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Chair: Parm Gill
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Président : Parm Gill
Greffière : Jocelyn McCauley

MR. OMAR HA-REDEYE

The Chair (Mr. Parm Gill): We'll now move to the next presenter. Our next presenter is Omar Ha-Redeye. Please make your way.

Thank you, Mr. Ha-Redeye. Thank you for appearing before the committee. I just want to remind you: You have up to eight minutes for your presentation, and then we'll have 12 minutes of questions and answers: six minutes on the government side, six minutes from the official opposition. Please begin by stating your name for Hansard; then you can begin your presentation.

Mr. Omar Ha-Redeye: My name is Omar Ha-Redeye.

The crux of my submissions is that the purpose of the bodies that are governed by this legislation are not intended to create a balance. I think that would be a mischaracterization. These bodies in particular are intended to create transparency, public confidence and trust. And it's because of the lack of public confidence and trust, in particular in the past few years, that there's a revisiting of the legislation and of the bodies. Specifically, my submissions are going to focus on transparency of the agencies that are involved and transparency specifically for the purposes of bolstering the public confidence.

I'll take a step back and say that when we're talking about the public, not all members of the public are necessarily the same. So when we talk about public confidence, there might be a public confidence for the population at large, but when we talk about—and I'm going to use the words that are used in the Tulloch report—Indigenous, Black and racialized communities, the confidence of those populations specifically is what I would call—and I think it's alluded to in the Tulloch report—in crisis.

If we look at the institutions and the bodies that are set out in this legislation and what Bill 68 is intended to address, it's actually quite clear. In the written submission, you can find in paragraph 7 that the recognition at the highest levels of our judicial system that racialized members of Canadian society experience our legal system differently is fully acknowledged. This should not be a dispute. So when we're looking at what the public confidence is, we need to understand that lens.

My submissions, although I am a lawyer, also come as a racialized individual in society and in particular a racialized member in Toronto, who grew up in Toronto for my entire life, with extensive—thousands of—interactions

with law enforcement, which unfortunately were not necessarily always positive. The benefits of being a lawyer today obviously change the nature of those interactions, but for the vast majority of the population—the racialized, the Indigenous and the Black populations of Toronto—those experiences still continue to be plagued by conflict and by significant concerns about police accountability.

If we look at the creation of the SIU itself—and you can find this in our background, from paragraph 9—starting with the death of two Black men, Lester Donaldson and Michael Lawson, back in 1998, and the protests and the activism and the concerns that were expressed, this is actually what led to the SIU: the concerns of racialized Black people in Toronto specifically. Although this legislation is province-wide, it is very, very important to recognize that there is a particular lens that needs to be examined, recognized and acknowledged for—and I'll use, again, the language of the Tulloch report—the Indigenous, Black and racialized communities in Toronto.

My submissions are primarily twofold. Again, they're focused on transparency. The first one is on the independence of the police complaints agency. I apologize; I wasn't here for the entirety of today's submissions, but I did catch some of the comments from the members, and I'll try to address that.

The issue of independence is paramount, and it is highlighted quite extensively in the Tulloch report. It comes from the sense that, for these communities, for these specific members of the public, who feel already estranged from society, from the justice system and from law enforcement, there is a concern that they're not going to complain to any agency that is not entirely independent. What I mean by that is, if there is any mechanism that allows for a complaint to then go back to a police agency, and requires individuals from these communities—who feel, again, already estranged from law enforcement—to approach that police agency, the likelihood of them doing so is in fact quite slim.

It is for that reason that there is a sentiment that was expressed in the Tulloch report that the system appears to be rigged. There is a sentiment that was expressed in the Tulloch report that you cannot complain about the police to the police.

I do want to emphasize that my submissions, despite highlighting the plight and the perspectives of the Indigenous, Black and racialized communities all across Ontario but particularly in Toronto, should not be construed as an undue attack or an anti-police sentiment. In fact, it's quite the opposite. As an officer of the court, as a lawyer who is working within the justice system, it is of particular concern that certain segments of our population have the sentiment and the appearance of law enforcement, and the legal system as a whole, that they do.

The remedy, if you will, the way that we actually try to cure this particular problem, is through increasing the transparency. That is the reason why the Tulloch report focuses primarily on measures related to transparency, because members of those communities can then review all of those incidents that are of question, or questionable, and build greater confidence.

I'll put this differently: Public information as it relates to the events of interactions with law enforcement need not necessarily be construed or understood as an attempt to overly scrutinize or denigrate the efforts of law enforcement. In fact, it could potentially be quite the opposite. It's an opportunity for members of the public and, in particular, members of the public who feel estranged from the justice system, to glean a better understanding as to how law enforcement operates and, in particular, what the rationale is in terms of public safety concerns.

It's very clear that the Indigenous, Black and racialized communities in Toronto also want to feel safe. They are also members of our public. But they need to feel safe with the full confidence of the police officers who are working in their communities and, hopefully, working in conjunction with them.

It is in particular because of the need of law enforcement to work in conjunction with the communities they are policing that we need to address this issue of transparency and bring the two parties—certain members of the public as well as certain members of law enforcement—together so that they can collaborate.

The Chair (Mr. Parm Gill): One minute.

Mr. Omar Ha-Redeye: I'll move very briefly to the second aspect of transparency, which starts in paragraph 32 of my submissions. This relates to the Osler definitions of what a serious injury would be.

In our submission, we would suggest that it is not particularly onerous to have every incident that results in a serious injury, or in a death, to result in a notification to the SIU. That is not a particularly onerous request. It is one which, again, would bolster the confidence of the public, and in particular the members of the public who do feel as if they are unduly targeted and are feeling estranged from our justice system.

Subject to questions, those are my submissions.

The Chair (Mr. Parm Gill): Thank you for your presentation. This round, we will begin with the members of the official opposition. We'll go to MPP Yarde.

Mr. Kevin Yarde: Thank you, Omar, for coming in today. We really appreciate you being here with us. I know, there were many individuals who would have liked to have come, but due to the constraints, the time frame, only one day to go through this bill—I know that with Bill 175, there were several days allowed to cover it.

You did mention Tulloch several times in your opening remarks. In terms of Tulloch's recommendations, in your view, what do you think this government should be doing to bring public complaints more in line with the Tulloch recommendations?

Mr. Omar Ha-Redeye: In my submissions, I focus on the two particular aspects of the independence of the police complaints agency. Under the previous iteration of this bill, which is rather similar—I understand that there are some distinctions that other members in the police forces are focusing on. But, in particular, there was a five-year review that was implemented in Bill 175. In the Tulloch report, it states explicitly that the five-year review was intended so that there was a data collection process

that would occur over those five years, and at the end of those five years, this would be a completely independent agency.

The failure, in my estimation, of Bill 68 is that it doesn't include this five-year review, and doesn't appear to have any intention of making this an entirely independent agency. That was, in many ways, the crux of the Tulloch report.

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I think it's difficult for this government to say that Bill 68 is in response to the Tulloch report when it is in fact ignoring the single most central aspect of the Tulloch report, which is greater transparency and greater independence.

Mr. Kevin Yarde: Thank you very much, Omar. I'll pass it on to my colleague Ms. Andrew.

The Chair (Mr. Parm Gill): We'll go to MPP Andrew.

Ms. Jill Andrew: Thank you very much, Omar, for your continued work.

I just had a question in response to the Tulloch report and the recommendations. Is it a concern of yours that the banning of carding is not explicitly addressed in Bill 68?

Mr. Omar Ha-Redeye: Thank you, member, for the question. I think, as I have alluded to, there has been what I would describe as a tumultuous relationship between law enforcement and the racialized/Indigenous populations in Toronto. It has been something which has increased the tensions and reduced the co-operation between the two.

One of the most central and contentious aspects of that was carding. I believe that there is unanimous or near-unanimous consensus, at least from the members of those communities, that those practices only aggravated the relationships and, therefore, resulted in worse policing.

I think we have to be careful about looking at strictly quantitative outcomes for policing. We also have to look at the sentiment and the public confidence, and not just law enforcement but the justice institutions.

If you have individuals—usually young, racialized men—who feel as if they're constantly being harassed by the police, what that also means is that they are going to feel less enfranchised in our society and, in fact, then resort more to anti-social or perhaps criminal behaviour, so it's counterproductive to our goals.

So, yes, I am very concerned that those particular measures are not explicitly referenced in this bill.

Ms. Jill Andrew: Thank you very much, Omar.

The Chair (Mr. Parm Gill): We'll go to MPP Singh next.

Ms. Sara Singh: Thank you very much, Omar, for being here and for sharing your perspective with us today.

I just wanted you to perhaps elaborate for the committee a little bit more on this thought of increased scrutiny, of police oversight, and how there is perhaps some way that we can also build further trust within the community. Can you just elaborate on that thought and rationale?

Mr. Omar Ha-Redeye: Certainly. I referenced very briefly in paragraph 2 an academic article that talks about the centrality of transparency in a democracy and, in particular, in a democracy that envisions, perhaps, a smaller

government and an increased emphasis or responsibility of the public in ensuring that government and its agencies are held accountable. That requires information and it requires transparency.

So if members of the public are looking at every single incident that results in a serious injury and a death, and they say, "Really, after looking at all this information, we can conclude that, by and large, the law enforcement are not engaged in anything improper; they're actually being very forthcoming; they're doing everything by the book," without question, in my opinion, that bolsters the public confidence, in particular in members of the public who have concerns about law enforcement.

Ms. Sara Singh: Thank you for sharing that. I think MPP Yarde has a follow-up question.

The Chair (Mr. Parm Gill): Yes, we'll move back to MPP Yarde next.

Mr. Kevin Yarde: Omar, I have a personal question for you: Have you ever been carded?

Mr. Prabmeet Singh Sarkaria: Point of order, Mr. Chair: I don't know how that's relevant to this committee.

Mr. Kevin Yarde: He was speaking to carding.

The Chair (Mr. Parm Gill): The question is in order. Please continue.

Mr. Omar Ha-Redeye: I can say that, especially as a young racialized man growing up in Toronto—I was born in the GTHA—I have had countless experiences with the police. Even today, when I go back to Scarborough, where my parents are and my in-laws are, when I'm not wearing a suit and I'm wearing jeans and a hoodie, and maybe even a do-rag—because it happens—I am treated very differently by law enforcement and, in fact, members of society at large than I am when I'm wearing a suit.

To directly answer your question, I don't have certainty, because I have not done the access-to-information request to see what actually is there on me. Since becoming a lawyer, typically, police officers will acknowledge the fact that I play an important role in the legal system, and I recognize the privilege that I have as a result.

That being said, many of my colleagues continue to experience what I would describe as adverse or undue experiences on behalf of law enforcement which they attribute to the fact that they are racialized.

The Chair (Mr. Parm Gill): Thank you very much. Unfortunately, that's all the time we have.

We're now going to move to the members of the government. We'll start with MPP Sarkaria.

Mr. Prabmeet Singh Sarkaria: Thank you very much for being here today. We really appreciate it, and your submissions as well.

I just want to touch upon one thing and get your thoughts on it, which is included within the bill, and that's with respect to when regulations are going to be prescribed through Bill 68. There will be public consultation, so I just wanted to get your opinion on what you think about that piece of the bill.

Mr. Omar Ha-Redeye: In terms of regulations, the one particular regulation that I'll point out is paragraph 34 of our submissions. This is for what we call the section 11 investigations.

Mr. Prabmeet Singh Sarkaria: In particular—I'll make it a bit more concise—just the process of posting any regulation for public consultation. So in that context, any regulations that are being put forward will be through public regulation in this bill.

Mr. Omar Ha-Redeye: Certainly. I will try to describe that perhaps more broadly than where I was going in my submissions. I will acknowledge the context perhaps where that question may be coming from, which is the single day that we have for information in that respect. The additional opportunity of members of the public to weigh in on this in terms of how we can specifically carve out regulations that address the issues that concern our community would, in fact, be beneficial. I think that is the question that is being asked. Obviously, regulations are changed and modified much more easily than legislation, and that is in fact the intended purpose of regulations, which is to allow them to adapt given the changing circumstances of our society.

Mr. Prabmeet Singh Sarkaria: Thank you very much. Mr. Chair, no further questions.

The Chair (Mr. Parm Gill): Thank you very much. That concludes. I want to thank our witness for appearing before the committee and for your time. We appreciate it.

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