

SAVING LIVES: ALTERNATIVES TO THE USE OF LETHAL FORCE BY POLICE

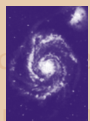
REPORT OF A CONFERENCE HELD IN TORONTO

JUNE 23–24, 2000

URBAN ALLIANCE ON RACE RELATIONS



QUEEN STREET PATIENTS COUNCIL



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2002

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Conference Mission Statement*

Whereas the harmonization of race relations among all members of society was the fundamental principle upon which the Urban Alliance on Race Relations was founded in 1975; and

Whereas the Queen Street Patients Council is an organization comprised entirely of consumer/survivors which seeks to advocate on behalf of its members to promote better understanding among all of society as to the self-identified needs of consumers/survivors; and

Whereas it is recognized that the issue of the use of lethal force by police is a subject of concern to all in society and that concerns over police use of lethal force have contributed to a strained relationship between the police and members of black communities; and

Whereas this Conference on the Alternatives to the Use of Lethal Force by Police is intended as an important first step towards establishing meaningful dialogue and achieving real solutions in the prevention of unnecessary deaths;

It is hereby agreed amongst those gathered at this Conference that:

We will collectively work in good faith at this Conference to discuss and present our views in respect of the use of lethal force by police, particularly as it relates to less lethal technology, issues of mental health, issues of race, issues of police accountability, issues of community responsibility and potential solutions to avoid deaths;

And we will give due respect to each other during the deliberation of this Conference and with a sincere effort to bring about dialogue and progress on developing alternatives to the use of lethal force by police.

* This Mission Statement was drafted for use at the Conference by members of the Conference Steering Committee following consultations with community and police representatives. As part of the opening ceremonies, leaders of the major organizations in attendance (community and police) signed the Mission Statement, symbolizing their pledge to the goals of the Conference. Eventually, all participants signed. Those in attendance recognized that, given the volatile nature of the issues being addressed, it would be a significant achievement if, by the conclusion of the Conference, all the players were still at the table. It was thus with some sense of accomplishment that, two days later, these same police and community leaders once again signed the Mission Statement during the closing ceremonies, symbolizing their commitment to the search for alternatives to the use of lethal force by police. See Appendix B for the complete list of signatories.

A Message from the Conference Organizers

“The time has come for healing and forgiveness. It is hard to forgive. But let us forget about external powers and try internal powers. In the long run, you know who’s going to win — the person with the heart to forgive.”

— Myrtle Donaldson, speaking at the Conference dinner, June 23, 2000; her husband, Lester Donaldson, was fatally shot by Toronto Police Constable David Deviney on August 9, 1988.

It is a sad reality that conflict and divisiveness are the order of the day when a police shooting occurs. Fear, anger and violence permeate the climate of community-police relations in the aftermath of the use of lethal force by police, too often on a par with the shooting itself. Ironically for Conference organizers and participants, the exploration for alternatives to police use of lethal force meant an exploration for alternatives to how we have all historically addressed the issue of deaths arising from police use of force. The challenge, therefore, was to determine whether a different approach to this emotionally charged issue was possible.

In 1997 the Board of Directors of the Urban Alliance on Race Relations under the leadership of its President, Bob Katz, and Executive Director, Antoni Shelton, voted to accept a proposal dated September 9, 1997 from counsel to the Urban Alliance, Julian Falconer (see Falconer and Ellis, 1997). The proposal set out the blueprint for the eventual Conference on the Alternatives to the Use of Lethal Force by Police. The Board directed the formation of a Conference Steering Committee comprised of its President, Bob Katz, as well as selected Directors and general members and counsel, Julian Falconer. It was immediately apparent to all that the organization of such a conference carried serious risks. It was conceivable that if things went wrong, tensions between community and police may actually have been aggravated in an already difficult climate.

The prospect of holding a conference on police shootings that involved bringing community and police together in a constructive dialogue was to the say the least, daunting — as a number of the international experts at the forum observed, there is no precedent for a conference of this nature in Canada or the United States — and would call on all the credibility fostered by the Urban Alliance since its inception in 1975. The true challenge for organizers was to identify the diverse interests that would need to be at the table and to ensure the creation of an environment within which all who participated would have a voice.

As reflected in the original proposal, the Urban Alliance would, along with a mental health organization (eventually the Steering Committee approached the Queen Street Patients Council*),

* The Queen Street Patients Council (QSPC) changed its name to Queen Street Outreach Society (QSOS) in 2001 and moved

assume the role of broker among the various interests most directly implicated in the police use of lethal force. Purely and simply, the idea was to facilitate the airing of as many perspectives as possible, finding ways to bring the players to the table and providing a mechanism to exchange views. A major challenge for Conference organizers was to appreciate that donning the “broker hat” would be very different from their functions as community advocates in the area of policing. It would mean mediating among competing interests, rather than “weighing-in” on one side of the debate or the other.

Essential to the process was the notion that no single interest or set of interests could be permitted to capture the Conference agenda. The credibility of the Urban Alliance as a voice of reason would be used to ensure that all were heard but that all final decisions would rest with the Conference Steering Committee. It was determined that this was best accomplished by restricting membership on the Conference Steering Committee to Urban Alliance representatives and the Mental Health Organization designate (eventually Jennifer Chambers of the Queen Street Patients Council).

It was recognized that, for this initiative to be meaningful, all stakeholders and interests had to be represented in a dignified, respectful way. The Conference would need to offer a form of “safe house,” within which those in attendance could exchange views and brainstorm towards solutions free from the pressures of conflict. Shifting from an adversarial mode to this safe house could not be realistically accomplished without intermediary steps, steps that were seen as essential to two objectives. First, if the Conference were to have a chance of success, its content must in large measure be determined by the competing interests in attendance. Second, the dialogue would have to develop gradually, culminating in the Conference. In other words, simply placing diverse parties in the same room without some form of “warm-up” would mean unfair pressure on the various players to make impossible progress, thus guaranteeing failure.

The intermediary steps consisted of the formation of subcommittees that represented many of the significant interests. These would act as vehicles to solicit input to the content of the conference program and would also provide a structure through which the varying interests could commence the dialogue process in advance of the forum. They included a Community, a Police and a Mental Health Subcommittee, each one being chaired by a member of the Steering Committee.

While members of the police, community and mental health subcommittees were encouraged to provide as much input as possible (including proposals for topics, speakers, panels, etc.), the Conference Steering Committee presented a key and unalterable premise to the proceedings — the four pillars of the Conference:

from the Centre for Addiction and Mental Health (CAMH) Queen Street site to offices on King Street West. The QSOS provides information, education and training by and for people who have experienced the mental health system, and for others. The Empowerment Council has its offices at the CAMH, where it acts as a voice for clients/survivors of mental health and addiction services, providing systemic advocacy, education, representation and outreach.

- (i) Issues of race;
- (ii) Issues of mental health;
- (iii) Availability of less-than-lethal technology in the use of force;
- (iv) Barriers to change in the police use of lethal force.

In many ways the real story of this conference began with these subcommittees in the year leading up to the Conference. Subcommittee members resolved that the purpose of this event was not to blame, but to build bridges; not to find problems, but to find solutions; and not to divide the people of this city, but to bring together our diverse communities, in conjunction with police and other public officials, to combine their passions to save lives and improve the quality of life.

Conferences do not just happen. When dealing with different organizations and their constituent membership — having dissimilar backgrounds, experiences, beliefs, and (in some cases opposing) perspectives — success would appear to be impossible. However, when all agree on the same goal, “To save lives,” the impossible becomes possible.

The story behind the story is that the Conference happened at all. While there was general agreement on the goals and forum, there was conflict within and across participating groups. There were also times of mistrust and misunderstanding and times of conflict and negotiation. Problems were solved by leaders stepping forward from all communities, sometimes at the risk of their own reputations, to do what was right. To say the conference was, on occasion, in jeopardy, would be an understatement. Nevertheless, committed people, at times tired and frustrated, stayed the course.

It has been said that the process is sometimes as important as the product. In the case of this Conference the process at the committee level in many ways became a microcosm of our society. It demonstrated what is possible with patience, tolerance, forgiveness, and leadership. Philosophical adversaries gained both new insights and respect for one another. And they found solutions without sacrificing their beliefs.

Dialogue was started, where none was thought possible. Those who before had only communicated through the filter of the media actually sat down and talked together. Those involved in putting this Conference together can never be the same. Indeed, if one of its underlying principles was “building bridges,” then we have succeeded in laying the first shaky ropes crossing the divide separating so many of the people in our communities and the police.

A few issues bear mention, among them the authorship of this report. While being a document prepared in consultation with both police and community interests, the report emanates from those who essentially comprised the Conference Steering Committee (renamed the Conference Report Committee). It is meant to reflect the proceedings at the Conference and to highlight, from an analytical perspective, some of the major issues with which the Conference participants grappled. Any deficiencies or other difficulties with the document are purely the responsibility of the Committee.

The Conference almost did not happen. Although the Urban Alliance adopted the initiative in 1997, three years were needed to raise sufficient funds and other resources to make the event viable. Even when all necessary funds were in place, it required the leadership of Bromley Armstrong, Jeffrey Patterson of the Black Community-Police Consultative Committee, and Chair Norm Gardner of the Toronto Police Services Board to ensure that last-minute hurdles did not become insurmountable. Similarly, this Conference Report met with serious delays as a result of insufficient resources. The eleventh-hour financial sponsorship of the National Strategy on Community Safety and Crime Prevention, chaired by Barbara Hall, enabled its proper completion. While two years is a long time for the report to be issued, regrettably none of the issues that prompted the creation of the Conference on the Alternatives to the Use of Lethal Force by police have gone away: *plus ça change, plus c'est la même chose*.

The Conference was a success by virtue of having happened at all. We must now take the lessons learned and build on them. For those of us who continue to work in the field of policing and police accountability, there is ample proof of its legacy. Relationships have evolved at levels and between people in ways nobody believed possible. The legacy of the Conference is hope. As you read this report, consider the dynamics that were involved. Look at the agencies, the speakers, the differing perspectives, the sharing of information, and try to understand that *conflict handled responsibly leads to positive change*.

Conference Report Committee

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ACKNOWLEDGEMENTS

We gratefully acknowledge the contributions of resources and/or financial assistance of the Court Challenges Program of Canada, the Donner Foundation, Falconer Charney Macklin (Barristers at Law), the Law Foundation of Ontario, the Law Society of Upper Canada, the National Strategy on Community Safety and Crime Prevention and the Toronto Police Services Board.

We also wish to express our sincere appreciation to the many people who gave so generously of their time and knowledge in preparation for the Conference. Their names are listed in Appendix A.

Finally, we wish to acknowledge the following organizations for their support of the conference as well as the report production process:

Aboriginal Legal Services, the African Canadian Legal Clinic, the Black Action Defence Committee (BADC), the Black Community-Police Consultative Committee, the Chinese Canadian National Council–Toronto Chapter (CCNC–Toronto), the Council of Agencies Serving South Asians (CASSA), the Empowerment Council, the Federation of Race Relations Organizations (Ontario), the Hispanic Development Council, the Jamaican Canadian Association, the Mental Health Legal Committee, Riverdale Immigrant Women's Centre, the Somali Immigrant Women's Association (SIWA) and the Toronto Police Service.

The Urban Alliance on Race Relations

Queen Street Patients Council

Toronto, June 2002

The Road to the Conference

INTRODUCTION

While police use of lethal force accounts for only a tiny fraction of police-civilian encounters, the many deaths that it has caused in Toronto over the last two decades or more have understandably made the issue a highly sensitive one — for the families and communities affected by the deaths, for law enforcement officials and for society at large.

Historically disadvantaged ethno-racial communities and the community of psychiatric consumer/survivors in Toronto sense that police shootings are connected to being targeted, over-policed, criminalized and maligned by law enforcement agencies, the media and some politicians. Their lack of faith in the justice system lowers their hopes for fair treatment over what they see as the overuse of deadly force by police and exacerbates often adversarial police-community relations. Also implicated is the failure on the part of society to encourage examination and adoption of alternative procedures for de-escalating or restraining aggressive or mentally disturbed people in situations of crisis.

In 1998, the Urban Alliance on Race Relations (Urban Alliance), which had been active for years in pushing for alternative technologies and procedures in handling confrontational situations, invited the Queen Street Patients Council to join in organizing a conference that would address the issues surrounding police shooting fatalities. The conference was conceived as a cooperative bridge-building effort between community interests, police interests and other governmental and research interests with a view to brainstorming and establishing initiatives and recommendations towards finding alternative strategies to reduce the use of force and to save lives.

The ensuing two-year process of conference organization represented a significant achievement in itself, as it brought these disparate interests into a working relationship that built mutual understanding and respect. And it produced a conference environment that permitted and encouraged the open discussion of issues that had previously been the subject of deep division and distrust. As Toronto Police Services Board member Sandy Adelson noted after the conference, “the wonder of this conference is not only what has happened [in those two days], but the process behind it, and the fact that we have so many different interests here — not just now, but in the last few months, coming together and sharing experiences and sharing suggestions for change.”

This report presents a brief overview of the context of the conference, the issues that contributed to its organization, as well as a summary of the discussion that took place during the event. In

doing so, the report seeks to provide the reader with a sense of the debate, the divergent opinions that were represented, as well as the identification of some common grounds for action.

THE CONTEXT

The deaths resulting from confrontations with police of people from ethno-racial communities and people with mental health problems has been a major and troubling issue in Toronto for many years. The names are familiar; among them are Albert Johnson in 1979, Lester Donaldson and Michael Lawson in 1988, Kenneth Allen in 1991, Domenic Sabatino and Gregory Shields in 1992, Tommy Barnett and Wayne Williams in 1996, Edmund Yu and Hugh Dawson in 1997, Henry Masuka in 1999, and Otto Vass in August 2000, two months after the conference concluded.

In its *Report* released in 1995, the Commission on Systemic Racism in the Ontario Criminal Justice System said that black Ontarians believe themselves to be “disproportionately vulnerable to police violence” and perceive the shootings “as a reflection of the destructive force of systemic racism” (1995: 377). The *Report* identified 16 black people in Ontario who had been shot by police between 1978 and 1994, 10 of them fatally. The Commission’s report was neither the first nor the only identification of race as a factor. In 1992, following disturbances on Yonge Street resulting from the police shooting of Raymond Lawrence, Stephen Lewis, reporting to the Premier of Ontario, wrote of pervasive racism and adversarial relations between the black community and the police. Although Toronto has avoided violent social unrest such as that seen in cities in the United States, the use of lethal force in so many confrontations affected public confidence in the Toronto police.

Warnings were also being given about police treatment of mentally/emotionally disturbed people; in 1999, for example, a Coroner’s Jury investigating the 1991 death in police custody of Kenneth Allen concluded that it “illustrates the need for ongoing vigilance in the treatment by police of the mentally ill” (Jury Recommendations, 1999b: 3).

For their part, the police point out that officers face situations on the street that can be unpredictable and uncontrolled, and that officer safety is and has to be a fundamental concern. Furthermore, the police argue that they have been put into the role of frontline “mental health therapists,” a role they insist is unreasonable to expect of them (Trovato, 1999: 2). Toronto police figures for the period from 1987 to 1997 indicate that in situations preceding a shooting, people diagnosed with a mental illness made up the third-largest number of people who were shot, preceded only by people shot during robbery and drug investigations (Toronto Police, 1998: 9).

Clearly the situation involved issues with deep roots and wide implications for the people and institutions involved as well as for the community as a whole.

THE ORGANIZERS

For many years, community groups, with the Black Action Defence Committee and the Urban Alliance in the vanguard, had repeatedly raised serious concerns about the use of excessive force by police. The Urban Alliance was founded in 1975 to educate and advocate on issues of anti-racism, and to work to maintain stable, peaceful and harmonious relations among the various ethno-racial groups within the Greater Toronto community; the organization frequently used workshops and conferences in its advocacy and education roles.

The investigation of the relationship between the police and the community was not new to the Urban Alliance and in 1992 it had gained standing at the inquest into the death of Lester Donaldson, one of the men shot by police; the inquest was a significant one that led to a number of changes in police procedure. In 1997 the Urban Alliance was thus well positioned to approve and move forward with a proposal for a conference on “Police Response to the Mentally Ill and the Availability of Alternatives to the Use of Lethal Force.”

Julian Falconer tabled such a proposal to the Urban Alliance on September 9, 1997, noting that there was “a recognized pressing need for action in this area given the context of the recent deaths arising from police shootings. Furthermore, the issue of the availability of alternative uses of force is one that cuts across various community lines. That is, the Urban Alliance could play an important leadership role ... in bringing people and institutions together.” Mr. Falconer was no stranger to the issue of the use of lethal force by police. He had first acted for the Urban Alliance at the nine-month-long Coroner’s Inquest into the shooting death of Lester Donaldson dating back to September 1992. A prominent aspect of Mr. Falconer’s practice has included acting for the families of those who have died as a result of the use of lethal force by peace officers. In addition to public interest organizations, Mr. Falconer’s clients include the families of Robert Gentles, Edmund Yu, Wayne Williams, Manish Odhavji and Otto Vass — all of whom died in violent encounters with state officials. It was his experience on behalf of these clients that brought home the limitations of the adversarial process and the corresponding need to examine alternative approaches.

Mr. Falconer recommended the involvement of community organizations, senior officials from relevant provincial and federal departments, senior officials from the Toronto police, the Chief Coroner, mental health professionals, lawyers, experts in alternatives to lethal force from other jurisdictions, and the families of the men who had lost their lives.

Following approval of the conference proposal, the Urban Alliance established a steering committee for its implementation. Mr. Falconer had also proposed that the conference should be planned in collaboration with a prominent public interest group in the mental health field. The fact that many of the dead men had been mentally disturbed put “even greater emphasis on the need for police officers to adopt a non-lethal approach.” Accordingly, the organizers approached the Queen Street Patients Council (QSPC) to undertake that role. The QSPC was an elected body of psychiatric survivors with a broad membership and a mandate to systematically advocate on issues affecting psychiatric consumer/survivors.

Debate got underway on identifying the scope of the issues to be discussed and the kind of forum that would provide the most positive environment for their discussion. The Steering Committee moved toward agreement on a fundamental objective of the conference as an exercise in building bridges between the police and the community, and among the many — often sharply conflicting — interests that would be represented. That meant the creation of a safe environment for the expression of a great diversity of opinions and the promotion of constructive dialogue to arrive at solutions. Recognizing that the participation of the police would be essential to achieving the conference goals, the committee decided to solicit their participation in the organization in 1998.

Bridges cannot be built without cooperation. The Steering Committee established subcommittees of the various stakeholders with a view to securing their input and participation. Three subcommittees were particularly active over the final months before the conference: the Police Subcommittee, made up of police officers (from the ranks of constable to superintendent), trainers and Police Services Board members; the Community Subcommittee, consisting of individuals and organizations; and the Mental Health Subcommittee, consisting of mental health professionals, consumer/survivors, and the Chief Coroner for Ontario. (The subcommittees are listed in full in Appendix A)

From the work of the subcommittees, the Steering Committee determined that the conference would examine four key areas of concern that emanate from police shootings:

- the availability of less-than-lethal technology;
- how we respond to persons who may be mentally/emotionally disturbed;
- the role of race as a factor in the use of lethal force; and
- the barriers to change in the use of lethal force.

These areas of concern became the “four pillars of the conference” and are discussed in more detail in section 2 of this report.

A “backgrounder” document produced just before the conference describes how the organizational process culminated in what the organizers termed a “summit meeting” on May 30, 2000 between the Police and Community Subcommittees, representing the two constituencies of mutual antagonism. In an extraordinary gesture of solidarity, members exchanged undertakings of cooperation and mutual respect in the conduct of the conference. “This endeavour,” the document concludes, “is not without its risks. Conducting honest and critical debate in the area of police use of lethal force while avoiding dysfunctional and destructive dialogue is the challenge. Nevertheless, those individuals and organizations who have contributed to the planning of this Conference are up to the task. The goal is one shared by all — the saving of lives.”

SIGNIFICANCE OF THE CONFERENCE

The conference, which marked the 25th anniversary year of the Urban Alliance on Race Relations, was the first attempt in Ontario to bring together such varying interests affected by the issue of

police shooting fatalities. Tam Goossen, president-elect of the Urban Alliance and conference co-chair, noted that “the issue of police shootings has been a key concern for the Urban Alliance over the last 15 years. Our organization is proud to play a role in facilitating community and police sitting down at the same table in order to create a dialogue where none has existed.” Keith Welch, Chair of the Queen Street Patients Council, termed the conference, of which he was also a co-chair, “an historic occasion.”

The event attracted a great deal of interest, with 170 people registering for the first day. Over 40 staff and board members from the Toronto Police Service attended and 19 were speakers and panelists. Other police services (including the RCMP, the OPP, Hamilton-Wentworth and Waterloo), international law enforcement experts, university researchers, lawyers, legal advocates, educators, community activists, mental health professionals and psychiatric consumer/survivors also participated, as did family members of some of the men who had died as a result of police use of force.

As noted earlier, Julian Falconer (who served as a co-chair of the conference) has acted for several of those families. He remarked that “families and organizations I have represented have traditionally relied on the adversarial process as the major method of addressing community concerns arising from police shootings. The courtroom has its limitations. This conference and the notion of community-police cooperation may well break the systemic logjam that plagues this area.”

Inspector Gary Ellis of the Toronto Police Service stated that the Service was “proud to participate in this conference and make the effort to build bridges in areas that have been historically contentious. The community’s agreement to engage in this cooperative effort is a step forward for police-community relations in this city.”

As Toronto Police Services Board member Sandy Adelson noted, “What was so important about the conference was that it looked at real solutions in practical terms for the future. However, this conference cannot be an isolated event ... we need consistent and comprehensive follow-up.”

Dudley Laws, executive director of the Black Action Defence Committee and a vocal critic of police shootings, said that he was “prepared to listen to what the police have to say as they have agreed to listen to my community’s concerns. My community’s priority is to save lives. If participating in [the] conference and starting a dialogue can move us in that direction, I am willing to come to the table.”



The Closing Ceremony: (Left to right) Chief Julian Fantino, Inspector Gary Ellis, Staff Inspector Ken Cenzura, Deputy Chief Michael Boyd, Sylvia Hudson (Toronto Police Services Board), Dudley Laws (Black Action Defence Committee), Bromley Armstrong (former Human Rights Commissioner)

Chief Julian Fantino observed that “Leadership means taking risks.” Moments later he and Dudley Laws drew public acclaim when both men, on behalf of their constituencies, set aside their differences and warmly shook hands to the applause of conference participants.

The Four Pillars of the Conference

I LESS-THAN-LETHAL TECHNOLOGY

There is a responsibility to seek more alternatives to limit the instances in which the application of lethal force by police officers is “reasonably necessary and therefore justified,” as Peter Tinsley, Director of the Special Investigations Unit (SIU), remarked at the conference. Developing and encouraging the provision of alternatives to frontline officers is thus important work.

Captain Greg Meyer of the Los Angeles Police Department is an internationally recognized expert in non-lethal weapons, and serves as a non-lethal weapons specialist and trainer in Los Angeles. It has been his view that “There will always be potentially violent confrontations between police officers and resistive suspects. ... Expanded use of non-lethal weapons ... will lead to fewer and less severe injuries to suspects and officers” (Meyer, 1992). While less-than-lethal technology is an area experiencing rapid growth and experimentation, Lieutenant Michael Grossman of the Los Angeles County Sheriff’s Department, who has been involved at a senior level in the U.S. National Institute of Justice program on non-lethal weapons development, stated at the conference that a great deal of developmental work remains to be done to produce an effective range of non-lethal technology for use in law enforcement.

What alternatives to the use of lethal force are currently available to the police? The possible interventions range from the use of a variety of technologies to the tactical skills of conflict mediation and crisis resolution:

- Chemical sprays such as tear gas, Mace and Oleoresin Capsicum (OC) pepper spray;
- Anti-machinery devices such as laser weapons, microwaves, electromagnetic pulses;
- Electronic devices such as stun guns and the Taser;
- Projectiles like bean bags (sacs filled with metal pellets), plastic and rubber bullets, tranquilizing guns, smoke grenades;
- Immobilizers such as sticky foam, leg grabbers and capture nets;
- Impact weapons such as clubs, batons and flashlights;
- Other methods that involve force include the use of water cannon, police dogs, choke holds and other restraints;
- Tactical approaches represent the non-force alternative; they include crisis resolution and conflict mediation skills, the creation of time and distance in a confrontation, strategies of de-escalation, withdrawal, isolation and containment, and the use of other resource people to help calm a situation.

LESS-THAN-LETHAL TECHNOLOGY: SOME ISSUES

There are, however, a number of problems associated with the less-than-lethal weapons that are currently available. In most cases, these devices are designed and produced for commercial gain (Toronto Police, 1998), and despite manufacturers' claims, many are not up to functioning in the realities that police face on the streets: Meyer puts the general failure rate at 10% (2000: 4); Staff Sergeant Peter Button of the Toronto Police Service assesses the failure rate far higher for some weapons. Less-than-lethal devices provide no guarantee against causing injury or even death. Some may have an effect contrary to their intended application; the use of rubber bullets by English troops in Northern Ireland, for example, were meant to avoid fatalities during riot control but in fact resulted in a number of deaths. Bean bags, although in very limited use, have caused two deaths in Canada. Tear gas is reputed to have carcinogenic effects. Laser weapons may cause blindness; microwave weapons can damage internal organs. Police use of OC pepper spray, often used against demonstrators, is said to be associated with 60 deaths in the United States (Romero, 1998). The effective range of the Taser is less than commonly understood and also does not work in certain circumstances as, for example, where heavy cold-weather clothing prevents penetration of the darts.

Furthermore, some communities actively equate certain exercises of non-lethal police power with political oppression or racism: for instance, the use of water cannon to control protesters in Chile, the use of sjamboks in apartheid South Africa, the use of police dogs in the U.S. Deep South have acquired connotations of state violence and racism worldwide.

Even the application of the universally accepted de-escalation and disengagement strategy is controversial. Captain Meyer argues that "creating time and distance" can actually lead to the use of higher levels of force, advocating instead a quick "take down" approach. The position of the Toronto Police, however, supports the strategy and emphasizes it in its training.

The development of effective and acceptable alternative technologies is, as Lieutenant Grossman pointed out, very slow. It is also very expensive. Furthermore, individual police forces have to carry the expense not only of evaluation and purchase of the equipment, but also the financial and administrative costs involved with training officers to use it.

TORONTO POLICE SERVICE *USE OF FORCE* REPORT

In the 10-year period to December 1997, there were 52 shooting incidents involving police in Toronto. Nineteen people were fatally shot, 36 were injured. In May 1997, David Boothby, then Chief of the Toronto Police, established a committee under the chairmanship of Staff Inspector Ken Cenzura to review all aspects of the Service's use of force: the committee's mandate was "to examine if there are ways to reduce the necessity for the application of deadly force, without compromising officer safety" (Toronto Police, 1998: 1).

The table from the Use of Force Committee's report shows the extent of police shootings in Toronto and nine other Canadian cities for the period from January 1987 to December 31, 1997 (Toronto Police, 1998: Appendix).

Police Shootings in Canadian Cities

City	Population (1996)	Service strength	Non-fatal	Fatal
Vancouver	522,400	1,065	8	8
Regina	185,800	296	1	0
Saskatoon	194,200	290	0	0
Edmonton (since 1990*)	648,700	1,080	9	0
Calgary	783,200	1,150	3	1
Winnipeg	640,100	1,135	7	0
Montreal	1,811,500	4,120	48	18
Halifax	114,600	390	1	4
Toronto	2,450,000	4,750	33	19

* Data are for the 10 years to 1998, except for Edmonton, where data are from 1990.

Source: Toronto Police, *Use of Force Committee Final Report*, May 1998, Appendix.

The committee stated at the outset that it recognized the safety of police officers as a fundamental concern that should in no way be compromised, and also that no philosophies or practices exist that can anticipate all the human behaviour that officers might encounter in their work. The committee nevertheless recognized its "responsibility to explore any reasonable option if it may help officers cope with violent or potentially violent situations" (Toronto Police, 1998: 1). Emphasizing the safety of officers, as was pointed out during the conference, also promotes the safety of the person being approached or arrested.

The Use of Force Committee identified a number of issues common to many police agencies, such as confusion surrounding the meaning and scope of deadly force policies, the inadvertent emphasis in use-of-force training on the escalation of defensive tactics, and the limited options for non-forceful resolution of violent or potentially violent situations (Toronto Police, 1998: 23).

In the Toronto context, the committee found: "... training currently promotes the *use of force continuum* where the choice of defence or equipment is always to be one level higher than the threat being confronted. While de-escalation is always the aim, the concept of a continuum generates the psychological perception of escalation" (Toronto Police, 1998: 29). The committee recommended addressing this perception through training that would stress appropriate balance. This recommendation resulted in the establishment of the Crisis Resolution/Officer Safety Course that is run by the C.O. Bick Police College.

Another issue that the committee identified was the important and insufficiently recognized role played by the natural fear that an officer can experience when going into a potentially dangerous situation, and the relevance of this in the officer's selection of responses to handle a confrontation. Furthermore, officers have difficulty in predicting when a confrontation is likely to escalate to physical violence, and therefore in selecting the appropriate techniques to employ in arresting a suspect (Toronto Police, 1998: 27).

These are issues that are dealt with in the Crisis Resolution/Officer Safety Course that is mandatory for Toronto officers. The course also emphasizes the universally accepted approach of disengagement and de-escalation, the creation of time and distance in a situation as the preferred way to settle a confrontation.

As part of its mandate, the Use of Force Committee undertook an analysis of less-than-lethal technology options. Staff Sergeant Button noted in his report on this issue that it is regular patrol officers who are most likely to be confronted with situations of unanticipated dangerous attack, where tactical planning is not possible, where the use of time and distance is not an option, and where the proper application of force is most critical. The assessment of technology that he undertook, therefore, is from the perspective of the needs of those officers and situations.

The report quotes a definition of the attributes of a successful less-than-lethal option as one where "there is only a temporary effect and minimal medical implications to normally healthy subjects; there is a high probability of instantaneous control over a highly motivated suspect; and there are observable effects, with a high probability of affecting only intended targets" (Peak, 1990: 9).

The review of options found none that fit these criteria as well as filling the need for ease of portability and access. While the need is for a device that is practical and effective, Button found that regardless of cost, some weapons are impractical, inefficient, or a combination of both. He concluded that some conventional devices already in use by the Service, such as batons and pepper spray, "are useful in less deadly situations, and can in fact sometimes prevent an officer having to escalate to deadly force" (Toronto Police, 1998: Appendix). The recommendation was therefore to continue their use, with further training, and to continue the use of sidearms; at the same time, there would be ongoing evaluation of new technology as it became available.

2 MENTAL HEALTH ISSUES

From the earliest planning stages of the conference, mental health played, along with race, the major role in shaping the agenda. Issues that the organizers thought should be addressed included the linkages between race, mental health and poverty; the history of how the mental health system and police have treated people who are mentally/emotionally disturbed; the kind and amount of police training in dealing with consumer/survivors; the failure of society and the

mental health system to meet consumer/survivor self-identified needs in order to prevent and address crises; dealing with people diagnosed as having a mental disorder; creation of a specialized unit dealing with mentally disturbed people; civil liberties issues; challenging myths and stereotypes about people with a psychiatric history; and the views and perceptions of both the police and the community on this topic.

To prepare for the conference, Ms. Chambers, Mr. Falconer and other members of the conference Steering Committee consulted with psychiatric survivors, community workers and members of the Mental Health Legal Committee to plan the mental health section of the conference. One of the participants in this consultation was Sue Goodwin, an activist and artist in the psychiatric survivor community. She hoped that the psychiatric survivor and visible minority communities would get a chance to suggest solutions to the use of lethal force and also to be able to air their experiences; it was especially important to get people other than white men to talk about these matters.

Paul Quinn, Executive Director of the Gerstein Centre (a non-medical crisis centre in Toronto), was also involved in this pre-conference preparation; he expected some recognition by police at the conference that people with mental health problems very often live in poverty, and because of this are treated worse by the police than people from better-off backgrounds. This point is important, as homelessness is recognized as more often a cause of mental disturbance than the other way around (Simons et al., 1989; Rosenfield, 1991).

Although efforts were made to involve people from the Native Canadian community in the conference, scheduling difficulties regrettably prevented their participation. However, the event was endorsed by Aboriginal Legal Services. In contrast, the provincial Consent and Capacity Board declined to endorse the conference.

1998: AN ALLIANCE BETWEEN THE URBAN ALLIANCE AND QSPC

The conference was not the first occasion on which psychiatric consumer/survivors had sought to address the interaction of the police and members of their community, nor the first meeting with the Urban Alliance. Following the shooting death of Domenic Sabatino in 1992, Antoni Shelton and Wilson Head of the Urban Alliance, Randy Pritchard and Jennifer Chambers of the Mental Health and Legal Justice Group (a group formed to address issues at the intersection of mental health and criminal justice) and others met with the Toronto Police Service, the Ontario Provincial Police and the Solicitor General's Office.¹

1. The Solicitor General's office requested that the Group prepare a course curriculum for training police officers in interaction with mentally disturbed people. However, the Toronto Police Service announced that it would be expanding the training it received through the Clarke Institute. In a letter from Police Chief McCormack to the Toronto Police Services Board, dated September 16, 1992, Dr. Peter Collins, who had been teaching the Toronto Police, was said to have expressed the view that under the guidance of the Clarke Institute they would have "the gold standard course ... which would make our training the envy of the nation."

Years later, following the shooting death of Edmund Yu in 1997, psychiatric consumer/survivors and mental health professionals met with the Toronto Police Service once again to discuss police training needs. The Service made the decision to hold regular classes at the Toronto Police Training College, in which psychiatric survivors would discuss with police the mental health system and interaction with emotionally/mentally disturbed people.

The conference Steering Committee noted that, since marginalized segments of the population face significant structural barriers and intimidation in society as a whole, the best way to frame the discussion would be to emphasize the point with the participation of representatives of those groups. It was agreed that the social and economic roots of the problems under discussion needed to be addressed.

Taking into account the different and often fractious points of view in the mental health field, organizers decided to include both the “bio-medical model” and the “social development/empowerment” approach to understanding human beings by inviting the attendance of individuals and groups who represented multiple sides of the debate.

Some of this fractiousness comes from within the mental health profession and how professionals think of, and relate to, psychiatric patients. Despite research in the field showing that mental disorders do not, on their own, increase the likelihood of violence, a survey of mental health workers in 1993-94 by the Ontario Division of the Canadian Mental Health Association found that 88% of respondents believed that people who have mental health problems are “dangerous or violent,” 32% believed them incapable of functioning or contributing to society, while another 20% thought them untrustworthy, and had only themselves to blame for their situation (Simmie and Nunes, 2001: 297). Whatever their position in the debate, many conference participants recognized the widespread false beliefs and stigma represented by these figures, and their human toll on people who are labeled mentally or emotionally disturbed. This stigma has led to fear, suffering and death for those on the receiving end of these stereotypes. In the case of individuals who are considered to have a mental disorder, victims of police shootings are often blamed for their own fate. The Coroner’s Report arising from the Inquest into the Death of Lester Donaldson in 1994 stated that “Mr. Donaldson’s difficulties with the police arose out of his illness.” The Donaldson jury dealt with the impact of police attitudes toward people labelled mentally ill. However, such comments could be interpreted as a tendency to regard such confrontations as being due to the “illness” of the victim of the shooting, thus individualizing a wider problem of negative expectations of people with psychiatric histories.

Conference organizers were motivated in their work by other external influences. The need to find better ways for the police to interact with mentally disturbed people was the subject of previous coroner’s inquests, such as the 1992-94 Lester Donaldson inquest (at which the Urban Alliance had standing). The Donaldson inquest jury recommended that psychiatric consumer/survivor groups, along with mental health professionals, need to be included in training police about how to respond to people experiencing psychological distress (Jury Recommendations, 1994: #40).

In spite of recommendations to combat stereotyping in the police force of people “due to their mental illness or racial and cultural background” (Jury Recommendations, 1994: #65), the subsequent shooting of Edmund Yu indicated how deep a divide continued to exist between different communities in Toronto. Thus, years before conference organizers sat down to flesh out the details of the gathering at Osgoode Hall, the seeds for this event were planted by proposals which seemed to point the way forward, but which came up against the reality of tragedy on the streets.

1999: THE EDMUND YU INQUEST JURY RECOMMENDATIONS

The coroner’s inquest into the shooting death by police of Edmund Yu was the first in Ontario at which a psychiatric consumer/survivor group was granted standing. As a result, many of the Yu jury recommendations reflected the priorities that had been identified by the Graham Commission in its Ontario-wide consultations of 1990. Providing affordable, safe and secure housing for people with a psychiatric history is a major point of the jury recommendations. Among other recommendations, the jury said that more funding should be provided to research “non-medical and non-drug alternatives” for treating people considered to have schizophrenia. They urged that more ethno-specific alternative mental health services be funded for people from minority communities, as was Mr. Yu (Jury Recommendations, 1999a: 1). This point is particularly important in light of the finding of the Canadian Task Force on Mental Health Issues Affecting Immigrants and Refugees (1988) that language and cultural barriers had a negative effect on the interaction between minorities and mental health professionals. Problems identified include misdiagnosis and racial bias in assessment of minorities. There are also different cultural interpretations of what is and is not a mental disorder. As well, people from some communities, such as Asians, have been known to have particularly adverse reactions to neuroleptic medications (Lee, 1989: 24-26).

The Yu inquest jury also recommended that more funding be directed away from Assertive Community Treatment Teams and into safe-house facilities for psychiatric consumer/survivors. These “ACT” teams are viewed as coercive by many psychiatric survivors, in comparison to such alternatives as non-medical safe houses. The jury also recommended that more funding be provided to consumer/survivor run employment organizations, which were found to substantially decrease any requirement for hospital beds (Trainor et al., 1997). Many of these recommendations were in tune with the aims of the conference co-partners. Indeed, the QSPC and the Chinese Canadian National Council both had standing at the Yu inquest and were also key players in supporting the Alternatives to Lethal Force conference. The jury recommendations demonstrated the existence of broader community support for the sort of alternatives that conference organizers were looking for to move forward with their agenda.²

2.A further recommendation, dealt with below under “New Mental Health Legislation,” endorsed Community Treatment Orders.

2000: NEW MENTAL HEALTH LEGISLATION

When the conference convened on June 23, 2000, the proceedings were set against a background of years of debate and controversy over mental health legislation and policies, most prominently Bill 68, legislation expanding the powers of the mental health system. In fact, Bill 68 was scheduled to take effect on December 1, 2000, six months after the conference. In the weeks leading up to the conference, groups and individuals made presentations, pro and con, to provincial politicians considering Bill 68. Some, such as representatives of the Schizophrenia Society of Ontario and the QSPC, later attended the conference, where they again presented their respective opposing positions.

The move towards enacting one part of the Bill, called “Community Treatment Orders” (CTOs) in Ontario, can be dated to 1989, when a Liberal MPP unsuccessfully tried to advance a proposal to enact outpatient committals. At that time, psychiatric survivor David Reville, then MPP and NDP health critic, criticized the idea as “independence with a leash” (Browne, 1990: 26).

While CTOs are viewed as unduly coercive by some, by others they are seen as a necessary means of ensuring medication compliance for those who lack insight into their illness. Some groups representing family members of emotionally disturbed persons, a portion of the mental health professional community, Ministry of Health officials and even the Office of the Chief Coroner of Ontario have supported the enactment of CTOs on the premise that, for some, it will create more roads into the mental health system.

The Donaldson and Yu inquest juries had both recommended that CTOs be implemented as a cost-effective way to prevent deaths (such as Lester Donaldson’s). However, previous to the Wayne Williams inquest in 2000, no inquest jury had heard scientific evidence as to the ineffectiveness and negative effects of such legislation. The Williams inquest jury did not recommend CTOs.

It was a controversial recommendation, but the legislation was eventually promulgated in 2000 after years of debate. It was set against the backdrop of inadequate community supports and housing for psychiatric consumer/survivors and widespread media reports of isolated incidents of violence by an extremely small number of mentally disturbed individuals. Critics wrote that these reports were used to generate support for the expansive legislation (Capponi, 1998; Chambers, 1989; Lyons, 1999; Queen Street Patients Council, 2000; Seltzer, 2000; Weitz, 2000). Although dangerousness provisions were addressed in the existing Mental Health Act, not in the new amendments, Bill 68 was named “Brian’s Law” after a man who had been killed by a mentally disturbed person. Much of the public support for this legislation appeared to be based on the misconception that people with a psychiatric history are dangerous, and that this new legislation addressed dangerousness. However, family groups and psychiatric associations expressed support for the Bill for its potential to more easily hospitalize and treat individuals who did not choose these particular options.

In the context of police relations, Bill 68 mandates greater police involvement with psychiatric consumer/survivors. Consumer/survivors and police interests who addressed Bill 68 at the con-

ference, agreed in principle that CTOs did not represent a healthy or viable solution to the challenges faced by psychiatric consumer/survivors. Under the legislation, police need not witness disorderly behaviour resulting from a mental disorder; but can apprehend on the basis of hearsay. Police may be called on to detain people and bring them to the named doctor if they fail to comply with any aspect of their CTO, such as awaiting daily visits in their home or taking all prescribed medication. CTOs apply to people who are not hospitalized, but who are living in the community and qualify for psychiatric assessment under the new expanded criteria for involuntary assessment.

This increase in involuntary assessments and committals requires additional police involvement in apprehensions. Widespread public prejudice toward psychiatric consumer/survivors voiced in the promotion of this legislation left survivors with a sense of being excluded from society, and increasingly vulnerable to the arbitrary exercise of the law.

The complexities that attached to the conference were nowhere more apparent than in the context of the debate over Bill 68 and the question of state-sanctioned forced medication of emotionally disturbed persons. The alignment of interests in this debate stands in stark contrast to the divisiveness between police and community over issues of race. In the mental health arena, the two solitudes that are the furthest apart are those advocating a more “paternalistic” approach (known as the “best interest” approach — common to family groups, the psychiatric profession and some mental health workers); versus the “civil libertarian” perspective (emphasizing a “human rights” approach — favoured by psychiatric survivors, many community mental health workers, and rights advocates).

The conference provided a forum for all of these diverse perspectives to be heard. As in the case of other areas of debate at the conference, there is much work to be done.

3 ISSUES OF RACE IN POLICE SHOOTINGS

The third pillar around which the conference was organized represents the belief on the part of the community, particularly but not exclusively the black community, that the issue of race and racial bias lies at the root of what they see as their harsher treatment at the hands of the police and the courts.

By the mid-1980s, evidence of racism in the criminal justice system (the police, the courts and the correctional system) had been mounting for several years without receiving much political or institutional response. Eventually, however, the deepening community anger at the shooting by police of black men made it clear that the situation could no longer be tolerated. In 1988, after police officers shot three black men within a four-month period, the Ontario government responded with the appointment of the Task Force on Race Relations and Policing, chaired by

Clare Lewis (the Task Force reported in 1989). In 1992, following more shootings and civil disturbances in Toronto (the “Yonge Street riots”), the Premier appointed Stephen Lewis as his Advisor on Race Relations and then, as shootings continued, the government set up the Commission on Systemic Racism in the Ontario Criminal Justice System (chaired by David Cole and Margaret Gittens), which reported in 1995.

These responses to the community’s anger and concern can be seen as attempts to move public institutions in the direction of responding to major changes occurring in the province’s (particularly Toronto’s) population. Over the last half-century Toronto has become a city of great racial and ethnic diversity. The predominantly white Anglo-Saxon and European immigration profile that lasted through the post-war years until the late 1960s gave way to a very different pattern, one that has seen a substantial increase in Canadians who have come to the country as immigrants and refugees from South Asia, East and Southeast Asia, from the Caribbean, from Africa, and from South and Central America; by the 1990s, over 80% of immigrants living in the Toronto Census Metropolitan Area were from those regions (Friskin et al., 2000: 76).

Major change, indeed. And change to which public institutions have been slow to adapt. In the context of the issues addressed by this conference, the slowness of the criminal justice system to change — even to recognize the need to change — has been particularly problematic.

RACISM

David Cole, co-chair of the Commission on Systemic Racism in the Ontario Criminal Justice System, once noted the centrality of racism to the lives of minorities and its invisibility to those who did not experience it. This invisibility may have to do with a nationalist “imaginary”: “The prevailing myth in the United States is that Americans have overcome their racist past and are no longer racist, and the prevailing myth in Canada is that we are a country without a history of racism” (Aylward, 1999: 12).

Racism can be thought of as the malicious intent behind a deliberate action directed against a person of another race that derives from a personal belief in racial superiority. Racism can also be understood as a seemingly neutral system of processes, policies, practices, beliefs and actions that privilege and benefit a dominant group or groups in society when they create a set of intended or unintended impacts that “disadvantage” a group of people because of the colour of their skin or other racial characteristics (Cryderman, O’Toole and Fleras, 1998: 50-54).

In the United States, Tagaki (1974: 27-33) ascribed the disproportionately high number of ethno-racial fatalities at the hands of the police to different orders of justice dispensed by police: one for American blacks and minorities, and another for the mainstream. Others, such as Professor James Fyfe (1981a), found associations between shooting rates and arrests for crime, suggesting a higher rate of community involvement in crime. This does not, however, address the possibility of systemic bias in the justice system that leads to racial profiling and higher arrest and conviction rates.

COMMUNITY PERCEPTIONS AND INSTITUTIONAL RESPONSE

In 1989 the Task Force on Race Relations and Policing found that “visible minority communities do not believe they are policed fairly and they made a strong case for their view which cannot be ignored” (Task Force, 1989). Reporting a few years later, the Commission on Systemic Racism in the Ontario Justice System noted the “number and circumstances of police shootings in Ontario have convinced many black Ontarians that they are disproportionately vulnerable to police violence. ... The response of the criminal justice system ... has been seen as reflecting a lack of accountability”(1995: 377-8).

The Commission also identified an attitude within the court system that racial bias equates to deliberately unfair decisions, and that somehow the legal system considers itself to be “immune from the consequences of racial inequality in Canadian society”(1995: 35). But if race is not recognized or understood clearly, its application in courts of law and other areas is likely to be uneven, with uneven results. (An example of this blindness can be seen in the initial decision by the coroner for the Lester Donaldson inquest not to allow the issue of race to be introduced.)

As Professor Toni Williams (of Osgoode Hall Law School and herself a member of the Commission on Systemic Racism) remarked at the conference, if racially unjust outcomes exist, that means that a problem exists in the system. And the perceptions have for a long time been very strong, particularly among the black community, that a problem does exist. The Commission report quoted one respondent as saying: “We have two systems of justice within the criminal justice system. One is for the majority group in our society — people who have money, connections, etc. — and the other is for racial minorities” (1995: 35).

RACE AND POLICE USE OF FORCE

The accompanying chart shows the outcomes of police use of force on racial minorities in the Toronto area between 1978 and 1999.

Name	Date of shooting	Outcome
Andrew “Buddy” Evans	August 9, 1978	Killed
Albert Johnson	August 26, 1979	Killed
Michael Sargeant	November 20, 1979	Killed
Leander Savoury	January 30, 1985	Killed
Lester Donaldson	August 9, 1988	Killed
Michael Wade Lawson	December 8, 1988	Killed
Sophia Cook	October 27, 1988	Injured
Donald Peltier	January 25, 1990	Killed
Marlon Neil	May 4, 1990	Injured

T.T. (young offender)	September 20, 1991	Injured
Royan Bagnaut	November 3, 1991	Injured
Jonathan Howell	November 9, 1991	Injured
Kenneth Alfonso Allen	November 9, 1991	Killed
Raymond Lawrence	May 2, 1992	Killed
Ian Clifford Coley	April 20, 1993	Killed
Albert Moses	September 29, 1994	Killed
Osbaldo Aldama	September 16, 1995	Killed
Tommy Anthony Barnett	January 10, 1996	Killed
Andrew Rudolph Bramwell	March 14, 1996	Killed
Wayne Rick Williams	June 11, 1996	Killed
Faraz Suleman	June 19, 1996	Killed
Edmund Yu	February 20, 1997	Killed
Hugh Dawson	March 30, 1997	Killed
Xie Pei Yang	April 13, 1997	Killed
Marish Odhavji	September 26, 1997	Killed
Henry Masuka	December 31, 1999	Killed

Sources: *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System*, 1995; Gabriella Pedicelli, *When Police Kill*, 1998; Special Investigations Unit.

Writing in the wake of the Yonge Street demonstrations that followed Raymond Lawrence's death at the hands of Toronto police, Stephen Lewis noted: "What we are dealing with, at root, and fundamentally, is anti-Black racism. ... It is Blacks who are being shot. ... The eight shootings over the last four years and the sense, real or imagined, of unpredictable police encounters with Black youth has many families very frightened" (1992: 2). Lewis refers to "the apparent chasm between the ... Toronto Police and many representatives of the Black community, ... a similar, though less pronounced distance echoed in the words I heard from many other racial minority representatives in Toronto" (1992: 4).

Nor did the situation improve. Seven years later, as the Urban Alliance on Race Relations and their colleagues were far along in their arrangements for this conference, Julian Falconer was still able to note that "racial tensions in Toronto between the police and the black communities are particularly problematic."

A survey undertaken for the Commission on Systemic Racism in the Ontario Justice System in 1992 and reported to the conference by Professor Scot Wortley of the University of Toronto Centre of Criminology found that 73% of black respondents believed that police treat black people differently from white people; the corresponding figure for belief about different treatment in the courts was 52%. Further, 48% of black males reported having been stopped by the police during the previous two years; the corresponding figure for white respondents was 25%. This finding —

a frequency that is almost double for the minority group — is a particularly important indicator, since police stops on the roads or in other public places form the most common encounter between citizens and police officers, and repeated stops can be seen as intrusive and aggressive. Accounts of differential treatment accorded to friends and contacts in personal networks, as well as warnings from families and peers to be wary of the police, feed people's perceptions of harassment; police stops reinforce those lessons (Commission on Systemic Racism, 1995: 349).

There are also perceptions in the black, Aboriginal and some Asian Canadian communities that police officers consider themselves to be above the law, rather than as its agents of enforcement. Critics of police reported during the conference that they have been the target of police surveillance and harassment. In addition to the black Canadian community, the South Asian Canadian, particularly the Tamil Canadian population, Chinese and Vietnamese Canadians and urban Aboriginal communities have complained about being singled out. Critics have also alleged that the justice system, including the Special Investigations Unit, is reluctant to hold law enforcement officials accountable for transgressions.

Furthermore, as was pointed out several times during the conference, the reports and recommendations from all the task forces and commissions that have reported over the last 20 years have, in essence, been buried.

TRYING TO MAKE PROGRESS

Community groups, including the Urban Alliance and the Black Action Defence Committee, have used different tactics to get some movement on these issues: public demonstrations, educational workshops and conferences, lobbying politicians, press conferences, meetings with police, legal support for individuals, including court support, and legal challenges. The conference on Alternatives to the Use of Lethal Force by Police was another — high profile — attempt at making progress through bridge-building among the constituencies.

The police themselves have made attempts to meet the concerns expressed by the community. As a result of the recommendations at the inquest into the death of Ian Coley, for example, police dismantled a squad that had been set up to target organized black crime. Responding to complaints from the Urban Alliance about police collection of personal information on critics, the police agreed to establish and abide by guidelines governing that behaviour. The Toronto Police Service is taking steps to increase the representation of ethno-racial groups through its hiring processes, racial diversity training is now mandatory for officers, and a number of outreach programs have been instituted that are oriented towards better interaction with the multicultural communities it serves. However, concerns remain that these efforts are not fully integrated into the core operations of the force, a point addressed earlier by the Auditor for Metropolitan Toronto, A.G. Andrews, in his *Report on the Race Relations Practices of the Metropolitan Toronto Police Force* (Andrews, 1992: 16). While the police and community have explored different models

of police-community relations, the current police-community committees are seen as ineffective, powerless and unable to effect change, and have been criticized in the community for being a public relations exercise for the police.

In the conference planning process, race clearly loomed very large as a fundamental factor in violent police-community interactions. As Professor Williams commented, it is essential that visible minority perceptions of differential treatment at the hands of the police and the courts be neither dismissed nor ignored — the maintenance of public confidence is vital to the legitimacy of the administration of justice.

4 BARRIERS TO CHANGE

The final theme that the conference was designed to address was the way in which existing institutions, structures, policies and practices act as impediments to changing the way in which force is used, and changing the approach to policing communities.

POLICING CULTURE

Modern public policing follows a “command and control” model roughly shaped on the military. Recent years, however, have seen a recognition of the need to move away from the notion of police as a paramilitary “force” in favour of a community-based “police service.” In the service model, the law is not “enforced” as such. Rather, the police work to build trust with the community to find joint and lasting solutions to problems. It is perhaps fair to say that the movement towards community policing in Toronto is hampered by aspects of the paramilitary culture and organization of the police that are still strong in this early transition stage and that acts as a barrier to community problem-solving (Stansfield, 1996: 194-95; Cryderman, O’Toole and Fleras, 1998: 105).

The Toronto Police Association (the police union) is often seen as a powerful force of resistance to change. Interviewed on CBC television, the head of the association, Craig Bromell, declared that in his view it was reasonable to target people who are critical of the police, including politicians. And there have been cases of politicians being forced off the Police Services Board. Professor Philip Stenning of the University of Toronto Centre of Criminology mentioned at the conference that there is a large political constituency, cheered on by certain media outlets, that considers police use of force to be completely acceptable.

Metropolitan Toronto Auditor Andrews, in his above-noted review of the race relations practices of the Toronto police, suggested a more subtle influence at work. He noted that, however non-biased an officer might be on entering the force, that officer was still vulnerable to the “attitudinal bias

towards minorities that creeps in” as a result of front-line officers’ work experience (Andrews, 1992: 15).

ACCOUNTABILITY

“Policing is the provision of an important public service,” wrote former Justice of the Ontario Superior Court, George W. Adams. “However, unlike most public service providers,” he noted, “the police are given extraordinary powers to detain civilians and, when reasonably necessary, to prevent death or serious injury to themselves or civilians, to use lethal force” (Adams, 1998: 8). Review and complaint mechanisms are therefore essential to ensure that the police are accountable for the use of those extraordinary powers. In Ontario, civilian oversight was historically in the hands of the Ontario Police Commission and local police boards — police investigated themselves. In 1981 the Office of the Police Complaints Commission was established for Toronto; then in 1989 the Task Force on Race Relations and Policing recommended an independent oversight body (SIU, 2001: 4).

Special Investigations Unit (SIU)

Establishment of the SIU was approved in 1990 under the *Police Services Act* as the arm’s-length civilian agency for the investigation of “the circumstances of serious injuries or deaths that may have resulted from criminal offences committed by police officers” (Ceyssens, 1996: Ont-52).

From the start the agency was controversial, being viewed as both ineffective and too close to the police. Communities affected adversely by police use of force saw the SIU as an overdue attempt to curb the flagrant abuse of force by police against specific groups, but were contemptuous of its lack of effectiveness. Sometimes, they still dismiss the SIU with its poor conviction rate as a public relations exercise for the government. They would prefer to see an organization with more teeth to curb what they deem to be conspiratorial police attempts to keep instances of their abuse of force above the rule of law.

The view of some police officers was that the notion of such civilian oversight bodies was a weak-kneed “politically correct” response to pressure from specific community groups, especially the black community, and they maintained an uncooperative attitude to the SIU’s work.

In 1997 continuing concerns about the SIU’s credibility led to the Ontario government’s appointment of the Honourable George W. Adams to report on ways to improve the relationship between the SIU and the police (Adams, 1998). He found that many of the difficulties arose from a lack of adequate funding and the absence of a legal framework that clearly sets out the responsibilities and duties of police officers during SIU investigations (SIU, 2001: 9). The government accepted his recommendations and changes went into effect under Regulation 673/98 of the *Police Services Act* that have greatly strengthened the agency.

Opposition to the SIU did not disappear, however; arguments against it range from the need for curbs on civilian oversight to having the police investigate themselves. Opposition has been expressed from within senior police ranks as well as by the Toronto Police Association, whose members have resisted cooperating with the agency. In 1999 the Ontario Association of Chiefs of Police (OACP) proposed limiting the SIU's powers to investigating deaths and possibly serious injuries that involved police. All other complaints would be investigated by the police themselves. OACP also proposed replacing SIU investigators with seconded police officers, as civilian investigators were seen as lacking the expertise to investigate police activity. Discussion during the conference, in which the new head of the SIU, Peter Tinsley, participated, addressed this controversy.

Municipal Police Services Board

This Board is the civilian oversight body of municipal Police Services (members are appointed by the municipal and the provincial governments that set and oversee the implementation of policy). It is not involved in operations. Although it has fiduciary and other responsibilities for the police service, it does not have the power to oversee or discipline individual police officers. It hires and evaluates the police chief who, in turn, is responsible for the operations and actions of the organization. Professor Philip Stenning, who, as stated before, is part of the University of Toronto's Centre of Criminology, noted that too often police services boards had become cheerleaders instead of true overseers of the police, and there are examples of members of the board who are critical of the police having been subject to police and media pressures.

The Legal System

The final *Report* of the Commission on Systemic Racism in the Ontario Criminal Justice System had documented the systemic biases in policing, legal, judicial and correctional processes and practices. These ranged from discretionary arrests of racial minorities to their limited access to legal resources, differential treatment in the courts and discriminatory behaviour towards racial minorities in jails.

Community members have often asserted that the legal system is reluctant to hold police officers accountable for their actions. The Commission report noted that "since 1978, on-duty police officers have shot at least 16 Black people in Ontario, ten of them fatally. In nine cases, criminal charges were laid against the officers. Not one was convicted" (1995: 377).

Inquests in Ontario are convened under *The Coroners Act*, R.S.O. 1990, c.C.37 to inquire into deaths in certain circumstances, including deaths in connection with police arrest or detention. Deaths that occur in hospitals and in psychiatric wards may — but are not required to — result in an inquest.³ The inquest is presided over by a coroner and a jury of five members and can, and

3. Members of consumer/survivor communities have advocated for mandatory inquests in the cases of deaths in psychiatric institutions. The absence of these mandatory provisions combined with the often adversarial relationships between consumer/survivors and medical doctors (who preside as Coroners) has fostered some mistrust of the inquest system.

often does, make wide-ranging recommendations to government bodies on how to improve the system in order to prevent deaths in similar circumstances, but it cannot assign criminal or civil responsibility. Parties may be granted standing at the Coroner's discretion as parties with a substantial and direct interest in the proceedings; an example of this was discussed at the conference — in 1992 the Urban Alliance was refused standing at the inquest into Lester Donaldson's death because the issue of "race" was not considered relevant. At the same time, the QSPC was granted standing at the Yu inquest to address mental health issues. This was the first time that a psychiatric consumer/survivor group was granted standing at an inquest in Ontario.

TRAINING

The police have responded to community concerns and recommendations in inquest findings and other reports, including their own *Use of Force Report*, by developing a number of training programs. Officers are trained in crisis de-escalation, better communication and skills in crisis resolution, and the use of force only in exceptional circumstances to "modify" a suspect's actions through pain. The object is to save lives and to control a situation, not to punish.

Use-of-force training employs a "continuous response" model. In theory, this presents a continuum of options available to the officer such that lethal force is never the only choice; Ontario policing standards identify four options: dialogue, empty hand control tactics, baton and lethal force. Aerosol weapons have now been added. Critics say that the philosophy of "the upper hand" police response taught in the use of force model to "win" the encounter can escalate a passive situation into a life-threatening crisis. Six of the nine options in the model are violent conflict-resolution strategies (Stansfield, 1996: 112), instead of focus on mediation. Concerns are also voiced about a too-rapid choice on the part of some officers to turn to force to control a situation; trainers agree that part of their challenge is how to rein-in the instincts of an officer to take immediate action.

Following recommendations in the *Use of Force Report* in 1998, the Service has restructured and expanded the crisis resolution course (now the Crisis Resolution/Officer Safety Course). This mandatory course teaches officers the skills needed for disengagement and de-escalation, the creation of time and distance within a situation, and the use of negotiation to resolve a conflict without force, rather than trying to get the upper hand through the use of rapid-response techniques. The course responds to the major increase in contacts between the police and psychiatric survivors that have followed the cuts to social assistance and affordable housing, and the fact of money not moving from institutional to community services, as was the plan for mental health reform. Members of the psychiatric survivor community have developed and delivered courses in the Toronto Police College in Crisis Resolution and Diversity. Such training has served to focus police in relating to emotionally/mentally disturbed persons.

Efforts to improve relations between the police and ethno-racial communities have led to the introduction of mandatory training for officers on racial diversity and the introduction of

outreach programs in the Divisions. In addition, the Toronto Police Service is seeking to improve its admittedly poor performance in its own representation of diversity by hiring more visible-minority police officers.

COMMUNITY CONCERNS REMAIN

Community members are not convinced that these changes and improvements go nearly far enough. The Inquest into the Death of Lester Donaldson led to recommendations for crisis resolution courses that were implemented in and around 1994. However, by the time of the shooting death of Edmund Yu in 1997, budgetary considerations had prevailed and this same course had been abandoned. None of the officers involved in the Yu shooting had received the training which the Donaldson jury heard was in place. The Yu Inquest recommended the statutory enshrining of crisis resolution training but the Solicitor General for Ontario has not acted in this regard. Police services implement a patchwork of training initiatives that change at such a frequency that it becomes impossible to track performance.

For the community, concerns remain about many issues. To name a few: the unpredictability of how any one officer will react to any given situation, for instance, to the behaviour of a psychiatric survivor; the “us and them” mentality of the police force; the perception of different treatment accorded psychiatric survivors and members of ethno-racial groups; and the perceived lack of commitment of senior police administrators and policy-makers to improving race relations. Distrust on both sides remains a large part of the problem. Positive gains, such as a working relationship between police and psychiatric survivors, are valued but feared to be fragile.

Proceedings of the Conference

I CONFERENCE OPENING

INTRODUCTORY REMARKS BY CO-CHAIRS

Keith Welch, *President, Queen Street Patients Council*

Tam Goossen, *President, Urban Alliance on Race Relations*

Julian N. Falconer, *Counsel, Falconer Charney Macklin*

Tam Goossen and Keith Welch welcomed participants. Speaking on behalf of the three co-chairs, Julian Falconer emphasized the significance of the conference as a step towards saving lives and urged everyone to work together, cooperating with people whom they had never worked with before. Mr. Falconer said that his 12 years of litigating on police shootings on behalf of families of victims and public interest bodies had reinforced his belief in the need to find a different, cooperative, way of interacting. He asked participants to think of the conference as a rare flower that everyone has a responsibility to protect. If the flower were to be crushed, it would disappear for years. He acknowledged that the road would be bumpy, that people would say things which others would not like or agree with, but he urged people to listen to each other and to be open to what each had to say.

He then called on representatives of various constituencies to sign the conference mission statement: Bromley Armstrong, former Ontario Human Rights Commissioner and a founding member of the Urban Alliance on Race Relations; Charles Roach, Toronto lawyer active in race and human rights issues; Dudley Laws, Executive Director of the Black Defence Committee; Norman Gardner, Chair of the Toronto Police Services Board; Michael Boyd, Deputy Chief of the Toronto Police; and Staff Inspector Ken Cenzura and Inspector Gary Ellis of the Toronto Police Service all signed the document. The mission statement was later signed by 157 conference participants (see p. vi and Appendix B).

INTRODUCTORY SPEECHES

Bromley Armstrong, *Former Ontario Human Rights Commissioner*

Bromley Armstrong congratulated the organizers. Mr. Armstrong is a former Ontario Human



Bromley Armstrong

Rights Commissioner and has also served as a member of the Ontario Labour Relations Board and as Chair of the Canadian Centre for Police Race Relations. He was a founding member of the Urban Alliance on Race Relations in October of 1975. Almost 26 years ago, the Urban Alliance and the Metro Toronto Social Planning Council held the first conference on law enforcement and police-race relations in Toronto, in which the police played a very important role. In the intervening years, said Mr. Armstrong, there has been dialogue with the police that has promoted mutual understanding, but of course there have also been great differences. These differences, nevertheless, can be worked out, and this conference ought to set the tone for continuous dialogue with the police so that lives could be saved in the future. Mr. Armstrong congratulated the Police Service, the Police Services Board and the community for participating. He urged Norman Gardner, Chair of the Toronto Police Services Board, to get the Police Association of Toronto involved in the dialogue. He also hoped that some women and minorities would be appointed to police executive positions, and that “the men in black” would start to speak to the people in the community who are black and to others who are not white.

Norman Gardner, Chair, Toronto Police Services Board

Norman Gardner expressed the hope that police and communities, brought together by unfortunate circumstances, would develop closer ties in resolving some past problems between some police service members and some members of communities in Toronto, including the black community. He admitted that perceptions of racism and bias persist in some circles. The police were looking forward to the conference as a vehicle for building bridges with communities and working together for the common purpose: a safe city where all communities feel that they are heard and treated fairly. He said that the Toronto Police Services Board was eager to fund and participate in this conference.

The Toronto Police Service’s Use of Force study, under the direction of Staff Inspector Ken Cenzura, had been undertaken in response to incidents of police contact with persons with mental illness. Mr. Gardner attributed this contact to a failure of society to provide adequate care and support for people who need it, instead expecting police to deal with problems. He also stressed that, while Toronto was a safe city, there remained unsafe neighbourhoods where lives were more at risk. When police become proactive in safeguarding these areas and residents, some people protest that they are over-policed while others call for more policing. Through money and training, the service was doing its best to attempt to eliminate the use of force as much as possible. However, there would be times when there was no option but to use lethal force; this will always be a contentious issue, he said, and some members of the public will have concerns about police who act on split-second decisions in situations that may be life-threatening.

Mr. Gardner stressed that accountability for police actions and ethical behaviour was important

to the Board and the Chief of Police. Police officers have significant power and a great deal of discretion in its use. Both the power and the discretion must be used with sound reasoning to prevent undermining public confidence. In many respects police are the glue that hold society together because they enable communities to live together and must be seen to provide stability. Recruitment strategies, including psychological profiling, were in place to select honest, ethical police officers who must be unbiased, non-partisan, and provide service neutrally. Although policing relies more on technology and its experts, recruits to the force now do reflect the diversity of the city. Mr. Gardner cautioned the audience to remember that police officers are human beings; they have families, and they have ambitions, hopes and fears — fears that are shared by their families but are often not recognized by the public. Many officers, he said, bear the scars of traumatic encounters.

The conference, Mr. Gardner concluded, was an ambitious undertaking. But an approach that could help to deal with problems before they became incidents, and the use of care providers before resorting to calling in police officers, were worthwhile ambitions that the police service supports.

KEYNOTE ADDRESS: TOWARDS A NONVIOLENT COMMUNITY

John Jones, Executive Director, Martin Luther King, Jr. Institute for Nonviolence, Miami, Florida

For John Jones the conference was reminiscent of a similar approach undertaken in Miami. Mr. Jones is a former police officer with the Miami-Dade Police Department, and for several years has been an advocate and trainer in the philosophy and uses of non-violence. The Metro Miami Action Plan, established in 1986, looked at police abuse of law enforcement and a whole range of associated issues — all without scapegoating people. Some years later, in 1993, the late Governor Lawton Chiles of Florida signed legislation establishing the Martin Luther King, Jr. Institute as a governmental response to the demand for nonviolent social change. Miami, which probably has more civil disturbances than any city in the country, had spent over a billion dollars on public safety but there were still civil disturbances, police shootings and people killing people. The Institute was created to develop methods in addition to current law enforcement responses to curb the use of violence and encourage the nonviolent management of social conflict. It has trained over 10,000 citizens and between 5,000 and 7,000 law enforcement officers, and has taken its message to perhaps 10 different countries.

We need to understand the history of policing and law enforcement in the United States, Mr. Jones said, if we are to understand the emerging strategy of policing. Policing strategies have spanned three evolutionary eras in the past 160 years: the political era from the 1840s to the early



John Jones

1900s, marked by close ties between police and politics; the reform era from the 1930s to the late 1970s that developed as a reaction; this is now giving way to the current era that stresses community problem-solving on five threats to survival and well-being:

- Violence; killing and threats to kill.
- Poverty; the holocaust of hunger; the prosperous few and the restless many.
- Violations of human rights.
- Denial of the dignity of women, men, children, the elderly, people of all faiths, colours, and conditions.
- Denial of the most fundamental human right — the right not to be killed, and the responsibility not to kill others.

“Nonviolence” is an often misunderstood term. There is no such thing as a nonviolent crime. Nonviolence is a novel approach to community problem-solving within law enforcement as it has universal application and allows officers to see that old problems can have different solutions.

The Martin Luther King, Jr., Institute has developed a formula for nonviolence for the 21st century: S4 x IR. The S4 — *Spirit* (the nonviolent inspiration for all religious faiths and humanist philosophies); *Science* (the nonviolent contributions of all sources of knowledge, the professions, and practical wisdom of everyday life); *Skills* (nonviolent Gandhian, Kingian and other nonviolent problem-solving competencies that are individual, organizational, and societal in scope); and *Song* (the nonviolent inspiration of all arts). Two additional elements — I and R — are needed: I is nonviolent public, private, formal and informal *institutions*; and R is *resources*, commitments of human and material resources that will ensure a steady nonviolent progress from a local to a global nonviolent community. These tasks will take courage, initiatives of changing leadership and constructive fellowship in every sector of society.

Through the Florida Department of Juvenile Justice, the nonviolence training concept is taught in every juvenile detention centre in the State of Florida. The King Institute has developed a model to be launched in August 2000, called “Nonviolence Institute in a Correction Facility” which aims to turn a jail into a nonviolence facility. Police and correctional officers, educators, pediatricians, parents, people of all professions and positions in society will be involved in the change. The potential for change is great: crime went down in the Dade County public school system after the “Leadership 2000, Kingian Nonviolence Training Project for Youth” was introduced, diffusing nonviolence throughout the curriculum.

Mr. Jones warned that the challenge is particularly real now, as by 2003 over 60% of all experienced police officers would be retiring from the profession, while young recruits lack life experience and the discipline of military training. The need to move forward with change is pressing. He encouraged community members not to get stuck in negative attitudes to the police, but to understand the policies that are in place and to see how policies that need to be changed can be changed.

Suggested actions

- Get people to commit to nonviolent change. It is not just a question of money — people need to get involved and take responsibility for change.
- Empathize with others (e.g., police officers), see the world from their eyes and develop a common bond. We need to understand the problems of the world holistically.
- We must look at our problems from a human perspective.
- Teach young people that there is an alternative to violence: neither guns nor the police can save you from yourself.
- The police need more training in nonviolence; they must know what violence is before they can manage it.

VINCENT: A PLAY

Written by Terry Watada and performed by the Workman Theatre Project

The play *Vincent* was commissioned by Lisa Brown, the producer and artistic director of the Workman Theatre Project, for an international conference on forensics at Penetanguishene, Ontario in 1993. It has since been performed in several venues in Toronto, including the Toronto Police headquarters, and for the Queen Street Mental Health Centre and Clarke Institute patients and staff. Over the years, it has had two directors and a number of different cast and crew members.

The Workman Theatre Project is a non-profit performing arts company which integrates people who receive mental health services with professional artists. The play is about a man named Vincent and is based on the shooting death by police of Domenic Sabatino in 1992.

Vincent is portrayed as having schizophrenia. The attempts of his mother and brother to help him form the central part of the play and lead into the family's dealings with the police. The play movingly depicts family and police dilemmas, but unfortunately does not include the perspective of the individual in crisis. The shooting death of Vincent in a confrontation with the police as the play ends raises important questions: How does this tragedy affect everyone involved? How could



The cast of *Vincent*

this situation have been handled differently? What did Vincent need and want that may have prevented this crisis? Following the performance, a panel discussed some of the issues it raised.

PANEL DISCUSSION ON THE PERFORMANCE OF *VINCENT*

Laurie Hall, *Executive Director, A-Way Express*

Maurice Adongo, *Mental Health Worker, Street Health*

Ken Cenzura, *Staff Inspector, Toronto Police Service*

Katherine Yu, *Family Member*

Moderator: Anita Szigeti, *Barrister and Solicitor*

Laurie Hall said that there is too much stigmatizing of people with a psychiatric history as being violent. The widespread media reports of isolated pushing incidents in the subway have been used to further stigmatize an entire community. Ms. Hall mentioned that people who work at A-Way Express, a psychiatric consumer/survivor courier company, use the subway all the time for their job and felt this prejudice quite strongly.

She suggested that people should re-frame the debate on this issue by changing its terms from addressing stigma attached to psychiatric consumer/survivors, to promoting anti-discriminatory attitudes. By educating people that “we’re all in the same boat, that we all have fears” rooted in our backgrounds and life experiences, we could create more understanding and dialogue on this issue. Ms. Hall pointed out that it is upsetting to be confronted by someone wielding a baseball bat, as was shown in the play. But it is also frightening to be confronted by police cars, as happened to Vincent.

Maurice Adongo, a mental health outreach worker with Street Health, an organization that works with homeless and socially isolated people, said that high-profile incidents such as subway shoving create a hysteria that is out of all proportion to the real facts about the dangers posed by people in crisis. In Africa, the concept of a mental disturbance as a problem of public safety is alien, and African police would see it as a waste of resources if officers were called to arrest someone who is experiencing such a problem. He argued that lethal force should only be used when a police officer’s life is in danger, and the police must acknowledge the problem of their use of lethal force.

Being black in Africa is not a problem, but it is a problem in North America, Mr. Adongo noted, and it is obviously worse when a psychiatric survivor is from a different culture. He suggested that compassion, not force, is needed and he proposed a number of ways of relating to someone who is experiencing psychiatric crisis: talk with the person; don’t impose; give the person space and help on his or her own terms; be flexible. Also, don’t take it personally when someone you are trying to help swears at you. In some instances, such as during the confrontation between police and Edmund Yu, it would have been better if the police had just walked away. “It is good to take the easy way out,” Mr. Adongo concluded.

Staff Inspector Ken Cenzura said that, when encountering a situation such as those discussed at this conference, police are trained to be prepared to make a decision in seconds. He noted that he talks about the use of force in crisis resolution training at C.O. Bick Police College. He has also made recommendations, which are among the 31 recommendations contained in the *Use of Force Report* (Toronto Police, 1998), on how to help resolve confrontations. Many of these recommendations have been implemented.

Katherine Yu, whose brother Edmund Yu was shot to death by a Toronto police officer in 1997, told the audience that the police saying “sorry” would really help (although she understands that this may not happen because of legal liabilities that could result). Yu mentioned that before Edmund became sick, she had no idea about the problems faced by a person with a mental illness. Now, following the tragedy of her brother’s experience, she thinks of someone who suffers from mental illness as someone’s brother or sister — they are people like anyone else.

Suggested actions

- We should re-frame the debate by changing its terms from stigmatizing psychiatric consumer/survivors to promoting anti-discriminatory attitudes.
- Use different ways of relating to someone experiencing mental health problems: talk with them; don’t impose; given them space and help them on their own terms; be flexible.
- Police saying “sorry” would really help survivors of police shootings.

II LESS-THAN-LETHAL TECHNOLOGY

Progress in Less-than-lethal Alternatives

KNOCKDOWNS IN THE NEW MILLENNIUM

Captain Greg Meyer, *Los Angeles Police Department*

[Captain Meyer was speaking in an unofficial capacity]

Captain Greg Meyer of the Los Angeles Police Department is an internationally-recognized expert and scholar in the non-lethal weapons field. According to Captain Meyer, any conversation about police use of force will be full of significant disagreements, conflicts and misunderstandings. This is true among police officers; it will be many times more true in a gathering such as this. But Captain Meyer hoped that everyone could agree on three fundamentals: a reverence for human life; a belief in continuous improvement; and that we can make progress, even while we can’t expect perfection.

Police resolve most violent confrontations without the public hearing about it. However, if the public sees police actions as improper, it will question police legitimacy. Civil disturbances can result and more people may get hurt. Captain Meyer claimed that the aggressive use of less-than-lethal (his preferred term is non-lethal), low-force weapons to control resisting suspects, preempting the use of deadly or heavy force, would result in fewer or less severe injuries to subjects and to police, fewer citizen complaints and lawsuits, fewer disability claims, and an improved image for the public agency where it is seen as doing the right thing. But it must be done right.

Captain Meyer defined non-lethal weapons as “devices which may be used to aggressively take control of a tactical situation prior to that point in time when control holds, batons or deadly force may become necessary; and when it is unsafe for an officer to move to within contact range of the suspect; and when attempts by officers to control the suspect by conventional means will likely result in serious injury to officers, suspects, or both” (Meyer, 2000: 5). His “ideal” non-lethal weapon has a list of attributes: the weapon should be hand-held; a single officer should be able to handle it on his or her own; it should be immediately available for use (not stored at the station or locked in the trunk); the weapon should enable the officer to maintain distance from a subject, and it should be able to incapacitate temporarily; it should be non-injurious (in comparison to impact devices); it should affect only the intended target; training and maintenance should be easy, and its “knockdown” capability should be reliable (Meyer 2000).

Police use of force occurs in situations that are tense, uncertain and rapidly evolving. Many are sudden, close-contact, immediately threatening situations that require a quick, instinctive police response; but others begin as standoffs, with time for planning and manoeuvring, that can degenerate into highly risky conflicts.

Police frequently have to resort to some level of force when faced with violent drug users and mentally ill people who are violent, and there are many examples of incidents where lethal force was used — one being the shooting death of Eulia May Love in 1979 in Los Angeles. In the wake of that shooting, the Los Angeles Board of Police Commissioners ordered research into the use of intermediate weapons and/or control devices to cut reliance on deadly force. The LAPD tested 13 devices before adopting the Taser and two chemical irritant sprays; the Taser in particular was found to be effective on violent drug users and violent emotionally disturbed persons, one advantage being that officers could disable the subject from 15 feet away before moving in close. Captain Meyer showed three video clips of knockdown and “take-out” attempts with sprays and Tasers.

Captain Meyer noted that all devices and tactics have a certain failure percentage, resulting in injuries, discomfort and occasionally death. Fatalities continue to occur despite the fact that many police agencies have acquired non-lethal weapons. Most agencies are overly cautious in their use, leave these weapons at the station or in the car, and many do not provide dynamic, realistic training for early use in standoffs before the subject has a chance to arm himself or herself. Most assaults and attacks on law enforcement agents are spontaneous, triggered by some

stressful or emotional confrontation, and it is essential to have these less-than-lethal weapons instantly available to deal quickly with a situation before it can escalate.

The cost of equipping and training an entire police force with effective non-lethal technology is typically less than the cost of defending and losing a single wrongful death lawsuit. Its use, however, must be governed by careful policies and training. Officers must be given conceptual guidelines grounded in the values of society and constitutional provisions to provide a frame of reference for decision-making. And policies must also be in place to guide decisions about training, equipment, tactics and review processes. If we can put a man on the moon and return him safely to earth, Captain Meyer asked, should we not be able to put a man on the ground and take him safely to jail or to an appropriate facility?

Suggested actions

- Equip and train police forces with less-than-lethal technology; it is cost-efficient, saves lives and encourages public confidence.
- Non-lethal force should be guided by clear policy guidelines for decision-making.
- Use less-than-lethal weapons in close-contact encounters before a subject can arm.
- End, not extend, potentially dangerous standoffs with non-lethal weapons where possible.

WHAT IS STOPPING US?

Professor James Fyfe, *Temple University, Philadelphia*

Professor James Fyfe, of the Department of Criminology at Temple University, is a former police officer who is recognized as being a pioneer in the work of linking the issues of race and police shootings. As Professor Fyfe pointed out, deadly force is a major and sensitive issue in all large American cities now. In 1999, for instance, there was considerable public reaction to the shooting deaths by police in New York City of 11 people, whereas in 1971 the police killed 93 without any major protests.

There are about 19,000 police departments in the United States, and their cultures and approaches to police work and police problems differ widely. But in general, Professor Fyfe said, they tend to place too great a reliance on technology, while the major solution to police problems has to do with human interaction rather than with hardware. One problem with technology is the tendency for the police to use it as an easy way out of situations, rather than to try to resolve them without the use of force. He referred in this respect to Captain Meyer's use of the term "take out" instead of always using the approach "talk out." Professor Fyfe's philosophy of policing does, however, require great negotiation skills on the part of officers.

Encounters with mentally disturbed people have become a big problem for police. While police in the big cities are now much better at dealing with situations involving the mentally ill, this is

not the case in smaller jurisdictions. Historically, the police have been trained to get people to submit by coercing and intimidating them, but threats to mentally distressed persons make situations worse, often ending in tragedy.

Professor Fyfe studied 2,900 police shootings in the 1970s, and he used his work as a basis to develop training programs. Often, a police officer has no warning of a confrontation; it can happen immediately. Police confrontations with citizens begin when the officer responds to a radio call or decides to stop a pedestrian or a vehicle. It is that first face-to-face moment that can determine the outcome of the encounter. Protocols for dealing with hostage and barricade situations were developed in the 1970s and guide the role of the police in structuring a confrontation. In dealing with hostage incidents, officers recognize that there are different kinds of people who take hostages: some are rational and some are emotionally disturbed or sick. Frank Bowles, a hostage negotiator in New York City for a decade until he retired in the early 1980s, resolved over 300 protracted hostage and barricade situations without anybody being hurt. He did this by taking time, as much time as each incident needed for resolution.

The Attica Prison riot of nearly 30 years ago was the bloodiest encounter between Americans since the Civil War and raised the question of why the police had no less-lethal alternatives to firepower. At the time, however, non-lethal alternatives were viewed as inhumane. Professor Fyfe recalled pictures of the effects of police use of dogs and fire hoses and nightsticks in Selma, Alabama and other places in the U.S. during the 1960s. Police in continental Europe use non-lethal weapons much more frequently than the American police. The German police use high-pressure hoses with green paint to dissuade violent demonstrators. Rubber and wooden bullets have been used by police in Northern Ireland and in Israel. Somehow, it is odd that a nightstick or an armour-piercing bullet are thought humane but wooden bullets are not.

During the early 1980s, weapons manufacturers were disinterested in developing non-lethal devices; they were involved in the defence build-up, thought there was not enough money in non-lethal weapons and were also deterred by liability issues. Then, when the military market started to dry up at the end of the cold war, defence contractors started to sell 700,000 semi-automatic 9-millimeter pistols to American police instead of the old six-shooter .38s and .357s. Professor Fyfe expressed concern about the role of market forces in that kind of development, forces that can also affect the development and introduction of non-lethal devices.

Professor Fyfe noted the poor reliability of non-lethal devices and the problem of using them in the street, where situations can unfold in a matter of seconds; pepper-spray, for instance, works in about 85% of cases — and that, he said, is what can be expected from most non-lethal devices. Hardware is very useful but it should be regarded as a last resort and not as a substitute for an officer's ability to think in advance about situations and to try and structure them.

Janet Reno (later Attorney-General of the United States) as prosecutor compelled the police to make changes in their use of force following the beating death of a black motorcyclist by police in Florida in 1980. Professor Fyfe worked with a group of nine Dade County street police officers

to examine 100 accounts of incidents that had resulted in a citizen's complaint or in the use of force or in an injury to police officers. Their reports were developed into a list of do's and don'ts that were then used to analyze the handling of 1,200 potentially violent situations by officers in the street. Each situation was divided into three periods: the response period, between the initial call and the confrontation; the confrontation; and the period of custody. It was in the first period — the response — that officers' approaches to situations ranked very poorly.

In a highly volatile environment, Professor Fyfe said, Dade County police have been extremely successful at reducing violence between themselves and citizens largely because they now try to structure their confrontations and do not create standoffs where these are really not necessary.

Suggested actions

- Adopt a philosophy of “talk them out” not “take them out.”
- Use hardware as a last resort instead of using it to replace negotiation skills and proper structuring of encounters.
- Limit the use of non-lethal weapons to situations where lethal weaponry would otherwise have been used.
- Stress training for resolving conflicts without violence.

PANEL DISCUSSION ON LESS-THAN-LETHAL TECHNOLOGY

Staff Sergeant Peter Button, *Toronto Police Service*

Clayton Ruby, *Barrister and Solicitor, Ruby and Edwardh*

Professor Philip Stenning, *Centre of Criminology, University of Toronto*

Inspector Mike Federico, *Toronto Police Service*

Moderator: Julian Falconer, *Counsel, Falconer Charney Macklin*

In his capacity as Armaments Officer in the Toronto Police Service, Staff Sergeant Peter Button's duties include setting, getting approvals for, and maintaining standards of firearms training and qualification, and research, testing and making recommendations in the area of less-lethal force technology. Staff Sergeant Button said that Toronto's police force — especially the Emergency Task Force — is considered the innovative leader in the area of less-lethal force technology in Canada; the Service has been involved in the area for a long time, although it is only recently that the subject has attracted substantial wider interest. The Service was currently testing a new Taser device, the M26 Advance Taser, as some older models had certain limitations in cold weather. As part of its continuous evaluation of technology, the Service is also re-examining the effectiveness of bean-bag rounds and other impact projectile devices.

Staff Sergeant Button agreed with both Captain Meyer and Professor Fyfe on the limitations of less-than-lethal technology. Unlike Captain Meyer, however, he thought that the police should

continue the long-standing, universally accepted approach of disengagement and de-escalation — the creation of time and distance — that has served so admirably. He also disagreed with Captain Meyer's comments about the efficacy of the Taser before moving in close; his findings showed the Taser had a shorter effective range. Staff Sergeant Button affirmed his own solid commitment and that of the Toronto Police Service to continued testing in the search for practical and effective alternatives that will incapacitate a suspect without permanent injury to the individual and without risk to the officer.

Clayton Ruby, a Toronto barrister and solicitor who has acted as counsel to families affected by police shootings and who has played an important role in litigating human rights issues, said that what Captain Meyer and, to a lesser degree, Staff Sergeant Button stressed was an obsession with the use of force and the neatest, cleverest technological ways of delivering it. He described this emphasis as not only nonsense but dangerous nonsense: the danger being that if police obtained what he labeled "little toys," police officers would use them more and more indiscriminately and that the public would get accustomed to them.

Mr. Ruby stated that the principal alternative — the cheapest and the best — to the use of lethal force by police was to do nothing. Once a situation has been contained, the weapons should be pausing, reflecting, talking, waiting, and considering. As the first line of response, a police officer should ask, "Do I have an opportunity to do nothing?" The problem is that when police decide to use force — and all the training seems to be focused on all the exciting and novel ways of using it — and if they use force wrongly (as inevitably will sometimes happen), there is no effective redress under the Canadian legal system. In the United States, civil lawsuits run into millions of dollars and are a real determinant of police policy and training, while if police kill someone in Canada, a judgement may award only \$50,000 or \$60,000, an amount too low to have an effect.

The only independent police complaints bureau has been abolished. The police were back to investigating themselves, and the use of force and the addition of new and snazzier technology has a free reign. Mr. Ruby said that the SIU was a joke, a total waste of money. It is a public relations operation for the government to give the impression that something is being done, an attitude that is fed by a police union (the Police Association) that complains bitterly about all the oversight, even though nothing ever happens.

Mr. Ruby said that race was an issue with a police force on which minorities are hopelessly under-represented, which constantly fails to meet any kind of target for hiring them, and uses force predominantly on people who are black, young, mentally ill, Aboriginal — racially different. There is no willingness in this culture to call these failures into question. Whatever money is being spent on training is not being spent on how to talk people out of harm.

Inspector Mike Federico argued that this was not an either/or debate on choosing between technology and some other tactic. A number of features or factors have to be combined and integrated into the police response, such as sound policy backed by careful, insightful, formative training, supported by effective tools and governed by effective supervision. That's the kind of

response that the Toronto Police Service is attempting to employ. According to Inspector Federico, Staff Sergeant Button and Captain Meyer did not suggest that technology is the solution, but rather that there are some features that can be incorporated into the police response that may benefit from research into less-than-lethal technology. The number of times that a situation results in police use of lethal force is an insignificant statistic overall in comparison with the huge number of citizen/police contacts, although it is extremely important and we all agonize over it. The TPS has incorporated into its work a number of the most recent findings in all areas of police studies in an attempt to deal with this issue, this conference being one of those responses.

Professor Philip Stenning said that as long as full-time police officers were routinely given firearms, especially the Glock 9-mm, it was naive to expect that there would not be mistakes, bad judgements, and deaths as a result. The switch to the semi-automatic was not the result of tests but of market effects from the United States, an example of how critical policy decisions were made by corporations outside the control of Canadian policy-makers.

Professor Stenning said that it was important to distinguish between different kinds of situations that can lead to police shootings. In most situations that go wrong, what needs to be discussed is not doing nothing but trying to do things better by avoiding lethal outcomes. Achieving better use of force will involve significant investment of funds. Equipment, training, maintaining proficiency, the costs of liability and disability for police officers who are injured on the job and of people who are injured by police officers are expensive. But not doing anything can be expensive too.

Professor Stenning urged people to listen to police officers as well as community representatives, lawyers and others on this issue. The police are often, even usually, right but they are sometimes wrong. To expose their wrongness and correct it is a very important reason for listening to police officers. Professor Stenning said that anecdotal evidence, self-interested political posturing and sensational media coverage are not a sufficient basis for good policy-making in this area. There must also be reliable systematic information and research about the use of force. This is missing in Canada. The Federal Solicitor General's department has not shown the leadership that it should show in this area. Since 1994, the province has been systematically collecting use-of-force reports every time a police officer draws his or her weapon, but nothing has been done with the data. Good research requires substantial resources, legal protection for participants and real cooperation from all concerned.

Not only is good research needed but researchers should make more effective use of existing information. The 1998 *Use of Force Report* (Toronto Police, 1998) is a good example of a database that could tell researchers a lot about what is going on in Canada and how it differs from the United States. Fixing or addressing this problem is an obligation for police forces and police governing authorities and police policy-makers under Section 25 of the *Criminal Code*: "Officers are given immunity from the use of lethal force only if no other reasonable alternative is available." That creates a legal and a moral obligation to explore other reasonable alternatives.

Staff Sergeant Button denied that he was creating a paradigm of toys in exerting violence and repeated the point about how much he stresses disengagement and de-escalation. Some weapons are not effective and can even be lethal; for instance, bean-bag rounds, in very limited use in Canada, have killed people in Ottawa and Montreal. These “toys” are not the answer.

Inspector Federico was asked from the floor to respond to the claim that there is just not a sufficiently high price tag on the failure to adopt progressive steps on alternatives to the use of lethal force in Canada. Was there little or no commercial incentive to reform and was that a big factor in the making of policy? Inspector Federico said there was plenty of evidence to show that institutions were trying to develop a low-force police response without a list of civil suits facing police departments and law enforcement agencies. However, research on the effectiveness of tools and responses is expensive.

Professor Stenning was asked if institutions were doing enough by themselves without pecuniary incentives. He replied that, unlike public police, private police are routinely sued for negligent policing or worse torts. In the 1970s in the U.S., millions of dollars in damages were awarded against them. As a result, the North American private-security industry has been extremely innovative in developing alternatives to the use of force. Professor Stenning mentioned that there is a political constituency in Canada that does not see a problem with the police shooting people. Political pressures explain why the federal Solicitor General has not shown leadership and why the Ontario Solicitor General has not made use of the use-of-force reports.

Mr. Ruby was asked whether he had now changed his view about his publicly quoted statement that the difficulty lay in the whole paradigm of the gun and the notion of officers carrying guns. Mr. Ruby said that a handgun is a particularly difficult weapon to learn to use safely, needing perhaps hundreds of hours of training. It is not right to put a gun in the hands of 5,000 common-or-garden variety police officers in the City of Toronto who are ordinary people who sometimes have a very bad day, or who can have their own psychological problems. The situations that the police have to confront are not like a target range. It could be late at night, it could be pressure or danger, it could be somebody who may or may not have a weapon who is facing the officer, or the cop may be tired at the end of a 10- or 12-hour shift. Take the guns away. Three or four SWAT teams could be stationed around the city all the time; when they need a gun they can use a cell phone and within three or four minutes somebody is there who is armed appropriately for any situation and has the skill to act safely.

Inspector Federico commented that he could not recollect a police officer criticized or a citizen fatally wounded as a result of police inaccuracy. Inaccuracy has no significant impact on the use of the force. The question should be, is it appropriate to use that response? More research is needed. The Canadian public is not ready for disarming police.

Inspector Federico was asked if he believed that financial incentives are unnecessary in Canada because of an institutional commitment to progress in this area. How did he reconcile that with an inquest recommendation in the Edmund Yu case that the police make crisis de-escalation

training mandatory, since the Toronto Police Service had abandoned it and the officers in the bus with Yu did not have it. Inspector Federico responded that the structure of policing in Ontario puts the money in somebody else's hand, and it is very difficult at times to convince the people who pay to pay for this item and not for something else. Staff Sergeant Button said that the crisis-resolution course is continuing, and millions of dollars are being spent on it, with a staff of 10 police officers devoted solely to it. Each week, as many as 25 officers are trained on a five-day course that includes all the components: marksmanship, judgement, when to use the firearm, when not, and what force option to select. Last year, between 600 and 700 officers were trained in the crisis course. Crisis training had been "taken down" after large numbers of officers left the Service with a retirement package, causing a staffing crisis.

Mr. Ruby was asked about saying that the SIU is nonsense and that police are investigating police after the Public Complaints Commission was scrapped. Should this be handled through a PIPU (Police Investigating Police) unit, or the SIU? Mr. Ruby replied that the SIU had accomplished absolutely nothing, there had not been even a single conviction. Although the SIU was theoretically civilian, it works for the Attorney General of the same government whose Solicitor General controls the police. The message is: don't rock the boat. And the SIU does not rock the boat. The old civilian complaints operation was not very good; it was merely slightly better. It may be that ultimately there is no solution at hand; people have to get a whole lot angrier before the politics change, which is sad but may be the reality.

Suggested actions arising from the session and panel

- Develop practical and effective alternatives that will incapacitate a suspect without permanently harming the individual or putting the officer at risk.
- Develop sound policy backed by careful, insightful training, supported by effective tools, governed by effective supervision.
- Invest in less-than-lethal weapons.
- Listen to the police, lawyers and the community.
- Point out police wrongs.
- Take the guns away from ordinary police officers; deploy three or four SWAT teams around Toronto to deal with situations where guns are needed.
- Invest in systematic and reliable research on the use of force in Canada (including provincial use of force reports).
- Demand that the federal and provincial governments show leadership as part of their moral and legal obligation to the issue.
- People have to get angrier before the politics of the use of force and review processes will change.

III MENTAL HEALTH ISSUES

THE CORONER'S INQUEST

Dr. James Young, *Chief Coroner for Ontario*

Dr. James Young was appointed Chief Coroner for Ontario on March 31, 1990, bringing with him extensive experience as a practicing pathologist. The Chief Coroner began by stating that a coroner's inquest is a good, non-aggressive way to bring people together to try to find solutions to a tragedy. "We serve the dead to protect the living" is the motto of the Coroner's office. Dr. Young pointed out that inquests into police shootings are unique to a few Canadian provinces and American states.

The purpose of investigations into the use of lethal force by police is to let the community know the facts and to examine and cross-examine witnesses under oath. He noted that this does not always lead to a verdict that everyone will agree with. However, it does create a public record for further inquiries if necessary, such as civil and criminal lawsuits where the burden of proof is different; inquests are often followed by civil trials of the subject under investigation. Thus, the first purpose of an inquest is the public investigation of a person's death. The second purpose is to learn from a tragedy and to try to make future similar situations, such as police interactions with psychiatric patients, safer for everyone involved.

Dr. Young said that the conduct of inquests has improved in Ontario during recent years. Whereas there used to be between 500 and 600 inquests annually in the province, this has changed to having about 100 inquests each year in order to provide for a more thorough investigation. This includes looking at such issues as how to improve police training to prevent shootings. Communication between different police and social agencies is another vital area to examine during an inquest, Dr. Young said.

The involvement of groups such as the Urban Alliance on Race Relations broadens the scope of the inquest by raising issues of, for instance, race in police shootings. He said that the involvement of people in the mental health and justice system is all part of the inquest process. Ideally, a jury should agree to making between 5 and 15 recommendations, the smaller number increasing the likelihood of implementation. Dr. Young also pointed to the importance of consensus in issuing a statement of finding.

DISCUSSION ON THE CHIEF CORONER'S PRESENTATION

Lilith Finkler pointed out that the *Coroners Act* states that if someone dies in jail the coroner must appoint an inquest. But if a person dies in a psychiatric ward the coroner only may appoint an inquest. She said this indicates the lower priority given to deaths of psychiatric patients in

inquests, and this needs to be changed. Dr. Young agreed that there is an option in the latter case that does not exist in the former, where an investigation is mandatory.

Suggested action arising from the presentation and discussion on Coroner's Inquests

- Change the *Coroners Act* to ensure the mandatory investigation of all deaths of patients in psychiatric facilities.

MENTAL HEALTH LEGISLATION

Gilbert Sharpe, Ontario Ministry of Health, Long Term Care

Gilbert Sharpe presented the provincial government's amendments to the *Mental Health Act* in Bill 68. He discussed some of the history of paternalism in mental health laws and disputes with medical professionals over legislation enacted since the 1970s. Under Bill 68, police no longer have to observe a person experiencing a mental disorder; it is sufficient for the police to believe that mental illness is involved in order to apprehend the person and take him or her to hospital. Mr. Sharpe acknowledged that Bill 68 appears likely to increase the number of negative contacts between police and people who are mentally ill. It is one thing to grant power with this new law, but there also must be the necessary infrastructure to support it. This includes police training, improved psychiatric hospital care and resources for people to access.

Mental health professionals and the wider community have been consulted on this issue. Mr. Sharpe acknowledged that there is a good deal of criticism of Bill 68 by psychiatric consumer/survivors and advocates who work in this area. He also said there is the possibility of coercion and abuse of power under this new legislation. However, he said there is no single right answer. He argued that, at times, people will need to be hospitalized against their will, and the amendments to the *Mental Health Act* will assist in doing this.

DISCUSSION ON GILBERT SHARPE'S PRESENTATION

Erick Fabris said that people could be treated like children under this legislation. He suggested that people draw up a Power of Attorney to say what kind of medication or treatment they do or do not want should they be put in a psychiatric facility. Anita Barnes said that Bill 68 ignores housing and poverty as essential factors in a person's mental health. This was emphasized by people in the community as being very important and should be acknowledged. In response to a question from Erin Fitzpatrick, Mr. Sharpe said that money will be allocated to provide resources in the community for psychiatric patients. He claimed that the purpose of Bill 68 is to empower people to get back into the community.

Suggested actions arising from the presentation and discussion on Mental Health Legislation

- Infrastructure needs to be improved to support police training for contacts with psychiatric survivors, improved psychiatric hospital care and resources for people to access.
- People should draw up a Power of Attorney to say what kind of medication or treatment they do or do not want should they be put in a psychiatric facility.
- Housing and poverty should be acknowledged by the Ontario government as essential factors affecting a person's mental health.

ADVOCACY

Pat Capponi, *Author and Mental Health Advocate*

Pat Capponi, an author, speaker, journalist and social activist, has written extensively on mental health issues in three books published by Penguin Canada. She spoke about the importance of looking beyond stereotypes about the police. On interviewing 18 police officers for her new book (Capponi 2000) she was surprised at how different most of them were from the stereotype; but an Aboriginal woman police officer who was interviewed had to deal with racism within the police force.

Police and psychiatric survivors must be able to learn from each other, to have a dialogue and work together. Ms. Capponi said it was moving to see psychiatric survivors recognized at the opening ceremony for this conference as a diverse community in its own right. The QSPC and the Urban Alliance deserve a lot of credit for bringing this about.

Ms. Capponi said she likes the term "crazy" because it does not pretend to be scientific; the term may encourage people not to take their psychiatrist too seriously when they get a diagnosis. Years ago, she started talking to people she lived with at a boarding home who looked scary (Capponi, 1992). They did not want to leave the house because they felt so vulnerable. "Kids would laugh at them and throw stones." They had been deprived of life. She said that talking to people, getting to know them on the inside, makes them appear less frightening.

She became involved in housing for psychiatric out-patients who were not welcome in neighbourhoods. Psychiatrists told her it was wrong to give people with a psychiatric history expectations as they could not handle the pressures; they were not even supposed to be able to handle friendships. Yet these same people have to live every day with the pressures of poverty and fear. People enjoyed fighting back by writing articles about housing in a newspaper she helped to start in the 1970s, "The Cuckoo's Nest," but people were also frightened of signing their names for fear of being punished by medical and welfare officials.

In the early 1990s money began to come from the provincial government to create consumer/survivor businesses. This was very important as it gave people who could not pretend to be "normal"

a way of connecting to the community and to work for change. People told the 1988 Graham Committee investigating mental health in Ontario that having a safe place to live, a job and friends was what they wanted more than anything else. “Not much to ask for from such a rich province.” The connections between poverty and mental health are confronted at psychiatric survivor-run businesses like A-Way Express and the Raging Spoon. Ms. Capponi said, “Having some money in your pocket sure improves your mental health.” She taught others that to be a leader means to take responsibility — to demand information from a psychiatrist about medications, as well as to develop connections with other supports. It is also important to teach professionals to talk to psychiatric survivors as people, not as part of a power relationship.

The problem now is that there is a provincial government that has no respect for people who are not like them. There is no mental health system. There is a family group, the Schizophrenia Society of Ontario (SSO), desperate for answers. She had resigned from the Board of the Centre for Addiction and Mental Health because CAMH “has no respect for the seriously mentally ill as we do not bring in a lot of money.” She also discussed the denial and rationalization that exists among mental health professionals. Whenever psychiatric survivors try to celebrate accomplishments as a community they are told they never had serious mental health problems in the first place, and they must have been “misdiagnosed.”

Ms. Capponi warned that it is dangerous for the state to remove the civil rights of a small part of the population because they are deemed too “sick” or “childlike.” She also said that Toronto Police Chief Fantino’s opposition to police enforcement of Community Treatment Orders should be supported. Ms. Capponi concluded: “If the care is more scary than the disease, we are not going to go for treatment. You have no idea how scary it is ... to go into a place where you are nothing but a diagnosis, no individuality. ... We want housing, jobs and friends.”

Suggested actions arising from Pat Capponi’s presentation

- Police and psychiatric survivors have to learn from each community, to have a dialogue and work together.
- Psychiatric consumer/survivors need jobs, housing and friends, not more coercive treatment.
- Toronto Police Chief Fantino’s opposition to police enforcement of Community Treatment Orders should be supported.

PANEL DISCUSSION ON ADVOCACY

Geoffrey Reaume, *Historian*

Janice Wiggins, *Schizophrenia Society of Ontario (SSO)*

Inspector Gary Ellis, *Toronto Police Service*

Dr. Alberto Choy, *Centre for Addiction and Mental Health*

Jennifer Chambers, *Advocacy and Education Coordinator, QSPC*

Erick Fabris, *Administrative and Education Coordinator, QSPC, Moderator*

Erick Fabris stated that the QSPC endeavours to give a voice to psychiatric survivors both as individuals and as a community. Too often, these are the voices that are missing from debates around mental health — but that's not the case at this conference. The play *Vincent* was a powerful reminder of the invisible voice of the person who was killed. The QSPC wants to bring these voices forward and also to listen to other points of view — there are many different kinds of expertise and experience.

Bill 68, to take effect on December 1, 2000, focuses on treatment compliance for people under a community treatment order (CTO). In this sense, it is different from previous Ontario mental health legislation, which did not compel out-patients to take their medication. Mr. Fabris asked how resolving a dangerous situation can be balanced with treatment compliance? Is forced treatment in the community radically different from that which happens in the hospital? "Some claim institutionalization is not about the place that you are in, but about the state of being that you are in."

Geoffrey Reaume, an historian of psychiatric patients' perspectives, spoke about the history of physically restraining people with mental health problems from ancient times to the present: physically restraining people with real or presumed mental disorders has been practised for thousands of years. From Biblical times to 20th century North America, a huge assortment of restraints have been used on people deemed "disordered in mind." He also noted racial and gender biases in the use of restraints in some North American asylums.

Debate around alternatives to force in treating people with mental disorders has been going on for over 200 years as physically coercive measures used in the past were found to be both inhumane and ineffective. Mr. Reaume noted, "We keep coming back to restraint time and time again in the history of psychiatry, in spite of all of the first-person accounts that it did not help people." Examples were offered which also show that there is a long history of promoting forced treatment under the guise of supposedly "helping" the person being restrained. The first group organized by ex-insane asylum inmates was established in Britain in the 19th century. Among other things, the Alleged Lunatics' Friend Society argued against forced treatment. Today, this debate over offering alternatives to force continues. Mr. Reaume concluded, "Let's hope that the voluntary, nonviolent alternatives that advocates have proposed in 2000 are given more of a chance to be implemented than when they were first advanced by patients' rights advocates 150 years ago."

Janice Wiggins said it is important that people try to find common ground in the debate on the use of lethal force by police. It is encouraging to see the efforts being made in this regard at this UARR/QSPC Conference. The mental health system was never intended to be a criminal justice system, yet the police are often called into situations where they do not have the expertise that is required of someone who is a mental health professional.

The SSO has heard repeatedly in communities across Ontario that police have become a de facto part of the mental health system. Ms. Wiggins said the SSO does not want to see the police intervene in a situation that ends in the use of lethal force. But it is often difficulty in accessing services for someone suffering from a mental illness that leads to a confrontation with police. She said it is unfair for police to get blamed in tragic situations; they are doing a very tough job and we should appreciate the position they are in. We need greater recognition of mental illness in the community to promote more understanding of these issues. Ms. Wiggins argued that Bill 68 (approved by the provincial legislature a few days before the conference) will start to meet the needs of the seriously mentally ill in the community. The new law is all about working together to come up with some reasonable solutions and to prevent the use of lethal force.

Inspector Gary Ellis said that police officers cringe when they hear a parent tell their child that if they do not behave, the police will come and get them; this is the wrong message to send. So, too, is it the wrong message to send with Bill 68, which says to psychiatric patients, “Do what you’re told, take your medications or the police are going to get you.” In his opinion Bill 68 is somewhat paternalistic. Inspector Ellis also expressed concern that using the police to enforce this law will increase the chance that force will be used, thus only increasing fear and adding to the problems police want to solve. He hoped that more police training on mental health would take place. The dialogue encouraged at the conference is good as it makes more people realize that police do not like the position in which they are being placed by Bill 68. But the argument is not a simple one since police are the body in society empowered to deal with the situations under discussion.

Inspector Ellis noted that police also get upset when someone is injured by police use of force. Police have also been injured by under-reacting, as happened to him in an incident when he was stabbed. However, he is glad he did not shoot the person who injured him. It is a complex situation. Police do not like calls dealing with mentally ill people because officers do not feel they have the proper training. At one time, police officers were taught that mental illness was deviant; at least now they are trained that it is an illness. Inspector Ellis said that Chief Fantino’s opposition to Bill 68 is due to concern over the amount of time that will be required to deal with such calls. For instance, officers will have to wait in hospital until an apprehended person is admitted. This can take hours. Instead, police should be out on patrol looking for criminals.

Psychiatric survivors, said Inspector Ellis, including Jennifer Chambers and Pat Capponi, speak to police officers in their diversity training program. This human contact between police and psychiatric survivors is what we need. He mentioned that the Toronto police force is one of the few to employ someone to address mental health and homelessness issues in the community. The

police have a lot to learn but they want to move forward on finding alternatives to the use of lethal force. The police need to be “proactive instead of being reactive.”

Dr. Alberto Choy talked about the crisis resolution course that he and other psychiatrists taught to the police. He said that “education and knowledge are probably the most powerful tools a police officer can use” when relating to someone with mental health problems. Dr. Choy noted that the course exists as a result of inquest recommendations as well as increased contacts between police and people in emotional crisis. The teaching team approaches the training by understanding that police officers have as wide an array of views on mental health as the rest of society. The main purpose of the crisis resolution course is to offer different options for officers who encounter mentally unstable people. Dr. Choy said that while he sees a lot of stereotypes in his work with police, he is pleased that the preceding two years had seen some very good response by officers involved. Psychiatrists use “role playing” with police about how to approach someone in crisis. The syllabus and evaluation procedure is still in the process of development to see what works best.

Jennifer Chambers pointed out that force and mental health are being discussed because some inquest juries have concluded that people with a psychiatric history might not have been shot by police if some mental health treatment had been forced upon them. She said that forced treatment in the mental health system is not a good alternative to police force.

Ms. Chambers noted that “more people have been seriously injured and have died in the psychiatric system than have been killed by the police.” This includes deaths from drug side-effects, such as difficulty in swallowing, which causes choking on food; from heat exhaustion as medications interfere with the ability to regulate temperature; from neuroleptic malignant syndrome; or sudden death in young people from the drug clozapine. Death has also followed failures to attend medically to patients’ complaints about chest pains, and it has followed from severe bedsores, and from wrongful use of restraints. (In addition, many have also suffered neurological damage from neuroleptic medications causing permanent tics, twitches, trembling, writhing, and so on.) Deaths and injuries like these, Ms. Chambers noted, did not occur as a result of a split-second decision in a crisis. Instead, deaths were due to a system that too often ignores the self-identified needs of the people the system is supposed to serve. Psychiatric survivors and their relatives are rarely warned of treatment risks, nor offered proven alternatives in mental health treatment. She reported that, interestingly, the World Health Organization found a higher recovery rate from “schizophrenia” in Third World countries that make less use of hospitals and medications, than in industrialized countries. Meeting psychiatric consumer/survivors’ self-identified needs would greatly reduce the occasion for police contact.

Toronto police have done a lot of work in recent years to understand how to relate to people who are emotionally or mentally disturbed. About twice a week psychiatric consumers/survivors attend C.O. Bick Police College to help educate police officers. While there is progressive action by the police in exploring alternatives to force, Ms. Chambers said that the provincial Ministry of

Health is promoting the use of more force in psychiatric treatment through Bill 68. This is occurring in the face of widespread opposition from consumer/survivor groups. Much of the rationale behind the use of force is due to misinformation about people with a psychiatric history. “You’ve heard of ‘mental patients’ who have killed or been killed. It doesn’t matter which. It doesn’t matter if a ‘mental patient’ is the one *set on fire*. The ‘solution’ is always the same. That the labeled person be force-treated.”

Ms. Chambers noted that prior to the inquest in the spring of 2000 into the 1996 shooting death of Wayne Williams, no coroner’s jury had heard evidence from a psychiatric consumer/survivor group on the topic of community treatment orders. She was allowed to testify on this topic at the Williams inquest after it was pointed out that she had not been permitted to address CTOs at the Yu inquest because they were “not on the table” — yet the jury managed to hear of, and then recommend them. When the Williams jury heard of the lack of scientific research evidence supporting CTOs, they did not recommend them. Ms. Chambers pointed out that psychiatric survivors are no more violent than are other members of the community, except in the case of people who also abuse substances. Studies indicate that only 4% of all violence in society is committed by psychiatric consumer/survivors. She noted that, though safety is repeatedly promoted as the basis for Bill 68, dangerousness and incapacity to consent to treatment are all dealt with in current legislation. Ontario is already short on rights — it takes the word of only one doctor in Ontario to commit someone to a psychiatric facility, “one of the only places in the world” where this is permitted.

While Bill 68 proponents claim it only applies to a small group of people, the breadth of who can be involuntarily committed is, in fact, very broad. The legislation involves the police more than ever before, and Ms. Chambers said this is a regrettable development. “I feel our relations with the police have been progressing well, and this [Bill 68] will make for bad feelings when police show up” at the door of a psychiatric consumer/survivor. She concluded that this law is based on stereotypes, both about dangerous behaviour and an exaggerated belief in the efficacy of psychiatric medications, stereotypes that have little scientific support.

From the floor, Suzan Fraser, a barrister and solicitor who specializes in mental health issues, asked if there are differences in mental health treatment between the industrial and non-industrialized world. Dr. Choy said he understands that people in the non-industrialized world do have a better outcome for mental health, but it depends on their environment.

Erin Fitzpatrick said that appropriate mental health treatment needs to be available for people from different ethnic communities. Social workers at McGill University have to take a course on race relations and McGill psychiatric residents have to take a course in rights and advocacy. Does the University of Toronto have anything like this? Dr. Choy replied that there is now a strong cross-cultural psychiatry department on campus.

Jennifer Chambers responded to a question about confidentiality by noting that part of Bill 68 says that anyone named in a CTO, such as a family member or hospital staff, can share information

on the person who is subject to a CTO without their consent. This means that psychiatric consumer/survivors who are subjected to this law have greatly reduced control over their life and the use of personal information.

Suggested actions arising from the lecture and panel discussion on Advocacy

- Voluntary, nonviolent mental health services need to be supported and implemented as an alternative to the long history of coercive practices.
- People need to find common ground over the debate on the use of lethal force by police.
- More recognition of mental health issues is needed in the community so that people can understand these issues better.
- More police training is needed on mental health matters.
- Ontario's Ministry of Health should ask the Solicitor General whether the police require more resources to police society effectively since they are also expected to take on added responsibilities to deal with changes to the *Mental Health Act*.
- Police need to be proactive instead of reactive.
- There is an urgent need to fight the myth that psychiatric patients are violent and dangerous, when in fact the vast majority are no more of a threat than are most other people.
- Appropriate mental health treatment is needed for people from different ethnic communities. Courses in race relations and rights and advocacy should be mandatory at post-secondary institutions that train mental-health professionals.

IV EVENING PRESENTATIONS

Julian Falconer, *Moderator*

DEFENDING A POLICE SHOOTING: THE CASE OF AMADOU DIALLO

Professor James J. Fyfe, *Temple University, Philadelphia*

Following the conference dinner, James Fyfe outlined his experience as an officer in the New York City Police Department, in which he spent 16 years, his subsequent research on police policy and practice, and his involvement in civil rights litigation. Professor Fyfe discussed some of the cases of police shootings in which he had appeared as an expert witness, most often on behalf of the prosecution. One important exception to his usual position was the case of the shooting death by four white police officers of Amadou Diallo, a black immigrant, in New York City in February 1999. In this case he appeared as a police practices expert for the defence. The four officers of the

Street Crime Unit were patrolling when they noticed and stopped to question a man — Amadou Diallo — on the sidewalk. The man ran into the adjacent building, where the fatal confrontation took place.

Professor Fyfe argued that the officers had acted in good faith on their belief that first, Amadou Diallo was acting in a suspicious manner when they first noticed and approached him, and second, that when challenged on the staircase inside the building he reached for and produced what they thought to be a gun (it was actually a wallet) from his pocket. Forty-one shots were fired at Mr. Diallo. Two earlier policy decisions on weaponry had a bearing on the shooting: the NYPD had decided to scrap the use of the 6-shooter revolver in favour of the 16-shot semi-automatic pistol, and had substituted full-metal jacket bullets (which can pass right through someone's body without knocking the person down) for the previously issued hollow-tip, or dum-dum, bullets that might have knocked Mr. Diallo down without killing him. As it was, only one of the 41 shots was fatal. But, Professor Fyfe said, since Mr. Diallo remained standing the officers had continued to shoot. Professor Fyfe believed the officers' contention that they (mistakenly) feared for their lives, and said that they had not attempted to fabricate any evidence to cover themselves, although they had been in a position to do so. He said he was convinced of their integrity and outlined several reasons why he believed their account.

RESPONSES TO JAMES FYFE'S COMMENTS ON THE DIALLO CASE

Christopher Cooper, Attorney, National Black Police Association and Associate Professor, St. Xavier University, Chicago

Dr. Cooper took heated issue with Professor Fyfe's position on the Diallo case, and said that the National Black Police Association was pushing for a federal civil rights prosecution of the officers who killed Mr. Diallo. Dr. Cooper, who had served for a number of years as a police officer, recounted an episode of violent confrontation that he had experienced later at the hands of white officers in New York. He said he always has feared and still fears "those New York City cops." There are many good New York police officers, but the shooting of Mr. Diallo cannot be justified. He said that the two of the four officers who killed Mr. Diallo had previously shot people, a point that Professor Fyfe hadn't mentioned. Cadets are taught in police academy to kill, and then to justify the killing; officers kill someone to prevent them from testifying against the officer, and then plant weapons to cover what they have done. Race, said Dr. Cooper, makes many police officers marginalize people's lives because of the colour of their skin; those officers had marginalized Mr. Diallo because he was black.

Deputy Chief Michael Boyd, Toronto Police Service

The anger just expressed, said Deputy Chief Boyd, represents something that is very important to

us all as we work through the issues that face us here and throughout the city and the nation. Many dedicated people in the police, he said, are committed to finding solutions to the use of deadly force, but the police cannot do this on their own, and the solutions are not to be found in policing alone. We have to work together and listen to others; with dialogue we think of things that we couldn't arrive at on our own. If we put all our perspectives together we can find solutions to the use of deadly force. We must strive for that ideal, and by striving for it — even if we don't reach it — we will diminish the episodes of deadly confrontation.

Charles Roach, *Barrister and Solicitor, Roach, Schwartz and Associates*

A problem in gatherings such as this, said Charles Roach, is that we don't speak the truth; we hide our feelings. We have to respect people, but we must still speak the truth. We have to respect the police, and we have to deal with them; but we must still speak the truth. In this city our main obstacle in speaking out is that those of us who have done so have been harried and prosecuted in many ways. If you speak out — even if you are not black — you are headed for trouble. We should allow people to speak the truth without getting too upset about it.

In a moving conclusion to the evening, Mr. Roach led the conference participants in singing "We shall overcome." Then Myrtle Donaldson, who had lost her husband Lester to lethal police force, spoke: "The time has come for healing and forgiveness. It is hard to forgive. But let us forget about external powers and try internal powers. In the long run, you know who's going to win — the person with the heart to forgive."

V ISSUES OF RACE AND POLICE SHOOTINGS — COMMUNITY CONCERNS

1. Community Perceptions of Race as a Factor

A. RACIALIZATION WITHIN THE JUSTICE SYSTEM

Professor Toni Williams, *Osgoode Hall Law School, York University*

Toni Williams was a Commissioner on the investigation of Systemic Racism in the Ontario Criminal Justice System (1995), and drew on the Commission's findings in her presentation. By the mid-1980s, evidence of racism in the police and justice system had been mounting for several years without much official response, until community reaction to the shooting by police of many black men made it clear that the community was no longer prepared to tolerate the continued treatment. The Ontario government then acted by appointing the Task Force on Race

Relations and Policing, chaired by Clare Lewis, which reported in 1989; and then, as the shootings continued, the Commission, which reported in 1995.

Racialization of the justice system refers to those laws, policies, procedures and practices that produce racially unjust outcomes and that have unequal racial impacts. Professor Williams gave particular emphasis to the importance of the practices. One example is the differential treatment of people according to race, or the inappropriately similar treatment accorded to everyone which, by ignoring the distinct needs of one group actually privileges another — in using “sameness” the system advantages those who, for example, do not need interpreters and denies it to those in prison whose diets and customs are different from the mainstream’s, as is the case for Muslims.

Do racialized people get their fair share of the good things in life? We can also ask to what extent racialized people get more than their fair share of the bad things. In the criminal justice system, the extent to which policies, procedures and practices cause racialized people to get more than their fair share of the bad things requires action. Racialization prevents the criminal justice system from doing its job well. It affects others beyond the accused: witnesses and families, as well as those who work within the system; it has an impact on the recruitment, training and conditions of work of police, correctional officers, lawyers and others.



Toni Williams

Professor Williams spoke of community perceptions of the justice system. If racially unjust outcomes exist, it means that a problem exists in the system. We should never dismiss or ignore perceptions, as maintaining public confidence is essential to the legitimacy of the criminal justice system. The perception of racial injustice creates difficulties because it affects trust, confidence and cooperation.

There are a number of misconceptions about why racialization exists, such as that there are bad people within the system who do bad things; that it only exists where there are rules that mandate it, as under apartheid; that behaviour is driven by subconscious attitudes. But racialization would still happen without bad people; it happens in Canada without being mandated; and it is not enough to examine our subconscious. People with good attitudes may still act in ways that have a discriminatory impact if the context, environment and rules allow racialization to happen. And people with bad attitudes can be made to behave in a non-racist manner if the institutions don’t tolerate discrimination and monitor compliance. To combat this systemic problem, we must all assume responsibility to overcome the historical practices that build this outcome.

Professor Williams quoted the words of a Nova Scotia judge, writing in 1992: “Racism is a pernicious reality. A person would have to be stupid, complacent or ignorant not to acknowledge its presence, not only individually but also systemically and institutionally.”

Suggested actions arising from the lecture on Racialization within the Justice System

- Re-think racism as the exercise of a historical system of beliefs, codes, policies, practices and procedures that produces intended or unintended outcomes that privilege one dominant racial group over others in society.
- Do not ignore or deny racism. Assume responsibility to take steps to overcome accepted practices that produce unjust outcomes.

PANEL DISCUSSION ON ISSUES OF RACE AND POLICE SHOOTINGS

Staff Inspector Keith Forde, *Professional Standards Complaints Review, Toronto Police Service*

David Mitchell, *Association of Black Law Enforcement Officers (ABLEO)*

Avvy Go, *Metro Toronto Chinese and South East Asian Legal Clinic*

Roger Rowe, *Moderator*

David Mitchell said that ABLEO was formed in 1992 as a reaction of black police and correctional services officers to the shooting of black males. Its aims were to increase the number of minorities in the law enforcement system; to encourage youth to pursue their education (the organization has established a scholarship fund); to encourage qualified youth to enter the law enforcement professions; and to provide mentoring and support for each other. The organization is active in schools and the community; it works to improve relations and to improve the representation of experience and diversity in the profession. ABLEO is an inclusive, not an exclusive, organization; 10% of its membership is not from the black community. The United States has a similar organization with 35,000 members and one was formed in the UK in 1994. Mr. Mitchell described examples of racism felt by black officers within the service and expressed concern about how few blacks occupy senior positions.

Avvy Go, a Toronto lawyer active in the clinic and legal aid system, and now a benchler of the Law Society of Upper Canada, wanted to know why we still need to ask these questions today. She pointed to the criminalization of Chinese migrants in Canada by officials and the media as proof that the situation has not improved. Although there have been many deaths among Chinese migrants, and many police shootings of visible minorities, no public inquiry has been held into the deaths as a series. Race still matters. She mentioned the racial stereotypes of the Chinese voiced by an officer in the Edmund Yu shooting. Politicians such as Olivia Chow who question police shootings come under attack. We still have to ask the question, “does race matter?” before we can ask, “where do we go from here?”

Keith Forde pointed to common situations such as black youth being watched and followed in stores, and cab drivers refusing to accept them as fares as illustrations of the effect of white

attitudes that help to dissuade black people from joining the police. In Chief William McCormack's time, 70% of the black officers in Toronto's police force met to form BOCO, the Black Officers Community Outreach; they felt that change should take place within the police force before it could help the community. The pool of black officers in the Toronto force is very small, and there are no black women in senior positions. From his work in the complaints review process, Staff Inspector Forde thought officers were more disciplined now than they used to be, but the responsibility for leadership in change rests at the top. And change, he thought, would take a very long time.

Inspector Gary Ellis asked Avvy Go if she thought this conference was a positive step. The conference, she replied, was necessary as things were getting worse, but it was not necessarily the most effective or the only way to deal with the issues.

An audience member expressed frustration that the Commission on Systemic Racism's findings have been shelved after years of effort. Professor Williams said she was not sure that people cared. The Commission's report gave the community a resource and evidence of racism. In six years, there had been a 200% increase in imprisonment of blacks compared to 23% in the case of whites. Legal communities and judges agreed there was racism but there has been no political response, although there have been departmental initiatives such as training for federal crown attorneys. Ms. Go noted that the police reform movement is not active. The government uses intimidation and fear, and she agreed with Professor Williams that the community must do the work.

Sheryl Gabriel felt the spiritual dimension was missing from these discussions that would enable change.

Tam Goossen said that the Urban Alliance had been fighting against criminalization. Police had been supportive of the conference. While the provincial government muzzled schools and municipalities there were no muzzles here.

Sarah Wright from the City of Toronto grants program asked how communities with low social standing could make change at the top levels to make police accountable. David Mitchell suggested that people try to make the community aware of the political scene so that they would vote for people who share community concerns; in the U.S., for example, there is block voting. The Chief could muzzle internal police groups, but Mr. Mitchell urged people to play the game and become ambassadors in mobilizing communities. Williams suggested that the community's work is defensive as it finds itself under political attack. It should start setting priorities and use the media as strategically as the government does.

Jane Mulkewich, a civilian member of Hamilton-Wentworth Police, said that case law must be used more effectively along with the human rights code for improving police services.

Suggested actions arising from the discussion on Race and Police Shootings

- Hold a public inquiry into police shootings.
- Police must become active in the community to promote trust.
- The community must act; do not accept the status quo; ask where do we go from here?
- Prioritize issues in the community.
- Use the media strategically.
- Apply pressure at the top where change can happen in the police.
- Make police accountable through citizen involvement and mobilization of communities in politics.
- Review the requirement of the Bible in law courts.
- Use case law and human rights challenges more effectively to produce change in the police.

Community Perceptions of Race as a Factor

B. STUDIES OF COMMUNITY AND THE POLICE

Professor Scot Wortley, *Centre of Criminology, University of Toronto*

Scot Wortley's research focuses on police/community relations, particularly as seen through the day-to-day encounters between the community and the police. He said that these encounters are often emotionally charged and that factor can influence outcomes.

There is a widespread belief in the black community that there is bias in the police and the court system. At the same time, former Toronto Police Chief McCormack claimed, in questioning the need for the Commission on Systemic Racism in the Ontario Justice System, that the vast majority of people had full confidence in the police service and the courts. This claim was disputed when York University's Institute for Social Research, at the Commission's request, conducted a telephone survey of a randomly selected sample of 1,200 self-identified individuals in Toronto: 400 whites/people of European descent; 400 blacks/African Canadians, and 400 Chinese individuals. The study was later repeated with high school students, and the findings were re-confirmed:

- 73% of black respondents believed that police treat black people differently from white people.
- About 50% of both Chinese and white respondents agreed with that assessment.
- 42% of Chinese respondents stated that they believed that police treat Chinese differently from whites.
- 48% of black respondents and 24% of white respondents agreed.
- 55% of black respondents said they thought police are more likely to use physical force against black people as opposed to white people.
- 52% of blacks believed that the criminal courts treat black people differently from whites.

Professor Wortley dismissed Chief McCormack's view that these negative perceptions of the police come from immigrants from less civil, more brutal countries. Studies showed that actually it is recent immigrants to Canada who have the most positive views of the police and justice system; but their confidence eroded with time spent in Canada — the longer they have been in the country, the more negative are their perceptions. Native-born visible minorities had the least faith in the police and justice system while university-educated, professional blacks had the worst opinion of the police. Only white immigrants from Eastern European countries fit McCormack's pattern.

Being stopped by police represents the most common encounters of people in the community with the police:

- 48% of black males reported being stopped by the police in the past two years. (The statistical variation for females by race was not considered significant.)
- 19% Chinese and 25% white respondents reported being stopped.
- 29% of black male respondents reported being stopped two or more times; for Chinese and white male respondents the figures were 7% and 12% respectively.
- The probability of being stopped by the police for young blacks without a university education is 44%.
- The probability of being stopped by the police for young blacks with a university education is 50%.
- Deviant white youth reported being stopped more frequently than non-deviant white youth.
- Law-abiding black youth were stopped as frequently as deviant black youth.

For white males, the likelihood of being stopped declines with age and social class; but black males are not protected to the same extent. Perceptions are fed by various factors: past experience of varying treatment according to race; parents teaching their children to be wary of the police; and evidence of racism within the police services. Being stopped by the police serves to reinforce the lessons learned about the police.

The police generally respond that the perceptions are wrong. Police Chief Julian Fantino, for example, not long before the conference, said that he would no longer tolerate community stereotyping of the police. How can these two perceptions be reconciled? To change perceptions, both sides must understand each other. At present, both the police and the black community feel like maligned and persecuted outsiders who are unappreciated, distrusted and their realities misunderstood by those who are not in their groupings. Both demand that they be shown respect first before offering respect in return. Police officers are trained to demand respect as a means of controlling a situation; disrespect or flaunting of police authority raises the stakes and encourages the police to impose their authority more harshly.

Do the police perceive black people as being different from white people? Professor Wortley suggested there may be a lingering fear that black people are more dangerous; in this respect, society's fear of people with mental disabilities may also be why they are often involved in police shootings.

PANEL DISCUSSION ON STUDIES OF COMMUNITY AND THE POLICE

Kike Roach, *Roach, Schwartz and Associates*

Inspector Peter Sloly, *Toronto Police Service*

Alok Mukherjee, *former Ontario Human Rights Commissioner*

Olivia Chow, *Toronto Police Services Board*

Paul Pakyam, *Moderator*

Kike Roach, then a law student and now a Toronto lawyer active in human rights issues and cases, urged participants to speak openly and to share their experiences about police use of force against the black community. The families and communities of those killed by the police want justice and accountability and an independent body to review police activity. Albert Johnson's death in 1979 led to the creation of the Police Complaints Commission, which was being dismantled. Lester Donaldson's death in 1988 and the subsequent creation of the Black Action Defence Committee resulted eventually in the creation of the Special Investigations Unit. Mobilizing around the Raymond Lawrence case in 1992 and the ensuing Yonge Street riots led to the Stephen Lewis Report and finally to the Commission on Systemic Racism in the Ontario Criminal Justice System, since buried.

People complain that they have no power; but those who complained were targeted because they *do* have the power to change things. A confidential intelligence report produced by the Organized Crime Squad of the Metropolitan Toronto Police Force in 1989 targeted activists within the black community and documented their affiliations with various groups that were working for change. The report tracked the activists' dates of birth, addresses, telephone numbers, licence plates, driver's licence numbers, occupations, family information, and affiliations. *The Toronto Sun* newspaper labelled Dudley Laws as anti-police and "the Anti-Christ," without quoting him or citing his demands. People who have spoken out are targeted and frequently have to flee the situation. Ms. Roach said that these attitudes demonstrate an unwillingness on the part of the police to change. There is no possibility of change where there is no dialogue.

Peter Sloly said that the Toronto Police Service had recognized its biases and has introduced equity hiring and measures to eradicate workplace harassment. Inspector Sloly mentioned Chief Fantino's town hall meetings and other efforts to improve police-community relations. He accepted that the police as professionals have responsibilities for improving relations, but that these issues must not be laid solely at the doorstep of the police: they are societal issues, and the community must advocate on its own behalf. Inspector Sloly said that the Toronto Police Service from the top to the bottom is committed to moving the issue of improved community relations forward and to get some solutions.

Alok Mukherjee, a consultant and writer, and a former Ontario Human Rights Commissioner as well as a former member of the Ontario Civilian Commission on Police Services, expressed

scepticism about improving police-community relations. So many reports and recommendations have not been acted upon. The 1991 report on Effective Models of Police-Community Committees, submitted to the Race Relations Policing Unit, was not acted upon, just as the report on hiring in the justice system was shelved. As an Ontario Civilian Commissioner on Police Services, Mr. Mukherjee heard appeals from officers disciplined for substance abuse, poor performances of duties — but never for community relations problems.

These are bad times, in contrast to the late 1980s and early 1990s, when there was a willingness to inquire into things. We are seeing, among other moves by government, the dismantling of some of the protections that had been put in place; the emphasis is now on a law and order model, rather than a community wellness model. And we're seeing a racialization of the community, expressed in different ways as an outcome of the context in which we are living.

All communities want safe neighbourhoods and non-antagonistic relations with police through structures they can control, but the interests of the police are different. Police-community committees have often failed because they were not seen as independent of police, or representative of community, or capable of exerting influence or holding the police accountable. Community-police groups can be misused as exercises in police public relations. Police need to stop demonizing the community to justify larger budgets; and they need to talk with the community, not to the media.

Singapore presents a different model, where neighbourhoods elect independent local groups to supervise the police and to which the police are accountable. We need to think about institutions rather than individuals. We need meaningful, representative, accountable, local mechanisms for developing and delivering services that neighbourhoods need.

Olivia Chow presented some concrete suggestions. Young people and police in each Division need to have discussions using trained, professional external facilitators. There are good practices in place now, but they are not widely known; everyone needs to document, celebrate, and distribute news of successes in police-community relations and to share successes with other community groups and police divisions. There is a communications problem: the community has no faith in reporting their problems with the police if they feel nothing will come of that, and the outcomes of investigations are often not reported to the community. There are a lot of organizations in Toronto, a lot of expertise about police-community relations; we really need some kind of organization that coordinates information and expertise — there are many elements that already exist but that need better connection.

From the floor, Tim Rees of the City of Toronto Access and Equity Department suggested that information be collected on models of effective police-community relations. He asked why these issues are not in the public discourse, and noted also that good Canadian research is ignored. Professor Wortley said that both the police and the community complain about a lack of media coverage, and there has been very little independent evaluation of police and court programs, perhaps for fear of a negative evaluation.

Frank Bergen of the Toronto Police Service commented that 52 Division has had division tours for years and has held discussions with youth for which the officers came dressed in sweatshirts and jeans.

Winston Williams, father of Wayne Williams who was shot by the police on June 16, 1996, described being stopped on the highway “for driving in the right lane too long,” and on another occasion “for having dark-screened windows.” The police officer who shot Wayne Williams took vacation time before preparing his incident report. The public does not follow up. The onus is on the police to repair the relationship. Inspector Sloly admitted that the onus is on police, the professionals. But it takes years to change attitudes and there is a gap between the needs of the community and the capacity of the police.

Councillor Chow suggested that police get local community organizers to help with organizing meetings. Inspector Sloly said that police are already doing that. Ms. Roach said that youth do not feel meetings are effective. If power brokers who speak out are targeted with civil suits, forced to move or resign, how can ordinary citizens participate?

Deputy Chief Michael Boyd of the Toronto Police Service acknowledged the police wrongdoing in tracking activists within the black community. In 1995-96, the Toronto Police Service met with the Urban Alliance on Race Relations to establish guidelines on the collection of information by police. After the guidelines were created, every intelligence document was reviewed, and those that did not meet the new guidelines were shredded.

Suggested actions arising from the panel discussion on Studies of Community and the Police

- Perceptions should be taken seriously as they can affect outcomes.
- Both the police and the community should understand each other and work to change perceptions.
- The families and communities of those killed by the police want justice and accountability and need an independent body to review police activity.
- Police need to assume responsibility for relations with the community.
- The community must advocate on its own behalf and address the issues in a controlled, intellectual forum.
- Police need to stop demonizing the community in order to justify larger budgets.
- Police need to talk with the community, not the media.
- Police need to work through community organizers.
- Police-community relations should be covered in the media.
- Police-youth meetings should be handled by professional outside facilitators.
- Police-community committees must be independent of police, representative of community, capable of exerting influence and of holding the police accountable; they should not turn into public relations exercises for the police.

- Information should be collected on models of effective police-community relations.
- People need to document, celebrate, and distribute news of successes in police-community relations and to share successes with other community groups and police divisions.

Community Perceptions of Race as a Factor

C. CASE STUDIES: THE LEGACY OF THE DONALDSON AND YU INQUESTS

Julian Falconer, Counsel, Falconer Charney Macklin

Julian Falconer presented two fundamental questions that focus the issues surrounding the deaths of Lester Donaldson and Edmund Yu. Is race a factor in the use of force employed by police officers? What are the community's perceptions about race and police use of force? He acknowledged in the context of these questions both the toughness of the job facing police officers and the toughness of the role of community activists. Usually in opposing positions, where the two sides come together is in their reverence for life.

As case studies, Mr. Falconer addressed the inquests into the deaths of Lester Donaldson and Edmund Yu. These had led to some changes in three areas: in how courts look at race; in police officers' conduct in the wake of shootings; and in how lawyers conduct themselves. Race is a factor in police force and arrests, Mr. Falconer said. Reviewing the Donaldson case, he indicated that the officers involved had been briefed before going to Donaldson's house and knew that he was a mentally ill black man. When they first approached him, between four and six officers at any one time spent 20 minutes staring at him in total silence. They made no effort at de-escalation; their intention was to arrest him. There is conflicting evidence on how he was shot. Mr. Falconer argued that the shooting death of Mr. Donaldson had great resonance in the community because of its importance to society, and not because of its coverage by the media. There was widespread concern in the community from the start — rightly or wrongly — that it was a racially motivated shooting.

Change in the way that courts look at race: Both the Urban Alliance on Race Relations and the newly formed Black Action Defence Committee (BADC) applied for standing at the coroner's inquest; this was denied because the coroner ruled that race was not to be considered as an issue in the shooting. However, both groups applied to Divisional Court, and the Urban Alliance was granted standing at the inquest by claiming that the issue was cross-cultural sensitivity to the mentally ill, not race; the BADC, who argued on race, was denied standing. Mr. Falconer argued that if the issue of race is "front-end loaded," or placed directly in the lead, then nine times out of ten presentation of the argument will not be allowed. Examining race indirectly (as he said, "the court wants you to look at race, but quietly"), while less honest, is often an effective way to get it included.

Change in police officers' conduct: In Ontario, an inquest may not be called until any associated court proceeding is complete. In the Donaldson case, this meant a lapse of several years before evidence was presented at the inquest. Prior to 1991, some counsel acted for all police witnesses, so that one officer could not be called to testify against another. The Donaldson inquest learned that during the trial of the officers involved, the Crown called most of the officer witnesses and that the officers had met for three hours beforehand, preparing their notes so that each witness could corroborate the others' records. The witnesses were all friendly to the accused, so the facts of the shooting did not come out. Hearing that was a great shock to the public. Now, as a matter of law, officers are required to be separated, to give statements and to prepare notes separately and in a timely way.

Change in lawyers' conduct: The Donaldson case and the Yu case led to a change in the way that lawyers represent multiple clients. There was recognition of the conflict of interest inherent in, for instance, the Yu case, with several police witnesses as well as the Police Services Board (the civilian oversight body) and the Chief being represented by the same counsel. This meant that there would be no difference of position among the three sets of witnesses. How, therefore, could the civilian oversight body do its job? There is now a body of law to control this conduct.

Mr. Falconer noted that crisis teams should have been called in to deal with both the Donaldson and the Yu situations as they both involved mental illness. He also noted the standard view in police training that it is the subject who controls the situation, but this is evidently not true in the case of people who are emotionally disturbed.

PANEL DISCUSSION ON THE LEGACY OF THE DONALDSON AND YU INQUESTS

Jane Egan, *Barrister and Solicitor, City of Toronto Legal Department*

Daina Groskaufmanis, *Barrister and Solicitor, Torkin Manes Cohen and Arbus*

Dudley Laws, *Executive Director, Black Action Defence Committee*

Davies Bagambiire, *Barrister and Solicitor*

Robin Buyers, *Coalition for a Public Inquiry into Ipperwash*

Audi Dharmalingham, *Moderator*

Jane Egan said that not every shooting is racially motivated. The community was wrong about the Lawrence killing, which happened in a tense atmosphere at about the time of the Rodney King case in the U.S. (King was beaten by white police officers in Los Angeles). Raymond Lawrence, a drug dealer, pulled a knife and advanced on an officer, who fired a warning shot before killing him. Ms. Egan also noted that Lester Donaldson was known to the police, had been arrested before for sexual assault, and had later been shot in the leg after attacking police with a shovel. Race is hard to prove; but it is not helpful if every shooting is labelled as being racially

motivated, and she hoped that the community would recognize that. Certainly the relationship between the SIU and the police has been stormy, and could have been better handled by the Chief. But the provincial government also has a role, and failures in the mental health system in Ontario have led to a lot of situations that are extremely difficult to handle. Both Donaldson and Yu were mentally ill and needed help; and they were not taking their medications. Had the mental health system known this and intervened, the tragedies would not have happened.

Davies Bagambiire, a Toronto lawyer active in race and human rights issues, having acted for families of shooting victims, argued that the issue is the lack of adequate police accountability. Police, as the only arm of the government allowed to use lethal force, deploys oppressive tactics that racialize society further. Are police using weapons responsibly? Are they accountable? Police refusal to give statements to the SIU — the civilians — indicates that they are not accountable. There is an historical denial on the part of the legal system that race is an issue. Mr. Bagambiire said that coroners' inquests were a "charade." They give the police the chance to grandstand since all police organizations (the Chief, the Service, the Police Association) have standing as a matter of right. These organizations do not want to see race debated. The Coroners Act itself does not contemplate race. Most of the questions dealt with at the inquests discussed here are issues such as how, when and where, issues that can be resolved easily; the real questions should have been whether police behaved responsibly and whether race was an issue.

Daina Groskaufmanis commented on institutional and budget aspects. The Police Services Board is made up of civilians whose role is to oversee the police service and ensure its accountability. They have the power to hire and fire the Police Chief, to hire officers and to set overall policy direction. They have to work directly with the Chief; they cannot go directly to individual officers, or a particular department or unit. Their function is to ask hard questions; and they do try. We need to recognize the fiscal context provided by the budget: of the total budget (in 1999) of \$525 million, 90% went to eight collective agreements; 1.8% to vehicles; 3% to the city for services; 3% to leases; and 2% to supplies. Only 0.2% was not committed, leaving little room for manoeuvre in introducing new programs and training. There is a lot of competition for those remaining dollars.

Dudley Laws, the executive director of the Black Action Defence Committee and a veteran organizer on issues of community empowerment in Toronto, added the following information regarding the Lester Donaldson shooting: the police said they went to Mr. Donaldson's home because they heard he had hostages; they found him eating his dinner, using a small knife. Mr. Donaldson said specifically that he did not want to speak with the officers. He was not in commission of a crime; the police should have apologized and left.

Mr. Laws does not agree that guns should be taken away from police, but believes that most of the shootings and shooting deaths by police in Ontario were unnecessary, and that the way the police resort to deadly force is unreasonable and leaves many unanswered questions about their actions. The black community is aware of the many issues of policing and the problems that

persist, preventing good workable relations between the police and the black community. Those at the conference must recognize that other problems exist between the police and the black community; and also recognize the resistance of the police to be accountable for their actions. The lack of cooperation with the police on the part of the black community is due to their distrust of the police. He also noted that many reports and recommendations had been released between 1975 and 1998 but they have been ignored; and also that there has been considerable resistance by police to cooperation with the SIU.

Robin Buyers, who teaches Political Science in the Community Worker Program at George Brown College in Toronto, and who is the spokesperson for the National Coalition for a Public Inquiry into Ipperwash, recounted how Dudley George died at Ipperwash Park during a peaceful occupation by his people about land which the military had taken and given back 50 years later. About 30 unarmed First Nations protesters entered the park where the OPP had built a force of between 200 and 300 officers. Officers confronted the protesters at night and Mr. George was shot by a laser-guided weapon. Warren George, another Native man, drove a car between officers and the protestors; he was sentenced to 6-8 months in jail, whereas the officer who shot Dudley George was convicted and got a light sentence — 150 hours of community service for criminal negligence. Police lied on the witness stand to protect their colleagues, Ms. Buyers said.

She went on to point to several indications of systemic racism over land rights issues. Despite the calls of many groups, including churches, the BADC and the Urban Alliance, for a public inquiry into the George shooting, nothing has happened, although there was an immediate inquiry into the police beating of a white OPSEU protestor in Toronto. Since Dudley George's death, relations between Aboriginals and police have deteriorated. Also, Ms. Buyers said, the use of force by police against peaceful protest has increased.

A question from the floor asked Ms. Egan to respond to the statistical indication of different treatment of people in the community by police according to race. As a non-expert she had no answer, but Mr. Falconer said that racism is not subject to hard proof, rather it is attributable to a number of factors. The problem is that people are afraid to ask racial questions.

On whether community groups should have standing at inquests as a right, Ms. Egan said the problem was in meeting the test of the Coroners Act. Mr. Bagambiire asserted that race should at least be on the table; the Coroners Act should be changed to explore the question. Mr. Laws made the point that racism cannot be isolated by looking at individual situations; we need to take a big-picture view to find out why some communities are policed differently from others. Ms. Buyers said that First Nations suffer the same problem with police as the black community.

Mr. Falconer asked about the increasing amounts of violence and weapons within the black community. He thought that people should at least speak about race and discuss these issues to eliminate these perceptions. Mr. Laws acknowledged that the community had internal problems but systemic issues were also a hindrance, the lack of funding and resources for street workers to help

get black kids off the street being one example. Without long-term solutions, mistrust would continue between the black community and the police.

Suggested actions arising from the panel discussion on the Legacy of the Donaldson and Yu Inquests

- Avoid “front-loading” the issue of race in courts.
- Hold a public inquiry into the Dudley George shooting.
- Retain the inquest system.
- Continue with police training.
- Acknowledge the presence of systemic problems that have to do with race in policing.
- Address issues at a policy level to change the system and laws on land rights, Aboriginal treaty rights, etc.
- Expand the role of the SIU.
- Continue a dialogue that creates a strong relationship between the community and police.
- Establish community response groups consisting of elders and respected community members for defining problem situations.
- Amend the *Coroners Act* to allow exploration of the question of race.
- Allow community groups automatic standing at inquests.
- By using a big picture of racism, find out why some communities are policed differently from others.
- Black community groups need funding and resources to address issues of crime in the community. Long-term solutions are needed to build trust between police and the community.

2. What Police Are Doing to Address Community Perceptions

TRAINING

Sergeant Scott Weidmark, *Trainer, Crisis Resolution Techniques, C.O. Bick College, Toronto Police Service*

Sergeant Weidmark reviewed the origins of the Crisis Resolution Course as a response to the greatly increased number of contacts between the police and emotionally disturbed people as the de-institutionalization policy went into effect. By the early 1990s it was evident that special training was needed, and the course was started in 1993. It was redesigned in 1998 following a recommendation in the Use of Force report (Toronto Police, 1998) with the title “Crisis Resolution/Officer Safety Course.” The objective is to promote techniques of de-escalation, better communication and skills in crisis resolution, minimum use of force, and disengagement from confrontations. Success for participants in the course is measured by the degree to which a situation is de-escalated.

The five-day course includes the participation of psychiatrists, diversity training and a psychiatric survivor panel made up of representatives from the Queen Street Patients Council, as well as sensitivity training; the sessions with the survivors in particular help both them and the police to break down false perceptions and understand each other's reality. The tactic emphasized in the course, according to Sergeant Weidmark, is for police to avoid arguing with emotionally disturbed people, but to seek constantly to de-escalate a situation. Tactical communication and crisis resolution skills taught to police include video scenarios of crises and strategies. He said that scenario-based training includes putting an officer into a situation of crisis, equipped with all force options, such as guns and blanks, as well as having actors carry out different types of behaviours. These sessions are followed by debriefing and review of outcomes, and discussion on how it could have been handled better.

The course also covers high-risk stops and building searches, again using the scenario technique; and it has firearms training, including judgement issues of when an officer should or should not shoot. Sergeant Weidmark said that the main challenge for a trainer is to slow down "action-oriented people," getting them to take their time to assess a situation and keep out of harm's way. Taking time, keeping distance, and using communication and teamwork are emphasized over and over again, though this is not always possible. Trainees have been very positive about scenario-based training to help officers on the street. He said that the course is working, and that the rates of shootings should go down as it continues.

Staff Sergeant Frank Besenthal, *Diversity/Outreach Trainer, C.O. Bick College, Toronto Police Service*

Staff Sergeant Besenthal is responsible for the Toronto police diversity training programs. The current course was first called a "Multicultural Program," but it was redesigned as it may have reinforced certain racial stereotypes; also it didn't address the needs of all groups. The emphasis shifted from "race and ethnicity" to "character and culture." This includes an overview of each unique community, our likes and dislikes and habits and differences. As well, there is an examination of how ethical decision-making and personal preferences can affect the performance of police officers on the job. The program also holds sessions with young people in the schools, where they can question police officers and talk to them. Staff Sergeant Besenthal noted that the Toronto Police Service is considering the possibility of training all police officers on current issues in a two-year block program. He said that the effectiveness of programs is reviewed periodically.

EQUITY HIRING

Inspector Steve Grant, *Toronto Police Service*

Inspector Grant said the Service is committed to hiring qualified officers who reflect the diversity of the city. However, the police need the community's help in increasing the diversity of the Service by encouraging people to apply. Attributes that the police look for are intelligence,

wisdom, fitness, commitment, passion and courage, as well as the core values of honesty, integrity, respect, fairness, reliability, teamwork and a positive attitude. The Service uses a widely recognized and approved Constable Selection System; applicants are pre-screened, then go through a competency-based interview, background checks, a psychiatric interview and a medical examination. First priority may be given to hiring Aboriginals, women, and people from racial and linguistic minorities. Representation of racial minorities and females has essentially doubled over the previous several years since hiring re-started after a period of freeze. Minorities now represent 20% of every incoming class, and the same figure applies to female recruits.

Suggested actions on Training and Hiring

- The challenge for the Toronto Police is to slow down “action-oriented people” by training them to take time and keep distance in handling encounters.
- People should consider applying to the Toronto Police Services for a job, especially Aboriginals, women, and people from racial and linguistic minorities.

3. Improving Race Relations: Community Discussion

PROMOTING TRUST BETWEEN POLICE AND THE COMMUNITY

Sri-Guggan Sri-Skanda-Rajah, *member of the Commission on Systemic Racism in the Ontario Justice System*

Sri-Guggan Sri-Skanda-Rajah is a veteran Toronto educator, mentor, and advocate on race and community issues, and has been honoured numerous times for his work in this field. He identified himself as a Sri Lankan Tamil who came to Canada in 1965. In 1983, the Tamil community numbered 6,000 but, thanks to the Canadian government’s help in bringing families out of the troubles in Sri Lanka, it now stands at 180,000 to 200,000. Most live in Toronto, particularly in Scarborough, which has a Tamil population of approximately 80,000. With over 3,000 businesses, the Tamil community is the fastest growing in Toronto. Because of the rate of growth, there has been crime or violence in the community that the media have portrayed as gang activity. The community is disturbed by this portrayal as the vast majority is calm and law abiding. In the late 1980s there was a series of drug arrests in the community; most of those offenders are in prison. There was a homicide in Scarborough in 1993 for which several people were arrested; but unfortunately the wrong person is in jail because of the community’s silence and distrust of the police. It was not until 1997 that the police began serious efforts to liaise with the community.

Inspector Gary Ellis, *Toronto Police Service*

Gary Ellis grew up in public housing in Toronto, where he saw a lot of racism. It was a big step for the police to take when they became involved in improving race relations. It may be awkward and uncomfortable for the police, but they have to build trust before they can communicate and build ties; and for that to happen, they need tolerance, cooperation and forgiveness from the community. Inspector Ellis acknowledged that police have not always listened in the past, but must take steps to do so.

Inspector Ellis discussed the initial involvement of the police with the Tamil population who came to Canada, many of them having had terrible experiences in Sri Lanka. A lot of people believed at the time that the Tamils were “terrorists” and newspaper articles reported police allegations that connected Tamils with terrorism; this raised concerns in the Tamil community and conflict with the community’s leaders who felt that the police were labelling them and showing favouritism to non-Tamils. Tensions became high. After many meetings with community members matters began to improve, and this ultimately led to meetings and presentations by Tamils to police officers on Tamil culture that were very well received by the police. Race relations, said Inspector Ellis, is all about communication.

The Toronto Police Service has started the development of a police-community committee, Canadian Tamil Youth Development (CANTYD), which is designed to improve relations by working on joint projects to benefit the community.

An Award for Laura Rowe

Julian Falconer announced the Conference Steering Committee’s decision to honour Laura Rowe, who served on the Police Services Board from 1991 to 1997. Her illness prevented her from being at the conference, but Laura had telephoned her support.

Toronto Police Service Deputy Chief Michael Boyd said that Laura Rowe has worked and pushed on all fronts to make things better in the community and in the police force. While it is easy to sit and observe, he said, it is harder to speak out. He asked members of the community and the police services to applaud Laura for her contribution and thanked her for her leadership in changing and improving the police service. The Toronto Police Service is a better one because of her efforts.

Toronto Police Services Board Chair Norm Gardner praised Laura as a loving and caring person who would always go out and help. She gave criticism and she gave praise. She was a risk-taking achiever, and she had pride and talent and love in her heart. He honoured her and hoped that her condition would improve.

Ned Littleton accepted the award on Laura’s behalf.

VI BARRIERS TO CHANGE

1. NEW TECHNOLOGIES: ARE WE DOING ENOUGH?

Michael Grossman, *Los Angeles County Sheriff's Department*

Lieutenant Grossman is a 27-year veteran with the Los Angeles County Sheriff's Department and recently completed a two-year assignment with the National Institute of Justice (NIJ) in Washington, DC where, as Director of the Technology Assistance Division, he was involved in guiding the NIJ's nationwide program to support research and development of new technologies for police and corrections. He accompanied his talk with a slide presentation.

In terms of the weapons development environment in the United States, Lt. Grossman said that the defence industry had a new market in supplying American personnel on international peace-keeping missions. These missions involve the use of weapons and equipment that are different from the traditional offensive military requirements. The amount of money available in the U.S. for weapons development is huge, and many millions of that are earmarked for the development of less-lethal weapons technology. Law enforcement needs to join the weapons program, he said. Changing approaches to law enforcement need new tactics and new technology, and citizens accept and support the direction to less lethal forms of technology.

The development of less-than-lethal technology has numerous limitations: it is limited by physical requirements, by the need for thorough and time-consuming testing, by the issues of safety of use on human beings, by the cost of development, by the time — sometimes 12 to 15 years — that is needed to bring weapons to the street, and by the risk of legal liability, especially on the part of pioneer users who can expect to bear the brunt of lawsuits for injuries.

On the issue of training, Lt. Grossman said that a lot of work has been done on developing simulations programs on less-than-lethal weapons for use in training. But simulations, he said, can extend but do not — and will not — replace regular training. It is the regular training of officers that supplies the essential elements of community and control.

There are concerns about the effectiveness of some weapons. Lt. Grossman detailed how some of the weapons worked — for example, rubber bullets, capture nets, bean bags, pepper balls, smell shooters (which make the subject vomit) and others — and evaluated their uses, effectiveness and failure rates. He noted that several side effects, even deaths, have been associated with less-than-lethal weapons technology. Certain levels of pain from the use of these weapons, he said, are acceptable, but efforts are ongoing to limit damage, trauma and the risk of lethal injuries that they cause — one way being to lower the force of the weapons. He cautioned that any introduction of these alternatives was “not right around the corner.”

Asked whether less-than-lethal force, used in no-force situations, would replace communication skills needed in those situations, Lt. Grossman said that less-lethal force should not be used except in an otherwise lethal situation. All we can do, he concluded, is to give police the tools and train them to use those tools properly.

Suggested action arising from the presentation on New Technologies

- Use less-than-lethal technology only in otherwise lethal-force situations.

2. POLICE ACCOUNTABILITY: THE SPECIAL INVESTIGATIONS UNIT (SIU)

Peter Tinsley, *Director, SIU*

Peter Tinsley, a lawyer who has brought several years of experience in both the law and the Canadian Armed Forces to his position as Director of the SIU, addressed the issue of police accountability, focusing on the Ontario model of oversight as found in the province's Special Investigations Unit (SIU). There is a responsibility to seek more alternatives that would further limit the instances in which the application of lethal force by police is "reasonably necessary and

therefore justified"; developing and encouraging the provision of alternatives to frontline police officers is therefore important work. Equally important, however, is some mechanism to ensure that these provisions of law are being objectively applied.

Mr. Tinsley outlined the changes to the SIU that had been made in response to the recommendations of George Adams in his report on police cooperation with the SIU (Adams, 1998). He spoke in particular about candidate selection and training, and said that the issue of police accountability was communicated to recruits through their training at the police college. They are taught to focus on "acceptance for an independent accountability mechanism which was now an expectation of our society and should be considered a norm for the police profession."



Peter Tinsley, Director of the SIU (at left) and Julian Falconer

Rusty Beauchesne, *Police Legal Advisor, Toronto Police Service*

Rusty Beauchesne presented an “improved model” of the SIU that would limit the agency to the investigation of deaths resulting from police involvement. The draft modifications were outlined in a memo from the Ontario Association of Chiefs of Police (OACP). The modifications meant that investigations would have case-managers seconded from police services who would report to the SIU. All other charges would be investigated by the police, with these investigations in turn being reviewed by a civilian agency.

PANEL DISCUSSION ON THE SIU

Howard Morton, *Barrister and Solicitor, and a former Director of the SIU*

Professor Dianne Martin, *Faculty of Law, Osgoode Hall*

Jeffrey Patterson, *Chair, Black Community-Police Consultative Committee*

Inspector Rick Gauthier, *Chief’s Internal Review, Toronto Police Service*

Julian Falconer, *Moderator*

Jeffrey Patterson thought that police should certainly be accountable, but they should not investigate themselves. The SIU should be kept in place; the public wanted this body, otherwise the police could run amok.

Dianne Martin, a criminal lawyer active in several justice-oriented projects, and a Professor of Law at Osgoode Hall Law School, said that the OACP model was problematic. In her opinion, the SIU would be left as a shell with a token head with police doing the investigations. She thought independent fact-finding was needed for an independent, non-biased perspective to convey the truth to the public. The SIU should not be dismantled; on the contrary, it should be properly resourced. The same anger and resentment, the same lack of resources are still being experienced now in connection with the SIU as they were 20 years ago for a police complaints organization. To gut the SIU was as astounding a proposition as to say that “to control the fact is to control the outcome.”

Howard Morton, a veteran Toronto lawyer who served as the second of the SIU’s directors, expressed hope that the OACP recommendations, which would involve every investigating officer in the SIU being replaced by a seconded police officer, would not be implemented. The draft paper said that Level One investigations, i.e., of deaths, would be dealt with by SIU investigators. Everything else would be investigated by police officers assigned by the chief of the force involved, except if the case was raised to Level One, which would be rare. Someone would have to be admitted to hospital with very severe injuries before the SIU was notified. Sexual assault complaints would be eliminated, meaning that women would have to report to the police force to complain if they were assaulted by an officer, which is ludicrous. The paper spelled the end of the SIU, said Morton; the agency would be a puppet.

Inspector Rick Gauthier of the Toronto Police Service said that the issue for the police service was process. Accountability is provided through holding criminal, civil and public inquiries. The rights of all parties have to be respected and the process must be perceived to be fair. It is important to recognize three different areas of rights, among which a fair balance must be struck: police officers have rights under the Charter of Rights; the police chief has a right to know; and the public has a right to know. Accountability means fair, competent and transparent investigations. Inspector Gauthier thought that accountability had improved recently in the SIU process and that there is a role for the agency.

Rusty Beauchesne emphasized an earlier point, saying that the case manager seconded from a police service would report to the SIU, not to the chief of police; neither would the case manager be subject to the chief's direction. Furthermore, he said that sexual assault is not excluded, although it may have been in the original draft. He said the proposals were not final.

The panel debated the issue of seconded officers becoming the investigative core of the SIU. Mr. Morton thought there was room for seconded police officers in the SIU who did not see an investigation as a possible "career ender." Professor Martin agreed, saying that an absolute ban would not be right; furthermore, their involvement in investigations would have a positive effect in that they could afterwards go back to their force saying that the investigation had been well done.

Mr. Tinsley said secondments were the antithesis of civilian oversight. Full-time investigators bring special qualifications, and half of the SIU's investigators are trained police officers who have severed their connections with their force. The OACP position, according to Mr. Tinsley, had not recognized recent changes that had been made to the SIU. Mr. Patterson gave the benefit of the doubt to ex-police officers but was opposed to seconded investigating officers who would want to protect their career and their colleagues: he said there was a brotherhood, a loyalty to police officers and a lack of objectivity that made him very wary and nervous. Inspector Gauthier thought that seconding officers allowed for enough of a gap between their own force and the investigation to get the job done.

The question of civilian expertise on a police investigative body was raised. Mr. Beauchesne thought civilians did not have the expertise to handle police investigations. He said that police have the right to be investigated in the same way as they investigate others. Review agencies cannot penetrate the corporate culture and cannot obtain the same level of expertise. Professor Martin disputed the mythology that investigative expertise is the exclusive preserve of police officers. She thought that people who have been trained to look for certain things often have tunnel vision that can lead to serious errors. It is important to bring in other perspectives than those of serving officers to bring strength to investigations. New perspectives and skills are needed to address public concerns. Inspector Gauthier said that police officers lack faith in SIU investigations, although the SIU had improved in hiring ex-police officers. Mr. Tinsley said the restrictions on civilians means that the SIU would be investigating the community, not the police. Despite their concern, police officers have stronger Charter protections in investigations than do civilians, as well as access to legal counsel during civilian investigations.

Some comments from the floor questioned the very idea of the SIU, that establishing the SIU had been a knee-jerk reaction to a crisis. Jeffrey Patterson claimed that police use of force itself could be seen as a knee-jerk reaction. Professor Martin said that the creation of the SIU had been an overdue recognition of a problem and a sign of a step forward, that the government had finally “got it right.” An SIU investigator said that the SIU was far from perfect but the increased resources and the recent changes had made a huge improvement. Howard Morton said that after the shooting of three black men in Toronto in the 1980s there was a need for the SIU, if only to bolster public confidence. Inspector Gauthier said that a problem still exists around a lack of competence in investigations. Mr. Tinsley admitted that the SIU had suffered from too short a set-up period, but that we all “need to get past that.” Greg Meyer from Los Angeles said it seemed clear to him that the SIU system is working; there is just some quibbling over form.

There was some discussion of the different model of police oversight in Los Angeles. In LA, civil rights prosecutions have been controversial and civilian review boards a total failure because of their lack of expertise. If there are shootings, the homicide unit investigates with district attorneys as co-investigators. The officer in question either gets a letter or gets charged. The officer will have the same rights as a civilian under criminal investigation. Police officers who investigate other police officers feel that those officers who commit illegal acts should be prosecuted.

3. TAKING RESPONSIBILITY – COMMUNITY EVALUATION

Bromley Armstrong, *Former Ontario Human Rights Commissioner*

Bromley Armstrong said that community responsibility is an issue of tremendous importance. Police and community members should admit that relations with the police form the most contentious area in Toronto’s race relations. A lot of minorities are looked upon by police as “criminal elements,” while many minorities look upon police as the “bad guys.” He said that the point is to try to bring communities together. But he also noted that the “record is clear” — a number of people have lost their lives from the use of lethal force by police. He said: “Though we’ve been luckier than other citizens in some countries, we have suffered due to controversy over what constitutes a reasonable amount of police force, especially among some ethnic groups, the mentally challenged and First Nations people, and it is a legitimate focus of this conference.”

There have been attempts to work together on true community-police relations: in October 1976, for instance, Dr. Daniel Hill, then Chair of the Ontario Human Rights Commission, presented a paper urging police to establish a pilot project in four Divisions in Toronto. A month later Board Chair Judge C.O. Bick agreed and a police/race relations committee was established. However, in spite of these efforts, acrimony between the community and the police still threatens the quality of life. Distrust on both sides was, and remains, a large part of the problem.

Mr. Armstrong argued that people need to look at models of community and police relations from elsewhere, such as the report issued after race-related disorders in Brixton, England in the

early 1980s, which said that police should serve the total community. In certain parts of Toronto, many visible minorities don't trust the police and some police do not feel comfortable with visible minorities. Mr. Armstrong pointed out that some people from minority groups come from countries where the police were oppressive. Others have had bad experiences with police in Toronto. The fact remains, he argued, that efforts undertaken to improve race relations in Toronto have lacked the support of a majority of policy-makers and senior police administrators.

We need to keep open the lines of communication between police and community. All police should not be maligned because of the actions of a few of their colleagues. Armstrong said that some community leaders are out of touch with police issues as they affect their constituents; also that it is not good for some leaders to "throw fuel on the fire." There is no question but that the use of lethal force is a terrible thing, but in order for racial and ethnic minorities to have their points of view heard, it should be done in a way that is acceptable to the general public.

We need accountability on the part of the police, and we need practical solutions. Community feedback is a very important part of this process. Parents and community leaders need to work together to involve young people; far too many young people are getting into trouble, and parents must take responsibility for the quality of their parenting. "We must have a dialogue in earnest in Toronto between all interested parties. We must work together to reverse the negative impact of poor police/community relations in Toronto. Let us not wait another 25 years, for time is not on our side."

Lana Frado, *Executive Director, Sound Times Support Services*

Lana Frado said she believes in challenging notions of community, especially since the idea of community under the provincial government of Mike Harris has come to mean "special interest group." Ms. Frado asked how many people describe themselves as a member of the white Anglo-Saxon community? The men's community? The sane people's community? She pointed out that our notion of community has changed and we need to re-think that. For the mental health community, this includes psychiatrists, nurses, social workers, occupational therapists, police, lawyers, legal workers, academics, and so on. Then, Ms. Frado said, "there is us, all those people others get paid to look after."

Sound Times is not just a drop-in, it is also a service in which the executive director is accountable to people on the board — psychiatric survivors — who can fire her if she does not do her job. Ms. Frado talked as a psychiatric survivor about the use of lethal force. She said her responsibilities are two fold: "One: don't go crazy. Two: if I do, dodge the bullets." What about the rest of the community's responsibility for psychiatric survivors? Ms. Frado said that hospitals should provide discharge plans for patients. As well, researchers have to take responsibility for the research they do on psychiatric patients and how the outcomes of this research are presented. People who are paid to uphold the Mental Health Act — psychiatrists — need to act responsibly in fulfilling their obligations.

Ms. Frado said that psychiatric consumer/survivors are treated differently from any other group of people. While “it is not a competing discourse,” she stated: “I have been here [at the conference] for two days and I have heard people use the term crazy, nutty, frothing at the mouth, I have heard us described as children by a lawyer from the Ministry of Health. I never heard anyone use a racial epithet. Not yet. It’s not a competition but it is trying to situate the locus of power of our community.”

Ms. Frado also asked what it means to say, “I am a member of the survivor community.” She mentioned that her job allows her to earn more money than “95% of the survivors” as well as to have a comfortable apartment. “So am I representative of my community? I don’t know.” The people with whom she works at Sound Times were not asked to represent themselves. The mental health system, she argued, is fixated on social control. When it comes to mental health professionals dealing with psychiatric consumer/survivors, “Empowerment is crap.”

Ms. Frado said that lethal force should never be used on psychiatric consumer/survivors. There is too much talk in typical mental health material about recovery, but this same literature has very little or no information about prevention. Psychiatric survivors should be allowed to talk about what recovery and prevention mean, terms that are usually defined by mental health professionals. She said the only way to improve things is to ask people with first-hand experience. What has helped them to deal with their life? What would help them to participate in the wider community? To psychiatric survivors, “Community means the opposite of institution. That’s how we use that term.”

Suggested actions arising from Taking Responsibility — Community Evaluation

- People need to look at models of community and police relations from elsewhere, such as the report issued after race-related disorders in Brixton, England in the early 1980s.
- A re-assessment is needed of how to deal with race relations and to keep open the lines of communication between police and community.
- Police authority must be accountable by identifying what the problems are while also offering practical solutions.
- People should challenge notions of what is meant by “community.”
- Parents and community leaders need to work together to involve young people in dealing with community-police tensions.
- Hospitals need to provide discharge plans for patients.
- Researchers have to take responsibility for their research on psychiatric patients and how the results of this research are presented.
- People who are paid to uphold the Mental Health Act — psychiatrists — need to act responsibly in fulfilling their obligations.
- People must stop calling other people names or using derogatory references, no matter what their background.

- Lethal force should never be used on psychiatric consumer/survivors.
- Psychiatric survivors should be allowed to talk about what recovery and prevention means in traditional mental health literature and in the mental health system.

PANEL DISCUSSION ON TAKING RESPONSIBILITY — COMMUNITY EVALUATION

Bob Rose, *Executive Director, Parkdale Activity and Recreation Centre*

Sylvia Hudson, *Toronto Police Services Board*

Suzan Fraser, *Lawyer, Mental Health Advocate*

Audi Dharmalingam, *Urban Alliance on Race Relations*

Levi Sankar, *Moderator*

Bob Rose, who works in the heart of Toronto's psychiatric survivor community, spoke of how the words "lethal force" obscure the real impact of people dying. Fifty homeless people died in Toronto during the year before the conference; 23 died in the preceding 24 weeks. These deaths were the result of lethal force used by the police as well as wider "destructive social policies" deployed by governments. Poverty, lack of secure housing and jobs, problems with access to food and friends, along with the discrimination that psychiatric survivors and homeless people face on a daily basis lead to constant fear.

A psychiatric survivor will be singled out if the person does or does not take the medications prescribed. Forced treatment (community treatment orders) only adds to this fear and does not serve the common good. Lack of communication between the police and the community they serve intensifies the fear. Mr. Rose argued that "we can build alternatives to the use of lethal force if we can build alternatives to the day-to-day problems these people face." One way for the police to do this, in addition to training and resources, is to work with psychiatric survivors to address their needs and concerns as they are understood by people in this community.

Sylvia Hudson spoke of how the police are trying to build new services that will address mental health issues and race relations. While police are trained to control situations, they are also being trained to change attitudes towards the diversifying city we live in. Ms. Hudson also discussed how perspectives within the Toronto Police Service on diversity issues have taken many years to change. There is a good deal of institutional history that cannot be altered overnight, she said, and along with this history are the attitudes that are now evolving towards a greater desire to include people from diverse backgrounds, such as visible minorities and women. Soon, 1,400 officers will retire and they will be replaced, in part, by these new recruits. The Service is also spending money on outreach to the community and encouraging volunteer involvement, such as through a program to mentor young people. Ms. Hudson enumerated many community and youth programs that are organized and run by the divisions. The Community Policing Support Unit is one of the

most effective projects in bridging the gaps between police and the city they serve, she said. The aim of this and other programs is to enable people to effect change in the community in conjunction with the police.

Suzan Fraser related how, until she began to work with the QSPC, she had been quite unintentionally condescending to psychiatric consumer/survivors, advocating for a person's interests but being swayed emotionally by what physicians saw as being in the best interests of her clients. "I was profoundly affected ... [by] how much a community which is thought not to know anything about itself could actually teach me and could actually teach a jury [at the Edmund Yu inquest]."

Ms. Fraser referred to the importance of respecting self-identifying terminology and not to call someone by a diagnostic label. Community means all of us, but communities are often unequal to one another. The communities that organized this conference, for example, came together more often as the issues affected both communities. There are significant differences between communities, illustrated by the half-billion dollars annually allocated to the Toronto Police Force, compared to the \$58,000 for the QSPC. In spite of these disparities, QSPC is eager to share its experiences and knowledge with the police about crisis resolution and its first-hand experience with the mental health system.

Psychiatric consumer/survivors — "survivors" because they have survived life on the street — also have to support police by showing them how to develop policies and guidelines that affect them. Communities must come together to create change.

Audi Dharmalingam, a long-standing working member of the Urban Alliance with extensive experience in community organizing in Toronto, spoke of the stress that different communities face; how the Urban Alliance came into existence in 1975 in response to racism; and how it took many years for (white) Canadian politicians to start to acknowledge the racism in this country. UARR began its work by educating people informally and also by fostering dialogue with the police. Change can take years, but it can be accomplished by raising the issues repeatedly. Mr. Dharmalingam mentioned that police officers, like the rest of us, should be caring towards all kinds of people. The police have a responsibility to know the community they serve. While everyone needs to share responsibility in a democratic society, will people who get involved become tokens, or will they have real power while sitting on committees or being active as a volunteer?

People will have a greater chance to work together in a cooperative way if they know what their rights and responsibilities are. Mr. Dharmalingam pointed out that the basic issues of taking responsibility are efficiency, accountability, the role of police in a democratic society, civilian oversight, access and equity.

A lively discussion on race and mental health followed, and on how police relate to people in both communities. Ms. Fraser noted that being a psychiatric survivor is even more stigmatizing if you are a black male. Ms. Frado said it is harder to form coalitions among people involved in mental health issues as it is too fragmented a community. Mr. Rose agreed that being part of a community

fabric is not a possibility for many individuals on the margins of society. Mr. Armstrong said this conference is about educating on difference and people should be concerned about all issues, not just those that affect our respective communities.

Joyce Temple Smith raised the issue of psychiatric tests for police recruits to detect racial biases and elitism. Bromley Armstrong said there was a lot of early resistance among police to psychiatric testing in recruiting and that it will take time for the police force to reflect Toronto's diversity. As it is, said Lana Frado, psychiatry is not culturally sensitive, so people should not put too much faith in this sort of testing. Suzan Fraser said it is not surprising that the Toronto police force does not understand mental health issues as its membership does not reflect consumer/survivors. It is not at all diverse in terms of mental health.

Suggested actions arising from panel discussion on Taking Responsibility — Community Evaluation

- There needs to be more communication about where gender, mental health and race intersect, with more linkages between advocates representing people in all these communities.
- In addition to training and resources, police need to work with psychiatric survivors to address their needs and concerns as they are understood by people in this community.
- Psychiatric consumer/survivors also have to give police support by showing them how to develop policies and guidelines that affect them.
- Infighting among activists should be avoided as everyone loses when this happens.
- People need to be educated on these issues, both in the school system and through the media.

VII SOLUTIONS

Inspector Gary Ellis, 42 Division, Toronto Police Services

Gary Ellis said that his involvement with the mental health system dates from a family member's experiences nine years ago. Since then he has been involved in New Dimensions in Community Living, a program that runs a Mobile Crisis Unit (MCU) funded by the Ministry of Health that services Toronto east of Yonge Street, an area encompassing 350,000 people (two similar programs are run separately out of St. Elizabeth's Hospital and the Gerstein Centre). The program makes available psychologists, psychiatrists and nurses to help people in crisis 24 hours a day, 7 days a week. Toronto police receive about 10,000 calls a year regarding people who are mentally ill. Inspector Ellis said that the MCU attends calls with the police if the person being investigated is mentally disturbed; in May 2000 the MCU responded to 49 calls. This unit allows the police to be on the street while the "right people" — mental health professionals — deal with mentally ill people.

In the past, he noted, one response to someone experiencing mental health problems was to do nothing. But a crisis can then develop later on, so this was not a beneficial approach. Another response was to criminalize people with mental health problems; again, this was no answer. Inspector Ellis said that he does not like the fact that Bill 68 (to amend the Mental Health Act) requires police involvement in enforcing community treatment orders. He argued that police should be dealing with other issues and it should be mental health professionals who help those requiring their services. This can be done by connecting mental health consumers with the right people. Beginning on July 1, 2000, for instance, it would be mandatory for the police in 42 Division to notify MCU personnel when they encounter a crisis situation involving someone who is mentally ill.

Scott Maywood, 51 Division and Cameron Crowe, St. Michael's Hospital Crisis Intervention Team, 51 Division, Toronto Police Service

Scott Maywood stated that the Crisis Intervention Teams (CIT) program that is based on the Hamilton Crisis Outreach and Support Team (COAST) program has been a two-year initiative with 51 Division. This involves partnering a 51 Division police officer with a psychiatric nurse to respond to calls involving mental health issues. The people who are employed in this project endeavor to treat all psychiatric consumers with respect, Constable Maywood said, and they advocate with consumers on their right to choice and empowerment. Inquests into the police shooting deaths of Lester Donaldson and others have identified the need to have professional help readily available. The Ministry of Health, St. Michael's Hospital and 51 Division are all working together by using the CIT as a liaison with community resources.

He said that the priority is to provide "swift and appropriate" service to psychiatric consumers in the community. This is "street-side support," whether at a person's home or anywhere else that they may be living. The CIT also works with medical authorities to enable a smooth transition for a person who requires admission to hospital, and if a patient needs to get to a resource the CIT, not the regular patrol police, arranges it. This allows the regular patrol to get back to its job.

Currently, the St. Michael's Hospital CIT works from 1:00 pm to 11:00 pm, the time when most calls are made, though it is hoped to secure funding eventually for a 24-hour service. The team is composed of two officers, two reserve officers, a full-time psychiatric nurse and two part-time nurses. They patrol as one officer and one nurse.

Cameron Crowe, a 51 Division police officer, said that their training included courses in crisis resolution at the Police College, as well as work with the Emergency Task Force and St. Michael's Hospital medical staff. She said that officers work in plain clothes in an unmarked police car to alleviate the anxiety of the psychiatric consumer.

Once a situation is cleared during a call, the primary investigating officers can leave and then the Crisis Intervention Team deals with the situation. Their aim is to work with the person in his or her own environment and to lead a psychiatric consumer to the most appropriate resources

available. At present, the focus is on responding to a crisis in the community with the police, but they do not have people to do follow-up, something which they hope to resolve in the future.

Staff Sergeant Frank Trovato, *Toronto Police Service*

Frank Trovato said that there has been too much criminalizing and harassing of homeless people. This has led to a revolving-door syndrome with homeless mentally ill people going in and out of hospital or jail. Staff Sergeant Trovato undertook his Master's thesis at Niagara University on the topic of "Community Policing and Emotionally Disturbed Persons — Are We Meeting Their Needs?" In presenting some of his research findings, he noted that there are presently 14,000 emotionally disturbed people incarcerated in Ontario's jails and that between 3,000 and 5,000 people with mental health problems are arrested each year in Toronto. Of the city's homeless population, estimated at 26,000, 35% experience mental illness. These figures represent a systemic problem in which the police are called in, resulting in the criminalization of a vulnerable group of people.

Staff Sergeant Trovato sent out a survey that was answered by 400 police officers in 17 police divisions. He discussed the various attitudes held by respondents towards people with mental health problems; their views ranged from authoritarian to benevolent. His research indicated that over 80% of police said that they need more training to identify people with mental illness. Sixty per cent of police said they have less than 10 hours of training on mental health matters. He argued that, when dealing with a person who has mental health problems, police react not to a person's mental illness but to how that person behaves; more training of police is needed on this subject.

Sri-Guggan Sri-Skanda-Rajah, *Urban Alliance on Race Relations*

Sri-Guggan Sri-Skanda-Rajah said that we must take lessons from what others are doing. We need to think of ways that are not just ad hoc to deal with problems in various communities, such as in the Tamil community. Can we work together to design programs after this conference? The challenge will be to develop partnership projects with the police in difficult areas.

In discussion, Pat Capponi said that police going around in an unmarked car could be very frightening for a lot of psychiatric survivors. The St. Michael's Hospital team are trying to keep a lid on people's problems, rather than dealing with the situation. Ms. Capponi said she also did not think it was a good thing to be using the police to get access to someone's home in situations like this. The people involved in this project need to work with psychiatric survivor groups. Constable Maywood responded that the team hopes to work with the Gerstein Crisis Centre as well as to make linkages with community resources to assist psychiatric consumers.

Suggested actions arising from presentations on Solutions

- CIT wants funding for 24-hour service and follow-up visits.
- The CIT/SMH Team should work with psychiatric survivors, as this unit is seen in the

community as controversial.

- Police need more training on mental health and issues affecting psychiatric consumer/survivors.
- Challenges need to be met to develop partnership projects with the police in difficult areas.

PANEL DISCUSSION ON SOLUTIONS

Nicki Casseres, *Volunteer Training Coordinator, Gerstein Centre*

Jennifer Chambers, *Coordinator, Queen Street Patients Council*

Erick Fabris, *Staff Member, Queen Street Patients Council*

Sandy Adelson, *Toronto Police Services Board*

Terry McGurk, *Crisis Outreach and Support Team (COAST), Hamilton*

John Jones, *Executive Director, Martin Luther King, Jr. Institute, Miami*

Tam Goossen, *Moderator*

Nicki Casseres explained that a bad first experience with the mental health system may set the tone for many psychiatric consumer/survivors. She emphasized how important it is for everyone to look at what people have experienced in the system and to listen to what they have to say. The Gerstein Centre is a non-medical short-term emergency residence for people with mental health problems. Some of the residents there complain about the operation of the Centre; this is good, as they need to have a process for complaints and we need to respond to them.

Ms. Casseres said that it was sad to think that the people we are talking about have not been consulted when it comes to mental health care. What is preventing people on the streets from accessing the system? We need to ask people who use the system for their views. Police should also be asked for their views on this issue. She concluded that more outreach and more accessibility is needed for psychiatric consumer/survivors.

Jennifer Chambers pointed out that prevention must be a consideration. If people were provided with the resources that they have repeatedly indicated they need, they would be less likely to end up in crisis and in encounters with police. Homeless people need homes, but there is little money going to housing. Much more funding is going to the mental health system, although housing has been identified as far more important to a person's well being. As an indication that money is not going to the right resources, we know that larger numbers of people recover from "schizophrenia" in non-industrialized than in industrialized countries.

Ms. Chambers argued that we need to fund alternatives to the reliance on psychiatric medications. Soteria House in the U.S. was an example of a more effective, non-medical model alternative to hospitalization, but it lost its funding. Psychiatric consumer/survivor organizations have done a great deal to help save money, by cutting down on the use of hospital beds. They have accomplished this through peer support and survivor-run employment agencies that give people

a different route than through a hospital ward. While psychiatric survivor groups do not get much public funding, a lot of money does go to mental health services that consumers and survivors do not want. Ms. Chambers concluded that more money has been spent on unwanted services than on those in high demand, which has been proven a poor strategy. In order to avoid the creation of another system that consumer/survivors reject, it would be wise to include this community in any police-mental health initiatives.

Erick Fabris discussed the need to educate people on our use of language and psychiatric labels. “Psychiatric survivors” is a better term than “mentally ill,” as the former describes a person’s experience much better. This is the key — the need to understand the *experience* of a person with mental health problems. Police should be active and empathetic in regard to a person with mental health problems, rather than quickly judging them through medical-model biases. Meet a person halfway by finding out what their needs are. Give them options, rather than controlling their options, and gain their trust by helping to develop strategies. Talk to consumer/survivors about what their crisis feels like and how it’s rooted in their life. People also have to understand the politics of mental health. We can see something as an illness or a biochemical or a genetic disorder, or we can see it as a crisis that is happening and that may have reached a peak. This latter perspective is a more helpful one for the person in crisis.

Sandy Adelson said there is a good deal of duplication and ignorance in relation to mental health matters. There is a need to work together and to see how far we have come in order to achieve agreed-upon goals. The fact that there are so many different views at this conference is “wondrous,” Ms. Adelson said. She noted that too often we only get together from different communities at an inquest, which is a defensive setting because people from different groups are not on the same side. Ms. Adelson argued that programs that are jointly operated by both police and community, such as the St. Michael’s Hospital/51 Division CIT project, are the only ones that will work in planning and implementing changes. More community consultation is needed on these issues.

Terry McGurk spoke about how the Hamilton Crisis Outreach and Support Team (COAST) developed from Hamilton’s grassroots — police, families, community, mental health professionals and psychiatric consumers — based on the recognition that many psychiatric consumers won’t come in to use conventional services. The team includes police who work on a mental health team that “provides assessment, treatment, support and referral for people experiencing crisis.”

COAST is needs-driven rather than service-driven. An important aspect is the representation of police on the steering committee, alongside community and mental health people. There are six back-up officers in the plan who help to deal with mental-health crises and to improve community linkages. The intent is to decriminalize mental health problems by using a mobile outreach unit to assist the person and the family. A significant aspect of the program’s work is the use of police reports; these help to determine if outreach is needed. Mr. McGurk said that COAST is designed to reflect the needs of the community it serves.

John Jones began the final presentation on this panel with this question: “Where do we go from here: community or chaos?” He enumerated five threats to survival — violence, militarism, poverty, violation of human rights and denial of dignity, and the right not to be killed and the responsibility not to kill others. The symptoms of violence are everywhere different, but the causes are everywhere the same, he said. Violence is the voice of the unheard. We need to understand and change conditions that lead to aggression; for this, we need community leadership and mobilization skills. And that needs community law enforcement education and training workshops, to produce the will and the skill. This could be done through top-down vertical planning and bottom-up horizontal planning; but a window is needed through which we can all see problems through the same lens. We need to focus on the processes of aggression and conciliation; to use the energy to change conditions, then move to our goals.

He remarked that one element missing from the conference was a focus on children as our future; our children will “act out what they think they are being denied.” In the United States, Mr. Jones said, we can see our future incarcerated in jails. Toronto does not have that problem because people here are already communicating. He assured the conference that the King Institute would be willing to help with further work. But remember, he said, that “it is personal commitment, not money, that solves problems.”

“Violence of the spirit,” he said, “is often worse than physical violence, as violence done internally can have lasting scars,” and he was glad to see compassion for people with mental health problems. When we educate others, he concluded, we need to do it with compassion.

Maurice Adongo asked how we proceed after this meeting; Jones responded that workshop training and education is one idea, which Tam Goossen supported. Lana Frado said that she had never previously heard of Mobile Crisis Units, even though she works with psychiatric consumer/survivors in the same area that the MCU operates. Evidently communication problems need to be fixed. Nicki Casseres said all stakeholders need to be invited to the table and psychiatric consumer/survivors need to know about the resources that are out there.

Bob Katz asked what the police should have done differently in *Vincent*. Erick Fabris responded that there is a need to manoeuvre around a situation like that to divert it from a violent ending. Jennifer Chambers added that the solution should not just rest with the police. We have to ask: how did a person get to a situation that leads to a confrontation? We should foresee confrontation and figure out ways around it before it happens.

Suggested actions arising from panel discussion on Solutions

- We need to ask both police and people who use the mental health system for their views.
- More outreach and accessibility is needed for psychiatric consumer/survivors.
- More funding is needed for psychiatric consumer/survivor initiatives and for non-medical alternatives to hospital mental health treatment.

- We need to understand the *experience* of a person with mental health problems.
- Police should be active and empathetic in regard to a person with mental health problems, and should not quickly judge them through medical-model biases.
- Meet a person halfway by finding out what their needs are.
- Give them options and gain their trust by helping to develop strategies.
- Joint programs of the police and community need to be implemented.
- More community consultation is needed on these issues.
- We need global solutions to understand and change conditions that lead to aggression.
- When we educate others, we should do it with compassion.
- Communication problems need to be fixed between people and organizations.
- More education and workshop training is needed on all these issues.

VIII CLOSING CEREMONIES

Charles Roach, *Barrister and Solicitor, Roach, Schwartz and Associates*

Charles Roach said that the independent investigation of police officers [the SIU] came about not through the work of one organization but as a result of the whole community's concern. Investigation is the heart and soul of justice, and to get an independent investigation of police actions, to get the legislators' attention, we had to speak out. People such as Dudley Laws, John Sewell, Arnold Minors, Roy Williams, Howard Morton and now Olivia Chow, who took a position

against the police that the police union and the police lobbies did not like, said Mr. Roach, "bit the dust." People suffered. Dudley Laws was imprisoned and shackled. It is not possible to operate in a situation where the police are hostile, but a lot of things would not happen again because they had been brought to light, steps were taken, and we are now more vigilant.

Mr. Roach showed a confidential intelligence report by the Police Organized Crime Squad Intelligence Services that contained private information on people said to be threats to society, including Mr. Roach himself and his family. The media, in particular CFRB and *The Toronto Sun*, had also lashed out at activists. While Toronto was a liberal democracy for 90% of the people, for that other 10% it was not a safe place where their rights would be respected. If people were allowed to speak out on behalf of their constituencies, then change would come. Exposing misconduct was a way of improving society, Mr. Roach said. Because of organizing by politicians, churches, unions and communities after the Albert Johnson killing, 10 years passed before there was another killing in similar circumstances, in 1988.



Charles Roach

Mr. Roach expressed optimism about dynamic involvement of communities across the country on issues. Since the struggle had started he had seen substantial changes and great improvements in the police services. Mr. Roach said he wants Toronto to be the epitome of a community that is policed in a way that would be exemplary to the whole world. He said that his reason for participating with police officers was so that they can hear what the community was saying and know its concerns.

Chief Julian Fantino, *Toronto Police Service*

Chief Fantino quoted an unknown author: “For those who believe, no proof is necessary; for those who don’t believe, no proof is possible.” He acknowledged the work of the planning group in bringing about the conference, which was both unique and timely. But the use of lethal force by police is not solely a police issue. Options, alternatives and prevention measures are a societal responsibility that transcends specific mandates, responsibilities and also accountability of individual officers and their organizations. Providing safety, security and quality of life are shared responsibilities in which the police is one stakeholder. It is unrealistic to hold the police solely accountable for all that ails society. Public safety cannot be achieved without also balancing those issues and having an equal concern about officer safety. He stressed that exploring alternatives to the use of lethal force by police does not mean that police officers are to be prohibited from using lethal force when the law and circumstances dictate such a response.

Chief Fantino spoke of visiting many community groups in the city after he took office on March 6, 2000 as proof of his position that the support and cooperation of various communities that make up Toronto are “essential elements in the successful operation of the Toronto Police Service.” The policing of this metropolis is not just the responsibility of the police; it is a partnership between the police and the various communities in the city, and “real partnerships get the job done.” He encouraged people to use the past to build positive outcomes through open and honest dialogue, rather than dwell on blame. He said that the police were here to learn and to move forward, to build bridges that may not have existed before and to solve problems. He said 40 police staff and board members had attended the conference, including 19 presenters, contributing to a forum that was informed, rational and open-minded. Chief Fantino said he looked forward to similar future initiatives and opportunities to solve problems.

He addressed the four pillars of the conference, saying that alternatives to the use of lethal force by the police that involve training and equipment considerations is supremely important to the Toronto police and to other police services. On perceived barriers that prevent changes to the way police use lethal force, Chief Fantino said he was open-minded and receptive to feedback as were the members of his organization. On the issue of race, he said it was important as it seems to be injected into so many issues where the police are criticized. “Regardless of reality, the issue of race must not be ignored or otherwise discounted.” He also argued that the management of mental illness in the community was contributing to “an explosive environment” that may lead to violence. Chief Fantino said that Bill 68’s requirement to enforce community treatment orders in Ontario

was “a recipe for disaster.” What is critically needed is prevention. He closed with a promise of looking forward to working with the community again on alternatives to the use of lethal force.

Tam Goossen, Co-Chair

Tam Goossen, Co-Chair of the Conference and President-elect of the Urban Alliance on Race Relations, thanked everyone for coming. Over 170 people attended the first day of the conference, well above the organizers’ expectations. The Urban Alliance remained committed to continue



Left to right: Charles Roach, Tam Goossen, Jeffrey Patterson

raising voices and concerns on issues of racism in society’s institutions, and would continue to be out there working with people and supporting others to raise those concerns and, at the same time, to look for solutions. She recognized steering committee members and the subcommittees for their work in organizing the conference, hoping that the subcommittees would continue the work.

Julian Falconer, Co-Chair

Julian Falconer thanked the participants, co-chairs and the organizers. The pain of litigating over many years for families of victims had caused him to realize that a courtroom has its limitations. Friendship, bridges and bonds of trust are stronger than divisiveness, battle and

conflict. During the conference he saw opposing camps working together with respect and even, finally, applauding each other. The Urban Alliance on Race Relations and the Queen Street Patients Council are very precious organizations that are devoted to improving society; there is no one to keep them alive professionally, and their survival is in jeopardy. He reminded the delegates that they had responsibilities to ensure that these organizations survived.

The previous evening, Myrtle Donaldson — who lost her husband in a tragedy that was terrible for her, terrible for the family, for the officers involved, and for society — closed a divisive discussion in a completely spontaneous moment by saying, “It’s time for healing, it’s time for forgiveness.” It had taken 25 years to get to this point, said Mr. Falconer, and he urged everyone to continue the work.

He then read out the conference mission statement and asked the people who signed as community representatives, police representatives and the conference co-chairs, to come to the stage and sign their names beside their original signature as a symbolic way of showing that they had stayed to the end.

Chief Fantino, Tam Goossen, Jeffrey Patterson, Bromley Armstrong, Charles Roach, Dudley Laws, Sylvia Hudson (Police Services Board member on behalf of the Board's Chair, Norm Gardner), Sandy Adelson, Deputy Chief Michael Boyd, Staff Inspector Ken Cenzura, Inspector Gary Ellis, Jennifer Chambers on behalf of Keith Welch, all signed the mission statement.

"This conference," said Julian Falconer, "is a rare flower"; and he presented impatiens to Chief Fantino and to Dudley Laws, asking them both to take care of the flower. And Chief Julian Fantino shook hands with Dudley Laws.

4

“Community Policing” Defined

Broadly speaking, police conceive of their roles in three ways, to provide:

- Rapid response to crises;
- Intermediate response, where attention is needed but not as a matter of life and death;
- Preventive policing, or community policing.

The question presents itself as to what is community policing? The difficulty with any overused mantra is that its meaning becomes obscured. The conference heard from participants who, in effect, argued that “community policing” is simply a platitude meant to appease rather than to achieve “peace.” Another concern is that a significant portion of police resources is being dedicated in the interests of “community policing” a segment of society that, arguably, does not need or want the level of resources currently being allocated.

Based on discussions at the conference, there are three general ways in which police services are perceived by the community:

- (a) *Police as Experts* — In this conception, police are viewed merely as experts who know how to enforce the law and protect people. The majority of people in our community feel safe and secure and only wish to see a police officer when there is a problem.
- (b) *Police as Community Organizers* — Under this rubric, law enforcement merely serves as a conduit for the community to come together and speak about their concerns in a manner that police can digest and act upon. The police will work with the community to deal with a specific issue such as a sexual predator in the area. When the problem is dealt with, the people will usually only seek to deal with police officers as experts.
- (c) *Police Engaged in Community Development* — In this conception, police do not merely enforce the law or bring the community together, but play a much more active role in having a positive impact on community members, providing a variety of services to them and seeking to meet their needs and generally make their lives better.

True “community policing” would have, as its primary goal, the engagement of police in community development (i.e. (c)). That is not to say that other forms of policing do not constitute essential services; as long as society is governed by the Rule of Law, the enforcement function as reflected in (a), “Police as Experts,” remains a key function of the delivery of police services. It is arguable, however, that police leadership, fuelled by the security fears of the “have’s” relative to the “have not’s,” is under pressure to place undue emphasis on an enforcement model of policing.

Positive change in policing can only be achieved with a renewed focus on those who are most in

need of such change and who, ironically, are often in an adversarial relationship with police. In many police service budgets, however, a line item for community policing (i.e. "(c) Police Engaged in Community Development") hardly appears. This must change; budgets themselves must reflect a commitment of resources to engaging in truly preventive, community policing.

In the interests of community policing, then, there must be a re-commitment of resources and a re-commitment to community action in a non-adversarial sense. It is recommended that a broad spectrum of law enforcement officials meet with various sectors of the community in regular informal, non-adversarial forums. These should take place once a month and should be attended by senior officials, with junior police officers randomly selected for inclusion. After a series of these meetings, the needs and grievances expressed should be carefully recorded and should result in a series of recommendations to guide police conduct and *which will be accurately reflected in the police service budget*. These forums must not merely be convenient forums of choice: every effort must be made to reach out to and work with the marginalized and vulnerable sections of the community.

The forums should complement a two-level process designed to bring police into interaction with the community willingly and in a constructive manner. The process would be undertaken as follows:

- (i) Meetings between high-ranking officials and the community: To begin the process of change, community groups must undertake efforts to educate those who design and implement policies as to the major concerns of communities. This can take place in a series of both formal and informal meetings between community leaders and high-level police officials. It is essential to the process that those representing police interests be true decision-makers. There must be a recognition that little is accomplished by delegating community relations to police representatives who "look good" but have little or no decision-making power.
- (ii) There ought to be a revitalized definition of "community policing" circulated through all ranks of police services. This definition should be precise in wording and priorities. Community interests should be invited to participate in the development and implementation of such a precise concept of community policing.

The meetings between law enforcement officials and the community must be broadly representative of the community itself, and must include real representation from the most marginalized and vulnerable sections of the community.

To this end, community groups, and in particular those representing the most vulnerable sections, should begin the process of engaging with police and civilian oversight bodies in constructive projects that are under community control. As always, in speaking of the community, we should be cognizant of what the community *is*. In line with thinking about who and what are being served and protected, we must emphasize that when police interests work with the "community," they have a responsibility to work with all sections of the community equally. This caveat may also apply *between* indigent groups — without power or resources or security they can nevertheless have competing interests.

For example, one group has received funding from the Ministry of the Solicitor General for a community-policing project in conjunction with 51 Division of the Toronto Police Service.¹ More funds are available, and other community groups can engage in similar projects with a view to developing a comprehensive initiative that will engage the community as a whole. There must, however, be equality within such undertakings: a joint project in which the community group involved has little or no input in terms of program content is bound to lack credibility and is therefore unlikely to succeed.

Members of civilian oversight bodies of the police, such as municipal police service boards, members of the Ontario Civilian Commission on Police Services and representatives of the Office of the Solicitor General should consider the above-recommended interactions with community as a responsibility to be shared equally with those they oversee. All too often, there is a lack of leadership from these oversight bodies as key matters of police policy are relegated to the category of “operational matters,” thus out of reach of those who should lead rather than be led.

Community interests at the conference regularly referred to the Conservative Government of Ontario’s dismantling of the police complaints system as indicative of the Government’s lack of commitment to true civilian accountability. Conversely, however, the conference heard from Peter Tinsley, Director of the Special Investigations Unit, about the same Government’s fulfillment of the Adams Recommendations regarding serious budgetary allocations to the SIU, which has meant more competent and timely independent investigations of police shootings.

The oft-referred-to dismantling of the police complaints system is perhaps most troubling for what it reflects about the absence of any regard or recognition for the statutory role of the Ontario Civilian Commission on Police Services. The arguable absence of OCCOPS from the landscape of public perceptions of police accountability is more than simply notional. The agency’s Chair, Murray Chitra, declined an invitation to speak at the conference.

The important role of public education on key issues of police accountability is acknowledged through the conference participation of major leaders such as Chief Julian Fantino, Police Service Board Chair Norm Gardner, SIU Director Peter Tinsley, Chief Coroner Dr. James Young and other leading state figures in the Province of Ontario (OPP representatives, Halton Police Service Board members, etc.). Conference attendees from all constituencies agreed that “community policing” is not simply for front-line officers or police service brass; it is the responsibility of all who purport to hold institutional responsibilities. No agency can maintain credibility with complacency. It behooves all to participate and reach out to explore the possibilities of true “community policing.”

1. The Dixon Hall Project is but one example of successful police-community initiatives.

Recommendations

The following recommendations arise directly from the proceedings of the Conference on Alternatives to the Use of Lethal Force by Police. The Steering Committee has drafted them on the basis of participants' submissions and of concerns raised during the proceedings, and in order to address issues that flow from the topics covered at the conference. These recommendations are offered under the overarching principle of the need for attitudinal change and improved communications. The recommendations address the expressed needs of the ethno-racial and psychiatric survivor communities to create a new concept of community policing.

Guiding Principles: Changing Attitudes

1. *As a guiding principle on which to base better relations among the communities, all the affected communities — and all their members — should commit to the philosophy of non-violence.*
2. *Each community — ethno-racial, psychiatric survivor and police — should be open to seeing each other as people, not as stereotypes. We need to understand how perceptions affect actions. And we also need to understand and recognize the factors that can bring our community members to a crisis point.*
3. *Psychiatric survivors, the police and the ethno-racial community also need to see each other as a resource to which both requests and offers can be made. Everyone is part of the solution to avoiding the use of lethal force.*
4. *If the police are to be understood as true members of the broader community and, conversely, the community is to feel itself to be part of the police, then the perceived distinction between the two must be erased, and the community and the police must merge into a coherent whole. If such merging is to happen, it is essential that there be transparency, awareness and open communication between the police and all the communities they serve.*
5. *A civilized society must be committed to creating and enforcing laws that ensure that illegal conduct by any member of society is addressed effectively, compassionately and without regard to that person's position in society.*

Regarding Education and Training, it is recommended that:

1. A public education group be formed, consisting of an integrated group of representatives of the communities that were key to the conference, and police leaders. The members of this group will educate each other about each sector's issues and will facilitate the education of the public

on issues related to mental health, race and policing. The group will act to avoid the stereotyping and demonizing of community members and police in the media, and to better enlist public support for constructive alternatives to situations leading to the use of lethal force. Towards addressing community concerns, this group will be required to meet immediately a situation of lethal force by police arises. The group will be a steering committee overseeing independent evaluation of police-community educational efforts, e.g. diversity training.

2. The police, the ethno-racial community and psychiatric survivors participate in joint educational sessions on nonviolence under the guidance of the Martin Luther King, Jr. Institute. This will strengthen community relationships and enhance each group's ability to deal with the issue of violence in their own and each others' communities.
3. Police continue to receive training in methods of de-escalation.
4. Ongoing education in diversity continue to be provided for the police with the assistance of the ethno-racial and psychiatric survivor communities. Learning occurs through relationships that have ongoing opportunities for contact and dialogue. Education can improve communication and understanding between the police and members of diverse communities, and it reduces the possibilities for misunderstanding that can contribute to the use of lethal force.

Regarding Mental Health, it is recommended that:

5. Psychiatric survivors continue to identify needs that must be met to prevent crises from developing, and continue to inform the government, the Mental Health Implementation Task Force, and mental health services of these needs and what specifically would address them.
6. Mental health service providers and the Ministry of Health support the self-identified needs of psychiatric consumer/survivors, rather than using coercion to impose unwanted services. When the supports that consumer/survivors want to use are adequately resourced, there will be fewer calls to the police that lead to their interaction with people in crisis.
7. The Minister of Health repeal mental health legislation formerly called Bill 68 that allows for the use of force (involuntary detention by police or a mental health facility) when there is not an immediate danger or a criminal act is not an issue. Choice of treatment rather than compliance with treatment should be provided for, both in legislation and in funding decisions.

Regarding Community Policing:

These recommendations are directed to the development of a concept of community policing that respects and integrates the perspectives of police and community so that policing needs are assessed on the basis of what the community wants, and carried out in a way that is sensitive to community concerns and in the interests of all communities. If there is to be progress in closing the "great divide" between key communities and the police, the community must feel a sense of ownership of and responsibility for the police. The community must also be sensitized to the

support required by the police to fulfill their responsibilities. *Who* are the police to serve, *what* are they to protect and what do they need to do this? The issue of police accountability, its adequacies or deficiencies, was an oft-debated issue over the two days of the conference. The following recommendations address the fostering of open communications, awareness and therefore transparency between the police and all the communities they serve.

On Transparency and Accountability

To: The Office of the Premier of Ontario, the Attorney General of Ontario, the Minister of Public Safety and Security, the Management Board Secretariat for the Province of Ontario and Municipal Police Services Boards:

8. Accepting that effective and credible leadership is the key to progress in community policing:

It is recommended that:

The community have an increased voice in the appointment process of key policing positions, including the Chair of the Ontario Civilian Commission on Police Services, the Director of the Special Investigations Unit, Chairs of Police Service Boards and Chiefs of Police Services. The process for these appointments should be characterized by transparency and public accountability and should consist of public consultation hearings by the appropriate Minister, or Police Services Board in the case of the Chief of Police, prior to such appointment.

To: The Attorney General of Ontario, the Minister of Public Safety and Security and the Director of the Special Investigations Unit (SIU):

9. (a) In his Consultation Report to the Attorney General and the Solicitor General dated May 14, 1998 the Honourable George W. Adams QC recommended (Recommendation 16) that "The written report of the SIU be made public where no charges are laid." As Mr. Adams observed, "A public report seems central to providing the necessary accountability and public confidence." It was apparent to all conference organizers that insight into the facts revealed in the course of an objective investigation of an incident involving the use of force by the police would allow for meaningful analysis and the development of alternatives to the level of force used.

It is therefore strongly recommended that:

The government take such steps as are necessary to effect Mr. Adams' Recommendation 16 and allow SIU reports to be made public in cases where charges are not laid.

9. (b) The SIU is created by Section 113 of the Police Services Act in which the powers of the Director of the Unit are defined entirely in relation to the conducting of criminal investigations and determination of whether or not to lay charges. The individual and collective investigations of the SIU comprise a unique body of information related to the use of force by police officers which could be analyzed and utilized to make observations related to trends in

the use of force and recommendations regarding changes or improvements in such usage; and the Director of the SIU is ideally positioned to undertake such analysis and make such observations and recommendations for the benefit of the public and the police.

It is therefore recommended that:

The Director of the SIU be empowered by Regulation to analyze the use of force in the context of matters investigated by the Unit for the purpose of making observations and recommendations in cases where charges are not laid.

To: The Minister of Public Safety and Security, the Chiefs of Municipal Police Services and Municipal Police Services Boards:

10. It is recommended that:

In an incident of police use of force where the SIU has invoked its mandate and the Chief is required to do an administrative investigation and report, the Chief provide the report to the Police Services Board.

To: The Minister of Public Safety and Security and Municipal Police Services Boards:

11. It is recommended that:

Police Services Boards make public the findings and recommendations contained in the Chief's administrative reports referred to in paragraph 10 above.

To: The Minister of Public Safety and Security:

12. It is recommended that:

The Minister of Public Safety and Security cause an "Alternatives to Lethal Force Newsletter" to be produced twice yearly. This newsletter would be made public and include, but not be limited to, a review of alternatives to lethal force technology being used or considered, best practices of police services in the area of use of force, current and proposed training by the major Ontario police services, and statistics related to the use of force by police in the Province.

13. It is recommended that:

The recent use of "Taser" technology by Toronto Police be publicly reported on and reviewed and any consideration of expanding or reducing the use of such technology be done with public consultation; if after such reporting and consultation it is found that this technology has reduced lethal force, then the Minister of Public Safety and Security is to consider immediate expansion of its use by police services.

To: The Minister of Public Safety and Security, the Attorney General for Ontario, the Chief Coroner of Ontario and the Auditor General for Ontario:

14. Coroners' Inquests serve as a vital forum for the examination of issues and concerns arising

from the police use of lethal force; juries' recommendations in such inquests reflect potentially important solutions to some of these issues; and there is no legislation in place whereby state and institutional interests must account and/or explain why they have not implemented particular recommendations.

It is recommended that:

The Auditor General for Ontario conduct an annual audit of all recommendations issued by Coroners' Inquests which are directed at state officials for the Province of Ontario, with a view to reporting annually on those recommendations that are implemented and those that are not implemented.

On Access to Justice

There can be no true state accountability if those who have legitimate and credible interests (legally and otherwise) in accessing the justice system for the purposes of furthering state accountability, both privately and publicly, are barred by virtue of the prohibitive cost of litigation. Civil actions arising from police use of force, lethal or not, as well as Coroners' Inquests and other public inquiries all represent forums in which potentially significant issues in state accountability arising from police use of force are litigated. While institutional and state interests fund legal representation that permits the state to competently address allegations and concerns relating to police use of force, those on the other side of these proceedings are inadequately funded. A level playing field in these types of proceedings is essential to ensuring effective, credible and fair process in the furtherance of state accountability.

To: The Attorney General for Ontario and the Ontario Legal Aid Plan:

15. It is recommended that:

The funding of the Ontario Legal Aid Plan be enhanced to permit members of vulnerable communities with credible and legitimate interests in specific proceedings to obtain legal representation on a par with the legal representation obtained by the state interests responding to allegations and concerns regarding state use of force. Funding levels commensurate with those in the federal Court Challenges Program should be immediately adopted in order to address the present imbalance.

To: The Attorney General for Ontario and the Ontario Legal Aid Plan:

16. It is recommended that:

The eligibility criteria for funding in civil litigation be expanded to ensure adequate funding for legal representation in respect of police use of force cases. Without restricting the generality of the foregoing, these expanded criteria should include the public interest in state accountability that may be furthered by pursuing civil litigation which may not be otherwise justifiable based on the damages recoverable.

To: The Court Challenges Program of Canada:

17. It is recommended that:

Funding criteria from the Court Challenges Program be expanded to include funding legal representation for litigants pursuing credible and legitimate proceedings in respect of state accountability in the use of force.

On Fostering Communication and Awareness, it is recommended that:

18. The Toronto Mental Health Legal Advocacy Coalition, a group consisting of psychiatric survivors and mental health advocates, work with Toronto Police Services and the Police Services Board to establish a working group to address the intersection of policing and mental health issues. The work of this group would include:

- Developing police-community liaison relationships with psychiatric survivor and other relevant organizations;
- Making recommendations regarding the police and existing mental health organizations, with a view to benefiting psychiatric survivors;
- Overseeing research and analysis of initiatives in the area of policing and mental health, e.g., the pilot projects discussed below;
- Ensuring a substantial representation of psychiatric survivors on the steering committees of such initiatives;
- Understanding the consequences of what the community expects the police to do, and understanding what the police need to do it;
- Designated members of this group will also have representation in a Citizens' Circle (see Recommendation 23 below).

19. Police and Police Services Board members be given the opportunity to be exposed to a variety of forums that will allow them to gather the needs and concerns of the community as equals.

20. Police service budgets themselves reflect a commitment of resources directed at working with communities most in need.

21. To encourage ongoing dialogue, a broad spectrum of law enforcement officials meet with various sectors of the community in regular, informal and non-adversarial forums. A complementary process should be undertaken in the interests of bringing about willing and constructive interactions between the police and the community and to sensitize the police at all levels to community needs. This process should consist of:

- a) Meetings of high-ranking police officials with the community, designed to influence policy-making;
- b) Comprehensive and mandatory training of mid-ranking, entry-level and newly hired officers;
- c) The recommendations developed during these meetings should guide police priorities and should be accurately reflected in the Police Service budget.

22. Community groups begin the process of engaging with police in constructive projects. To maintain a relationship of equality between the police and the community, it is important that these projects remain under community control.
23. The Urban Alliance on Race Relations bring together community members, police and elected representatives to form a Citizens' Circle for the purposes of discussing issues relating to:
 - reviewing all recommendations in this report;
 - vulnerable communities in need of focus;
 - outreach towards the various communities most in need of community policing initiatives;
 - resource/management and restructuring of police services;
 - understanding the consequences of community expectations of what the police do, and understanding what the police need to do it;
 - how police can work with community resources, including non-governmental organizations, community agencies, and constituency offices of elected representatives, towards solving conflicts locally without resorting to police;
 - collecting, analyzing and identifying effective community policing practices and conflict resolution programs both in Canada and abroad, and making recommendations for the best practices.

By the end of a six-month period, this Citizens' Circle will design a process that will provide alternatives to lethal force by police and lead to better relationships between the police and the community.

Mobile Crisis Teams — A Step Backwards

Police are very often the first response to an emotionally disturbed person in crisis, but they are not always the best response. "Mobile crisis teams," whether they involve a police officer partnered with a mental health service provider (see 51 Division initiative below) or police reliance on a team of mental health service providers acting independently (see 42 Division initiative below), all have as their ultimate rationale the integration of police and mental health services with a view to saving lives.

In June 2000, presentations were made at the conference with respect to different initiatives by police and mental health service providers involving mobile crisis teams. *As of June 2002, the 42 Division initiative has been shelved and the 51 Division project is faltering and has not been expanded beyond a pilot project in a single Division.*

Conference participants heard that a pilot project between St. Michael's Hospital and 51 Division of the Toronto Police Service involving Mobile Crisis Intervention Teams (MCITs) operated in the downtown area of Toronto. The MCITs partnered a mental health worker with a police officer to respond to the needs of emotionally disturbed persons in crisis. The project was based on the successful Hamilton COAST (Crisis Outreach and Support Team) program and the Car 57 project in Vancouver. These teams appear to be well suited to the large population concentrations

in the downtown core areas that are characterized by a high homeless population, and where there is better access to mental health services relative to other parts of Toronto.

Participants also heard from the 42 Division Mobile Crisis Unit (MCU) project, which was focused on the large, heavily populated residential area of east Toronto (formerly Scarborough). This form of mobile crisis unit used trained mental health workers who were available to police 24 hours a day, 7 days a week. Police officers were under orders to contact the MCU team and ask them to respond with the police to situations involving emotionally disturbed persons in crisis. If the situation was deemed safe enough, the mobile crisis team would take over assistance to the person; if the situation involved apprehension, the MCU would assist the officers at the hospital and would also undertake follow-up with the person and his or her family to minimize crisis situations in the future.

Clearly, a heterogeneous city calls for differing responses according to the constituencies being served, and both the programs described above have validity and serve a different demography. But the conference discussions showed that there were problems with both projects. An ongoing tension remains between proponents of a “psycho-social model” for addressing mental health issues and those who support what is referred to as the “medical model” in the treatment of emotionally disturbed persons. What was agreed upon, however, was that both the 51 Division and the 42 Division mobile units could be built upon and improved with proper consultation. It was clear that *both advanced the goals of the conference by presenting an alternative to the use of lethal force during police encounters with emotionally disturbed persons.*

As this Report went to press, both projects had taken a serious step backwards. The 51 Division project has had problems and ceased to operate for a short period. This project, if it is as successful as its proponents claim, should have expanded to other downtown police divisions rather than just continuing the status quo. The 42 Division project has lost momentum and the official involvement of the police. While the mobile crisis units in Scarborough still exist under new management, there is no longer a police representative who plays an integral role in the project. Nor is there any requirement for police officers to call in the MCU.

The people who will suffer are those who find themselves in crisis and confrontation with the police. By operation of policy and their police training, officers will revert to the “Use of Force Continuum” options rather than relying on key resources (i.e. mental health service providers) to assist in defusing encounters with emotionally disturbed persons who are in crisis.

There have been too many inquests, too many recommendations, and too much shifting of responsibility. In the end, emotionally disturbed persons in crisis who encounter police continue to die. *What is needed is action-oriented leadership by the Ministries responsible for health care and policing.*

On Mobile Crisis Teams, it is recommended that:

To: The Minister of Health and the Minister of Public Safety and Security:

24. Wide and effective consultation be held *now* on the issue of mobile crisis teams (such consultations must include consumer/survivor communities as well as the other affected institutional and individual interests); a decision be made in the *immediate future*, and the different mobile crisis teams that are necessary to serve the different needs of the local communities in Toronto be *fully funded*.
25. Since an essential ingredient of the effectiveness of any of the mobile crisis teams is the integration of police services and the work of mental health service providers, mandated standards and protocols be put in place for the police and mental health service providers to *be required to work together* to respond to an emotionally disturbed person in crisis. To this end, both the Minister of Health and the Minister of Public Safety and Security must each set standards and protocols to mandate such a joint response.

To: The Toronto Police Services Board and the Chief of Police, Toronto Police Service:

26. The Toronto Police Service assign a senior police official (with a minimum rank of Inspector) to be tasked with addressing Recommendation 25.
27. The Toronto Police Services Board direct the review and amendment of its policies with a view to ensuring the long-term entrenchment of mobile crisis teams as an alternative to the use of force during police encounters with emotionally disturbed persons in crisis.

Appendix A: Committee Memberships

Conference Report Committee, 2002

Tam Goossen, Co-Chair (UARR), Julian Falconer, Co-Chair, Audi Dharmalingam (UARR), Sri-Guggan Sri-Skanda-Rajah (UARR), Jennifer Chambers (Empowerment Council), Suzan Fraser, Bibhas Vaze.

Conference Report Coordinators

Judith Bell, Geoffrey Reaume and Ahmad Saidullah.

Conference Steering Committee, 1999–2000

Tam Goossen, Co-Chair (UARR), Julian Falconer, Co-Chair, counsel, Robert Katz (UARR), Audi Dharmalingam (UARR), Sri-Guggan Sri-Skanda-Rajah (UARR), Jennifer Chambers (QSPC), James Putt (UARR), Maria Wallis (staff, UARR).

Community Subcommittee

Sri-Guggan Sri-Skanda-Rajah, Audi Dharmalingam, Jennifer Chambers, Tam Goossen, Dudley Laws, Peter Rosenthal, Avvy Go, Poonam Khosla, Phil Tsui, Randy Pritchard, Bob Rose.

Mental Health Subcommittee

Jennifer Chambers, Suzan E. Fraser, Richard Schneider, Dr. James G. Young, Paul Quinn, Anita Szigeti, Jim Cairns, Sue Goodwin, Lana Frado, Julian Falconer.

Police Subcommittee

Toronto Police Service Board members: Sylvia Hudson, Olivia Chow and Sandy Adelson.

Police officers (ranks as of June 2000): Staff Inspector Ken Cenzura, Inspector Gary Ellis, Inspector Mike Federico, Staff Sergeant Peter Button, Sergeant Frank Trovato, Constable Scott Maywood, Constable Scott Weidmark.

Julian Falconer, Jennifer Chambers, Maria Wallis (staff).

Conference Volunteers, June 2000

Robin Mahood, Paul Tsang, Jeremy Millard, Gillian Morton, Dorothy Aaron, Paul Pakyam, Mercedes Montagnes, Eunice Machado, Gillian Williams, Hillel Jaeger, Warren Ragoonanan, Rebecca Hayes, Minday Noble, Sarah Noble, Jacqui Silvera, Tina Cheng, Anne Graham, Lara Tessaro, Pauline Rosenbaum, Sandra Chu, Sarah Loosemore, Adrian diGiovanni, Lena Lee, Angela James, Eli Laius, Karen Bellinger, Stephen Parks, Andrew Alleyne, Melissa Panjer, Amina Sherazee, Raana Rahim and Bob Sherman assisted with facilitating, recording and registration.

Assistance with the Report is also gratefully acknowledged from Professor James J. Fyfe; Rose Hong and Peter Tinsley from the Special Investigations Unit; Staff Sergeant Mike Felip, Staff Sergeant Andrew Onyszkiewicz from the Toronto Police Service; Sandy Adelson from the Toronto Police Services Board; Tomas Vares and Effie Waldie from the Ministry of the Solicitor General (Ontario); and Lucy Costa.

Appendix B: The Conference Mission Statement and its Signatories

Alternatives to the Use of Lethal Force by Police

*CONFERENCE BY THE URBAN ALLIANCE ON RACE RELATIONS/
QUEEN STREET PATIENTS COUNCIL*

*June 23-24, 2000
Osgoode Hall – Law Society of Upper Canada*

CONFERENCE MISSION STATEMENT

Whereas the harmonization of race relations among all members of society was the fundamental principle upon which the Urban Alliance on Race Relations was founded in 1975;

And whereas the Queen Street Patients Council is an organization comprised entirely of consumer/survivors which seeks to advocate on behalf of its members to promote better understanding among all of society as to the self-identified needs of consumers/survivors;

And whereas it is recognized that the issue of the use of lethal force by police is a subject of concern to all in society and that concerns over police use of lethal force have contributed to a strained relationship between the police and members of black communities;

And whereas this Conference on the Alternatives to the Use of Lethal Force by Police is intended as an important first steps towards establishing meaningful dialogue and achieving real solutions in the prevention of unnecessary deaths;

It is hereby agreed amongst those gathered at this Conference that:

We will collectively work in good faith at this Conference to discuss and present our views in respect of the use of lethal force by police, particularly as it relates to less lethal technology, issues of mental health, issues of race, issues of police accountability, issues of community responsibility and potential solutions to avoid deaths;

And we will give due respect to each other during the deliberation of this Conference and with a sincere effort to bring about dialogue and progress on developing alternatives to the use of lethal force by police;

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DATED THIS 23rd Day of June, 2000


Conference Co-Chairs:


Keith Welch, Queen Street Patients Council


 June 24


Tam Goossen, Urban Alliance on Race Relations

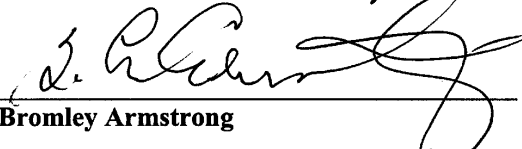
 June 24



Julian N. Falconer, Falconer Charney Macklin

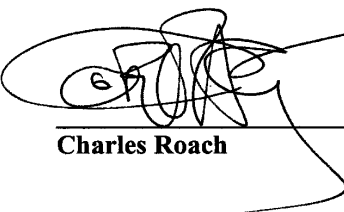
 June 24

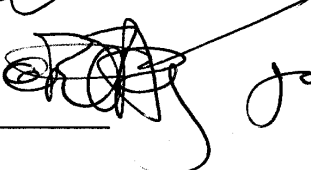

Community Representatives: JEFFREY PATTERSON

June 24/00


Bromley Armstrong

June 24/2000



Charles Roach

 June 24/2000

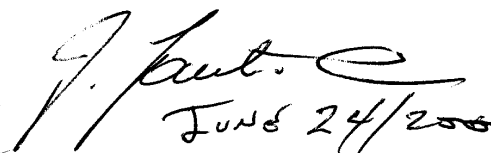


Dudley Laws

21/06/2000

Toronto Police Services Board:

 *for Sybil Harrison June 24/00*
Norm Gardner, Chair, Toronto Police Services Board

Toronto Police Service Representatives:

 *J. Paul June 24/2000*
 *June 24, 2000*
Deputy Chief Mike Boyd

 *Ken Cenzura 06/06/24*
Staff Inspector Ken Cenzura

 *Gary Ellis JUNE 24, 2000*
Inspector Gary Ellis

CONFERENCE DELEGATES:

JUNE 23, 2000

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PRINT NAME	SIGNATURE	ORGANIZATION
1. Erin Elizabeth Fitzpatrick	<i>Erin Elizabeth Fitzpatrick</i>	Mental Health Legal Committee
2. Jennith Chambers	<i>Jennith Chambers</i>	Queen St. Patients Council
3. LANA M. FRADO	<i>Lana M. Frado</i>	SOUND TIMES SUPPORT SERVICES
4. Erick Fabricio	<i>Erick Fabricio</i>	Queen St. Patients Council
5. Faiza Khalid-Khan	<i>Faiza Khalid-Khan</i>	New Dimension in Community Living
6. Maurice Adongo	<i>Maurice Adongo</i>	STREET HEALTH
7. John T. Jones Jr	<i>John T. Jones Jr</i>	FL. M.L.K. Institute
8. MICHAEL GROSSMAN	<i>Michael Grossman</i>	LOS ANGELES SHERIFF'S DEPT.
9. GREG MEYER	<i>Greg Meyer</i>	POLICE TRAINING CONSULTANT
10. KIKÉ ROACH	<i>Kiké Roach</i>	ROACH-SCHWARTZ/ROACH
11. HEATHER GREENWOOD	<i>Heather Greenwood</i>	TORONTO STAR
12. Ron Fanfair	<i>Ron Fanfair</i>	Shave
13. AUDI DHARIALINGAM	<i>Audi Dharialingam</i>	Uttan Alliance on Racism, Discrimination & Harassment
14. MACY TERESA DEVLIN	<i>Macy Teresa Devlin</i>	CO-COUNSEL
15. JANET MAC EACHEEN	<i>Janet Mac Eacheen</i>	LAWYER
16. Juan Gómez	<i>Juan Gómez</i>	Ombudsman Ontario
17. GEOFFREY REAUME	<i>Geoffrey Reaume</i>	HISTORIAN, PSYCHIATRIC SURVIVOR
18. ANITA SZIGETI	<i>Anita Szigeti</i>	MENTAL HEALTH Legal Committee
19. DAYNA SCOTT	<i>Dayna Scott</i>	Parkdale Comm. Legal Serv
20. PEGGY-GAIL DETAL-RAMSEN	<i>Peggy-Gail Detal-Ramsen</i>	il
21. SUE GOODWIN	<i>Sue Goodwin</i>	Queen St. Patients Council
22. Laurie Hall	<i>Laurie Hall</i>	A-WAY Express
23. CAROL DUNPHY	<i>Carol Dunphy</i>	A-WAY Express
24. Marg Martin	<i>Marg Martin</i>	A-WAY Express
25. SIOBHAN G. GRIZZLE	<i>Siohán G. Grizzle</i>	UARR.
26. Robert D. Katz	<i>Robert D. Katz</i>	president, UARR
27. Sharole B. Gabriel	<i>Sharole B. Gabriel</i>	Police Ukg Group
28. Melissa Panjer	<i>Melissa Panjer</i>	Adv. Ctr. on Violence
29. Joyce Bernstein	<i>Joyce Bernstein</i>	Toronto Public Health

SAVING LIVES: ALTERNATIVES TO THE USE OF LETHAL FORCE BY POLICE

June 23, 2000
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PRINT NAME	SIGNATURE	ORGANIZATION
30. Rebecca Bassey		City of Toronto Public Health Milton Neighbourhood Services
31. Joyce Temple-Smith		
32. Richard Warner	Richard Warner	law student
33.	I. W. BULMER	
34. PETER TINNEY		SIC
35. Bob Luker		Faculty of Community Services George Brown College
36. ROBIN BUYERS		Coalition for a Public Inquiry
37. Isabelle Jodoin		church of Scientology
38. Erica Lawson		African Can. Legal Clinic AFRICAN CANADIAN LEGAL CLINIC
39. J.B. RICHARDS		
40. Julian Roy		Lawyer.
41. ANITA BARNES		Community Resources Consultants of Tor.
42. Pam Powell		JAMAICAN CANADIAN ASSOCIATION
43. PHILIP C. STENNING		CENTRE OF CRIMINOLOGY, UNIVERSITY OF TORONTO
44. Pat Capponi		SURVIVOR ADVOCATE LAWYER
45. SUZAN E. FRASER		
46. NICKI CASSERES		The Hearst Centre PARKDALE Activities Recreation Centre mental health advocate and community activist
47. Bob Rose		
48. NORA MCCABE		
49. KELLY CULIN		HALTON REG. POL. BOARD
50. Phyllis Gordon		ARCH. Legal resource for persons with disabilities CITY OF TORONTO - LEGAL
51. JANE EGAN		
52. Scot Hodge		EAST METRO CONNECTIONS.
53. JULIE PARADIS	Julie Paradis	MOBILE CRISIS - N.D.C.L.
54. Shannon Dawson	Shannon Dawson	Toronto Police Service
55. CLAIRE MCCONNELL	Claire S. McConnell	COMMUNITY OUTREACH SERVICES
56. HILDE THOMPSON	H. Thompson	MOBILE CRISIS - N.D.C.L.
57. NANCY SMAIL	Nancy Smail	MOBILE CRISIS N.D.C.L.
58. Dawn Rose	Dawn Rose	Toronto Police
59. Colleen Northmore	Colleen Northmore	Toronto Police Service

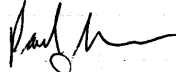


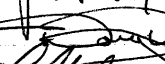



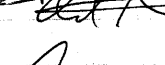

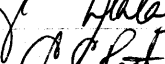
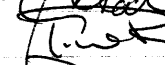
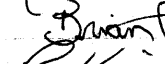
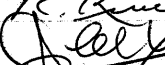




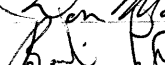
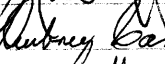
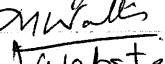
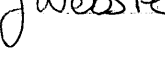





APPENDIX B: THE CONFERENCE MISSION STATEMENT AND ITS SIGNATORIES

June 23, 2000

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	PRINT NAME	SIGNATURE	ORGANIZATION
60	DIMITRI KOWBASSA		Toronto Police
61	Sarah Rix		City of Toronto
62	JANE MULKEWICH		HAMILTON WENTWORTH REGIONAL POLICE
63	FATIMA EL-KINDY		UNITED NATIONS COM. SERV.
64	FRANK BERGEN		TORONTO POLICE
65	DAVID PERRY		TORONTO POLICE
66	SCOTT COWEN		" "
67	GUY BLACKROCK		" "
68	MIKE GIRARD		" "
69	FRANK BESENTHAL		TORONTO POLICE
70	ANDRIA COWAN		TORONTO POLICE
71	RANDY CURTS		TORONTO POLICE
72	MICHAEL FELIP		Toronto Police Service
73	Marjorie Williams		parent of victim
74	Winston Williams		" "
75	KATHERNE YU		family member.
76	PETER BUTTON		T.P.S.
77	DAVID GODFREY		T.P.S.
78	JOHNSON BABALOLA		HABITAT SERVICES
79	TODD R. SAUNDERS		RCMP
80	Cassandra Fernandes		
81	Lisa Randall		CAHRT Regent Park Fears
82	LISA BROWN		Director Neckman
83	EVADNE WILKINSON		OUT OF THE GLO (OOTC) Theatre
84	BARBARA HALL		NCPA
85	CLYTON RUBY		Barrister
86	JAMES J. FYFE		Temple U, USA
87	James Young		Chief Coroner
88			Council

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89.	PAUL CUSACK		TORONTO POLICE SERVICE
90.	TEFERI ADEM		York University
91.	HEATHER DRYDEN		CRER, York University.
92.	JOHN HOWELL		TORONTO POLICE E.T.F.
93.	Doug Walker		Toronto Police. E.T.F.
94.	LEN MAKI		Habitat Services
95.	Tee Chung Tang		Habitat Services
96.	Salvatore Finkler		survivor advocate
97.	Bruce N. THOMAS		UARR - BOARD.
98.	Daniel A. Stein		Barrister.
99.	Sandra Burley		Tor. West Detention Centre
100.	FRANCES LANKIN		MPP BEACHES-EAST YORK NDP
101.	Grig-Edward Galabuzi		YORK UNIVERSITY
102.	ADAOMA C. PATTERSON		MALTON NEIGHBOURHOOD SERV.
103.	TIM REES		MULTICULTURAL INTER. GROUP
104.	Brian CARR		City of Toronto.
105.	Richard KIVELL		Halton Regional Police
106.	John P. Kelly		HALTON REGIONAL POLICE
107.	NOEL LEE		TORONTO POLICE SERVICES
108.	JED HANDY		T.P.S.
109.	Bob Flynn		T.P.S.
110.	PETER JULY		TPS
111.	KEITH FORDE		TPS - 31 DIVISION
112.	DON MUHAMMAD		TPS COMPLAINTS REVIEW
113.	RONDI CRAIG		BLACK POLICE CONSULTING & NATION OF ISLAM
114.	AUBREY CARREGA		T.P.S. 14 DIV.
115.	MARIA WALLIS		MALTON NEIGHBOURHOOD SERVICES
116.	Janice Webster		UARR
			Urban Alliance on Race Relations

117	BARRY NOLAN	<i>Barry Nolan</i>	SPECIAL INVESTIGATIONS UNIT
118	ROGER LOWR	<i>Roger Lowr</i>	
119	RUTH SYSKA	<i>Ruth Syska</i>	SPECIAL INVEST. UNIT
120	GARETH JONES	<i>Gareth Jones</i>	SPECIAL INVESTIGATIONS UNIT
121	DEO KERNAHAN	<i>Deo Kernaahan</i>	Urban Alliance
122	Monel Donaldson	<i>Monel Donaldson</i>	
123	Ted Chan	<i>Ted Chan</i>	Falconer Chan, Member
124	Joyce Rennie	<i>Joyce Rennie</i>	CONSUMER
125	CARMETA GENTLES	<i>Carmeta Gentles</i>	member
126	Scott Wortley	<i>Scott Wortley</i>	Centre of Criminology, UofT
127	Howard F. Norton	<i>Howard F. Norton</i>	Barrister
128	Dianne L. Martin	<i>Dianne L. Martin</i>	Osgoode Hall Law School
129	Sri Guggare Sri-Skanda-Rajah	<i>Sri Guggare Sri-Skanda-Rajah</i>	202-199 Upper Canada St. N2P 1T3
130	SANOT SRI-SKANDA-RAJAH	<i>Sanot Sri-Skanda-Rajah</i>	
131	Scott A. Maywood	<i>Scott A. Maywood</i>	Toronto Police Service
132	ALOK MUKHERJEE	<i>Alok Mukherjee</i>	
133	AVVY GO	<i>Avvy Go</i>	METRO TORONTO CHINESE & SOUTHEAST ASIAN LEGAL CLINIC
134	MICHAEL KERR	<i>Michael Kerr</i>	KARUNA COMMUNITY SERVICES (COAST)
135	Terry McGuirk	<i>Terry McGuirk</i>	CRISIS OUTREACH & SUPPORT TEAM
136	CIDALIA C. FARIA	<i>Cidalia C. Faria</i>	Community Member
137	Seth Weinstein	<i>Seth Weinstein</i>	Lawyer
138	LAURENCE ARNO	<i>Laurence Arno</i>	COMMUNITY DEVELOPMENT OFFICER
139	GREG HUNT	<i>Greg Hunt</i>	Toronto Police
140	Mindy Noble	<i>Mindy Noble</i>	Volunteer (Downtown Legal Services)
141	JAMES MURLAND	<i>James Murland</i>	PEEL POLICE
142	DARYL KWOX	<i>Daryl Kwox</i>	O.P.P.
143	Brianna FLEMING	<i>Brianna Fleming</i>	PEEL POLICE
144	PADY O'REILLY	<i>Paddy O'Reilly</i>	COMPASS TECH ART team
145	Levi Sankar	<i>Levi Sankar</i>	J.A.R.R. / OSC

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among all members of society was the fundamental principle upon which the Urban Alliance on Race Relations was founded in 1975; and

Whereas the Queen Street Patients Council is an organization comprised entirely of consumer/survivors which seeks to advocate on behalf of its members to promote better understanding among all of society as to the self-identified needs of consumers/survivors; and

Whereas it is recognized that the issue of the use of lethal force by police is a subject of concern to all in society and that concerns over police use of lethal force have contributed to a strained relationship between the police and members of black communities; and

Whereas this Conference on the Alternatives to the Use of Lethal Force by Police is intended as an important first step towards establishing meaningful dialogue and achieving real solutions in the prevention of unnecessary deaths;

It is hereby agreed amongst those gathered at this Conference that:

We will collectively work in good faith at this Conference to discuss and present our views in respect of the use of lethal force by police, particularly as it relates to less lethal technology, issues of mental health, issues of race, issues of police accountability, issues of community responsibility and potential solutions to avoid deaths;

And we will give due respect to each other during the deliberation of this Conference and with a sincere effort to bring about dialogue and progress on developing alternatives to the

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