe that:

... police need to be trained on the background factors of the clients they deal with. With respect to the stark victim-offender overlap (i.e., the understanding that the vast majority of offenders are also victims, and, as evidenced above, are often victims before becoming offenders), we believe that moving to a trauma informed training model is pivotal. (citations omitted)

In the context of organizational provision of trauma informed care (TIC) services, Hales *et al* further observe that:

as an organizational approach TIC is not reducible to a universal, rigid tool kit of skills. Rather, imbedding TIC into an agency's formal and informal properties is a process shaped by the existing climate, culture, knowledge, and readiness of all stakeholders. Research in implementation processes has demonstrated that time-limited instruction and trainings alone are insufficient for the adoption of new technology like TIC. As such, the shift to TIC requires extensive learning, commitment, and change in mind-set in order to begin and sustain implementation and fidelity. A significant step in adopting and adapting TIC is the cultivation of TIC leadership in the form of mentors, champions, and administration. Even so, without consistent resources and purposeful reflection, the process will inevitably flounder. In all, the steps needed to take [the] values and domains from the theoretical to the

⁷ Ibid.

⁸ *Policing with a public health lens – Moving towards an understanding of crime as a public health issue*, The Police Journal: Theory, Practice and Principles. For other related research from Scotland, see *The impact of a trauma-awareness session on police officers' trauma-informed attitudes in Scotland* by Brodie and others, PsyArXiv, 24 Feb 2022

operational are largely unique to the agency as well as vast in scope and complexity.
(citations omitted)

In a subsequent paper in respect of trauma-informed approaches in healthcare organizations⁹, Hales *et al* observe that “There is also a growing body of literature, particularly in organizational intervention research, that commitment to change is a strong predictor in the receptivity of and subsequent effectiveness of implementation initiatives”.

These observations seem to support the common-sense propositions that training alone may not be effective to effect trauma-informed policing, that one-size does not fit all, even in respect of health care organizations, and that top-down externally driven change is less likely to be effective.

While the interim report addresses labour relations rather than delivery of police services, trauma-informed policing appears to merit further consideration, including understanding existing best trauma-informed practices in other police services, the extent to which training for trauma informed policing is currently available, the time/cost commitment required to deliver effective change and the extent to which trauma-informed policing has been effectively implemented in other police services. At the same time, the importance of other health and social service providers should be kept firmly in mind. Harm reduction is likely best achieved with the police service in partnership with other providers who are, or should be, best positioned to genuinely assist those who are in need and have experienced past-trauma.

Trauma-informed labour relations

The expert panel’s interim report provides recommendations in respect of labour relations rather than the provision of police services. The focus of the labour relations section of the interim report is on members of the police service as employees.

While there is some suggestion in the literature that trauma-informed health service provision benefits the staff within the service provider as well as those served¹⁰, this research does not obviously apply to the provision of police services which, by its nature, is quite different than the provision of health care services.

Respectfully, it is my view that the panel has proceeded too quickly from the apparently cogent observation that trauma suffered by victims, victimizers and police officers is important and should be reflected in thoughtful and effective policing and labour relations to the conclusion that there is a body of expert knowledge that is immediately applicable, and which can be quickly implemented with expert direction. Further, it is my opinion that a top-down, external expert-directed approach is less likely to achieve the laudable goals intended by the panel. While the panel has its own expertise and while assistance has been provided by Dr. Marsh, much more is required in my opinion if trauma-informed labour relations is to be pursued. I think that there is a real risk that performative declarations, and rushes to do something, risk doing little of real value.

⁹ Hale *et al*, *J Community Psychol.* 2022;50:1173–1184, *Twelve-month organizational study examining the associations among behavioral healthcare worker’s perceptions of autonomy, decision-making power, organizational commitment, and burnout*

¹⁰ Hales *et al* (2019) *supra*.

Volume of disciplinary actions, requests for PTSD or other mental health related accommodations and human rights complaints

As noted above, the interim report indicates that the panel was struck by the relatively high number of disciplinary actions, requests for PTSD or other mental health related accommodations and human rights complaints. Given the information gathering approach taken by the panel, I have made inquiries of the Police Service to better understand the volumes mentioned by the panel.

Disciplinary proceedings

There were 19 internal complaints against sworn officers under s. 76(1) of the *Police Services Act* in 2020¹¹, 12 internal complaints in 2021¹² and, year to date, 7 internal complaints in 2022¹³. Based on information from eight other Ontario police services, this is not an atypical volume of internal complaints¹⁴. Of the total 35 completed complaints, 71% were found to be substantiated and 17% were found to be unsubstantiated.

As for civilian members, there respectively were 6, 2 and 1 disciplinary investigations respectively in 2020, 2021 and 2022 year to date. Of the total 9 investigations, 56% were found to be substantiated, 22% were found not to merit discipline and 22% were found to be unsubstantiated.

Grievances and harassment complaints

There were 4, 6 and 1 grievances on behalf of individuals¹⁵ in 2020 and 2021 and, year to date, in 2022.

There are five unresolved individual grievances and six settled grievances. Two of these grievors have filed HRTO applications in respect of the same subject matter as their unresolved grievances.

As for harassment complaints, there were 2, 3 and 2 complaints respectively in 2020, 2021 and 2022 year to date. 2 complaints were found to be substantiated. One complaint was found to be unsubstantiated but led to recommendations for policy changes.

HRTO applications

One HRTO application was made by an employee in 2020. This application has been resolved.

Four HRTO applications were made by employees in 2021 and 7 were made in 2022. All but two of these applications were on the basis of disability. Two of these 11 applications alleged discrimination on the basis of race, ancestry, ethnic origin or gender. While discrimination contrary to the *Human Rights Code* is alleged, the allegations in the 2021 and 2022 applications are far-ranging and the applications are not typical HRTO applications.

¹¹ 12 complaints (63%) were substantiated, 3 were unsubstantiated and 4 were withdrawn. The matters involving the Chief and the Deputy Chief are not included in this review.

¹² 9 complaints (82% of those completed) were substantiated, 2 were unsubstantiated and 1 is ongoing

¹³ 4 complaints (80% of those completed) were substantiated, 1 was unsubstantiated and 2 are ongoing

¹⁴ For 2020 and 2021, the reported average for eight other police services was 9.3 internal complaints/100 officers for 2020 and 10.5/100 officers in 2021. Excluding the highest and the lowest, the averages were 7.3/100 for 2020 and 6.8 for 2021. In Thunder Bay, there were 7.9 internal complaints/100 officers in 2020 and 5.0/100 officers in 2021. The Thunder Bay internal complaint rate was in the middle of the range for both years.

¹⁵ Policy grievances are excluded to better address the specific recommendations proposed by the expert panel.

All of the HRTO applications brought in 2021 and 2022 are defended. The allegations are unproven. A number of the applicants have made additional applications alleging reprisal with the result that the total number of applications is substantially greater than the number of applicants. These further reprisal applications are also defended. All applications brought in 2021 and 2022 were brought by one lawyer. It remains to be seen if and when these applications will be heard as the lawyer acting for the applicants has asked the HRTO to delay consideration of these applications. The defences to many of the applications allege that the applications are abusive and not properly HRTO applications. The respondents to these applications now include Chief Hauth, Acting Chief Taddeo, Deputy Chief Hughes, Inspector Ryan Gibson, Inspector Derek West, Staff Sergeant Gordon Snyder, Holly Walbourne (lawyer for the Service), John Hannam (Board Secretary), Don Jarvis (lawyer for the Board), myself, the Thunder Bay Police Services Board, the Hamilton Police Service, Bernardi Law and the Workplace Safety and Insurance Board. The panel's mandate did not include investigating, or assessing, the merits of these applications. In my opinion, the fact of these atypical defended applications does not assist in assessing the issues raised and recommendations made in the panel's interim report.

WSIB claims

There are 33 employees involved with WSIB. Five of these are in respect of physical injuries.

Of the 28 non-physical injuries, 27 are in respect of sworn officers with claims of PTSD (24 sworn members) and psychological trauma (3 sworn members). Nine of these sworn members are back at work and 18 are not. It appears that approximately 7.5% of the sworn members are off work because of diagnosed PTSD or psychological trauma.

Observations and tentative conclusions

The most striking of the above information is, in my view, the proportion of sworn members of the Service who are off-work for diagnosed PTSD or psychological trauma. While I am not aware of comparator information for other police services or other sectors, this appears to be a significant issue both for the individuals involved and for the Service, including other members.

On the other hand, the above information does not indicate a volume of equity, diversity or inclusion issues (EDI) raised by members of the Service. This does not of course mean that there are not unreported EDI issues but rather that there are relatively few employee disputes involving EDI issues.

I draw two tentative conclusions from this review. The first is that the volume of disciplinary complaints, grievances, and harassment complaints does not appear to be excessive. The second is that there does appear to be a volume of employee claims regarding health and disability but there does not appear to be a volume of employee claims regarding issues relating to race, ancestry, ethnic origin or gender.

It appears to me that there is some conflation in the Labour Relations section of the panel's interim report between issues relating to employee mental health and EDI issues experienced by employees. It also seems to me that the approach best taken to each of these sets of issues differs and that the apparent volume ought to affect the appropriate organizational response.

Current organization and the proposed changes

For context, I note the following aspects of the current organization of the Service:

- The Deputy Chief of Police and the Inspector, Corporate Services report directly to the Chief of Police
- Professional Standards reports to the Deputy Chief of Police. Professional Standards is comprised of two sworn officers; a Staff Sergeant and a Sergeant. Professional Standards deals with discipline of sworn members under the *Police Services Act*.
- Human Resources reports to the Inspector, Corporate Services. Human Resources is comprised of three civilian members; an HR Manager, an HR Specialist, and a Health and Disability Management Co-Ordinator. HR is responsible for civilian discipline, workplace harassment investigations for sworn members and civilians, WSIB claims and liaison and return to work from disability leave.
- Also reporting to the Inspector, Corporate Services are a Risk Management Staff Sergeant and the Training Unit, which is comprised of one Sergeant and two Constables.
- The Peer Support Unit, comprised of one Constable, reports to the Inspector, Community Services¹⁶. The Peer Support Unit works with the volunteer Peer Support Team.

The panel recommends that

The Board work with the Chief of Police to establish a dedicated properly funded and staffed arm's length Human Rights/Equity, Diversity and Inclusion (EDI) Unit headed by a Human Rights/EDI specialist to help develop and build a human rights supportive/friendly workplace through training and education, complaints intake and investigation, and an alternative dispute resolution process to reduce reliance on a complaints-driven, adversarial approach.

and that:

The Board begin work with the Service immediately to draw up plans within 90 days of this report for creating and launching the Unit within the first six months of 2023.

I have considered this recommendation carefully. As part of my consideration, I have reviewed the volume of complaints and investigations in 2020, 2021 and 2022 that could have been handled by the proposed Unit. My conclusion is that the panel's impression as to the existing volume appears to be inconsistent with the actual volume and, in any event, a new independent and separate unit is not justifiable. At an annual cost of hundreds of thousands of dollars, I am not persuaded that such a unit makes sense given the apparent volume of matters that it would likely address. Such a unit may well be appropriate for a larger police service but it does not appear to be justifiable here. My discussions with the Acting Chief and the representatives of the Police Association and the Senior Officers' Association support this conclusion.

¹⁶ The Inspector, Community Services, reports to the Deputy Chief of Police.

Further, it seems to me that there are material issues in diverting *Police Services Act* conduct issues, grievances and disability/WSIB issues to such a unit if that is the panel's intention. As for conduct issues, I doubt that professional conduct lawfully can or should be dealt by such a unit.

As for grievances, I doubt that it is advisable that grievance disputes between the employer and the union should deal with by a unit that is not embedded in and fully familiar with the work of the employer. In my discussion with the representative of the Police Association, the principal concern raised was not with current grievance-related decision making within the Service but rather with the Board's approach to grievances. It is perceived that the Board is not independently assessing grievances. It seems to me that there would be valuable for the Board to better understand, and to be seen to better understand, the substance of grievances that it considers. But I doubt that the Board is currently well equipped to do so.

As for disability/WSIB issues, the WSIB will continue to be the decision-maker and, in my view, it is important that the employer be actively involved in avoiding disability and in facilitating return to work. In my discussion with the representative of the Police Association, it appeared to me that this perspective was shared and that return to work should be seen as a priority where possible.

By way of conclusion, I do not accept that a separate unit as proposed is justifiable even though it may be that changes to the approach taken to complaints intake and investigation may be appropriate. In any event, it seems to me that the most significant issue is with respect to mental health issues, which may well reflect trauma experienced by members of the service. I also conclude that greater substantive Board involvement with grievances that are before the Board may be appropriate.

In any event, I am not persuaded that either the panel or I have a sufficient basis from which to reliably assess the full nature or extent of the labour relations issues surfaced by the panel such that substantial organizational changes should be implemented at this time.

Further, it seems clear to me that there is substantial work to be done considering the many outstanding recommendations that have been made over the last several years and determining priorities and capacity. There is some risk of what might be described as "recommendation overload". This is not to suggest that recommendations are not all potentially valuable but rather than strategic assessment and prioritization is required.

In my view, the better course is for the new Chief and the new board to address these matters as a priority. I do not think that it would be wise for me, as a temporary administrator, to do so. Significant operational changes imposed on an expedited basis by an administrator on the advice of an advisory panel risk being the wrong changes and risk being ineffective when a new Chief and a new board take on their responsibilities.

My role as administrator

While I have already adverted to my role, I conclude this part of my response with the following observations. As I indicated at the board meeting at which the interim report was delivered, I have substantial concern about the recommendation for an immediate declarations and decisions from a governance perspective. The reality is that any declaration would be by me as administrator as I currently have the only vote. I doubt both the propriety and the efficacy of any such declaration by me.

It is unclear exactly what would be meant by the recommended declaration, and it is not obvious what effect, if any, such a declaration would have.

I am also concerned that to immediately act on the specific labour relations recommendations, as formulated, would be to treat the panel as a decision-maker, rather than as an advisor. My view, after considering the interim report and recommendations, is also that the work has not yet been done to identify what specifically should be done to effectively address the labour relations concerns raised by the panel. Further, I think it unwise to simply start carrying out “tasks” without the genuine involvement of the board and the Service in considering how to address the panel’s concerns. In my view, effective change management in labour relations requires collaboration rather than top-down decision making.

Conclusion and Summary

In my opinion, the recommendations in the interim report regarding recruitment of the new chief of police can and should be generally followed by the Board and its Governance Committee. The Board’s recruitment consultant and the Governance Committee have already taken steps to do so.

With respect to Board governance, it is for the Province and the City to make appointments. While a collaborative and coherent approach to appointments would be desirable, a new board is required in the near-term. While it is for the Province and the City to consider the panel’s recommendations, I doubt that there is a near-term prospect of material change in the appointments process. In my view, the best current approach is to encourage the Province and the City to make thoughtful high-quality appointments in order that the new Board is effective in its important mandates. Otherwise, it is not difficult to imagine further future problems. As for relations between the Board and Indigenous peoples, I generally agree with the panel’s recommendations. My view is that the appropriate approach is for the Governance Committee to recommend a strategic approach to the many outstanding recommendations of the OCPC Report and other relevant reports which includes a time-table for the completion of outstanding work. I would further support periodic (say twice yearly) formal reporting on this work to the public and to Indigenous governments and organizations.

With respect to labour relations, my view is that the Board should consider the panel’s recommendation for trauma-informed labour relations particularly in the disability context where PTSD is a material issue. I also support non-adversarial labour relations where possible but would observe that some aspects of police labour relations are not easily fit into the proposed model. Given the nature of policing and its effects on liberty and safety, proper professional conduct and accountability are particularly important. That said, there is a need, in my view, for greater board expertise in labour relations both for collective bargaining and in respect of ongoing labour relations, particularly grievances. It seems to me that a labour relations committee should now be established to permit added external expertise and focus. My understanding is that doing so would be consistent with prior conclusions of the Board.