

MINUTES

OTTAWA-CARLETON POLICE SERVICES BOARD

SPECIAL MEETING

CHAMPLAIN ROOM, REGIONAL HEADQUARTERS

2 SEPTEMBER 1998, 9:30 A.M.

PRESENT

Chair: Mr. P. Vice
Vice Chair: Councillor H. Kreling
Members: Mr. G. Baskerville, Ms. A. Boudreau, Ms. E. Buckingham,
Councillor J. Legendre

REGRETS

Regional Chair B. Chiarelli

ITEM OF BUSINESS

1. REVIEW OF PUBLIC COMPLAINTS #98-091 AND #98-096
- Board Secretary's memo dated 26 August 1998 and attached report from the
Complaints Committee dated 11 August 1998

Chair Vice explained this is a special meeting of the Police Services Board to review a public complaint submitted by Ms. Houde. He thanked Regional Chair Chiarelli, Councillor Legendre and Member Buckingham of the Complaints Committee for their work and time in reviewing the Board's first complaint under the new Police Services Act. He then invited Member Buckingham to provide an overview of the Committee's report.

Member Buckingham indicated the committee met and discussed the issues surrounding the complaint several times. They sought input from the Ministry of the Solicitor General and from the Ontario Civilian Commission on Police Services (OCCPS) with regard to the Board's role, as this process is governed by new legislation. Recognizing that it is new legislation, the committee also spent some time discussing how to improve the process.

With regard to the first of the two specific complaints, the committee determined the Board does not have the authority to address the refusal of the OCRPS to permit the complainant to view the photographs of the officers involved in the incident.

With respect to the media releases, the committee found that the current policy certainly supports the release of factual information in an impartial and fair manner. Recommendations have been made on how to enhance the policy and the committee has made further recommendations on how the media relations policy should be further expanded. It is recommended to the Chief that in future, both oral and written responses to complainants should include additional information so they have a reasonable basis for assessing the decision made, including the decision as to how the complaint was classified. It is also recommended that the Chief take the necessary action to ensure all written reports explicitly address all the issues raised in a complaint so that all the complainant's concerns are addressed.

Councillor Legendre noted the Police Services Act states the Board should recommend whether or not to hold a public hearing, yet the report is silent on that point. He believed the report should be explicit on this matter.

In response to a question from Member Boudreau, Member Buckingham explained the sub-committee was provided with a considerable amount of information, including: summaries of the complaints and the internal investigation; copies of the original complaints; media releases and subsequent articles; the Media Relations Policy; the review of the media release; general orders; correspondence; the Chief's report; the request to review the complaint; and a letter to the Chief asking him to provide all the background information. She stated copies of the material could be made available to any board members that wished to view it.

Member Baskerville wondered what caused information that was factually incorrect to be released. He also wondered if committee members were confident the recommended changes to the media policy would lead to a better process and avoid future occurrences. Member Buckingham believed the changes would enhance the policy but noted no policy is infallible.

In response to Member Baskerville's concerns, Councillor Legendre stated he understood OCCPS will receive the report once it is approved by the Board. He believed that this, in addition to the fact that OCCPS is already seized of aspects of the complaint related to conduct, should ensure that nothing falls between the cracks.

Referencing the committee's comment regarding the services' refusal to provide photographs, Member Boudreau noted this could be the subject of another complaint. Therefore, she expressed some discomfort with the inclusion of the comment on page 8 suggesting that it should not be necessary for the complainant to file a complaint with OCCPS with respect to viewing the photographs. She cautioned against the Board being seen as giving advice of a legal nature. Member Buckingham maintained the Board is not suggesting the complainant can not file another complaint, but that they should not have to.

Chair Vice wished to ensure that Ms. Houde understood her rights with respect to page 8 of the report. Ms. Houde assured the Board that she understood.

Ms. Houde believed the Police exercise a certain power in the release of information. For this reason, she felt they should only release facts. In her case, she felt the way the media release was written gave a false impression of the incident and she hoped the changes to the policy would prevent re-occurrences.

Ms. Houde was not surprised by the committee's finding regarding the viewing of photographs. She explained the issue was not part of the original complaint but arose when she discovered her version of the incident differed from those of the subject officers. She stated her concerns were with regard to responsibility and accountability. She expressed disappointment that because she did not question the original classification of the media release complaint, and because the deadline has passed in which she could file a conduct complaint, it is now too late to do anything about it.

In response, Member Buckingham stressed there should be an opportunity to have it reviewed by OCCPS if Ms. Houde communicates directly with a representative of OCCPS.

Moved by J. Legendre

That the words "and not hold a public hearing" be added at the end of the recommendation.

CARRIED

That the Ottawa-Carleton Regional Police Services Board approve the report, and the recommendations contained within it, submitted by the Complaints Committee with respect to Complaints #98-091 and #98-096 and not hold a public hearing.

CARRIED as amended

ADJOURNMENT

The meeting adjourned at 10:10 a.m.

W. Fedec
Secretary

P. Vice
Chair