

Morin, Lois

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**From:** Nann, Nrinder  
**Sent:** July-12-19 4:28 PM  
**To:** Office of the Mayor; Morin, Lois; Jackson, Tom; Collins, Chad  
**Cc:** Wilson, Maureen  
**Subject:** Letter to HSPB Request for Independent Review  
**Attachments:** Request for Independent Review.pdf

Dear Mayor and Members of the Hamilton Police Services Board,

Please find attached a letter requesting an Independent Review of the Hamilton Police Service response to the Hamilton Pride event on June 15<sup>th</sup> and hate based activity in general.

By copying Lois Morin, we hope this letter will be included in the July 18<sup>th</sup> HPSB Meeting Agenda package and discussed.

If you have any questions or would like to discuss the content of the letter, Councillor Wilson and I are available.

Thank you,

**Councillor Nrinder Nann**  
*She/Her*  
**Ward 3 – City of Hamilton**

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*For more information please visit below:*  
**[www.hamilton.ca/lobbyistregistry](http://www.hamilton.ca/lobbyistregistry)**



July 12, 2019

**Subject: Request for Independent Review**

To: Mayor Fred Eisenberger, Chair, Hamilton Police Services Board and Hamilton Police Services Board Members

Please receive and accept this letter as a formal request for the Hamilton Police Services Board to take action on the following matters in relation to the Hamilton Pride event of June 15, 2019 specifically and hate-based activity in Hamilton generally:

1. That the Hamilton Police Services Board recommend an Independent Review of the Hamilton Police Service response to the attack on Hamilton Pride participants that occurred June 15, 2019 in Gage Park, Hamilton ON;
2. That Hamilton Police Services Board create a Community Review Working Group consisting of a board member and external community members to advise the Board on the terms of reference, structure, and process options for this Independent Review or Reviews.
  - a. That these terms of reference and scope of work also include a review of Hamilton Police Services Board policies as well as HPS procedures, protocols and practices in relation to hate based activity in Hamilton;
  - b. That the number of external community members on the proposed Community Review Working Group exceed the number of Police Services Board members;
  - c. That the Chair of the Hamilton Police Services Board consult with the community in the selection of the external members and that this consultation be extended to the 2SLGBTQ+ communities and members of other marginalized communities that are disproportionately subjected to hate;
3. That the Independent Review consult with members, groups and organizations within the 2SLGBTQ+ community and other marginalized communities that are disproportionately subjected to hate;

4. That the Independent Review ensure adequate accommodations and supports are available to maximize community participation in the consultation process and in so doing be sensitive to and accommodating of the terms and conditions that may be expressed by certain individuals or groups.

## Background

On July 4<sup>th</sup> we met with a delegation from the Hamilton Police Services which included the Chief of Police and his Deputy. The purpose of this meeting was to discuss the events that unfolded at the Hamilton Pride event at Gage Park on June 15, 2019, the violence that ensued and the work of the Hamilton Police Service in anticipating and responding to this violence. The topics of hate crimes and hate-based activity in Hamilton was also discussed, along with the relationship between the Service and Hamilton's 2SLGBTQ+ communities.

For two consecutive years Hamilton's annual Pride celebration has been disrupted by violent and vulgar instigators. This year's event witnessed an escalation in violence, and hate-based activity. Regrettably, these incidents have contributed to a heightened sense of fear and a loss of confidence throughout the 2SLGBTQ+ community.

We know that trust is key to effective policing and overall community safety and security. We know that if residents of our city do not trust key civic institutions and services to keep them safe, the potential for civil unrest, disengagement and further harm to marginalized communities is real. We believe that the Hamilton Police Services Board and our Hamilton Police Service wish to foster positive relations with residents and organizations who live with fear and are disproportionately subjected to hate.

## Legal Jurisdiction

We believe the Hamilton Police Services Board has the clear legal jurisdiction to examine the Services' operational deployment in relation to the June 15<sup>th</sup> event at Hamilton Pride. The Independent Civilian Review into Matters Relating to the G20 Summit offers relevant guidance on interpreting the statutory mandate of the Board and its oversight of completed police operations. Chief Justice of the Court of Appeal for Ontario, Mr. John Morden, wrote the following:

*"In essence, the distinction between independence and responsibility amounts to whether or not police operations can be probed and evaluated at all. Under the concept of "operational responsibility," all police operations – no matter how close to the core of the policing function they may be – could be evaluated by civilian oversight bodies after the particular operation comes to an end.*

*[...]*

*In applying this principle of retrospective accountability after an operation is over, a police board could seek reports from the chief of police, initiate reviews into particular policing matters that arise from a*

*specific operation that has taken place, and engage in a process with the chief of police to identify priorities and objectives for future operations of a similar nature."*

Last year, the Toronto Police Services Board launched an independent civilian review into missing person investigations following the arrest of Mr. Bruce McArthur after members within the 2SLGBTQ+ communities in the City of Toronto expressed concern over the manner in which the Toronto Police Service handled missing person investigations. The review and its recommendations are intended to ultimately better police relations with affected communities, and "to help bring the community together in looking for answers and fashioning new directions for the future." This Independent Review cited Chief Justice Morden's report which sets out statutory permission and responsibility of the Toronto Police Services Board (TPSB) for active civilian oversight of the Toronto Police Service. In other words, the Hamilton Police Services Board may express its opinion or make recommendations to the Chief of Police on any aspect of policing in the city while not directing the Chief of Police with respect to day to day operations or specific operational matters.

### **Preserving the Integrity of any Ongoing Criminal Proceedings**

Similar to the McArthur investigation and criminal proceedings in Toronto, an initial concern of the Hamilton Police Service might be that an independent review could prejudice any ongoing investigation or prosecution related to the Hamilton Pride event at Gage Park on June 15<sup>th</sup>. The Toronto experience sought to address this by including in the terms of reference the responsibility of the Reviewer to assess and refrain from any action they deemed an encroachment into any ongoing criminal proceedings to ensure that no proceedings were to be prejudiced by the Review.

### **Community led Reviews – An Established Hamilton Best Practice**

There is precedent for a community led independent review of policing services and practices here in Hamilton. An external review in the form of the Sexual Assault Community Review Team (SACRT) was deemed necessary after a Globe and Mail article revealed that Hamilton Police Services had a 30% unfounded sexual assault rate -- higher than the national and provincial averages. The scope of this review included an internal and external analysis of unfounded HPS sexual violence and sexual assault investigations, as well as looking at policies and procedures, records management practices and training. SACRT, which included members from the Woman Abuse Working Group, worked collaboratively to develop comprehensive recommendations for improving experience, service and outcome for victims of sexual violence reporting to police. In so doing, our Hamilton Police Service set a benchmark for a best practice in policing and has made strides in fostering trust between victims of sexual violence and the Hamilton Police Service.

We are confident that the Hamilton Police Services Board is fully committed to the safety and security of all Hamiltonians and is committed to ensure excellence in the delivery of policing services. We are equally confident that the Board will assume its responsibility in seeking to repair and build up the trust of all of our communities in relation to the Hamilton Police Service.

Respectfully Yours,

Maureen Wilson  
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