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ONTARIO REGION
Environmental Scan Update

June 1993

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ONTARIO REGION

Environmental Scan Update

June 1993

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INTRODUCTION TO THE REGION

Business as Usual or Not?

As recently as three months ago the economy in Ontario, like the rest of the country, seemed poised for recovery as a result of a strengthening of the U.S. economy and a surge in exports to that market.

Now the U.S. economy is faltering and there is a threat that the recovery in Ontario will not occur. Added to this, the Economist has predicted zero economic growth for the European Economic Community and the German economy is actually in recession.

In this update, the most important factor to be taken into account is the recent Ontario budget and the extent to which the measures taken will impede or contribute to recovery. Large scale increases in tax and reductions in public sector employment are drastic measures that may have the effect of stalling the recovery. Lack of employment opportunities and hardship can, in turn, result in unrest.

The budget savings are partially to be achieved at the expense of the municipalities through a reduction in transfer payments. The police unions in Ontario have already indicated their unwillingness to accept reductions in pay. The politicization of the police does not auger well for the either the budget cutting or the social contract process. Indeed, the militancy of the unions in the public sector raises the spectre of strife, work to rule and strikes.

Racism

Next in importance to the economy/budget problem is the question of racism. The sheer volume of immigrants has already transformed the face of the large urban centres in the province. High levels of immigration have encouraged the provincial government to make employment-equity and racism initiatives a priority. This is especially evident in the steps taken to make the criminal justice system responsive to the changing society it is meant to serve.

Public Safety

There is strong support in Ontario for a stricter stance on certain criminal justice issues. Victim groups have raised their public profile and are increasingly being heard by those in power. The public is loudly questioning sentencing and correction policies and legislation that affects young offenders and high-risk offenders. Discussion in focus groups, victims groups and the media demonstrate that there is considerable backing for action on the dangerous offender issue.

That said, there is also public support for a social development approach to crime prevention. The positive response to the Report of the Standing Committee on Justice and Solicitor General is a case in point, confirming the need to put resources into the front end of the system in terms of housing, day care, education, and employment.

ENVIRONMENTAL OVERVIEW

ECONOMIC OUTLOOK

Ontario's "jobless recovery" is evidence of structural rather than cyclical change in the economy. While the economy has shown signs of a manufacturing-export led recovery, levels of unemployment actually rose slightly in April. The unemployment rate in Ontario was 10.7%, and in Metro Toronto it was 10.5%. Decima reported in March that 37% of Ontarians rank unemployment as the most significant problem in the province.

Structural change is a reference to factors affecting the way organizations are forced to operate. Canadian firms, especially in Ontario's manufacturing sector, have had to increase productivity in order to compete in the global marketplace. They have done so by permanently eliminating jobs, especially through the use of technology and a delayering of organizations. For the first time, white collar positions are not immune to elimination. The largest provincial employer, the government, has been forced by the size of its growing debt to downsize.

A permanent loss of jobs points to a two tiered society. The first consists of those with special skills, education and the ability to adapt to new methods who can expect reasonable prospects for permanent employment. The second tier consists of middle managers who lack the requisite skills to succeed and others who can no longer depend on well paid manufacturing jobs. Poorly educated men over 25 in blue-collar jobs have been hardest hit by the recession and are the most in need of training and other assistance. Within Ontario, Toronto fared worst in the recession, accounting for more than half the jobs lost in the province.

In this three year period, Toronto experienced one of the most drastic turnarounds in labour market conditions ever experienced by any major metropolitan area in Canada since the great Depression, going from an extremely low unemployment (4% in 1989) to mass unemployment (11.5% in 1992). The Ontario economy shrank 4.7% between 1989 and 1992, while the economy in the rest of Canada grew 1.1%. Likewise, employment fell 4.7% in Ontario, compared to 0.1% in the rest of Canada. That means almost all of the job loss in Canada has been in Ontario.

Star: March 28, 1993: Canadian Labour Market and Productivity Centre.

The changing economic reality has many implications for service provision. The loss of blue collar positions may make it more difficult for the reintegration of released offenders into the community. Reduced job opportunity could increase the necessity for crime in many instances, especially as the government is forced to cut back on its social safety net. Since white collar workers are feeling pressure to an unprecedented degree, the types of crime they commit, such as tax evasion or fraud, may increase.

While the provincial government has been forced to undertake some measure of fiscal responsibility, the demands on the service it provides have increased. Over 200,000 people in Metro were dependent on welfare in April 1993, 20% and 50% increases over April 1992 and 1991 respectively.

ONTARIO BUDGET

Premier Rae's government announced in April that drastic measures were needed to keep the province's deficit from increasing to an unprecedented \$17 billion for this fiscal year. On May 19, the government released its 1993-94 budget, estimating a deficit of \$9.2 billion. The difference between the two figures is comprised of \$2 billion in extra revenue, \$2 billion in social contract cuts and \$4 billion in savings through the Expenditure Control Plan.

• Increased Tax

Of the extra \$2 billion in revenue, \$1.6 billion will come from tax revenue. The middle class will bear the largest tax burden. Increases in Personal Income Tax, the surtax and an expansion of the retail sales tax base will make up most of the increase. The introduction a Minimum Corporate Tax on large businesses is projected to generate \$100 million.

• Social Contract

The Ontario government has set an August 1st deadline for continuing social contract negotiations with 28 public sector unions, representing over 900,000 workers. On June 14, the government introduced Bill 48, the Social Contract Act. If the ongoing negotiations fail, the legislation would allow the government to impose a three year wage freeze on all public sector workers earning \$30,000 or more, retroactive to the Bill's introduction on June 14. It also gives employers the power to impose 12 days of unpaid leave to meet their spending targets.

The unions have complained bitterly about the process and the budget. They complain that the process is far too complex to rush in the way the government is attempting to by imposing an early deadline and that the government is bargaining in bad faith by introducing

the legislation. The unions are also not satisfied that the budget does enough to tax, especially high income earners.

- **Expenditure Control Plan, 1993-94**

As part of the plan to reduce the deficit, the Ontario government announced the Expenditure Control Plan on April 23. The Plan details how a \$4 billion cut in spending will be achieved. The savings will come from a \$720 million cut in internal government services, \$190 million reduction in transfer payments to municipalities and cuts to specific ministries and programs. The largest reduction is a \$1 billion cut to the Ministry of Health budget.

Other relevant reductions from a Secretariat perspective are:

Ministry of the Solicitor General and Correctional Services

- \$24.6 million reduction including: becoming operationally more efficient; defer the hiring of additional probation and parole officers; defer opening extra beds in the Mimico Detention Centre. The Ministry will undertake a 1993-94 review of streamlining OPP operations.

Ministry of the Attorney General

- \$58.5 million cut includes: Reductions in head office policy divisions; increased efficiency of court system; a reform of legal aid.

Office Responsible for Women's Issues

- \$2.6 million reduction to be achieved through improved operating efficiencies and a reduction in the cost of Prevention of Violence initiatives with an effort to protect front-line services and prevention activities.

Initial Response

The response to the budget has been largely negative, except for international money markets. There is a general perception that the budget will negatively affect consumers, labour and business. The government claims that the budget will provide a solid foundation for economic recovery by reducing government spending, creating jobs and reducing the deficit. While supporting these goals, the public, business and labour are not convinced that the present government has the ability to deliver on its promise.

Economists have taken the position that the basic assumptions made in the budget are unrealistic. For example, the estimate of a 3.4% growth in the economy for the next fiscal year and 4% in 1994-95 seems to be overly optimistic considering the state of the world economy. The figure is based on an export led growth, but with a severe recession in

Europe in which a zero level of growth is predicted and less optimistic growth figures in the US, it is unlikely that the forecasted growth will materialize. Infometrica estimates that Ontario's growth will be in the 1.8% to 2% range.

In their analysis of the budget, Infometrica question whether the deficit targets in the next several years can be attained. They believe the current budgetary measures will dampen consumer demand, leading to slower economic growth than projected. This will negatively affect government revenues, keep unemployment high and force higher than anticipated social assistance costs. The forecasting agency suggests the deficit shortfall will be \$0.5 billion in 1993-94 and \$2 billion in 1994-95.

The ongoing social contract talks are another key factor in the budget. The talks are very complex and there is concern that should the government not stick to its bargaining position the forecast of \$2 billion in savings is not realistic.

Implications

An increasing tax burden has its limits. Eventually, taxpayers find alternatives to paying the full increase in tax. Bartering, smuggling and avoiding retail tax and the GST through cash payment have all helped to fuel the underground economy to an estimated 15% of Canada's reported yearly output.¹ In a similar vein, major newspapers are noting stories on an increased level of inquiries about tax shelters and offshore tax havens.

The gradual erosion of the Canadian middle class is evidence of a widening gap between two tiers of income earners not unlike the one witnessed in the United States. Canada's middle-income families (\$30,000 to \$60,000) have dropped from 44.4% in 1980 to 40.7% in 1992. There has also been a corresponding growth in the number of families earning between \$20-30,000. For every 6 families in that income group in 1980 there are now 7.

Since the government has traditionally relied on the middle class to shoulder the majority of the tax burden, as they have once again in this budget, it stands to reason that they will be less able to raise the revenues as the group shrinks.

IMMIGRATION²

Canadian immigration levels continue as planned, with major impacts on Ontario and Metropolitan Toronto. In 1992, just under a quarter of a million immigrants came to

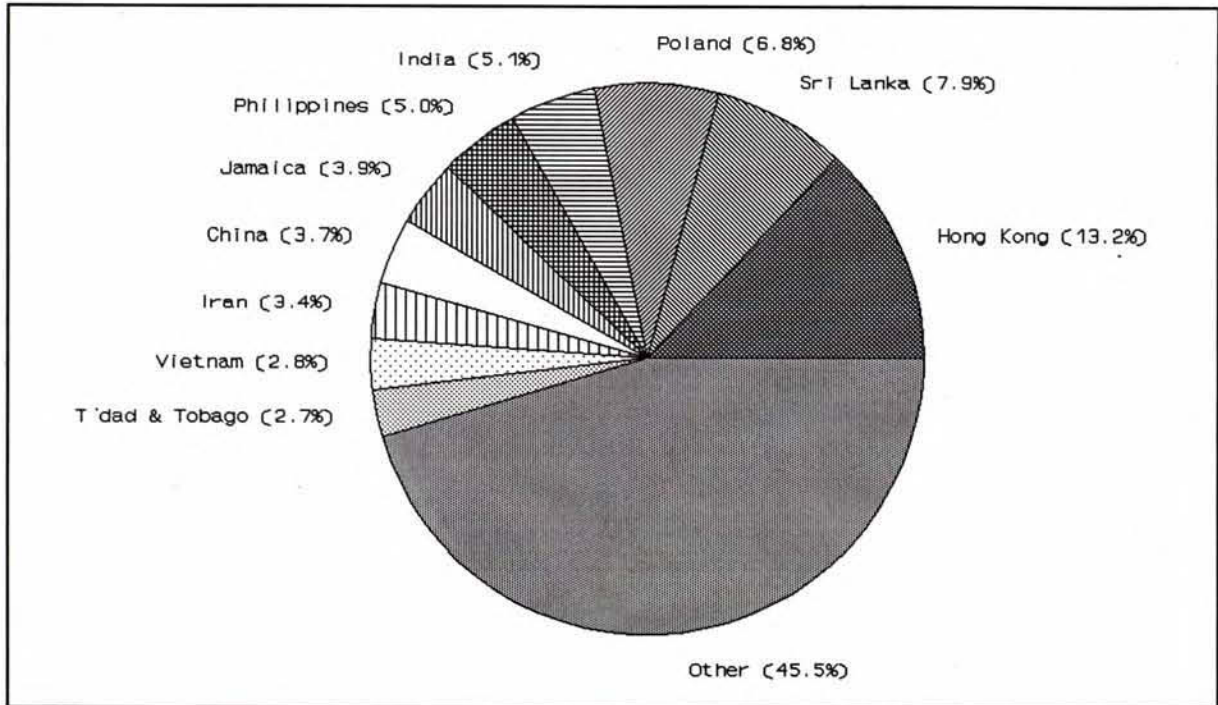
¹ More than \$100 billion out of \$700 billion. The Globe and Mail, May 21, 1993, pB1.

² Statistics from Employment and Immigration Canada and Multiculturalism and Citizenship Canada.

Canada. Of those, 55% settled in Ontario, 31% (77,547) in Toronto alone.

Hong Kong, the highest single country source, accounted for 13% of the 136,000 immigrants to Ontario in 1992. Immigrants have come from a diverse number of countries, none of which dominates. The top 10 source countries of immigrants account for only 54% of the total immigration. Most recent immigrants are members of visible minorities, but no particular ethno-racial group is predominant.

Source Countries of Immigrants to Ontario (1992)



The diversity of background translates into the fact that there is no single non-official language that accounts for more than 5% of Toronto or Ontario's population. This makes the provision of ethno-culturally specific services practically impossible.

In Metro Toronto, the mother tongue of 1.25 million people is neither of Canada's official languages. The public school and adult ESL bill for Toronto alone exceeds \$164 million. The economic hardship in Ontario has occurred at a time when services like these are coming into much greater demand.

The Region of Peel, with a large proportion of recent immigrants, has recently been forced to eliminate adult ESL programs and reduce elementary school ESL programs by one third. This decision is at odds with the federal government's immigration agenda and the provincial government's focus on a political response to racism. It is also at odds with the growing

support for a social development approach to crime that focuses on the need to allocate resources to the front end of the system in terms of education, employment and housing.

Racial groups in Ontario are concerned about the "racialization" of crime by the public and in various sectors of the criminal justice system. They have identified the need to examine the issue of fear of crime in terms of "fear of racial minorities" who are accused of committing most crime.

The high levels of immigration have encouraged the provincial government to make employment-equity legislation and racism initiatives a government wide priority. This is especially evident with the steps taken to make the criminal justice system more responsive to the changing society it is meant to serve.

ONTARIO GOVERNMENT ACTION ON RACE RELATIONS

On June 9, 1992, Stephen Lewis released a report on race relations as a result of a request made by the provincial government after the May 4th and 5th violence on Toronto streets. The provincial government has taken the most action with respect to the violence. The action taken has been organized in response to the recommendations made in the report and is outlined in the six areas below.

1. The Criminal Justice System

The **Race Relations and Policing Task Force**, chaired by Clair Lewis, was reconstituted and produced 42 recommendations covering police monitoring, community relations, use of force regulations, training, hiring and promotion. The recommendations are currently in the process of implementation or under review.

The **Race Relations and Police Monitoring Board** will start to audit police race relations policies in the Fall, after the Chair and Board members are selected. In April 1993, David Christopherson, the Solicitor General and Minister of Correctional Services, announced a new race relations policy for Ontario police services (please see Appendix A). The Race Relations and Policing Unit will provide implementation support for the wide range of police initiatives suggested by the framework.

In September, the government announced renewed funding for **ethno-specific correctional counselling and support systems**.

The **Commission on Systemic Racism in the Ontario Justice System** was established in September 1992 to examine the extent of systemic racism in the Ontario criminal justice

system, and to make recommendations to eliminate it where it is identified. The Interim Report on Correctional Institutions will be issued in June, 1993. Research and analysis for this report has included interviews with federal inmates in the Kingston area regarding their experiences in provincial institutions and a series of visits to 20 provincial institutions.

The final report of the Commission is due October 26, 1993 and will cover a wide range of topics, including further correctional issues. The mandate of the Commission is so vast, it is generally felt that the Commission will continue for some time.

Enabling legislation is scheduled to be introduced that will transfer the initial investigation of complaints of racially discriminatory conduct against the police to the **Police Complaints Commissioner**. Currently, these complaints are initially investigated by the complaints bureau of the force involved.

Attorney General Anti-Racism Initiatives

On April 29, Attorney General Marion Boyd announced the following anti-racism initiatives aimed at making the justice system more fair, accessible, accountable and responsive.

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| <ul style="list-style-type: none">• Anti Racism Unit: will identify race related issues and systemic barriers; expand anti-racism training to all ministry staff with a particular focus on Crown Attorneys; conduct community consultations; develop and review ministry policy. |
| <ul style="list-style-type: none">• fund an African Canadian specialty legal services clinic. The government went ahead with this initiative without the suggested needs assessment. The Delos Davis Law Guild, an association of 75 black lawyers in Ontario, reacted negatively to the announcement, partially because they had not been consulted. |
| <ul style="list-style-type: none">• introduce an outreach program to increase the diversity of eligible jurors in Ontario and to strengthen the representation of minority and Aboriginal groups. |
| <ul style="list-style-type: none">• build a new selection process for Justices of the Peace to increase access for candidates from racial minority groups. |
| <ul style="list-style-type: none">• develop a special outreach program to racial minority lawyers for appointment to the provincial judiciary. |

2. Employment Equity

The public release of draft regulations and second reading of the proposed employment equity legislation (Bill 79) occurred on June 16. The government has stated an intention to pass Bill 79 in this legislative session.

With the passage of Bill 79, an arm's length agency, the Employment Equity Commission, will be established to administer the legislation as well as a tribunal to deal with issues requiring a hearing. The legislation designates four target groups: Aboriginal peoples, persons with disabilities, racial minorities and women. Police forces will continue to be subject to the employment equity requirements of the Police Services Act and therefore exempt from this legislation.

3. *Education*

The new Ministry of Training and Education is undertaking many initiatives including:

• considering the implementation anti-racism policies ;
• ongoing revisions to curriculum documents in development to address anti-racism ;
• policy directives to school boards to establish destreaming in Grade 9 by 1993;
• Roundtable meetings with Principals, Superintendents and Community Groups to discuss anti-racism and ethnocultural equity;
• survey of English as a Second Language and Actualisation Linguistique en Francais to assess the extent of cutbacks and the overall adequacy of programming in relation to needs; and
• program options are being designed by the Ministry to increase the number of members of under-represented groups in the teaching profession .

The Four Level Working Group in its November 1992 report, with the support of some groups in the black community, have urged that there be a pilot project of specially focused schools for black children that would include black culture and more black teachers and administrators. The focused schools are meant to counter balance the cultural disadvantage that black children experience in schools now. No school board has undertaken this initiative.

4. *Access to Trades and Professions*

On December 10, 1992 the Minister of Citizenship announced the public policy initiative, Access to Trades and Professions. The initiative is designed to help reduce and remove barriers which hinder people educated or trained outside Ontario from gaining access to a profession or trade.

5. *Community Development Plan*

The Ontario Anti-Racism Secretariat and the Ministry of Municipal Affairs are developing a community development plan, first recommended in the Lewis report. The goal of the plan is to identify measures and programs that will work to remedy systemic barriers for racial minorities.

As a first step in developing the plan, extensive community consultations have been held with racial minority groups from across the province. The following issues were raised by participants:

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| <ul style="list-style-type: none">• the three groups whose needs should be specifically addressed are racial minority youth, racial minority francophones and new racial minority communities. |
| <ul style="list-style-type: none">• minority communities want input from the planning to implementation and evaluation stages of program design. |
| <ul style="list-style-type: none">• there is a need for ministries in their mainstream programs to take responsibility for ensuring public education programs for anti-racism. |
| <ul style="list-style-type: none">• the problems of minority under-representation and lack of access to government services were highlighted. |
| <ul style="list-style-type: none">• concern was expressed by some groups on the Black community focus in the Lewis Report. |

The framework of a community development plan has been designed but is not yet ready for public release. It includes organizational and leadership development, networking, information sharing and an economic development strategy.

6. *Cabinet Roundtable on Anti-Racism*

On April 30, Elaine Ziembra, the Minister of Citizenship, announced the appointment of 13 individuals from minority communities to the Cabinet Roundtable on Anti-Racism. Ziembra will act as Chair of the Roundtable and the following will also be members: the Attorney General, Marion Boyd; the Solicitor General and Minister of Correctional Services, David Christopherson; the Minister of Community and Social Services, Tony Silipo; the Minister of Education and Training, Dave Cooke; the Minister of Municipal Affairs, Ed Philip; and the Premier's Parliamentary Assistant with Responsibility for Youth Employment, Zanana Akande.

The Roundtable is a result of a Stephen Lewis Report recommendation. It has three tasks:

- (1) to build partnerships between the government and minority communities for joint dialogue, problem-solving and advice to Cabinet;
- (2) to provide an ongoing feedback and monitoring process on government initiatives of interest to government communities;
- (3) to make recommendations to Cabinet on the effective implementation of anti-racism initiatives.

The Roundtable will hold meetings at least 4 times a year in locations around Ontario. The first was held on June 15th in Toronto but no information was released to the public.

SHOWBOAT / MISS SAIGON

Protests and controversy surround two Toronto musicals. Outspoken members of the black community have rallied and protested against the staging of the play Showboat in the Fall, claiming that the show's depiction of blacks in the American south is racist. Protesters against Miss Saigon, which opened at the end of May, have complained that the play produces stereotypes that fuel violence against women and people of colour.

SYNOPSIS - Race Relations

The issue of race relations has been a high priority for the Ontario government throughout its mandate. Events in the last year, including the Spring 1992 riot in Toronto have sparked an unprecedented number of government initiatives.

Some have asserted that the government has been overly responsive with Bill 79, the employment equity legislation. The law has been criticized as a quota based system established after inadequate research that will do little to foster racial harmony. Some women's groups have complained on opposite grounds, that Bill 79 is simply a voluntary program that will not effect real change. For the most part, the government action taken on the race relations issue has not received public disapproval.

The fact that positions in Race Relations and Policing and in the Native Affairs Secretariat have not been affected by the general government cut backs provides further evidence of the on-going commitment of the government to race relations in the province.

POLICING ISSUES

Release of Information on High Risk Offenders

Background

The public release of information on high-risk offenders re-entering the community has created a legal catch-22 for police forces in Ontario. If the Police decide to release the information, some offenders could potentially refuse statutory release. More importantly from a policing perspective, the force is exposed to the possibility of subsequent civil action initiated by the offender, such as the one launched by Daniel Cody Morgan against the Peterborough Police Force. The civil suit is based on claimed breaches of the Charter and the Police Services Act. After the OPP detachment in North Bay released information about convicted sex offender Maurice Okimawinaw, he has sought an injunction to prevent the further release of personal information by the OPP.

The police are subject to the Police Services Act and provincial freedom of information and privacy legislation. They believe this legislation requires them to disclose records to the public or to persons affected where there are reasonable grounds to believe that such an action is in the public interest and that the record reveals a grave health or safety hazard to the public.

If the police decide not to release information, they may be subject to legal action by the offender, as well as exposure to civil suits brought by a subsequent victim of the offender. A major police force in Ontario is being sued for negligence in the Jane Doe case because they had failed to warn the community of a sexual predator attacking women. The attacker was not under any form of release from either federal or provincial facilities.

Section 25 of the Corrections and Conditional Release Act provides that CSC must supply the police with information on offenders that is relevant to supervision and surveillance of offenders in the community. It also stipulates that Corrections must inform the police of offenders being released at warrant expiry date and of any potential threat that the offender may pose to the community.

There is increasing pressure on the police to protect the public. Juries at Coroner's Inquests produce recommendations that continue to highlight their concern over how these cases are managed by all components of the criminal justice system.

The position of federal correctional authorities is that when police authorities release this information to the community, they do not necessarily increase public protection and may reduce the potential for safe return to the community.

In the U.S.A. where this practise has been invoked, some offenders have gone underground rather than face the negative public reaction upon their release. It has been suggested that rather than publishing these photos, it may be more effective to provide them to individual police officers to support their surveillance efforts. CSC presently provides photographs of offenders on conditional release to police forces in that jurisdiction.

Provincial / Federal Review

The Ontario Solicitor General and Correctional Services is presently reviewing this issue with the Ontario Association of Chiefs of Police (OACP), the Attorney General's Department as well as with Correctional Service Canada officials. It is expected that guidelines will be developed for the police community in order to help them determine when it is appropriate to release information to the public.

The committee reviewing the issue has a mandate that includes offenders that have been arrested and charged, offenders applying for bail, those who are in the correctional system either provincial or federal and may be participating in a community release program and those offenders who have reached warrant expiry date. At this time, it is likely that the recommendations will focus on offenders reaching warrant expiry date, since the criminal justice system already has provisions for reviewing all other offenders to determine their potential risk to the community.

New Models of Policing

New models of policing in Ontario are being driven by the present economic situation and community based initiatives. The key in these changes is to maintain the same standard of protection while cutting costs. A number of initiatives have been undertaken by the Metro Toronto Police force.

Operational

Metro Toronto Police have recently announced a pilot project to test collision reporting centres. Instead of the police responding to all accidents, those accidents which involve no personal injury and where it is unlikely criminal charges will be laid will have to be reported by the parties involved at one of two locations made available by the police.

The Beyond 2000 pilot project is underway in the City of Etobicoke. Certain members of a platoon are designated as "Alternate Response Officers". These officers respond to non-emergency for service in a number of ways rather than simply dispatching a scout car. They can take a report and provide advice over the telephone, refer the problem to a more suited

social agency or arrange to meet the complainant at a mutually convenient time.

An initial policy has also been developed to set up an "occurrences phone-in" system. This would allow members of the public to report certain minor incidences directly to clerks in the Records and Information Security Unit rather than using an officer as a conduit of information.

Organizational

The organization of the police service is also being re-examined. There is a growing realization that the management skills necessary to run a police force are generic, "professional management" skills. These skills are increasingly necessary as the resource base shrinks and the demands of the public change and become more diverse. In an effort to improve the representation of minorities on police forces, it has been recommended that citizens be directly hired into management. This procedure would also allow professional management to be injected into the top levels of police service organizations.

Organizational design is another issue to confront. Should police continue to be organized as a military type, hierarchy or should Police forces be delayered, as other private and public organizations have done, and increasing power and autonomy be given to front line officer?

The Beyond 2000 pilot project addresses these issues in an effort to implement a community policing program. Divisional unit commanders have been granted greater autonomy and control for local issues. Front line officers are assigned to specific areas and given a larger role in policing it, including a greater responsibility for community problem solving.

Private Policing

Funding pressures may also open up opportunities for private policing services as Police organizations are forced to evaluate the costs associated with providing certain programs.

As noted in our previous scan, private policing is becoming increasingly pervasive in Ontario as large tracts of property become concentrated in corporate hands. This raises questions about private police on "commonly used" space defined as private. Other issues include:

- information sharing between public and private police
- accountability of private police
- implications of computer technology for surveillance and privacy
- implications of foreign ownership and control
- jurisdictional barriers between public and private police

Private police firms are also becoming involved in other areas of policing where public forces do not have jurisdiction. For example, Intercon is a private security firm bidding on an Employment and Immigration contract. The contract would permit Intercon to complete background checks for immigration applicants in their country of origin. Such checks are beyond the scope of CSIS or the RCMP.

Private security firms also have been assisting the police in the area of family violence. For example, ADT has provided a communication device for battered women and Intercon has produced a brochure to help women avoid violence.

Drinking and Driving

Although there has been some excellent progress on the issue, drinking and driving (D&D) continues to be a major social, public health and criminal justice problem in Ontario. One quarter of the trial requests in Ontario are for D&D offences, although the charges make up just less than 10% of the total laid. The provincial Attorney General is considering several strategic measures to continue the decrease of D&D offences. These include fast-track impaired courts, videotaping of impaired drivers at the time of offence, mandatory server intervention programs and ignition interlock, a device that makes it impossible to operate a vehicle if drivers have excess alcohol in their systems. The province is also introducing a system of graduated licensing for first time drivers.

Municipal Change

Toronto is threatening to split from Metropolitan Toronto because (a) the city's taxpayers subsidize the poorer suburbs and (b) there is a duplication of services between the two levels of government. A secession could mean that Toronto would purchase policing services from Metro. In the alternative, a larger regional government could be established to co-ordinate services throughout the Greater Toronto Area while local issues like policing would become the responsibility of the cities.

Metro Toronto anticipates cut backs in revenue of over \$80 million, made up of a \$40 million reduction in provincial grants and \$43 million over 3 years cut as part of the social contract. Consequently, each Metro department, board and agency is expected to cut 7.5% of its budget. For the Metro Police, this translates into a \$42 million cut for 1993 and up to \$84 million in 1994. Since 90% of the police budget is spent on salaries, reductions or layoffs will become an inevitable reality. Should layoffs by seniority occur, the employment equity program will be decimated and race relations will take a step backwards.

Police / Race Relations Research

The Greater Toronto Working Group on Policing in Multicultural, Multiracial Urban Communities has completed a report titled Guidelines for Crisis Management and Conflict Mediation Involving Police Services & Diverse Racial and Ethnocultural Groups. The group has designed a model or process for dealing effectively with conflict situations within a group context. This model could be used to deal with the Showboat situation or to deal with bad relations between a policing service and a specific minority community.

Bernardo / Teale Investigation

The Paul Bernardo / Teale investigation is raising questions about the level of co-operation among police forces in Ontario. The media have quoted members of the police force as stating that the Provincial Police had information pointing to Bernardo which the Metro police did not act on until a year later. The Niagara Region police also received a similar tip later but did not collaborate with the OPP. The Solicitor General of Ontario has indicated that once the legal smoke has cleared, he will recommend a separate inquiry into what the investigations of the cases indicate about co-operation and joint forces.

The case also raises the issue of a centralized unit established to deal with difficult crimes like homicide to enable smaller forces to benefit from their expertise. This point was emphasized with respect to the Guy Paul Morin case.

Police Accountability

In April 1993, the **Special Investigations Unit** was temporarily transferred to the Ministry of the Attorney General by means of an Order in Council. This effectively makes it an arm's length agency, independent of the Solicitor General. The change will become permanent when appropriate amendments to the legislation are introduced and passed by the legislature.

The **Use of Force** legislation came into effect on January 1, 1993. The first class of recruits to receive extended training in the use of force and race relations graduated at the end of March. (see Appendix B for the amended regulations)

A judge of the Ontario General Division court has ruled that the Criminal Code section allowing police to shoot at **fleeing suspects** is unconstitutional. The decision is not binding on any other court, but it does send a message to the Department of Justice that there is a problem with the law. This is especially true since the Crown recommended that the law be abolished, probably the first time they have made such a recommendation.

The Department of Justice released a consultation paper last August to limit the ability to

shoot to situations in which the suspects pose a threat, either immediately or in the future, of serious harm or death if they escape arrest, when no other reasonable, less violent means exist to prevent escape. The Canadian Association of Chiefs of Police, the Canadian Police Association and several provincial police organizations either support or have no objection to the proposed amendment. The Ontario Ministry of the Solicitor General supports the change to the Criminal Code in order to bring it in line with the provincial Police Services Act.

Gambling

The provincial government is moving ahead with its plans to open a casino in Windsor. On May 5, 1993 the government introduced a Bill to establish a crown corporation and a Gaming Control Commission. The casino will be operated by the private sector. A building to house the casino will be completed by the end of 1994 and in the interim, a temporary casino will be set up.

Law enforcement planning is being carried out by experts from the OPP intelligence and anti-rackets branch, Windsor Police Services, OACP, RCMP and Canada Customs. Intelligence officers from each police branch are involved in an effort to keep organized crime away from the planned casino. The OPP is doing extensive background checks of all possible private sector partners. Internal casino security will be the responsibility of the OPP. Windsor Police Services will receive the necessary additional funding from the province to handle external security.

Organized Crime

The Hell's Angels presence in Ontario has increased over the last year. The decline of Toronto area biker gangs is one reason for growth of the gang. The Hell's Angels increased presence was most obvious in Wasaga Beach over the June 19-20 weekend where they held a two day meeting with members of the Loner's motorcycle gang from York region. Riding in a convoy on the way to the meeting, about 100 bikers were stopped in Belleville by 45 OPP officers. An arrest was made against an American biker for being in the country illegally. Biker gangs are believed to control a substantial portion of Ontario drug wholesaling and prostitution. The expansion of the Hell's Angels may lead to increased inter-organization competition and violence.

Hate Crime

Further to our March paper on hate group activity, there have been recent increases in racially motivated attacks on individuals, hate group recruiting efforts and violent confrontations between anti-racist and hate groups. These events have led to a call for

government action from the media, the Ontario Human Rights Commission and community organizations. Solicitor General David Christopherson announced that a new policy making it easier for police to shut down hate lines and stop the spread of other similar messages will be in place by the end of July.

SYNOPSIS - Policing Issues

The economic situation is driving several policing issues including private policing and alternative services. Although each municipality will deal differently with reductions in transfer payments from the province, policing budgets will inevitably face cuts.

In Toronto, Susan Eng, Chairperson of the Police Services Board, has stated that she refuses to consider the possibility of lay-offs. Instead, she has suggested: salary rollbacks; a freeze on all spending; promotions and special assignments; putting senior staff back on the beat; asking staff to accept pay for overtime at straight time rates instead of time and a half; and using surplus pension money. The Police have come up with \$10 million of the necessary \$42 million in cuts. The Police Services Board continues to press them for more, which will be easier than unilaterally imposing the reductions.

The police in Ontario are highly politicized. Their mood regarding cutbacks ranges from disbelief to anger. In this climate, one can not rule out the possibility of slow downs, work to rule campaigns and even strikes.

CRIMINAL JUSTICE ISSUES

Inquests

Inquests in Ontario continue to have a significant impact on corrections and policing in Ontario and across Canada. Jury recommendations continue to highlight concern over how these cases are managed by all the components of the justice system. This has been highlighted by the Solicitor General's announcement of the new dangerous offender law.

The announcement met with a mixed reaction. Victims groups have hailed it as a step in the right direction. Those who are not in favour of the law point out that it is potentially unconstitutional. They also assert that it is politically motivated as others have done regarding the recently announced legislation on Child Pornography and Anti-stalking.

Inquests into the deaths of Raymond Lawrence and Lester Donaldson are continuing. Both involve the shooting of a black by the Metro police and both are receiving intense scrutiny from the black and other minority communities. These types of incidents have driven the

provincial race relation initiatives, especially with respect to the police and the criminal justice system.

Victims Groups

By making public what they have gone through, victims have put a public face on the issues. The momentum for victims rights is expected to persist and intensify.

New highly credible groups such as Canadians Against Violence Everywhere Advocating its Termination (CAVEAT) have been established in Ontario. CAVEAT is a small group of citizens, founded by Priscillia de Villiers, that advocate a more accountable justice system. CAVEAT's position is that protection of the public is paramount and accountability is the key. In addition to seeking legislative change and providing input into parliamentary committees, CAVEAT continues its education program through public forums, in schools and through the media.

Scott Newark, victims rights advocate, and head of the Canadian Resource Centre for Victims of Crime wants the protection of law-abiding citizens to be the main priority of the criminal justice system. He advocates that criminals, including young offenders, be properly punished, and that the parole system be stricter. Backed by the Canadian Police Association and allied with the newly formed victims groups, the Canadian Centre will ensure that victims issues stay at the forefront of the political agenda.

Recommendations from Coroner's inquests are now being taken seriously by all levels of government. Inquests are getting longer and victims are retaining counsel to represent their interests. In Ontario one can expect that action on implementing such recommendations will be closely monitored by CAVEAT and the Resource Centre for Victims.

Victim groups are also bringing their message to municipal governments. Jim Stephenson, father of Christopher, addressed the North York City Council in March. The Council agreed on five resolutions, urging the federal and provincial governments to act on the issue of dangerous sex offenders.

In Ontario, victims, the media and the police are attending National Parole Board hearings. Victims are also beginning to request increased input at the hearings.

Drugs

The criminalization of drug use and the consequent "war" against it is increasingly being called into question. This issue is beginning to surface in the media in Ontario, especially so with respect to the use of marijuana. After revelations that the front runners in the Tory leadership campaign had used the drug, a private member's Bill was introduced calling for its

legalization. While this Bill will probably not be successful, it does highlight that the Canadian treatment of the issue is not effective.

Alternatives to the expensive law enforcement approach could be considered. The Canadian Police Association and Ottawa Police Chief Brian Ford have suggested that possession of marijuana become exclusively a summary offence, punishable by fine. This option would eliminate both the court costs involved in prosecuting the possession charge and the arbitrary way in which 600,000 Canadians have criminal records while up to 5 million have done the same thing.

Justice Review Project

The final report of the Justice Review Project has been completed and submitted to the provincial Cabinet for consideration. The report confirms that the role of the criminal justice system is to contribute to the protection of the public and to safe communities. The operative word in policy and operations is "restraint."

Simple as this may sound, it will require a new way of thinking about the criminal justice system on the part of police, court, crown and corrections officials. The major trust is to make the system more accountable, equitable and to reduce costs. Some of the major changes would require:

- shifting resources to the front end of the system
- controlling intake into the system
- reducing the over-reliance on incarceration
- developing better linkages between the criminal justice system and social services.

It is a moot point whether the government is in a position to take on a challenge of this magnitude in the current political and economic climate. Nevertheless, a number of innovative projects have already taken shape. A case in point is the Attorney General's shoplifters diversion program in Peel. After admitting guilt, shoplifters take part in a half-day program of video tapes and lectures to drive home to the offenders the consequences of their behaviour. In this way, minor matters are removed from overcrowded court dockets and charges are withdrawn for those who participate. Similar programs have been set up in Ontario for young people and native offenders.

CORRECTIONS ISSUES

Bell Cairn Centre Inquiry

Following the closure of Bell Cairn Training Centre amid allegations of sexual assault and harassment, Judge Inger Hansen conducted an inquiry in July 1992 to examine ongoing allegations of sexual harassment and assault at Bell Cairn and the ministry response to these allegations. The January 1993 recommendations for change focus on plans to ensure the safety of staff taking training at Bell Cairn. Others involved developing a code of conduct for staff and enhancing training in workplace harassment and discrimination. The training centre has now been reopened.

This difficult issue is unlikely to be unique to institutions in the province and may well exist in other corrections and policing organizations.

CSC Residential Bed Space: NIMBY

CSC is undertaking a number of initiatives to address the shortage of community residential beds in Metropolitan Toronto to accommodate offenders who choose to return to their home community on release from federal institutions. They have reviewed a number of possible sites for establishing Community Correctional Centres; discussed with the province the possible use of available space in their Community Residential facilities; and have consulted with private agencies about establishing or expanding their capacity to increase accommodation.

While several of these initiatives have not produced tangible results, CSC is continuing to examine with others the need to increase residential bed space. To this end, informal consultations regarding the re-opening of Montgomery Centre have been held with a number of groups and individuals, including:

- the Avenue Road-Eglinton Community Association
- Diane Poole MPP who has been helpful in suggesting groups for a wider consultation

CSC is now proceeding with a more extensive public consultation program. While some comments may be positive, municipal Councillors Kay Gardner and Michael Walker have voiced strong opposition to the reopening. One can expect more negative reaction to follow.

ABORIGINAL PEOPLE

Cigarette Smuggling

This year, cigarette smuggling could cost the provincial and federal government in excess of \$2 billion in lost tax revenue. It is estimated that one in every 5.5 packages of cigarettes consumed in Canada is smuggled. Unfortunately, alcohol smuggling is also starting to grow.

Most of the cigarettes are smuggled by natives and up to 80% of the cigarettes go through the Akwesasne Reserve, which straddles the international border. Native smugglers use their aboriginal status to purchase duty free cigarettes legally exported to the U.S. The cigarettes are then delivered to the U.S. side of the Akwesasne River and subsequently smuggled back into Canada.

So far this year, the RCMP anti-smuggling unit in Cornwall has seized about \$5 million worth of cigarettes and averaged one arrest per day. Law enforcement authorities are concerned about the growing links between native smugglers and various organized crime groups such as the Italian Mafia, Oriental triads and biker gangs, which buy cigarettes from natives and control their distribution in parts of major cities. This relationship has also helped the natives to get involved in smuggling drugs, guns and immigrants into Canada.

Enforcing the law (cigarette smuggling is an offence under the Excise Act, punishable with a maximum fine of \$25,000) is practically an impossible task. Working against police is a vast border area to cover, the professionalism of the smugglers and the fear of setting off another Oka-type crisis with a raid on a reserve. Dropping the tax free status for natives or reimposing an export tax for Canadian manufactured cigarettes may be ways to stop some of the smuggling, but these measures would not affect the flow of U.S. cigarettes into Canada.

Gambling

The Minister of Consumer and Commercial Relations met with representatives of the Chiefs of Ontario to begin a dialogue regarding possible Aboriginal involvement in Casino gambling. On May 5, at the annual general assembly of North Shore Tribal Council Chiefs in Thessalon, Grand Chief Joe Miskokomon listed the following short term priorities for the Union of Ontario Indians as follows: fishing, lands and resources, education and gaming.

The government of Ontario is negotiating agreements with individual First Nations to licence charitable gaming to raise funds for the benefit of the community. Examples of this type of gaming include bingo, break-open tickets and small one-time events.

The government is also setting up a process to negotiate on an umbrella basis for Casinos. Included in the talks are the Chiefs of Ontario, the Treaty Organizations and the political

organizations including AIAI, NAN and the UIO and independents who have an interest in Casino gambling. The government has decided there is room for First Nations to participate but to what extent and how is open to negotiation. Ontario's position is that it is a given that Casinos must operate within the confines of the Criminal Code and with some level of provincial government involvement. The Aboriginal community is reluctant to be regulated by provincial law.

The Union of Ontario Indians is hosting a conference and exposition in August titled "First Nations Gaming in Ontario - Opportunity for the Future". The draft agenda includes: the rules and realities of gaming enterprises; gaming and gambling regulations legislation, government policy and procedural requirements and social impact. The exposition will provide an opportunity to speak directly to suppliers of casino and gaming services, including companies such as Thunderbird Gaming, a non native group with rights to U.S. video lottery technology. Thunderbird advertised prominently at the recent Northern Justice Society Conference in Kenora.

The gambling issue is very active in the province and is expected to intensify over the summer. If the talks slow down, some First Nations may go ahead and start their own operations. It is also expected that political pressure may be put on MPs and MPPs.

First Nations Policing

Despite the freezes and cuts to government services in Ontario, the provincial government has decided to pursue the development of First Nations Policing initiatives. However, general funding cuts for Aboriginal groups may place more strain on the Policing funds, as groups seek alternate funding sources for other initiatives. The current Ontario Solicitor General has been meeting with First Nations to discuss policing.³ This may place pressure on the federal Solicitor General to become involved in the meetings.

Migration

There have been discussions at the municipal level about the numbers of aboriginal peoples residing in or migrating to urban areas. Concern has been expressed about urban aboriginal reserves (should this occur) where municipalities would have no control over such activities as gambling or where services were provided without reimbursement. The ability of municipalities to tax these areas or for taxes to be raised on urban reserve lands are other related issues.

³ Kathy Wilde, Aboriginal Policing Directorate

Justice Projects in Ontario

The Department of Justice is undertaking an urban-based research project in Edmonton, Regina, Toronto and Montreal. The project will assess variation in socio/economic, community and family background, and migration to inner cities to help understand east/west differences in aboriginal inmate population, and to provide a voice to inner city aboriginal people to describe their own experiences and justice related needs. The field work will take place from April to September 1993. The report will be completed by April 1994.

Sandy Lake First Nation and Attawapiskat First Nation each received a grant from the Attorney General of Ontario to establish community-based justice projects in their communities. Both projects are based on the direct involvement of elders and the community in the local justice system. In the Sandy Lake project, the elders sit with a Judge or a Justice of the Peace on the determination of a sentence while in Attawapiskat, the Elders Court sits in a panel hearing cases referred by the Crown Attorney.

The evaluations for both projects are complete. The Attorney General of Ontario and the two reserves are presently reviewing them. In brief, the results indicate that the models used were satisfactory. However, the administrative processes regarding the management of the projects need some improvement. Negotiations are ongoing between the provinces and the First Nations in an effort to develop a new agreement to continue these initiatives.

APPENDIX A

RACE RELATIONS POLICY ONTARIO MINISTRY OF THE SOLICITOR GENERAL

Statement of Principles

The Police Services Board is committed to the principle that all persons have the right to live and work in an environment free of racism. Accordingly, this police service supports the elimination of racism in all its forms and affirms its support for and adherence to:

- the principles of equity and fairness embodied in the *Canadian Charter of Rights and Freedoms*, the *Ontario Human Rights Code* and the *Police Services Act*;
- the principles of community service and community policing, inherent in the *Police Services Act*; and,
- the principle of police accountability to the communities they serve.

Statement of Policy

As a provider of policing services to the public and as an employer, it is the policy of this police service to:

- provide the fullest possible services in a fair and equitable manner to all segments of the public, without discrimination on the basis of race, ancestry, place or origin, colour or ethnic origin;
- extend fair and equal treatment under the law to every community and individual within its jurisdiction, without discrimination on the basis of race, ancestry, place of origin, colour or ethnic origin;
- maintain a respectful and co-operative relationship with all communities, that recognizes their racial, cultural and linguistic diversity, thereby fostering the kind of community support that is essential to effective secure policing; and,
- maintain a discrimination-free workplace for all of its personnel, to ensure that the organization is bias-free, and that it reflects the racial diversity of the community.

APPENDIX B

Amendments to the Police Services Act Regulations on the Use of Force

Changes to the Police Services Act focus on four areas:

- (1) " A member of a police force shall **submit a report** to the chief of police or Commissioner whenever the member,
 - (a) draws a handgun in the presence of a member of the public, excluding a member of the police force while on duty, or discharges a firearm;
 - (b) uses a weapon other than a firearm on another person; or
 - (c) uses physical force on another person that results in an injury requiring medical attention."

Comes into force on the 1st day of January, 1993

- (2) Police will only be **permitted to draw or discharge their guns** if "...he or she believes, on reasonable grounds, that to do so is necessary to protect against loss of life or serious bodily harm." The changes effectively eliminate the ability of police to fire warning shots. It still allows them to use their gun to call for assistance if no reasonable alternative exists.
- (3) **Training** on the use of force will be standardized and upgraded at the recruit level and required annually for all members of the force. The training will better equip police with alternatives to lethal force through emphasis on judgement, theory, safety, legal requirements, and practical proficiency. The Ministry is providing \$2.1 million and \$3.5 million over the next two fiscal years to upgrade training programs at the Ontario Police College.
- (4) All classes of **less-than-lethal** weapons are now subject to approval, technical standards and guidelines for usage are set by the Solicitor General. The use of pepper spray has been approved, for all those taking a special training course in its use.

