

**Protect the Right to Protest
Ottawa Witness Group**

**ONE STEP FORWARD
ONE STEP BACK**

**SECOND ANNUAL REPORT
ON THE POLICING
OF MAJOR EVENTS IN OTTAWA**

2002 - 2003

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EXECUTIVE SUMMARY

The Ottawa Witness Group (OWG) is a local volunteer organization concerned with protecting the right to protest and defending public space for this purpose. OWG members attend demonstrations as observers to monitor the adherence of police to human rights. Witnesses are not demonstrators.

This is the second report of the Ottawa Witness Group and concerns our activities from July 2002, when we reported on the policing of G-8 events in Ottawa, to October 2003. During this time the OWG has attended numerous demonstrations and engaged in many related activities. They include:

- meetings with the Ottawa Police Services Board (OPSB) and police liaison personnel, demonstrators, the media and those interested in policing in the community;
- sponsoring a public teach-in at Saint Paul's University; and
- canvassing of 2003 municipal election candidates through a questionnaire concerning the policing of major events in Ottawa and police accountability to the community.

This report has the following objectives:

- To report on the performance of the Ottawa Police Service (OPS) at major events since July 2002, indicating improvements as well as concerns regarding this performance (pages 1 - 6).
- To release the results of the September 2003 questionnaire sent to all candidates in the municipal election concerning the policing of major events in Ottawa (pages 6 - 7).
- To discuss the role of the Ottawa Police Services Board (OPSB) and concerns about its role as a civilian overseer of the police (page 8).

What has improved? The policing of anti-war demonstrations from November 2002 to March 2003 reflected a co-operative rather than confrontational approach by police toward protesters. Police were professional, courteous, co-operative and helpful. The OWG believes that such an approach should define the policing of demonstrations in Ottawa.

However, improvements in the policing of major events since the November 2001 G-20 and June 2002 G-8 demonstrations have unfortunately been offset and the rebuilding of trust eroded by certain police actions at demonstrations since April 2003,

particularly the gratuitous arrests of activist leaders, questionable bail conditions, and the use of tasers against peaceful protesters. The OWG recommends that such actions not be employed in future due to their negative effect on the relationship between police and demonstrators.

While we are encouraged that, since our first report, more officers at demonstrations wear identification, and videotaping is less intrusive, our concern about the overwhelming use of pepper spray has not been addressed by making guidelines for the use of this weapon public.

Twenty percent of candidates responded to the OWG municipal election questionnaire. Highlights of a survey of responses included the following findings, that the majority would:

- support efforts to establish a more independent and objective complaints process. They would urge the provincial government to change the legislation mandating the process.
- like to see third-party complaints of police misconduct allowed in Ontario.
- Seventy-five percent would make public the guidelines for the use of pepper spray and tasers, but would not ban the use of these weapons by police unless better alternatives are found.

This report includes a rating of what the OWG perceive as the candidates with the most enlightened views on the policing of major events. Candidates' views are important since three seats on the Police Services Board are filled by members of Ottawa City Council.

The OWG appeared before the OPSB in September 2002 to present its report on the policing of G-8 events. The experience proved disappointing: OWG members do not believe their concerns regarding the policing of major events were taken seriously. It is up to the Police Services Board to protect citizens; a Board that does not challenge the police service is not doing its duty to the community.

This report also contains seven recommendations on the policing of major events in Ottawa (page 9) and four appendices (pages 10 - 14).

I. INTRODUCTION

The Ottawa Witness Group is a local volunteer organization concerned with preserving public space and protecting the right to protest and dissent. Witnesses come from all walks of life and attend major demonstrations in the Ottawa area to observe interactions between police and demonstrators. They report on actions of the police and monitor their adherence to the standards of human rights such as freedom of speech and freedom of assembly in a democratic society. Team members work in pairs to record the times, actions and sequence of events. Witnesses are not demonstrators and do not interpose themselves between police and demonstrators.

The Ottawa Witness Group was formed in early June 2002 out of concern over aggressive police behaviour toward peaceful protesters during G-20 demonstrations in Ottawa in November 2001. (For background, see *The Citizens Panel on Policing and the Community: Overview Report and Recommendations*, May 2002. Available at: <http://members.rogers.com/citizenspanel>.)

Witnesses participated in G-8 events as observers to protect the rights of protesters and to hold police accountable during these protests. While the policing of G-8 demonstrations was improved, there were also concerns. (See Appendix 1 for a summary of the OWG report. The full report is available on the first OWG website under "Reports".)

Since then, Witnesses have attended numerous demonstrations to monitor and report on how police have dealt with dissent, in particular during political and homelessness demonstrations. Witnesses have also engaged in a variety of other activities, including:

- meetings with the Ottawa Police Services Board and police liaison personnel, demonstrators, the media and those interested in policing in the community;
- sponsoring a public teach-in at Saint Paul's University; and
- canvassing of 2003 municipal election candidates through a questionnaire concerning the policing of major events in Ottawa. (See Appendix 2 for a complete list of activities.)

This report has the following objectives:

- To report on the performance of the Ottawa Police Service at major events since July 2002, both in terms of what the police have done well and also concerns regarding their performance.
- To release the results of the September 2003 questionnaire sent to all candidates in the municipal election concerning the policing of major events in Ottawa.
- To discuss the role of the Police Services Board and concerns about its role as a civilian overseer of the police.

I. ASSESSMENT OF OTTAWA POLICE PERFORMANCE

1. What the police have done well

1.1 Anti-war demonstrations, November 2002 - March 2003

During the winter of 2002 - 03, there were numerous demonstrations held in Ottawa to protest the invasion of Iraq by chiefly American and British forces. These demonstrations took place in various locations in downtown Ottawa, chiefly on Parliament Hill and then moving toward the American embassy on Sussex Drive;

some demonstrations also included the British High Commission on Elgin Street. The majority of these protests involved thousands of individuals from all walks of life.

The policing of these events reflected a more co-operative and less confrontational approach

than those employed during both the G-20 and also G-8 protests. For example:

- In contrast to anti-war demonstrations in other cities and to the approach police took during G-20 protests in Ottawa, tactical units with police in riot gear were not automatically deployed as a first approach. Instead, police in regular "soft-tact" uniforms walked with marchers as protests progressed.
- Police worked co-operatively with marchers concerning the routes of marches and the flow of traffic.
- Police identification by officers, an important accountability mechanism, continued to improve; more officers wore identification than during the G-20 and G-8 protests, and the display of this identification was more visible.
- During the course of some demonstrations, entrances to various buildings were blocked by protesters. For example, during a demonstration on February 14, protesters blocked a number of entrances to the Department of National Defense as a protest against the possibility of Canadian involvement in a war in Iraq. (The Canadian government had not yet announced its decision not to participate in the war.) Police redirected people attempting to gain access to the building to entrances that were

not blocked. OWG members observed several demonstrators thank police.

- During demonstrations that occurred on days of exceptionally cold weather such as the February 14 protest outside the Department of National Defense, police officers asked that the doors to the Rideau Centre on the MacKenzie Building, which had been closed, be reopened to allow protesters inside to warm themselves.
- Videotaping and photographing of protesters occurred during these demonstrations. However, unlike the recording done during G-8 demonstrations when videotape teams shoved marchers, waded into the middle of large crowds, and aggressively blocked the flow of marches at tight corners, videotaping was done from a distance. (Having said this, it is important to note that Ottawa Witness Group members continue to question the need for videotaping of protesters.)
- In general, the comportment of officers involved in these demonstrations was professional, courteous, co-operative and helpful. The Ottawa Witness Group believes that such an approach should form the basis of the policing of demonstrations in Ottawa.

1.2 Role of the Major Events Liaison Team in these demonstrations

In conjunction with the release by the Ottawa Police Service in April 2002 of the *Agenda for Excellence for Policing Major Events*, the Major Events Liaison Team (MELT) was established by the OPS. The *Agenda* states that "In keeping with the critical importance of open lines of communication, sufficient attention and resources should be applied to liaison between police and event organizers." (page 6) The *Agenda* also lists several other important criteria for the liaison function between the police and protesters such as:

- The liaison mandate should be separate and independent from any intelligence gathering function . . . intelligence gathering should not undermine the potential for dialogue between police and protester organizers during the planning phase or replace ongoing communication during an event.
- Liaison protocol/policy should be developed with public input.
- The liaison function should be available 24/7 during critical periods around

Major Events with proper organizational and technical support. (Ibid)

Members of MELT have been identifiable at demonstrations by special jackets. As they did during the course of the G-8 demonstrations, during several anti-war demonstrations over the winter, MELT officers helped to defuse a number of potentially difficult situations. For example, during various protests in March, demonstrators who supported armed

intervention by American troops in Iraq moved toward demonstrators who opposed the invasion of Iraq. MELT officers were successful in keeping the opposing sides apart and avoiding a confrontation between the two groups.

The Ottawa Witness Group believes that MELT's original mandate as a liaison between police and demonstrators designed to facilitate communication between the two groups worked well during these events.

2. Concerns and key questions concerning police performance

Unfortunately, the incremental progress toward rapprochement between police and demonstrators achieved over the winter has been offset by a number of policing choices during demonstrations since April 2003 which

seem to reflect a return to a more confrontational approach rather than a continued effort to build co-operation and respect between police and activists.

2.1 Apparent targeted arrests of demonstration leaders

i) CANSEC Arms Fair, April 10

On April 10, 2003, a demonstration was held against the CANSEC Arms Fair taking place inside the Ottawa Congress Centre on Colonel By Drive adjacent to the Rideau Centre. Protesters stationed themselves at entrances to the Congress Centre outside the building and also inside at the entrance of the connecting link between the two buildings. As participants in the Arms Fair sought to gain entrance to the Congress Centre, demonstrators attempted to dissuade them from entering. Ultimately police escorted participants into the building, either past the demonstrators or by escorting participants through a more open entrance.

However, at the least conspicuous entrance to the Congress Centre on Daly Avenue underneath the link between the Rideau Centre and the Congress Centre and not visible either from Colonel By Drive or from Nicholas Street, police were not stationed outside the doors to escort conference delegates to one of the other relatively open entrances. At the doors of this

less visible entrance, four protester leaders who had stationed themselves outside the doors were arrested. No pre-arrest warnings were given to the majority of protesters sitting at the doors of this entrance.

This lack of warning effectively gave the appearance of "snatches" to these arrests such as those that engendered distrust of the police in after G-20 and G-8 protests.

In addition, there were reports from those who were arrested that their conditions in jail were inadequate (for example, dirty cells, exposure to cold and questionable circumstances surrounding the opportunity for detainees to sign releases).

Charges against the four activists were later dropped by the Crown.

ii) Aftermath of April 12 Anti-war Demonstration

On April 12, 2003, an activist who had acted as police-liaison for an anti-war demonstration was arrested sometime after the march was finished and both MELT and Witnesses had left. The OWG believes that this decision created an unfortunate perception that police operations have become secretive, and that it is "dangerous" to work with the police.

In a letter to MELT officers on May 6, the OWG outlined its concerns regarding the apparent effort to arrest activist leaders and recommended against this approach. "Such an approach seems to us to be counterproductive, and likely to further alienate the activist community with whom the police can build relationships."

The OWG attempted to organize a meeting with MELT, activists and Witnesses to discuss the circumstances surrounding these arrests and their impact on the relationship between protesters and police. However, activists

declined to meet with police. Instead, OWG members met with members of MELT in July to discuss this situation. OWG members noted to MELT the view of some activists that the unit has become an intelligence-gathering function of the police as opposed to a communication mechanism. MELT officers maintained that they were committed to open and transparent communication.

OWG notes that at the demonstrations against security certificates on October 31 at the headquarters of the Canadian Security Intelligence Service, four protesters were arrested while engaging in civil disobedience. MELT attended this demonstration. In contrast to the arrests described above, clear warnings were issued and this action was completed calmly. The OWG advocates this model be employed.

iii) Arrest of the leader of the Rideau Street homelessness demonstration

On August 29, 2003, after two months of protesting homelessness, police dispersed approximately 20 demonstrators under the Rideau Street overpass. Police arrested the protest's leader, Jane Scharfe, who was charged with mischief when she refused to hand over a sign. They also confiscated demonstrators' belongings. Members of the Ottawa Witness Group observed these actions. MELT was not in attendance.

On August 22, Mr. Mike Ejainek, Director of Traffic and Parking Operations with the City of Ottawa, stated in the *Ottawa Citizen* that the city "can't prohibit demonstrating if it's done in a lawful manner." ("Mayor, police at odds over sit-in protest". This article characterized the protest as a "political hot potato" between police and the Mayor's office.) Sgt. John Lamothe of the Ottawa police also stated in this same article that police visited the site at least four times a day, but no one has been seen engaging in a criminal act.

Given this statement, it begs the question why demonstrators were evicted, their leader arrested and their property seized.

In an August 30 article in the same newspaper, Sgt. Lamothe stated that the removal of the protesters' belonging was not prompted by an order but rather a municipal mandate to clean the underpass twice instead of once a week. ("Camping protesters kicked out") This is of interest given that this site has had homeless individuals reside there on and off for several years.

Police also stated in the August 30 article that protesters "intimidated" passersby so they had to be evicted for public safety reasons. Sgt. Monique Ackland said in the same article that the police had shown "tolerance" toward the demonstrators but "we will not let them sleep there anymore . . . they do not have the right to demonstrate." In contrast, Councillor Elizabeth

Arnold stated in the August 22 article in the *Ottawa Citizen* that she had visited the site and never experienced any problems. She stated that "I support protesters' right to protest."

During the public Teach-in sponsored by the Ottawa Witness Group, Jane Scharfe recounted her experiences with police and discussed the

2.2 Use of force against peaceful protesters

On May 29, 2003, a group of non-status Algerians peacefully occupied federal Minister of Immigration Denis Coderre's office on Laurier Street after trying repeatedly to try to secure a meeting with the Minister concerning their possible forced repatriation. On September 16, Amnesty International issued a press release citing the failure of the government of Algeria to fulfill their promises toward improving the human rights situation in that country. As a consequence, "up to 100 people continue to be killed each month", most of them civilians, torture in state custody remains "widespread" and "systematic", and no independent investigation has occurred concerning massive human rights violations continued since 1992, "which amount to crimes against humanity." (www.amnesty.ca/library/news/mde2800803.htm)

Later in the evening, police broke up the occupation. Amnesty International characterized the police response as "clearly disproportionate force", observing that the testimony of both the victims and other people who were present, and the burn marks on the bodies of a number of

2.3 Complaints process

Under the existing police complaints process, complaints against the police are investigated by the police themselves. The Ottawa Police Services Board, the civilian overseer for the police, has no means to obtain independent information about complaints that are put before it and must rely solely upon the investigation made by the police. As noted by PSB Vice-Chair Jacques Legendre in his response to the OWG municipal election questionnaire (see

issue of cleaning in particular. "They tried to do everything they could to interfere. . . Bottom line is, we don't have the freedom to exercise our right to protest in Ottawa." (Also cited in "Police board 'begs for a third party', *Ottawa Citizen*, October 5, available on the OWG website under "Background Documents".)

them, indicate that the police beat the demonstrators and used Taser guns repeatedly." (Press release, June 4, 2003)

Outside the building, members of the Ottawa Witness Group observed demonstrators supporting those inside also being subjected to Tasers by police — one after he was handcuffed and on the ground, and another who was nowhere near the police but was approached by an officer who fired directly into her breast.

In 1999, Amnesty advocated that the use of all electroshock weapons, including tasers, "should be suspended pending a rigorous inquiry into their use and effects." ("United States of America: Cruelty in Control; The Stun-Belt and Other Electro-shock Equipment in Law Enforcement," AMR 51/54, June 8, 1999. www.amnesty.ca/library/1999/7amr5154.htm.) Given this recommendation, the use of tasers raises troubling questions. OWG has requested OPS guidelines on the use of tasers and has been told it is not available. We believe these guidelines should be made public, as should guidelines on the use of pepper spray.

section III), "the Board has no source of independent information under its control."

After the G-20 protests, the Police Services Board declined citizens' requests to hold a public inquiry into the aggressive police response to this demonstration, stating that demonstrators could file complaints if they took issue with the treatment accorded to them. A number of people did file complaints, only to have them rejected. (Over 60 people appeared

before the Citizens Panel on Policing and the Community to testify about what happened to them during the G-20 events. This testimony is available on the Citizens Panel website noted on page 1.)

In 2002, more than 200 complaints were made concerning police behaviour. Less than five percent were substantiated. In his response to the OWG municipal election questionnaire, Councillor Alex Cullen noted that "while we have a good police force, it is hard to believe that it is 95% perfect all the time." (See section III)

As Councillor Cullen stated at the OWG public Teach-in at Saint Paul's University on October 4: "There's no escaping the fact that it's police judging police. It begs for a third party to validate this process." Some complaints may be referred for investigation to the Ontario Civilian Commission on Police Services, however, this

III. RESULTS OF THE SURVEY OF MUNICIPAL CANDIDATES

Three of the seven seats on the Police Services Board are reserved for members of Ottawa City Council. With this in mind, in September, the Ottawa Witness Group developed a questionnaire about the policing of major events in Ottawa to:

- raise the awareness of all candidates about policing issues;
- obtain the views of all candidates about policing issues and have their views on the public record as a matter of civilian oversight and accountability for policing; and
- raise public awareness about policing issues and advance public discussion.

The questionnaire was sent on September 30 to all 76 candidates in the November 10 municipal election, the 8 in the mayoral race and the 68 in competition for City Council seats. Candidates were asked to respond by October 17.

In response to requests from a number of candidates for further information about the questionnaire and also requests by some

body is staffed with many former police officers.

The Ottawa Witness Group strongly advocates three measures concerning the complaints process:

- an audit of the OPS complaints process along the same lines as the performance audit of the complaints process for the Toronto Police Service completed in August 2002. (This is available on the OWG website under "Background Documents".)
- A third-party to hear and judge complaints.
- And the ability to lodge third-party complaints. This is currently not allowed in Ontario under the Police Services Act, the only Canadian jurisdiction where this is the case.

candidates to meet with the Ottawa Witness Group, we invited all candidates to a meeting on October 14. Five candidates attended this meeting: two mayoralty and three councillor candidates, including one incumbent.

Responses to the questionnaire have been posted on the Ottawa Witness Group website under "2003 Municipal Questionnaire".

The following is an assessment of the replies received by the Ottawa Witness Group questionnaire. It highlights the most positive responses to the issues raised in the survey and draws attention the candidates who demonstrate the greatest interest in improving municipal services related to policing of major events and achieving a more effective complaints process.

Of these, 15 replied with detailed information. This response rate of 20% compares well with the average for postal surveys.

During the course of a campaign there are numerous demands on a candidate's time. Since the Ottawa Witness Group believes that

policing services and processes are fundamentally important to citizens, members very much appreciate the attention paid by these candidates to the questionnaire. Members encourage citizens to visit the OWG website to read candidates' detailed replies.

Some candidates did not complete the questionnaire but gave brief statements of their views, values and platforms. These are also posted on the OWG website.

A special questionnaire was sent to the two members of the Police Services Board who are running for re-election. The Chair, Herb Kreling (Ward 1) did not reply. Jacques Legendre (Ward 13) gave a very informative response. Mr. Legendre has been a strong advocate on the Board and has spoken out courageously on accountability issues. Mr. Legendre reflects in his responses, and in the actions in his tenure on the Board, a serious commitment to providing the oversight which is a key function of the PSB.

Some highlights from the survey:

- Most of the candidates displayed a clear understanding of the civilian oversight role of the Police Services Board and indicated a desire to protect the public interest in policing activities. Some recognized that there is room for improvement in PSB efforts and identified a need for policies and encouragement to be focussed on promoting cooperation between the police and citizens wishing to publicly express dissent.
- A majority of candidates felt that there has been an improvement in the policing at major events but three-quarters would like the *Agenda for Excellence* to be adopted as a policy without delay. (Note: Councillor Legendre stated that he understood that the Agenda had been adopted; the OWG has asked PSB to confirm when this was.) Almost all would support increased use of the Major Events Liaison Team (MELT) and most would see it made a permanent part of the police service.

- Although most candidates accept the low rate of citizen complaints being validated by the police and the PSB, the majority would support efforts to establish a more independent and objective complaints process. They would urge the provincial government to change the legislation mandating the process.
- The majority would like to see third-party complaints of police misconduct being allowed in Ontario.
- In the interests of transparency, the majority (75%) would make public the guidelines for the use of pepper spray and tasers, but would not ban the use of these weapons by police unless better alternatives are found.
- Few candidates would discourage the practice of widespread videotaping of citizens involved in demonstrations, even if their activities are peaceful and innocent.

In our opinion, based on the survey responses, the most progressive views were expressed by these candidates:

- Ward 4 - Peggy Feltmate
- Ward 4 - Grant Johnston
- Ward 7 - Alex Cullen
- Ward 12 - Natasha Duckworth
- Ward 12 - Angela Rickman
- Ward 14 - Dawn Pickering

The responses of these candidates:

- ✓ demonstrated a strong concern for the rights and freedoms of the public.
- ✓ indicated that they understand the need for the Police Services Board to act independently to protect the public in maintaining standards of police conduct.
- ✓ expressed a willingness to work to change the restrictive complaints process in the interests of both the citizens and dedicated police officers.

IV. ROLE OF THE POLICE SERVICES BOARD

One area of the OWG municipal election questionnaire focussed on the Police Services Board (PSB) and its responsibility of civilian oversight of the Ottawa Police Service.

Civilian oversight is critical to police services because of the use of force. The public has turned over significant powers to the police in return for their enforcement of the laws citizens have all agreed to live by. While Ottawa generally enjoys very good policing, these powers can be abused if not rigorously monitored, as the G-20 experience illustrated.

Given the current complaints process, and since the police determine the tactics and force to be used against citizens and then investigate their own conduct, the PSB is obliged to help protect the public from police excess. A strong watchdog function ultimately gives more credibility to the police service, and supports those officers who consistently maintain high standards of professional conduct.

The Board is required to do more than approve budget items. It must set the policies for the conduct of policing and it is the eyes of the community when police misconduct is alleged. Although there are municipal councillors on the Board, City Council has no direct authority over the police. While there is provincial legislation governing police services, the provincial government is even further away. It is up to the Police Services Board to protect citizens; a Board that does not challenge the police service is not doing its duty to the community.

The Ottawa Witness Group appeared before the PSB in September to present its report on the policing of G-8 events. The experience proved disappointing: OWG members do not believe their concerns regarding the policing of major events were taken seriously by the PSB. Police also alleged that Witnesses "interfered" with police work, a claim never substantiated. (See the OWG letter to PSB Chair Herb Kreling and his response on the Group's website under "Background Documents".)

V. CONCLUSION

The Ottawa Witness Group has been in existence for almost eighteen months. In that time, a committed group of volunteers has adhered to its mandate to work to protect the right to dissent. The OWG has attended numerous demonstrations as observers and engaged in a wide variety of activities.

There have been real improvements in the policing of major events since the November 2001G-20 protests. In particular, the policing of anti-war demonstrations over this past winter proved successful. The police approach to these demonstrations was professional, courteous, helpful and co-operative.

While improvements in the policing of major events have occurred since November 2001, unfortunately, this progress has been marred and

the rebuilding of trust eroded. This has happened because of regressive policing choices that have been employed since April 2003, including the arrests of activist leaders and the use of tasers against peaceful protesters. The OWG recommends that such actions not be employed in future due to their reciprocal negative effect on the relationship between police and demonstrators.

In 2004, the OWG will continue to pursue its mandate of police accountability to democratic standards of freedom of speech and freedom of assembly in demonstrations. The Group will engage in several initiatives concerning legislative and regulative change, lobbying different levels of government, communications projects and outreach events.

VI. RECOMMENDATIONS

1. **General approach by the policing to major events in Ottawa.** Given the continuing need to rebuild trust between police and demonstrators, the OWG recommends that all police forces involved in the policing of major events in Ottawa return to the approach employed during anti-war demonstrations that took place from November 2002 through to March 2003. Accordingly, this means:
 - 1.1 The use of MELT as per its original mandate to facilitate communication and avoid confrontation between police and protesters.
 - 1.2 An end to the apparent effort to arrest protest leaders.
2. **The use of force and regulations concerning the use of pepper spray and tasers.** Given concerns expressed by Amnesty International regarding the potentially harmful effects of both pepper spray and tasers, the OWG recommends the following on the police use of these weapons:
 - 2.1 All regulations governing the use of these weapons be made public.
 - 2.2 As per Amnesty International's request, the use of these weapons be suspended until an independent inquiry has been conducted into their use and effects.
3. **The public complaints process.** Given that the current system for the investigation of complaints concerning police offends natural justice since the police are judging themselves, the OWG recommends:
 - 3.1 An independent audit of the Ottawa Police Service public complaints process similar to the audit of the Toronto Police Service public complaints process.
 - 3.2 Changes to the Ontario Police Services Act to enable the following the establishment of an independent third-party to investigate, review and adjudicate complaints.
 - 3.3 The allowance of third-party complaints in Ontario.
4. **The effectiveness of police service boards.** Given concerns regarding the effectiveness of police service boards to provide proper civilian oversight, the OWG recommends the following:
 - 4.1 Changes to the Police services Act to bring all aspects of the investigation of complaints under the supervision of a third-party.
 - 4.2 Increase the number of seats on these Boards from seven to ensure a thorough discussion of issues.
 - 4.3 Provide greater resources to these Boards for independent action and investigation.
5. **Videotaping during demonstrations.** Given that videotaping protesters has privacy implications and given that the Ottawa Police Service has promised to destroy all videotape not involved in the criminal prosecution of protesters during the 2002 G-8 protests, the OWG recommends that:
 - 5.1 The Ottawa Police Service confirm in writing that this tape has been destroyed.
 - 5.2 Videotaping of those engaged in lawful activities be banned.
6. **Fiscal transparency.** Given that a significant portion of those charged in connection with the occupation of 246 Gilmour Street were offered community service in exchange for a stay of charges against them, and also that this vacant property has been demolished, the OWG recommends that:
 6. All costs of evicting protesters be made public so that taxpayers may judge for themselves whether this expenditure was worth the cost.
7. **Agenda for Excellence.** Given that this document is supposed to govern the policing of major events in Ottawa, the OWG recommends the following:
 - 7.1 The Police Services Board confirms that it has been adopted by the Board.
 - 7.2 If the Agenda has not been adopted by the OPSB, then the Board adopt it at its next meeting.

APPENDIX 1: SUMMARY OF FIRST REPORT OF THE OTTAWA WITNESS GROUP CONCERNING THE POLICING OF G-8 EVENTS IN OTTAWA, JULY 2002

The Group released its first report at a public meeting on July 16, 2002 on the policing of G-8 events in Ottawa. The report covered events on June 22, 26 and 27, as well as the eviction of protesters from 246 Gilmour St. on July 3. The report is available on the Group's website.

(<http://members.rogers.com/witnessgroup>)

Observations of Witnesses were categorized in three main ways:

1. Regarding G-8 events on June 22, 26 and 27, generally police interaction with marchers was professional. The work of Ottawa Police Deputy Chief Larry Hill in the *Agenda for Excellence*, and its implementation through MELT may be credited for the improvement.
2. Having said this, Witnesses had three main concerns regarding the policing of G-8 events in Ottawa in June:
 - i. Witnesses observed a number of disturbing incidents where police interfered with groups participating in G-8 events. e.g., an attempt to halt use of a sound van and searches of protesters.

- ii. Constant police videotaping provoked and intimidated, particularly when videotape teams waded into large crowds, and taped people arriving for the demonstrations in school buses. Witness activities were also videotaped.

- iii. While the majority of officers had identification, Witnesses estimated that approximately 30 percent of officers either had no identification or ID that was not readily visible. Witnesses believe that all police involved in major events in Ottawa must have ID that is visible in order to be accountable to the public.

3. Witnesses were very disturbed to observe the use of overwhelming force by police in the eviction of protesters from 246 Gilmour St. on July 3rd, for example the use of excessive amounts of pepper spray. Witnesses believe these actions marred the generally successful actions by police during G-8 events on June 22, 26 and 27.

APPENDIX 2: OTTAWA WITNESS GROUP ACTIVITIES SINCE JUNE 2002

• June 2002:

- The OWG is formed after its initial meeting is held on June 12. In less than two weeks the Group:
 - formulates its mandate;
 - determines a method of visibility at demonstrations (all Witnesses wear bilingual purple shirts with "Witness: Protect the Right to Protest" in white lettering);
 - communicates the Group's identity, mandate and activities to protesters, police, activist groups, the media and the public;
 - hold four training sessions with role playing, note-taking, and questions and answers.

- Group members witness all three G-8 demonstrations (June 22, 26, and 27).

• July 2002:

- Group members are called to 246 Gilmour Street to observe the early-morning eviction of homelessness protesters from this vacant building by a massive police presence. Total costs for this operation have never been disclosed.
- The Group releases its first report on the policing of G-8 protests in Ottawa at a public meeting on July 16. This report, including recommendations, is available on the OWG website under the "Reports" section.

- Witnesses attend a police-sponsored meeting on July 17 to discuss the policing of G-8 events. The police pose four questions to the community on this issue; in turn, the community poses several questions to police, a number of which are similar to those posed in the report of the Ottawa Witness Group.
- **August 2002:**
 - OWG responds to the four questions from police. In October, police respond to questions from the community but not all of the questions from the report of the Ottawa Witness Group. The responses for each are available on the OPS website under "Background Documents."
- **September 2002:**
 - Witnesses observe a homelessness demonstration in Minto Park. It goes well and there are no confrontations between demonstrators and police
 - Witnesses present their July 2002 report to the Ottawa Police Services Board. The police state that they are not in a position to answer questions from Witnesses concerning G-8 events, including the squat at 246 Gilmour but answer questions from the Board. Witnesses are prevented from answering certain questions and accused of interfering with police business; the police have yet to provide examples of this.
- **October 2002:**
 - The Group writes to PSB Chair Herb Kreling expressing serious concern regarding the reaction of the PSB to OWG presentation. Both OWG's letter and Mr. Kreling's reply are on OWG's website under "Background Documents".
- **November 2002 - April 2003:**
 - Witnesses attend numerous anti-war demonstrations over the winter. In general police are professional, courteous and helpful during these demonstrations.
- **December 2002:**
 - Witness Bob Stevenson makes a presentation to the PBS expressing serious concern over the continued use of videotaping by police during demonstrations.
 - Witnesses monitor the PBS Board discussion concerning the proposed Ottawa Police Service 2003 budget.
- **January/February 2003:**
 - A third-party complaint by Witness Bob Thomson is finally heard and subsequently rejected. His appeal of his complaint is finally heard, and subsequently rejected.
- **April 2003:**
 - The OWG makes a submission to Toronto City Council's Planning and Transportation Committee expressing grave concern regarding a proposed bylaw allowing police expanded power over the right to demonstrate. The submission is available on the OWG website under "Background Documents". The bylaw was rejected by the Committee on April 28
- **May 2003:**
 - The OWG makes a presentation to the Social Forum, University of Ottawa, and recruits new members. The Group holds other recruitment meetings.
 - Witnesses are called to observe the demonstration outside of federal Immigration Minister Denis Coderre's office, where protesters are tasered by police.
 - The OWG writes a letter to the Major Events Liaison Team expressing concern regarding the circumstances surrounding the arrests of anti-war activists in April. Charges against four are subsequently dropped; the fifth is awaiting a court date.
- **July 2003:**
 - The OWG meets with MELT to discuss the repercussions of these arrests on the relationship between police and protesters. Activists decline to attend the meeting.

- **July - August 2003:**
 - Witnessed police interaction with homelessness demonstrators under Rideau St. overpass, including the arrest of demonstration organizer Jane Scharfe and the break-up of the demonstration on August 29.
- **September 2003:**
 - The OWG develops and sends a questionnaire sent to all candidates for municipal office concerning their views on the policing of major events.
- **October 2003**
 - The OWG sponsors a public Teach-in on the policing of major events at Saint Paul's University. Participants include: media commentator Judy Rebick; former Toronto Mayor John Sewell; Ottawa City Councillor Alex Cullen; and activist Jane Scharfe.
 - The OWG holds a meeting with interested municipal candidates to discuss the Group's questionnaire and the policing of major events in Ottawa.
 - A Witness Group member attends a CBC event in which OPS Chief Bevan states that MELT officers were "unwelcome" to attend the Saturday session of the teach-in. In fact, the OWG had issued an e-mail invitation stating that MELT was welcome to attend all sessions of the event.
 - OWG witnesses a demonstration in front of CSIS.

APPENDIX 3: SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS FROM THE OTTAWA WITNESS GROUP PUBLIC TEACH-IN, SAINT PAUL'S UNIVERSITY, OCTOBER 3 - 4, 2003

On October 3 and 4, the OWG held a public Teach-in at Saint Paul's University on accountability in policing and the need to ensure community oversight in order to protect freedom of expression in an increasingly restricted political environment. Approximately 40 people attended the event.

The two-day teach-in focused on the following issues:

- whether police strike a balance between protecting property and persons, and free expression.
- whether policing services are really accountable to the community.
- whether police service boards are effective and police complaints processes are fair.
- how the media portray to issues.
- how provincial, municipal and federal politicians should supervise policing.

OWG subsequently developed and approved an action plan to guide their activities for the next several months.

Highlights of the Teach-in included:

- Judy Rebick noted that public space for dissent is disappearing because the police alone determine the public interest in these situations. She pointed out the growing criminalization of dissent, about targeted police activities, and noted that turning over vast powers to the police necessitates civilian oversight for accountability. Rebick noted the police responses during the protest in Ipperwash provincial park that culminated in the shooting of unarmed native protester Dudley George, the pepper spraying at APEC in Vancouver; the OCAP demonstration at Queen's Park, and the FTAA demonstrations in Quebec City. Rebick thought it is hopeful that factual information can be spread via the Internet.
- John Sewell stated that the Toronto Police Services Board has interpreted their mandate of not being directly involved in daily police operations so widely that they now give no direction at all to the police service. He noted that the TPS has provided no policy on strip searches despite a ruling from the Supreme

Court (as a consequence that 40% of suspects are now strip-searched). The TPS is also unresponsive to civilian complaints and the complaints process is stacked against the citizen. Sewell also observed that no PSB in the province has the resources for independent investigation and none have the will to rock the boat. The result is no effective civilian oversight of the police. Concurrent with this is increasing political influence by police despite prohibitions under the Police Services Act. Politicians are afraid to challenge this, fearing this will result in them being labeled “anti-police”, “anti-law and order”. Sewell suggested that larger PSBs would be more representative of the community and be less afraid to carry out their oversight responsibility. He also advocated changes in legislation related to the mandate of PSBs and complaints process.

- Retired police officer Doug Kirkland noted that it is difficult to change police culture.
- OWG member John Baglow gave an overview of the origins and activities of the Group. OWG member Paul Durber noted that the Toronto Auditor raised a strong concern that Ontario is the only jurisdiction without the right to third party complaints about police misconduct.
- Legal activist Brian Edgecombe stated that protesters need to humanize themselves in interactions with police to avoid depersonalization and get better treatment. He recommended obtaining more information on

police approaches to the handling of dissent in order to decide on what expectations we can have for their standards of conduct.

- Reporter Jake Rupert described the challenges in covering police work. He advocated the importance of citizen groups establishing relationships with reporters and editors.
- Alex Cullen noted that self-investigation of citizen complaints against its members offends the principles of natural justice. He expressed serious concern regarding the complaints process and recommended a third-party independent body to review and judge complaints.
- Lawyer Michael Swinwood stated that the path to an open, responsive police service will be found through the media, law and lobbying. He advocated that citizens need to take back the responsibility they have abdicated for democracy and given over to the media and the politicians.
- Muslim activist Neeam Saloojee noted sensitivity training and cultural education for police and citizen groups may assist in interactions between police and the Muslim community.
- Homelessness activist Jane Scharfe pointed out that protests and dissent can bring change even if it is behind the scenes and not acknowledged by the police.

APPENDIX 5: OVERVIEW OF OTTAWA WITNESS GROUP FINANCES – MAY 2002 TO OCTOBER 31, 2002

It is important to note that the work of the Ottawa Witness Group is driven by the commitment and time of volunteers, and donations from supporters, which are very much appreciated. The OWG receives no core funding from any government or organization. A major goal of the OWG for 2004 will be incorporation and reliable core funding to ensure continued sustainability for its work.

Note: While the Ottawa Witness Group was not founded until early June of 2002, it assumed the

liabilities and assets of the Citizens Panel on Policing and the Community. Several items for May of 2002 are therefore included below.

The Ottawa Witness Group thanks donors and those who participated in our program of witnessing at demonstrations and education for their contributions. Like the Citizens Panel before the Ottawa Witness group, these donations enabled the Group to undertake its program, communications and educational activities.

Revenue

Donations in 2002 – Citizens Panel:	\$ 3,164.82
Donations in 2002/3 – Ottawa Witness Group:	1,699.80
Proceeds of sale of T-shirts (members):	200.00
Fees for Teach-in, October 2003:	750.00
TOTAL Revenues:	<u>\$ 5,814.62</u>

Expenditures

Citizens Panel Report & communications:	\$ 2,456.42
Witness Group T-shirts (June 2002):	180.00
G-8 Witness Group Report (July 2002):	670.17
Mailing list development (July 2002):	500.00
Banking and Other expenses:	74.22
Meetings (room rental):	40.00
Teach-in (speakers, room, meals):	1,865.02
TOTAL Expenditures:	<u>\$ 5,785.83</u>

Balance of Revenue over Expenditures: \$ 28.79