

## **"Systemic Racism in Policing in Canada"**

**Presentation by OPS Chief Peter Sloly to the Standing Committee on Public Safety & National Security**

### **Acknowledgement**

I would like to thank the Committee for inviting me to participate in this discussion on “Systemic Racism in Policing in Canada.” This discussion is important and necessary.

### **About Peter Sloly**

My name is Peter Sloly, and I am the Chief of the Ottawa Police Service. I am proud to serve the one million souls who reside in the nation’s capital. I am proud of my three very successful and very different careers including my 28 years as a police officer. And, I am a proud Black man, a proud native of Jamaica and a proud Canadian citizen.

### **Systemic Racism**

I will start by unequivocally stating that Canada is the best country in the world, that the Canadian policing model is the best in the world, and that Canadian police officers are among the finest people in the world.

I will also unequivocally state that individual and systemic racism exists in Canadian policing, in all Canadian institutions and in Canadian society as a whole.

These statements are not mutually exclusive.

The ongoing negative impact of systemic racism is eroding the public’s trust and confidence in policing which is essential to keeping our communities safe. Not addressing systemic racism is not only failing our communities, it also puts our own police service members at risk.

Systemic racism is a well established concept rooted in our colonial past, embedded in our legislation, enabled in our institutional practices and sustained in our organizational culture.

A common misconception about systemic racism is that it involves a few “bad apples” who engage in racist thoughts and behaviors. This is not true because imperfectly good people can commit acts of omission that allow individual racists to survive and even thrive in organizations. Imperfectly good people can also consciously or unconsciously enable systems to create and perpetuate policies and practices that work to the advantage of some groups and to the disadvantage of others.

Systemic racism exists within all Canadian institutions. Further, these institutions are interdependent, interactive and compounding on each other. For example, individual and systemic racism in education, healthcare, social services and housing will directly contribute to the under pinning elements of crime. Criminal activity will eventually engage the justice system into this cascading set of institutional failures. To dismantle systemic racism (along with all forms of discrimination) in policing, we need to make positive investments in police culture, police operations and the broader institutional ecosystem that the police operate in.

## **Building a Healthier Police Culture**

Changing police culture is not something that can happen overnight. However, there are some specific steps that police leaders can do today that build a healthier police culture. For example, a greater critical mass of diverse sworn and civilian personnel at every level of the police service has been shown to diminish some of the more pernicious aspects of police culture. That is why the Ottawa Police Service has enhanced our recruitment, hiring and promotion processes to increase the quality of our recruits and to accelerate the diversification of our organization.

Human rights experts have helped to identify the following three things that police services should do to build a healthier culture and eliminate systemic racism:

- collecting and analyzing disaggregated race based data;
- developing an equity, diversity, and inclusion toolkit to review and update all policies, procedures, and practices; and
- identifying and removing all aspects of the organizational culture that sustains systemic racism and/or resists attempts to dismantle it.

The “Ontario Human Rights Code” and the “Comprehensive Police Services Act” of Ontario establish the responsibilities for police services, police boards and police oversight bodies to prevent and address both individual and systemic racism (see Appendix 1 and Appendix 2 for details). There is a further positive obligation on police services to make sure that they are not engaging in systemic discrimination of any form. All Ontario police services must comply with these legislative requirements and standards.

That said, Canadian police leaders must go well beyond mere legal compliance. We must demonstrate our own personal and professional commitment to promoting and protecting human rights and charter rights. We must take the initiative to lead the (re)development all of core systems (HR, Professional Standards, Corporate Risk Management, Operations, IT, etc.) such that they accelerate the advancements we have made to bring greater levels of diversity, equity and inclusion into policing while also dismantling systemic racism that has too long persisted in policing.

## **Implementing Intelligent Integrated Operations**

The community do not want “law enforcement” or “use of force” to be the dominant problem solving tools nor do they want “law enforcement” to be a dominant factor shaping police culture. These concerns help to explain why Indigenous, Black and racialized communities feel they are over policed, under served and over represented in the criminal justice system.

The community and police do not want to be the only (or even primary) response option to every call for service, everywhere on a 24-7/365 basis. This model does not fully serve the community’s needs and it puts police officers in the untenable position where they do not and cannot have the knowledge, skills and abilities to consistently AND successfully deal with non-police related calls (most notably with people suffering from mental health or addictions).

The public and police members want policing that prevents and reduces crime – they also want police to partner with the community to address a wider variety of “public safety” issues; neighbour disputes, parking complaints, road safety, school safety, disorderly behaviour in public spaces as well as other human services issues where the police play a support role but not a lead role.

That is why the Ottawa Police Service has committed to making major investments in the following 3 operational strategies:

1. Neighbourhood Policing (NP) – deploying officers into neighbourhoods experiencing higher calls for service, criminality and/or social disorder where they work with local community stakeholders to prevent and address a broad range of community safety and well being issues.
2. Intelligence Led Policing (ILP) –enhancing the ILP model that will still have crime reduction as a priority but be fully aligned with NP model to prevent crime and disorder while and getting at the root causes of crime.
3. Community Safety & Well Being (CSWB) – implementing a CSWB plan that brings together the police, education, health, social services along with community stakeholders to create an integrated service delivery model that proactively assesses individual and community needs and risks and addresses them in the pre-justice space using a combination of social workers, mental health practitioners and/or police officers.

The best way to prevent crime is by addressing the root causes of crime in full partnership with the community. We can do this while still demonstrating the ability to deal with the most prolific criminal offenders. Simply put, the police should prevent first and foremost, enforce last and least - while partnering in all ways and always. This will enable the co-production of public safety and co-destruction of systemic racism.

### **Systemic Change in Human Services Institutions**

I know that Chief Dale McFee will focus the majority of his presentation on the types of changes needed to better align and integrate the larger ecosystem of institutions that the police operate in.

This is the area where we can make the biggest, most impactful and most needed changes. Changes that will save the lives of community members and police service members. Changes that will provide greater dignity and respect to minority community members and to police service members. Changes that will (re)build public trust and police morale. Changes that will result in a massive return on investment for taxpayers and an opportunity for further investments in community safety and well-being for all Canadians in all communities.

### **Conclusion**

I am proud of the progress that has been made in my chosen profession of policing. I am proud of the Ottawa Police Service members for their contributions to that progress. I am proud of all members of Canada's police services who have contributed to advancing our social fabric, our democracy and our nation. Much has been accomplished but much more needs to be done.

I am personally and professionally committed to fixing this issue. Thankfully, I am not alone in this work. I'm surrounded by a critical mass of other leaders in the Ottawa Police Service and across this great country - leaders who know that this is not the time for resisting change, this is not the time for incremental change: this is the time to make real change.

Policing in Canada has been moving from denial and resistance to listening, dialoguing, learning, owning, partnering, co-designing and co-producing the cultural, operational and system wide changes we need to dismantle systemic racism in policing and in Canadian society.

The conditions for to make meaningful change exist right here and right now in Canada. There are no more excuses.

Indigenous, Black and racialized communities need this. Women and new comers need this. Front line police officers and police chiefs need this. All Canadians need this and we need it now!

Thank you.

## APPENDIX 1

**Comprehensive Police Services Act of Ontario** - <https://www.ontario.ca/laws/statute/s19001>

### **Part 1 - Declaration of Principles**

**1** Policing shall be provided throughout Ontario in accordance with the following principles:

1. The need to ensure the safety and security of all persons and property in Ontario, including on First Nation reserves.
2. The importance of safeguarding the fundamental rights and freedoms guaranteed by the Canadian Charter of Rights and Freedoms and the Human Rights Code.
3. The need for co-operation between policing providers and the communities they serve.
4. The importance of respect for victims of crime and understanding of their needs.
5. The need for sensitivity to the pluralistic, multiracial and multicultural character of Ontario society.
6. The need to be responsive to the unique histories and cultures of First Nation, Inuit and Métis communities.
7. The need to ensure that police services and police service boards are representative of the communities they serve.
8. The need to ensure that all parts of Ontario, including First Nation reserves, receive equitable levels of policing.

### **Part 3 – Provision of Policing**

**11** (1) Adequate and effective policing means all of the following functions provided in accordance with the standards set out in the regulations, including the standards with respect to the avoidance of conflicts of interest, and with the requirements of the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*:

1. Crime prevention.
2. Law enforcement.
3. Maintaining the public peace.
4. Emergency response.
5. Assistance to victims of crime.
6. Any other prescribed policing functions.

## **Part 4 - Municipal Diversity Plans**

**28 (1)** Every municipality that maintains a municipal board shall prepare and, by resolution, approve a diversity plan to ensure that the members of the municipal board appointed by the municipality are representative of the diversity of the population in the municipality.

### **Promotion of appointments by municipality**

**29 (1)** If the need to appoint a new member of a police service board by resolution of a municipality is reasonably foreseeable, the municipality shall take reasonable steps to promote the availability of the appointment to members of demographic groups that have been historically underrepresented on police service boards, including racialized groups and First Nation, Inuit and Métis communities.

### **Appointment Considerations**

**33 (1)** In appointing or reappointing a member of a police service board, the appointing person or body shall consider,

- (a) the need to ensure that the police service board is representative of the area it serves, having regard for the diversity of the population in the area;
- (b) the need for the police service board to have members with the prescribed competencies, if any; and
- (c) any applicable diversity plan.

### **Required training**

**35 (2)** A member of a police service board or of a committee of the board shall successfully complete the following training:

1. The training approved by the Minister with respect to the role of a police service board and the responsibilities of members of a board or committee.
2. The training approved by the Minister with respect to human rights and systemic racism.
3. The training approved by the Minister that promotes recognition of and respect for,
  - i. the diverse, multiracial and multicultural character of Ontario society, and
  - ii. the rights and cultures of First Nation, Inuit and Métis Peoples.
4. Any other training prescribed by the Minister.

### **Police service board duties**

**37 (1)** A police service board shall,

- (a) provide adequate and effective policing in the area for which it has policing responsibility as required by section 10;
- (b) employ members of the police service;
- (c) appoint members of the police service as police officers;

- (d) recruit and appoint the chief of police and any deputy chief of police and determine their remuneration and working conditions, taking their submissions into account;
- (e) prepare and adopt a diversity plan to ensure that the members of the police service reflect the diversity of the area for which the board has policing responsibility;
- (f) monitor the chief of police's performance;
- (g) conduct a review of the chief of police's performance at least annually in accordance with the regulations made by the Minister, if any;
- (h) monitor the chief of police's decisions regarding the restrictions on secondary activities set out in section 89 and review the reports from the chief of police on those decisions;
- (i) monitor the chief of police's handling of discipline within the police service;
- (j) ensure that any police facilities, including police lock-ups, owned by the board comply with the prescribed standards, if any; and
- (k) perform such other duties as are assigned to it by or under this or any other Act, including any prescribed duties.

### **Strategic plan**

**39 (1)** The police service board shall, in accordance with the regulations, if any, prepare and adopt a strategic plan for the provision of policing, which shall address at least the following matters:

1. How the police service board will ensure the provision of adequate and effective policing in accordance with the needs of the population of the area.
2. The objectives, priorities and core functions of the police service.
3. Quantitative and qualitative performance objectives and indicators of outcomes relating to,
  - i. the provision of community-based crime prevention initiatives, community patrol and criminal investigation services,
  - ii. community satisfaction with the policing provided,
  - iii. emergency calls for service,
  - iv. violent crime and clearance rates for violent crime,
  - v. property crime and clearance rates for property crime,
  - vi. youth crime and clearance rates for youth crime,
  - vii. police assistance to victims of crime and re-victimization rates,
  - viii. interactions with persons described in paragraphs 4 and 5 of this subsection,
  - ix. road safety, and
  - x. any other prescribed matters.

4. Interactions with,
  - i. youths,
  - ii. members of racialized groups, and
  - iii. members of First Nation, Inuit and Métis communities.
5. Interactions with persons who appear to have a mental health condition.
6. Information technology.
7. Resource planning.
8. Police facilities.
9. Any other prescribed matters.

## **Part 6 - Duties of Chief of Police**

**79** (1) A chief of police shall manage the members of the police service to ensure that they carry out their duties in accordance with this Act and the regulations and in a manner that reflects the needs of the community.

### **Duties of police officer**

**82** (1) The duties of a police officer include,

- (a) preserving the peace;
- (b) preventing crimes and other offences and providing assistance and encouragement to other persons in their prevention;
- (c) assisting victims of crime;
- (d) apprehending criminals and other offenders and others who may lawfully be taken into custody;
- (e) laying charges and participating in prosecutions;
- (f) executing warrants that are to be executed by police officers and performing related duties;
- (g) performing the lawful duties that the chief of police assigns;
- (h) completing training required by this Act or the regulations;
- (i) complying with the prescribed code of conduct; and
- (j) performing such other duties as are assigned to him or her by or under this or any other Act, including any prescribed duties.



## **Part 16 - Municipal Community Safety and Well-Being Plan**

**248** (1) Every municipality shall prepare and, by resolution, adopt a community safety and well-being plan.

### **Membership of committee**

(3) The advisory committee must, at a minimum, consist of the following members:

1. A person who represents,
  - i. a local health integration network for a geographic area in which the municipality is located, as determined under the *Local Health System Integration Act, 2006*, or
  - ii. an entity that provides services to improve the physical or mental health of individuals in the community or communities.
2. A person who represents an entity that provides educational services in the municipality.
3. A person who represents an entity that provides community or social services in the municipality, if there is such an entity.
4. A person who represents an entity that provides community or social services to children or youth in the municipality, if there is such an entity.
5. A person who represents an entity that provides custodial services to children or youth in the municipality, if there is such an entity.
6. An employee of the municipality or a member of the municipal council.
7. A person who represents the police service board or, if there is no police service board, the commander of the detachment of the Ontario Provincial Police that provides policing in the area or his or her delegate.
8. A chief of police of a police service that provides policing in the area or his or her delegate.
9. Any other person prescribed by the Minister.

### **Considerations**

(6) In appointing the members of the advisory committee, the municipality or municipalities shall consider the need to ensure that advisory committee is representative of the municipality or municipalities, having regard for the diversity of the population in the municipality or municipalities.

### **Consultations**

(7) In preparing a community safety and well-being plan, the municipality or municipalities shall,

- (a) consult with the advisory committee;
- (b) consult with members of the public, including youth, individuals who have received or are receiving mental health or addictions services, members of racialized groups and of First Nation, Inuit and Métis communities, in the municipality or municipalities and, in the case of a joint plan with a First Nation, in the First Nation reserve;

- (c) consult with community organizations, including First Nation, Inuit and Métis organizations and community organizations that represent youth or members of racialized groups, in the municipality or municipalities and, in the case of a joint plan with a First Nation, in the First Nation reserve; and
- (d) comply with any consultation requirements that may be prescribed by the Minister.

### **Content of community safety and well-being plan**

**251** A community safety and well-being plan shall,

- (a) identify risk factors in the municipality or First Nation, including, without limitation, **systemic discrimination** and other social factors that contribute to crime, victimization, addiction, drug overdose and suicide and any other risk factors prescribed by the Minister;
- (b) identify which risk factors the municipality or First Nation will treat as a priority to reduce;
- (c) identify strategies to reduce the prioritized risk factors, including providing new services, changing existing services, improving the integration of existing services or coordinating existing services in a different way;
- (d) set out measurable outcomes that the strategies are intended to produce;
- (e) address any other issues that may be prescribed by the Minister; and
- (f) contain any other information that may be prescribed by the Minister.

### **Part 8 – Law Enforcement Complaints Agency**

**133** (1) The Complaints Director may examine and review issues of a systemic nature that,

- (a) have been the subject of complaints or investigations under Part X respecting a person referred to in section 152; or
- (b) may contribute or are otherwise related to misconduct by a person referred to in section 152.

## APPENDIX 2

**The Ontario Human Rights Code** - <http://www.ohrc.on.ca/en/ontario-human-rights-code>

The *Code* prohibits actions that discriminate against people based on a protected *ground* in a protected *social area*.

Protected grounds are:

- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability
- Family status
- Marital status (including single status)
- Gender identity, gender expression
- Receipt of public assistance (in housing only)
- Record of offences (in employment only)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation.

Protected social areas are:

- Accommodation (housing)
- Contracts
- Employment
- Goods, services and facilities
- Membership in unions, trade or professional associations.