

End Police Violence

**Invest in Black,
Indigenous and
Racialized Lives:**

An Ontario NDP
Commitment
to Action

End Police Violence, Invest in Black, Indigenous and Racialized People's Lives

An Ontario NDP Commitment to Action

Introduction

Since April, nine Black, Indigenous or racialized people in Canada have died in interactions with police. Regis Korchinski-Paquet, Ejaz Ahmed Choudry, Chantel Moore, Rodney Levi, Stewart Kevin Andrews, Jason Collins, Eishia Hudson, Caleb Tubila Njoko and D'Andre Campbell were loved, valued and should be with us today. Most of them lived with mental health issues and were in crisis when police arrived.

As political leaders, we cannot ignore that the deaths of these Black, Indigenous and racialized people are part of a pattern of police interactions that stretches back years to include Andrew Loku, Josephine Pelletier, Abdirahman Abdi, Sammy Yatim, Greg Ritchie, and far too many others.

It is clear that protecting Black, Indigenous and racialized lives urgently requires an unprecedented and historic shift in the way we view policing and the health and safety of our communities.

Tens of thousands of people in communities across Canada have marched in the streets demanding justice, an end to systemic racism and fundamental change to policing - including the defunding of police and reinvestment of this money into social services that will allow our communities to thrive. They are calling for these changes because they know that for Black, Indigenous and racialized people in Ontario, interacting with police means potentially putting your life at risk. This prejudice is hard-wired into our institutions. It's systemic. And as leading Black health experts and the Toronto Board of Health note, it's a public health crisis¹.

We cannot and should not simply dismiss the call to defund police. This is a conversation that is long overdue. For too long, the province has ignored these calls for change. No one should die after calling 911 for help. No one should feel the unimaginable anguish of seeking help for a loved one, only to lose them – possibly before their very eyes.

We have a responsibility to act, and the Ontario NDP is committed to stopping the violence and saving lives – from changes that we as legislators can make immediately, to a broader vision for the future. If we come together – ensuring that Black, Indigenous and racialized communities are centred as architects of change – we can build a future where we spend less on armed response to crises and failed approaches to community safety, and more money, resources and energy are dedicated to the health and wellbeing of our communities.

¹ <https://www.cbc.ca/news/canada/toronto/board-of-health-anti-black-racism-1.5603383>

The Status Quo

1. **Like most of our institutions, policing in North America has roots in colonialism, and systemic anti-Indigenous and anti-Black racism.** The over-policing and jailing of Indigenous, Black and racialized people is part of that context. High profile instances of police brutality against Black, Indigenous and racialized people, from the killing of Andrew Evans in 1978 to the killing of D’Andre Campbell, Chantel Moore and Ejaz Ahmed Choudry this year are not independent incidents, but part of this long-standing trend.
2. **The scope of policing has grown far beyond what they are trained and best equipped to do.**
 - a. Police officers are not trained or qualified to be mental health professionals, nurses, social workers, mediators, guidance counsellors, disciplinarians in our schools
 - b. According to a *CBC News* investigation, over 70 per cent of police-involved fatalities in Canada involved issues of mental health and addictions (a disproportionate number of the dead were Black, Indigenous or racialized)²
 - c. We have sectors and professionals that are better equipped and trained to do this work more effectively and at far less cost
 - d. But these sectors and professions aren’t getting the investment our communities need from all three levels of government
 - e. Meanwhile, for too many municipalities, police budgets have ballooned into the #1 line item for many city budgets – the City of Toronto spends over \$1 Billion on policing. That’s about the same as their share of the TTC, Toronto Public Libraries, and Paramedic Services – combined³
3. **Police budgeting is unaccountable to legislators, who don’t have control over program spending.**
 - a. In many other countries, like England, legislators have veto-power over what programs police are (and aren’t) funded to provide.
 - b. Far too much money is spent on things that don’t keep Ontarians safe, like outfitting police forces with military grade hardware:
 - i. Assault rifles⁴
 - ii. Armoured vehicles⁵
 - iii. Tear gas, which has been banned in war zones by the Chemical Weapons Convention since 1997⁶
 - iv. Rubber bullets/ “beanbag ammunition”⁷

²<https://www.cbc.ca/news/investigates/most-canadians-killed-in-police-encounters-since-2000-had-mental-health-or-substance-abuse-issues-1.4602916>

³<https://www.toronto.ca/city-government/budget-finance/city-budget/basic-basics/how-your-tax-dollars-work/>

⁴ <https://www.cbc.ca/news/canada/toronto/toronto-police-rifles-1.3409707>

⁵<https://www.thestar.com/news/gta/2020/02/18/toronto-police-board-to-mull-donation-to-purchase-new-armoured-vehicle.html>

⁶<https://www.thestar.com/news/canada/2020/06/05/tear-gas-is-banned-in-war-zones-so-why-can-police-use-it-on-civilians.html>

⁷ <https://www.cbc.ca/news/canada/g20-police-shot-rubber-bullets-woman-says-1.914730>

4. Police oversight is broken

- a. If the Special Investigations Unit (SIU), Office of the Independent Police Review Director (OIPRD), and Ontario Civilian Police Commission (OCPC) worked on behalf of Ontarians, there would be dependable, independent, publicly trusted oversight of police officers, as well as clear and appropriate disciplinary action – including criminal liability – in cases of misconduct.
- b. Instead, decades of inquiries, reports, investigations and task forces have found time and again that police oversight in Ontario is not serving the public interest.
- c. SIU very rarely holds officers to account. The SIU laid criminal charges in just 3.6 per cent of closed cases in 2018⁸. Doug Ford's *COPS Act* watered down what was already watered-down Liberal legislation.
- d. Currently, officers face no statutory penalty for not complying with an SIU investigation
- e. Gold-standard reports full of pragmatic improvements and recommendations, including the Tulloch Report⁹, have sat on the shelf gathering dust for years
- f. In 2012 the Canadian Association of Chiefs of Police, noting that officer misconduct was rarely disciplined, specifically asked the justice system to punish officers for lying, misleading the court, and fabricating evidence¹⁰
- g. A 2012 *Toronto Star* investigation found that over 120 police officers have been accused by judges of courtroom deception since 2005, with many going unpunished. This included officers lying in court¹¹, abusing their power to search¹², fabricating evidence, and more.
- h. Not only does the freedom of delinquent officers to lie with impunity result in the imprisonment of innocent people, it also leads to judges being forced to throw out cases against potentially guilty offenders,¹³ as noted in a 2018 *CBC* investigation that found dozens of cases had to be thrown out due to false testimony of police¹⁴

5. Previous Liberal governments talked a good game, but were content to tinker rather than address long-standing issues. The Ford government has been even worse.

- a. The unconstitutional practice of police carding exploded under Liberal governments
- b. The Liberals ignored the Ontario Ombudsman's calls to reform the SIU in 2008 and again in 2011, and despite commissioning the seminal report on the Roots of Youth Violence, failed to act on its recommendations.
- c. Ford rolled back police oversight reforms, cut over \$2 million in funding from the Anti-Racism Directorate, slashed \$25 million in funding for education programs that provided supports for Black, Indigenous and racialized students, and axed \$334 million in mental health funding

⁸ https://www.siu.on.ca/en/annual_report_2018.php

⁹ https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/police_oversight_review/

¹⁰ https://www.thestar.com/news/canada/2012/04/27/police_who_lie_national_police_body_says_justice_system_needs_to_act_over_lies.html

¹¹ https://www.thestar.com/news/investigations/police_who_lie.html

¹² https://www.thestar.com/news/canada/2013/07/15/illegal_searches_by_peel_police_allow_alleged_gun_offenders_to_walk_free.html

¹³ https://www.thestar.com/news/canada/2013/07/15/illegal_searches_by_peel_police_allow_alleged_gun_offenders_to_walk_free.html

¹⁴ <https://www.cbc.ca/news/canada/police-testimony-court-cases-investigation-1.5352086>

- d. Ford's yet to be enacted *Comprehensive Ontario Police Services (COPS) Act* reduces the fines for officer non-compliance and enables police to decide whether or not to call in the SIU when deaths are deemed suicide – which could prevent investigations into deaths like those of Regis Korchinski-Paquet and Caleb Tubila Njoko, further undermining the essential public confidence in the SIU process

Immediate Action

People across Ontario are rightly demanding fundamental change to policing and a long overdue shift in government priorities from armed police response to a focus on community safety, wellness and supports. They understand that truly addressing the deep, institutional issues we face, means taking a hard look at our province's priorities, starting with policing.

As legislators, it's our job to listen, participate in these conversations, and act in full solidarity with people seeking justice. Below are some of the first steps that government can take immediately to begin building the better future people are envisioning.

1. **Completely overhaul police oversight so the public can have confidence that police forces and officers are no longer able to act with impunity, but instead are truly accountable to the public and communities they serve.** We must ensure that the SIU, OIPRD, and OCPC are empowered to provide real public, independent oversight and accountability, and to mandate anti-racism and de-escalation work in police services. Reports like the Independent Police Oversight Review (2017) provide a clear roadmap for what must be done. We should implement their recommendations immediately. Some of the changes should include:
 - a. Compelling police officers and forces to co-operate when under investigation, not just by mandate, but by instituting clear and substantial disciplinary, monetary, and where necessary, criminal consequences
 - b. Putting an end to the process of police investigating themselves and their colleagues by ensuring oversight and investigatory organizations are independent. This includes ensuring that all investigators and board members of organizations engaging in overseeing and investigating police should be independent of the officers they are investigating, and that strict anti-bias training and accountability measures are in place. Investigators must receive cultural competency training developed in partnerships with the communities where they operate, and investigators should be recruited and trained from these same communities.
 - c. Immediately mandating the end of anonymity for police who are under investigation, or have been found guilty of misconduct. The public has a right to know the disciplinary records of officers, as well as how many reports or complaints have been filed against an officer.
 - d. Ensuring that chiefs and boards suspend officers with or without pay, at the recommendation of the SIU, when an officer is imprisoned or charged with a serious crime
 - e. In the interim, while these institutions are being reformed in order to meet public expectations and standards, there should be independent inquiries into the recent police involved deaths of Black, Indigenous and racialized people including notably Ejaz Ahmed Choudry and Regis Korchinski-Paquet.

2. **Finally end carding – rather than just driving it underground – and destroy every bit of data collected through this unconstitutional process.**
 - a. Ensure these changes are lasting by mandating the collection of de-identified race-based data on all police interactions with the public.
 - b. Mandating ongoing collection and analysis of officer data in order to guard against racial bias by identifying officers and units that disproportionately target people of colour.
3. **Invest in alternative first responders, rather than the police, to respond to mental health, addictions, homelessness and school discipline calls.**
 - a. Hire, train, and empower alternative first responders with the jurisdiction and responsibility to respond to calls pertaining to mental health, addictions, homelessness, non-violent disputes between neighbours, intoxication, school discipline, and other calls that do not require armed response, or where armed response would be counter-productive. Ensure they are trained in anti-racism, anti-oppression, de-escalation, and culturally responsive care. Remove these calls from the scope and jurisdiction of police.
 - i. Ontario, as well as jurisdictions across Canada and the globe have had success with piloting mediation/intervention teams as an alternative to solely police response. These units, which would be critical in shifting towards a public health approach to many community challenges, should be created with existing community partners, separated from police jurisdiction and budget, enabled to respond to 911 calls, and empowered to make decisions about whether armed police should accompany them, arrive later, or not at all. These units should also be subject to oversight to ensure that they are meeting community needs. This might include mental health professionals, social workers, traffic enforcement, nurses, community mediators, etc.
 - ii. For example: Eugene, Oregon's CAHOOTS (Crisis Assistance Helping Out On The Streets)¹⁵ mental health crisis intervention program, which has responded to 911 calls related to addiction, disorientation, mental health crises, and homelessness (but which don't pose a danger to others) for 30 years. Responders de-escalate, attend to immediate health issues, and help formulate a plan of action (like finding a shelter bed or transport to a mental health facility).
 - iii. For example: Stockholm's Psychiatric Emergency Response Team (PAM) – the world's first ambulance dedicated solely to mental health care¹⁶
 - iv. For example: San Francisco has pledged that armed police officers will no longer respond to non-violent calls. Nonviolent civil servants trained in the particular area (homelessness, suicide prevention, etc) will be dispatched instead.¹⁷
 - b. Get police officers, armed or otherwise, out of schools and replace them with social workers, guidance counsellors and mental health professionals with the anti-racism and anti-oppression

¹⁵ <https://www.cbsnews.com/news/mental-health-team-responds-to-emergencies-oregon-alternative-to-police-2019-10-23/>

¹⁶ https://apolitical.co/en/solution_article/worlds-first-mental-health-ambulance-arrives-sweden

¹⁷ <https://www.businessinsider.com/san-francisco-police-will-no-longer-respond-non-criminal-calls-2020-6>

training, experience, expertise and cultural competency necessary to serve the communities they work in.

- c. Get armed fare inspectors off of public transit.
- d. Police are often the first place communities turn in times of distress. They face dangerous situations that other first responders are not equipped to address. While they provide vital services, police have also been asked to respond more and more to issues that have less to do with law enforcement and more to do with community health and wellbeing. This change in scope won't just ensure that we make vital investments in community health, it will also allow police to focus directly on the community safety issues they are best equipped to address.

4. Demilitarize our police forces

- a. Demilitarize police forces by getting military grade hardware and tools that infringe on privacy like armoured vehicles, assault rifles, tear gas, Stingray and facial recognition software out of the hands of police and off our streets.
- b. Redistribute the funds used on these weapons of war to community services.

5. Give elected representatives the help and power to set their policing budgets and prioritize what communities need.

- a. Democratically elected representatives are well situated to ensure that police programming and budgets accurately reflect the priorities and concerns of the communities that they serve. It would surprise most Ontarians to learn that these representatives do not currently have veto power over line items or program areas in police budgets. In order for impactful change to be realized, this must be corrected. Working with representatives at the First Nation, Municipal, and Provincial level, the *Police Services Act* and successor legislation should be amended so that legislators may assume this responsibility.
- b. Many municipalities and First Nations may not have the financial resources, institutional expertise or staffing to undergo this fundamental change to policing without provincial and federal assistance. In order to ensure that legislators are well-positioned to deliver accountability and transparency to their constituents in the police budgeting process, the province must create a transitional funding stream with clear direction and supports provided by an appropriately representative Transitional Re-distribution Team, while also working in close partnership with legislators at all levels to get this done. This should include the necessary supports for community consultation in the budgeting process, to help ensure that police budgets reflect community priorities.
- c. Representatives from communities, municipalities and First Nations across Ontario must have not only the financial and institutional support to take on this fundamental change, but the responsibility to incorporate and address the realities and lived experiences of communities facing the immediate crises of poverty, addictions, illegal gun ownership and gun violence, hate crimes and more. Everybody deserves to feel safe. Fundamental change to community safety cannot be successful without centering the voices of communities most directly impacted and ensuring that alternative supports, as well as traditional supports, reflect their current and future needs. The province should also support municipalities in ensuring that vulnerable

communities (like Toronto Community Housing residents, for example) are able to form their own safety plans. To that end, representatives must dedicate resources to engage in robust and comprehensive community consultation and create accountability mechanisms to community.

6. Invest heavily in programs and supports that improve quality of life by considering and addressing the social determinants of health (social and economic factors that influence people's health) and use an anti-racist, anti-oppression framework.

- a. Redistribute funding and further invest upstream in the things that build communities up, help them thrive, and also save money that is currently spent on expensive downstream interventions. Some of these investments include:
 - i. Education, including early childhood development
 - ii. Health services
 - iii. Employment and job security supports
 - iv. Food security
 - v. Housing
 - vi. Social cohesion and safety networks
 - vii. Restorative justice programs that ensure community accountability and community reintegration
 - viii. Child care and community programming for youth
 - ix. Arts

7. Seek out community-driven, community-led solutions to community safety and wellbeing.

- a. For decades Black, Indigenous and racialized communities have poured their time, experience and hope into government studies, deputations, task forces and reports on addressing systemic racism.¹⁸ We do not need further studies or reviews to tell us that more work must be done. We can and must act now and implement the recommendations made in decades of reports collecting dust in the Premier's office.
- b. Ontario is a vast and incredibly diverse province. Different communities in different regions will need and take radically different approaches to policing in their communities. Addressing systemic racism in policing will necessarily look very different for Black, Indigenous or racialized communities in southern Ontario than it does for First Nations and Indigenous communities in the North.

¹⁸ Reports such as the Report of the Advisor on Race Relations to the Premier of Ontario, Bob Rae (1992), Report of the Commission on Systemic Racism in the Ontario Criminal Justice System (1995), Review of the Roots of Youth Violence (2008), Honouring the truth, reconciling for the future : summary of the final report of the Truth and Reconciliation Commission of Canada (2015), One Vision One Voice (2016), The Report of the Independent Police Oversight Review (2017), Towards Racial Equity in Schools: The Schooling of Black Students in the Greater Toronto Area (2017), Doing Right Together for Black Youth, YouthREX (January 2018), The Report of the Independent Street Checks Review (2018), Hairstory – A Firm Foundation for the Future of Black Youth In Ontario's System of Care (2019), Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (2019), are but some of the reports whose recommendations have gone unanswered by government.

- c. Ontario must drastically restructure police services and the relationship between Indigenous Peoples and policing institutions. Indigenous People are both *over-policed* and *over-represented* in the criminal justice system, and, due to systemic underfunding of remote communities and northern First Nations, are *least* able to depend on police when they need them. Ontario needs to fix this, immediately.
- i. The historical mistrust of police by Indigenous Peoples is well-documented and well-placed. The historically racist and colonial mandates of police forces, as documented and discussed in the Ipperwash and Tulloch Reports, must be acknowledged in the framing of any conversation about the future of policing Indigenous communities.
 - ii. Many First Nations have long-expressed their desire to have First Nations police officers policing their own communities with literacy in First Nation laws and customs, and with a “peacekeeping” mandate. While some First Nation police forces exist, they are overworked, under-funded, and often unable to exercise their duties effectively or safely. This must change.
 - iii. Settler Governments must respect the rights of First Nations to determine how they are policed. First Nations must have agency to opt in or out of being covered by a properly-funded First Nation police force, either independent or in partnership with other Nations. Each Nation should be able to opt-in regarding the applicability of civilian oversight of policing in their territory.
 - iv. Inasmuch as the OPP overlap with First Nation Police Forces or cover policing on First Nations territory, they must have de-escalation, cultural competency training, including understanding of First Nations laws and customs, and nurture ongoing relationships with local Governments and people. The OPP must actively recruit Indigenous Police Officers, and actively work to repair broken relationships and broken trust.
 - v. Furthermore, Ontario must work with northern partners to shift the funding focus in Northern communities away from the OPP to robust investment in Indigenous-led and staffed policing
 - vi. Urban police forces must consult with Indigenous stakeholders to create and expand pilot programs and action plans that ensure that urban Indigenous populations are served by Indigenous officers with the appropriate training.
 - vii. Ontario must identify successful preventative programs in Indigenous communities focused on community well-being and community accountability, and give them the supports to scale.
- d. More broadly, Ontario must recognize that systemic racism impacts every part of Indigenous people’s lives – not just policing. The province must aggressively fund things like housing, clean drinking water infrastructure, mobile health units, food security, accessible mental health supports, and more to fundamentally address these systemic issues. Systemic racism and colonialism also shape the very structures at the heart of decision-making in this province, and fundamental change is necessary to open institutions, like our parliaments, to meaningful Indigenous participation.

Our Vision

Change is possible. If we have the political will to seize this moment, and finally address the deep institutional blight that has devastated Black, Indigenous and racialized communities for far too long, we can make our province a better, safer place for all Ontarians, now and for generations to come.