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December 4, 2019

Hamilton Police Services Board  
c/o Ms. Lois Morin, Administrator  
155 King William Street  
Hamilton, ON L8N 4C1

Dear Ms. Morin:

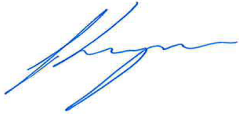
## **Re: Independent Review of the Events Surrounding Hamilton Pride 2019**

Since my November 14, 2019 appointment by the Hamilton Police Services Board as the Independent Reviewer into the events surrounding Hamilton Pride 2019 celebrations, I have had the opportunity to meet with many members of the Hamilton Two Spirit and LGBTQIA+ communities to obtain input with respect to the Terms of Reference for the Review.

After engaging in this consultation process, I am pleased to provide the Hamilton public and the Board with the enclosed and finalized Terms of Reference for my Independent Review. I trust the Terms will be included as part of the publicly available agenda prior to the Board's next meeting on December 12, 2019.

I very much look forward to working with members of the Hamilton Two Spirit and LGBTQIA+ communities, the Board and the Hamilton Police Service during this important Independent Review. Should you or the Board have any questions, I would be pleased to discuss further.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Bergman', with a stylized, cursive script.

Scott Bergman

Encl.

## **Independent Review of the Events Related to Hamilton Pride 2019**

### **TERMS OF REFERENCE**

(1) WHEREAS on June 15, 2019, planned Hamilton Pride celebrations at Gage Park in the City of Hamilton turned violent after street preachers with homophobic, transphobic and extremist views accompanied by yellow-vested protesters and people wearing Canadian Nationalist Party and “Sons of Odin” regalia attended the event and clashed with counter-protesters (anarchists). A number of people were arrested, including some of the counter-protesters;

(2) AND WHEREAS the events that unfolded during Hamilton Pride should be of deep concern to the City of Hamilton, the Two Spirit and LGBTQIA+ (Lesbian, Gay, Bisexual, Trans, Queer, Intersex, Asexual, Plus) communities and the public at large, leading many to question how this targeted hatred and violence could have taken place, what may have facilitated or enabled it to occur, and what could have been done to prevent it;

(3) AND WHEREAS in particular, great concern has been expressed about the Hamilton Police Service’s preparation and planning before, response to, and conduct during and after the hate-based, violent and disturbing events that unfolded in relation to Hamilton Pride 2019 and about the adequacy of measures taken by the Service to prevent or address the violence;

(4) AND WHEREAS it is important that every appropriate measure be taken to prevent such hatred and violence from ever taking place and to ensure that a culture of human rights and respect is promoted and maintained in the City of Hamilton, particularly in and around Pride celebrations and that the City of Hamilton and the Hamilton Police Service take meaningful steps to gain or regain the trust of the Two Spirit and LGBTQIA+ communities and the public at large;

(5) AND WHEREAS it is equally important that everyone in Hamilton, including but not limited to the Two Spirit and LGBTQIA+ communities feel that they live and work in a safe and supportive environment where homophobia, transphobia, racism, ableism and targeted hate are disavowed and appropriately addressed by the Hamilton Police Service and the City of Hamilton;

(6) AND WHEREAS the Hamilton Police Services Board (the “Board”) is responsible, pursuant to subsection 31(1) of the *Police Services Act*, R.S.O. 1990, c. P.15 (the “Act”), for the provision of adequate and effective police services in the City of Hamilton;

(7) AND WHEREAS the Board must, pursuant to subsection 31(1) of the Act, generally determine after consultation with the Chief of the Hamilton Police Service objectives and priorities with respect to the police services for the City of Hamilton, establish policies for the management of the Hamilton Police Service and direct the Chief and monitor his performance;

(8) AND WHEREAS the Board may express its opinion or make recommendations to the Chief of Police on any aspect of policing in the municipality, while not directing the Chief of Police with respect to specific operational matters or with respect to the day-to-day operation of the Hamilton Police Service;

(9) AND WHEREAS the Board believes it would be beneficial and of assistance to the Board in carrying out its responsibilities pursuant to subsection 31(1) to conduct a review of the adequacy of the Hamilton Police Services Board policies and procedures and the Hamilton Police Service's procedures and practices related to Hamilton Pride events, including a systemic evaluation of the manner in which the Hamilton Police Service prepared for and responded to the events surrounding Hamilton Pride 2019;

(10) AND WHEREAS the Board believes that it is important that the terms of reference of such a Review must be designed, among other things, to ensure that the Reviewer is truly independent;

*THEREFORE:*

To ensure that these concerns are fully addressed in a timely and effective way, and that the Two Spirit, LGBTQIA+ communities and the public in Hamilton have confidence in how these concerns are being addressed, the Hamilton Police Services Board is hereby appointing external legal counsel to conduct an Independent Review (the "Review") to examine these issues and make recommendations to the Board.

The Independent Reviewer is to examine and report to the Hamilton Police Services Board and the community upon the following:

1. Whether and to what extent the Hamilton Police Service failed to respond to the hate-based conduct, violence and related events in relation to Hamilton Pride 2019 in an effective, timely and bias-free way.
2. Whether and to what extent the Hamilton Police Service coordinated and communicated with Hamilton Pride organizers leading up to the Pride 2019 event at Gage Park.
3. Whether and to what extent the Hamilton Police Service investigated the events that unfolded at Hamilton Pride 2019 after June 15, 2019.
4. Whether and to what extent existing practices, procedures, the leadership or culture within the Hamilton Police Service explains, facilitated or contributed to the violence surrounding Hamilton Pride 2019 or have contributed to a significant level of distrust towards the Service by members of the Two Spirit and LGBTQIA+ communities.
5. What, if any, changes should be made to existing practices, procedures, leadership or culture of the Hamilton Police Service so as to promote effective, timely and bias-free policing in the future.

6. Whether and to what extent existing practices or procedures of the Hamilton Police Service adequately address the operational issues raised by the events surrounding Hamilton Pride 2019.
7. What, if any, changes should be made to existing practices or procedures to address such operational issues.
8. Whether and to what extent existing training or education of Hamilton Police Service officers adequately addresses bias-free policing as well as strategies in dealing with homophobia, transphobia, xenophobia, racism, ableism or hate motivated violence.
9. What, if any, changes should be made to existing training or education of Hamilton Police Service officers to address any inadequacies in such training or education and what steps can be taken to ensure competency and accountability among Hamilton Police Service officers and its leadership.
10. What, if any, support processes and procedures are already in place or should be put in place to promote safe and inclusive future Hamilton Pride celebrations free from, hate, homophobia, transphobia, racism, ableism, and any apprehended or actual violence.
11. Apart from practices or procedures of the Hamilton Police Service, whether and to what extent existing policies of the Hamilton Police Services Board adequately address issues raised by the events under consideration.
12. What, if any, changes should be made to existing policies of the Hamilton Police Services Board to address such issues, recognizing the statutory prohibition against directing the Chief of Police with respect to specific, operational matters or with respect to the day-to-day operation of the Hamilton Police Service.
13. What, if any, additional measures should be taken by the Hamilton Police Services Board or the Hamilton Police Service to build and maintain a relationship of mutual trust and respect with the Two Spirit and LGBTQIA+ communities in Hamilton, and to restore confidence in the Hamilton Police Service going forward.

The Chair and members of the Hamilton Police Services Board will cooperate fully with the Independent Reviewer in conducting the Review and will instruct members employed by the Board to cooperate fully with the Independent Reviewer in conducting the Review.

The Chief of Police will cooperate fully with the Independent Reviewer in conducting the Review and will instruct members employed by the Hamilton Police Service to cooperate fully with the Independent Reviewer as deemed necessary.

The Reviewer may request that the Chief of Police, the Hamilton Police Services Board and those employed by either to provide relevant information or records for the Review.

The Reviewer may hold such meetings, interviews and consultations, and may make such procedural decisions with respect thereto, as the Independent Reviewer deems advisable in their discretion in the course of the Review. Such meetings, interviews and consultations may include, but are not limited to, affected community members and groups, experts, and members or employees of the Hamilton Police Services Board and Hamilton Police Service.

In fulfilling their mandate, the Independent Reviewer must not interfere with, or prejudice, any criminal proceedings. Nor is the Independent Reviewer entitled, in law, to make findings of civil or criminal responsibility.

The Independent Reviewer is entitled to employ, in the exercise of their own independent discretion, such additional resources, including experts, counsel and others as deemed necessary to fulfill their mandate.

The Independent Reviewer is to report to the Hamilton Police Services Board and the public not later than April 30, 2020.