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MECHANISMS FOR ENSURING POLICE ACCOUNTABILITY IN ONTARIO AND POLICE ATTITUDES TOWARDS THEM

by

Lisa A. Bruvelaitis

A Thesis submitted to the Faculty of Graduate Studies and Research through the Department of Political Science in partial fulfillment of the requirements for the degree of Master of Arts at the University of Windsor

Windsor, Ontario, 1993
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ABSTRACT

MECHANISMS FOR ENSURING POLICE ACCOUNTABILITY
IN ONTARIO AND POLICE ATTITUDES TOWARDS THEM

by

Lisa A. Bruvelaitis

This study examines the mechanisms which have been introduced in Ontario to increase accountability within policing and the attitudes of police management personnel towards them. The study assesses the relationship between the police and the provincial government through a study of police morale with respect to external review and interest group behaviour. This is accomplished through a review of the literature on policing and the results of elite interviews with police management personnel.

In Chapter One, models of interest group behaviour are examined with respect to police organizational behaviour. This chapter also identifies the prevailing literature on policing and its influence on the creation of police policy.

In Chapter Two, the prevailing police philosophies of the 1990’s are discussed. Community-policing, race relations training, increased educational requirements, and the trend towards civilian involvement in policing are discussed.

In Chapter Three, the process by which policy is created and the role that interest groups have in this process is examined. The Ministry of the Solicitor General and the
Canadian Charter of Rights and Freedoms are both discussed with respect to their impact on law enforcement in Ontario.

In Chapter Four, the concept of external review is examined from both a historical and a practical perspective. The relationship between police and the Office of the Police Complaints Commissioner and the Special Investigations Unit is examined and police attitudes towards these institutions are discussed. Detailed analysis of the problems identified by police in the organizations is provided and suggestions for improvements are highlighted.

Chapter Five determines the status of the relationship between the police and the provincial government. Suggestions for further studies on police accountability are provided.
To my parents, Al and Dianna Bruvelaitis
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CHAPTER ONE
A PLACE FOR POLICE

1.1 Introduction

Police services in Ontario, more widely referred to as police departments, have evolved from very closed, paramilitary type organizations, to ones which are more open, community-based and socially responsive. The Police Services Act, 1990 stipulated that all municipal police forces be referred to as police services. Until this time, they were most often referred to as police departments. 

Support for the police has been highlighted in numerous articles. In a speech to a conference on civilian oversight of policing in San Diego, Metropolitan Toronto Police Services Board Chairperson, Susan Eng, stated that "the public very much want to support the police. Opinion polls consistently show that the public is very much in support of their police." Eng, S., 1992. "Police must earn the public trust they need", Canadian Speeches, December 1992. Volume 6, Issue 8. Also see the article entitled "Police and Society in Canada", by Andre Normandeau and Barry Leighton in which they discuss the keen and growing interest of the public in the police. Canadian Journal of Criminology, Volume 33, No. 3-4. July-October, 1991.

Many studies have been done which attempt to establish a professional standing for the police. In a study by Leslie Brian Buckley at the University of Ottawa, police work professionalization was linked to the increase in educational requirements of new recruits. "Police administrators have long been trying to improve the social status of law enforcement through education so that the police may achieve professional standing (Steinman and Eskridge, 1985; Merritt-Haston and Wexley, 1983) Buckley also cites findings which suggest that the "police want the public to perceive policing as a profession and not merely as an occupation (Sherman, 1978). Buckley, L.B., 1991. "Attitudes Toward Higher Education Among Mid-Career Police Officers", Canadian Police College Journal, Volume 15, No. 4. (Ottawa: Ministry of Supply and
through increased involvement in education and sensitivity training in dealing with a variety of dispute resolutions.

Traditionally, the creation of broad policing objectives and policy has been developed through statute at the provincial level, giving municipalities the opportunity to interpret and implement these objectives as appropriate to individual communities. However, in the last ten to fifteen years, the emergence of a more complicated policy making system has made the creation of policy very difficult. Government relations with police forces have become strained due to the resistance offered by many police forces to changes in traditional methods of operation. This resistance is based upon a perceived government bias in favour of special interest groups and their complaints against police power and practices.

The entry of special interest groups into the policy making system, coupled with an increasingly sensitive political environment resulted in the establishment of external review agencies. Police are now responsible for defending their actions to the public through the Office of the Police Complaints Commissioner and the Special Investigations Unit. Such changes in accountability

Services Canada). Pg. 258. The professional standing is also obtained when, "the group undertakes to provide its membership with specialized training, to ensure their competence and that they will put their clients' interests ahead of their own." Marin, The Honourable Rene J., 1991. "Professionalism and Ethics in Policing", Canadian Police College Journal, Volume 15, No. 4. Pg. 292
mechanisms have been met with hesitancy and suspicion by the majority of police services.

1.2 Hypothesis

This study will hypothesize that the mistrust and anger which is plaguing the relationship between the provincial government and police services is based on the following three factors.

1. External or civilian review has contributed to a decrease in police morale. The conflicts or disagreements between police forces and the provincial government have resulted from the perceived misuse of political influence on the police.

2. Police believe that influence in the policy making system is disproportionately skewed in favour of special interest groups when compared with the influence by police management personnel.

3. The police believe the process by which external review, both from the Office of the Police Complaints Commissioner and the Special Investigations Unit, is carried out, is much too lengthy and is rife with complaints. Both the length of time needed to investigate complaints and the number which are being investigated are contributing to inefficiency within the system and have the potential to undermine the legitimacy of these institutions.

These hypotheses will be tested through elite interviews
with police management personnel. This study will thus probe how the police have reacted to new instruments or procedures for ensuring their accountability. This investigation will show that police feel the traditional insulation from the political process that they have enjoyed in the past is being eroded, and they are finding it necessary to partake in alternative and more vocal means by which to have their concerns met by the government.

1.3 Structural Framework

The calls for increased police accountability have resulted in the strengthening of police associations as legitimate pressure and interest groups in the policy making system.

The works of Professor Paul Pross provide a very useful model for assessing police associations as pressure groups. Pross identifies a pressure group as an "organization whose members act together to influence public policy in order to promote their common interest."4 The pressure group must be able to maintain effective levels of persuasion if it is to be successful in relaying its message and agenda to the appropriate government authorities.

The second defining feature of a pressure group is

organization. The process by which persuasion is carried out must be extremely efficient and organized, with identifiable common strategies and a sustained legitimacy.

The organizational capacity of the pressure group must be highly visible and appreciated by all those within the group. Pross identifies this as occurring when there is an "articulation and aggregation of common interest" and a "willingness to act in the political system."

The fourth characteristic as identified by Pross, is the desire that pressure groups have to simply influence government and the decisions made by government rather than attempting to gain power and take over the responsibility of government.

In examining the police in the context of pressure group behaviour, this study will attempt to demonstrate that the police see themselves as a very legitimate interest group in the policy making system, and while they do not identify themselves along the lines of a pressure group, the behaviour they exhibit as a collective body is representative of such.

The institutionalization of the police as a pressure

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5 Pross, P., Group Politics and Public Policy, 1986. (Toronto: Oxford University Press). Pg. 3

6 Loc. cit.

7 Ibid. Pg. 4

8 Loc. cit.
group is examined according to Philip Selznick's typology. The classification of institutionalized groups is as follows. The first is the possession of organizational continuity and cohesion. The second is the degree to which they have extensive knowledge of those sectors of government that affect their clients, and enjoy easy communication with those sectors. The third is the necessity of having a stable membership, including people with similar backgrounds, professions, and education. The fourth deals with the benefits of having concrete and immediate operational objectives. The fifth classification is that which states that the organizational imperatives are generally more important than the particular objectives.

The police structure in Ontario conforms to this typology. This thesis will demonstrate the degree to which the organizational framework within which police services

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10 Ibid. Pg. 115

11 Loc. cit.

12 Loc. cit.

13 Loc. cit.
operate, contributes to the success of their institutionalization process as a legitimate pressure group. Police groups exhibit significant institutionalized responses and cohesion due to the traditionally closed system in which they have operated. As well, the type of work that police officers do, often requires or promotes closeness among members of the pressure group.

A policy community is defined by Paul Pross as interested groups, which may include "government agencies, pressure groups, media people and individuals, who for various reasons have an interest in a particular policy field and attempt to influence it."14 The policy community has two main components, that of the subgovernment and the attentive public. Given that the subgovernment is the policy making body in the field, the police can correctly be classified in this regard. Included in the subgovernment are the police themselves, the Ministry of the Solicitor General, review agencies of the government such as the Police Complaints Commission and the Special Investigations Unit, and interest groups. The attentive public is certainly represented given the nature of the policy area, policing, as it affects daily life. As the recipient of the policy created in this context, the public can show support for or against particular policies.

as developed at the subgovernment level in the community. This was demonstrated by the Blue Ribbon Campaign in Ontario in the fall of 1992, the purpose of which was to protest the government's new restrictions on use of force guidelines for the police.

To the degree that "the power of the inner circle is used to limit the participation of others in policy debate", the present conflict between the government and the police in Ontario would challenge this limitation, against the wishes of the police.\(^{15}\) For purposes of this study, the inner circle under the present government has been enlarged and clearly defined divisions between those in the subgovernment and attentive public categories are blurred.

While interest groups and associations would like to influence the creation of policy, traditionally they have been unable to penetrate deeply into the inner circle. Pross examines the importance of interest groups and multi-level consultative processes with the following observation. "Though most are heard sceptically, government and people gradually amend, extend and generally adapt policies and programs to the changing needs of the community."\(^{16}\)

The recent emergence of a visible police presence in the


\(^{16}\) Ibid. Pg. 300
policy making system by way of protests demonstrates the degree to which police officers and associations have taken on the attributes of a pressure group or interest group.

Professors Bruce Doern and Richard Phidd refer to interest groups as very influential, putting them at the centre of the policy making system. "They seek to influence all the major institutions since they play a crucial role between the citizen and the state."\textsuperscript{17} But while they are considered to be an integral part of the system, "reflecting the fundamental idea of the right to associate freely", they are often responsible for creating an aura of tension and hostility between the primary players in the policy community.\textsuperscript{18}

Doern and Phidd discuss two different distinctions which may be granted to interest groups. The first is the PRODUCER GROUP. In this group, the primary players are often professionals, representing specific occupational groups.\textsuperscript{19} The police would fall under this classification. The second are the BROADER COLLECTIVE RIGHTS ASSOCIATIONS, which are more concerned with social policy and less with individual or


\textsuperscript{18} Ibid. Pg. 65

\textsuperscript{19} Ibid. Pg. 66
occupational group benefits.\textsuperscript{20}

There are certain features of the professional group association under the PRODUCER GROUP which make it applicable to the police for the purposes of this thesis. PRODUCER GROUPS have a greater economic incentive to maintain cohesiveness within their body. The police, although they campaign under the guise of protecting the rights of all citizens, often have an occupational or economic incentive to appear united on these policy issues. Police would undoubtedly argue that self-interest is not the motivating factor. It is not the intent of this thesis to suggest that the police are not dedicated in their quest for public safety. Their dedication to their profession and to the public is frequently referred to in this thesis and was observed almost without exception when observing the police in their environment and conducting interviews. The purpose for providing the analysis of the police as a PRODUCER GROUP, with an identifiable economic incentive to participate in pressure group tactics is used for the purpose of analyzing their accountability in the policy community. While it is very difficult to ascertain the level of influence which is enjoyed

by interest groups in the policy community\textsuperscript{21}, the police are probably more visible within the decision making body, and would therefore be an easier group for which such a determination of influence could be made.

Police services operate on a hierarchial internal framework. The evolution from a para-military type organization to a more progressive and open system has not, for the most part, diminished the sense of hierarchy within policing. Richard Loreto classifies this hierarchial structure in the micro-organizational framework of policing, whereby the traditional model of police organization exhibits four general features.\textsuperscript{22} The first deals with the application of Weberian bureaucratic principles to the administration of the unit. The second feature, according to the traditional Weberian philosophy, emphasizes specialization within the macro unit. The micro perspective then becomes one of individual specialized departments within municipal forces.

The third feature is the closed nature of the organizational processes and the development of the "police culture" in which all information related to the police in any form, including hiring practices, training, investigations and complaint procedures, is kept within the police unit and there


is little reference to or reliance upon, outside agencies. The final area deals with the reliance upon traditional practices of enforcement and crime prevention; an incrementalist approach to policing which is institutionally resistant to change.\textsuperscript{23}

This model deals with the institutional framework of individual municipal forces, however it can be examined on a larger scale to better understand the prevailing police organization philosophies which guide the services participating in this study. While the first two observations regarding bureaucratization of the policing function are not challenged in this work, the practicality of maintaining a closed system of operation with regards to training, hiring, and complaints however, will be analyzed in the context of the responses given by police management personnel regarding external influences. Loreto's final argument that there is an incrementalist approach to policing which is institutionally resistant to change will be examined based on the responses given in interviews and an analysis of questionnaire results.

1.4 The Traditional Focus of Police Research

While there is a large body of literature on the police,
this research has tended to concentrate on the sociological aspects of police behaviour, occupational and identity adaptation\textsuperscript{24} or organizational aspects of policing.\textsuperscript{25} Recent works on the police have highlighted policy shifts within policing. Examples of these include the move towards community policing initiatives and improved training programs for police personnel. Recent studies often stress training in the area of race relations.

1.5 The Report of the Race Relations and Policing Task Force

The Report of the Race Relations and Policing Task

\textsuperscript{24} Police behaviour and occupational identity have become popular areas for study. In Police Officer, Claude Vincent provides detailed observations of police attitudes toward the work they do and the occupational environment in which they spend so much time. In The Blue Wall, Carsten Stroud examines the opinions of officers toward their job, their motivation and both personal and professional rewards. Both Vincent and Stroud write from the experiences they had observing officers in their environment. This was usually done by accompanying officers on nightly shifts.

\textsuperscript{25} Traditionally, municipalities have been concerned with the organizational aspects of policing, primarily financial and administrative concerns. Improving the efficiency of police services, from both an internal, human resources perspective, and externally, through the convergence of local and regional interests in policing was stressed. The following is an excellent resource in this regard. Loreto, R.A., 1984. Reorganizing Municipal Police Forces In Ontario: The Convergence of Functional And Local Reform Interests. A Thesis submitted for the Degree of Doctor of Philosophy at the University of Toronto.
Force,\textsuperscript{26} was the catalyst for reform at the provincial level, and also pre-empted the improvement of training programs in both the individual municipality and the Ontario Police College. The Report highlighted the fragile relations which existed in Ontario between police forces and the visible minority population.

The 1992 Report, in its review of the progress since the first Report in 1989, examined the role and responsibilities of the Ministry of the Solicitor General, the concept of Employment Equity and issues involving training, community policing, the Special Investigations Unit, public complaint monitoring, First Nations Peoples, and Police Services Boards.

The Task Force in 1989 was given six terms of reference to inquire into and report on. These included the training received by police in dealing with visible minorities; suggested improvements to this training; police hiring and promotional practices, including the establishment of employment equity programs; the improvement of relations between the police and visible minorities through the establishment of liaison officers, community education programs; the establishment of a police race relations monitoring system; and the policies of police relating to the

\textsuperscript{26} While both Reports have been useful in this regard, the first Report in 1989 highlighted the anger and mistrust which existed toward the police by visible minority populations and provided suggestions for improving relations between the police and the community. The second Report in 1992 was more concerned with the responses to the recommendations of the 1989 Report.
use of force.\textsuperscript{27}

The perception that the implementation of the 1989 Report's recommendations had not been expedited, was highlighted in the 1992 Report. In the 1992 Report, much of the blame for inadequate measures to ensure accountability is placed on the Ministry of the Solicitor General. The study of police management personnel in this thesis will also probe their feelings toward the inadequacy of response on a variety of issues by the Ministry of the Solicitor General.

We believe that, throughout the Ministry, there has been insufficient attention to an accounting for fulfilment of assigned responsibility and evaluation of progress toward intended goals. There is a need for an unequivocal statement of expectation for each person with managerial responsibility and for an equally clear commitment to achievement of those expectations.\textsuperscript{28}

This thesis will draw upon many of the findings of The Report of the Race Relations and Policing Task Force (1992), and make references to the opinions expressed by those

\textsuperscript{27} Task Force on Race Relations and Policing, 1992. The Report of the Race Relations and Policing Task Force. (Toronto: Government of Ontario). Pg. 1. The original points of reference were highlighted in the second edition of the report to provide the Task Force a basis on which to begin its assessment of government responses to the first report in 1989. It should be further noted that the second report states that approximately three and one-half years had passed since the first report was introduced.

participating in the elite interview process.

1.6 Methodology

This thesis is based on archival research of the relevant literature on policing in Ontario and appropriate models of pressure group behaviour. This literature has been the basis for elite interviews with police personnel in selected municipalities in Southern Ontario.

Cities and regions were selected based on the following criteria.

SIZE: The population in the cities or regions ranged from approximately 45000 to 400000.

LOCATION: Cities were selected based on their location in Southwestern Ontario, with cities or regions excluded that were located closely to the Toronto region.

Eight cities were designated as appropriate for the purposes of obtaining information from police management personnel. Letters were sent to the chiefs of police representing these cities. The number of letters sent to the cities was reduced to seven from eight due to the regional government structure which encompassed two of the proposed cities under the one regional police force.

The cities which participated in this study, as well as the individuals who agreed to be interviewed were guaranteed anonymity.

The initial contact was made by letter, explaining the
purpose and nature of the study and indicating a desire to visit each police service and administer a survey to selected senior management personnel.

The following personnel were highlighted as desirable subjects: The chief of police, the person in charge of handling external complaints, the head of the police services board and the head of the police officers association or union. In some cities, the number of participants was greater than four, given the specialized nature of some of the tasks involved, such as the receiving of public complaints, as well as the distinction between the regular police officers association and the senior officers association, both of which expressed a desire to participate in this study. For purposes of comparing the questionnaire results, the answers are grouped into the following categories. Chiefs of Police, Police Services Board representatives, Police Officers Association representatives, Police Complaints Commission representatives and other senior management personnel. The respondents classified in the "other" category were senior management personnel in the police services who expressed a desire to participate or were designated by the Chief of Police to act as a representative for a particular position. This occurred in one city, where the Deputy Chief answered on behalf of the Chief, and another city where the complaints officer was represented by the Deputy Chief, who was also responsible in that area within the department.
Six of the seven police services contacted indicated a willingness to participate. One city declined, citing its participation in numerous other research projects through another university. One of the cities that indicated a willingness to participate decided later to withdraw its support for the study.

The questionnaires were sent to the respondents in advance and then administered orally. Respondents followed the questionnaire while the questions were being asked by the interviewer and were able to view the grading system while making their decision. Each respondent was told of the purposes of the study, a brief background of the researcher and was ensured of the confidentiality of his or her answers and identity.

The respondents background data as to rank and position, included responsibilities as it related to position, city or region from which the interviews were obtained as well as, number of years in police work and the number of years in the position occupied.

The purpose was to compare the different cities or regions and the different individuals within the same cities or regions. The respondents were asked to describe briefly their general responsibilities in the positions they were occupying. This information was gathered to ensure the highest degree of consistency with regards to responsibilities and experiences one would have in answering questions of this
nature. Also, it must be noted that cities often differ in their allocation of responsibilities to individuals with particular ranks or positions. This is usually determined by the size of the city, with smaller cities having a number of responsibilities allocated to one individual, while in larger cities or regions, there were more specialized individuals assigned to particular areas of the service. One notable example in this study was the responsibility of handling complaints against the police by the public. While it is required under the **Police Services Act**, that each city have a designated official or bureau to field such complaints, some cities allocated these responsibilities to a deputy chief or other senior officer instead of having a full-time bureau providing investigation.

It must be stressed that the cities chosen do not constitute a representative sample for statistical purposes. Nonetheless, the interviews do generate a variety of data that relate to a group of police service bodies in Ontario with responsibility for over one million Ontarians. The data thus may be suggestive of attitudes in the wider police community.

Elite interviews were not the only means by which information was gathered. It is impossible to fully appreciate the role of a police officer and the motivation behind police work without spending time with those working in the field. For approximately one year, the author had numerous informal conversations with police officers at all
levels to determine their thoughts on policing, their fears, stresses and feelings towards their chosen occupation. Officers in both the United States and Canada told stories and shared experiences that provided the author with an increased appreciation for the environment in which their role as police officers is carried out. Further in this regard, time was spent observing the police on nightly patrols and spending time talking with some of the support staff in police services.

While the information so obtained was anecdotal, it did contribute to the development of the hypothesis and the framing of the questionnaire for the elite interviews.

The questionnaire used in the survey of police management opinion was comprised of two types of questions. The first set of questions, (one to twenty), used a Likert-type five point scale. The respondents were instructed to choose a number from one to five based on the grading scale given, with no allowances being made for numbers falling in between the real numbers on the scale.

The second set of questions, (twenty-one to twenty-three), were open ended questions. The respondents were instructed verbally to be as open and thorough with their answers and suggestions for these open-ended questions as possible. While the responses were usually verbal, some respondents provided written answers. They articulated suggestions and plans for the future of police accountability
and suggested improvements to the Special Investigations Unit.

The questions were divided into the following categories: police/public relations in the designated city or region; community race relations and training as such for police; the competing role between police and interest groups in the creation of police policy for the city or region; views by the police management personnel as to the competence of the members of the Ministry of the Solicitor General and the Special Investigations Unit; and attitudes of officers toward the implementation of external review.

The questions were not always placed together on the survey according to their subject area. A filter question was used to determine the knowledge or opinion that officers had regarding the adequacy of training and education of the Special Investigations Unit, a group which they uniformly expressed dissatisfaction with.

1.7 Potential Problems With Research Using Questionnaires

Elite interviews require a great deal of interpretation on the part of the interviewer. This is especially evident when dealing with open-ended questions as they are more demanding of the interviewee. They can cause delays in the

29 Open ended questions required the respondent to provide a more detailed answer and didn’t allow for the respondent to formulate an opinion based on the choices which were given for the questions using the five point scale. The respondents usually took several minutes to discuss their thoughts and then formulated an answer by citing a number of final points which they wished to be recorded.
interview process and they "are more difficult to categorize since all respondents will not as a rule use the same framework in answering the questions."\textsuperscript{30} However, the open-ended question can be beneficial to the study given the non-reliance on fitting the answers of respondents into preconceived categories.\textsuperscript{31}

With the use of the Likert-type scale, the respondents have the benefit of options from which to choose, albeit these are sometimes limited. In this study, some participants expressed concern over the limitations in the five point scale, using the alternatives provided.

1.8 Overview of Thesis Organization

Chapter one of this thesis has attempted to outline the theoretical framework by which the hypothesis will be tested throughout this work. As well, the limitations of this study are outlined and the methodology chosen for undertaking the study is explained. The remainder of this thesis consists of four chapters. In Chapter Two, the prevailing philosophies behind policing are examined. These include community policing, race relations training for police officers, the role of the police in society, and the acceptance of the need


\textsuperscript{31} Ibid. Pg. 64
for specialized management training for police personnel. Recruitment in police services has become much more diversified, with special attention given to the hiring and promotion of women and visible minorities within police ranks. Results of questions dealing with the role of the police in society, as well as training and race relations will be analyzed.

Chapter Three discusses the means by which police policy is created, including an examination of the statutory means by which authority at the provincial and local level is obtained and the role of the Ministry of the Solicitor General as it relates to police accountability. The Charter of Rights and Freedoms has been influential in the administration of justice at all levels, and particular reference is made to some of the more important sections of the Charter which have necessitated a greater awareness or discretion in law enforcement at the municipal level. The perceived bias towards special interest groups in the policy making system is examined in detail. The results of questions relating to the creation of policy for police forces, including the appropriate levels of input by police, government and interest groups, will be analyzed. As well, the perception of the police that the provincial government is granting a disproportionately large degree of input to special interest groups is examined. Comparisons will be made between government, special interest groups and police perceptions of accountability.
In Chapter Four, the establishment of external review agencies is examined. The acceptance of interest groups in the policy making system, coupled with an increasingly sensitive political environment have resulted in the establishment of both the Office of the Police Complaints Commissioner and the Special Investigations Unit. Questions dealing with police attitudes towards these bodies are discussed.

The Special Investigations Unit (SIU) was created in an attempt to provide unbiased review of police actions in situations involving extreme force, shootings or death. The relationship between the SIU and the police has become very strained. This relationship is examined from a number of perspectives. Question fourteen addresses the usefulness of the SIU as it was created. One can examine the views of police management personnel in this survey regarding their perception of the usefulness of the Special Investigations Unit in its creation and in its capacity of providing external review of performance. Consequently, an assessment can be made regarding the difficulty of having police services operate within a system where they have such deep feelings of mistrust and resentment toward the SIU.

Much of the criticism surrounding the role of the SIU deals with the perceived inadequacy of training to deal with investigations. The opinions of those surveyed in this study as to the adequacy of training is analyzed.
Chapter five discusses the extent to which the hypothesis stated at the beginning of this work has been proven. Observations regarding this particular study and the applicability of future studies in this area are provided, along with recommendations and findings regarding police accountability in Ontario.
CHAPTER TWO
PREVAILING POLICE PHILOSOPHIES OF THE 1990'S

2.1 Introduction

This chapter examines the important themes in policing research today. Beginning with the role that police have in our society, the study will proceed to community policing philosophies, race relations training for police officers and effective management within police services. The aim of this chapter is to use the prevailing philosophies of the 1990's as a framework for analysis of the questionnaire results of those police management personnel interviewed. Critical examination of these issues is crucial to assess the accountability which can be expected in the context of changes the police have undergone in the last fifteen years, and those which they will continue to undergo.

The hypotheses stated in Chapter One are examined in this regard. Change can have both positive and negative effects on an organization. The contribution of change in affecting the morale of an organization is often determined by the level of input perceived by its members. As well, the attitude of management personnel toward change is crucial. As facilitators of change, management officials must be respectful of the philosophy behind change to make it truly effective.
2.2 The Role of Police in Society

Because of their role as protectors of society, the police are not always considered to be part of the normal social order. The emergence of a separate and distinct police culture has resulted in the development of two groups in society, police and others.  

Police are led to believe that they are different from others in society not only because they are willing to face up to problems others shy away from, but because they possess an important social privilege not available to others.  

Given the highly visible and powerful position of the police within society, one must examine the ways in which this position has been developed.

In a democratic society, the process by which institutions gain power is through continued public support. This support indicates the level of legitimacy which the institution enjoys within society.

The level of legitimacy which an organization perceives

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33 Loc. cit.

34 Ibid. Pg. 178.
itself to have within the community will often be reflected in its attitudes towards those it serves. The following table demonstrates police perceptions regarding the level of respect enjoyed by the police within the community.

Table 2.1

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief of Police</td>
<td>4.5</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>4.6</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>4.3</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>4.5</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>4.5</td>
</tr>
<tr>
<td>Overall Average Response</td>
<td>4.5</td>
</tr>
<tr>
<td>Total Number of Respondents</td>
<td>23</td>
</tr>
</tbody>
</table>

Grading System: 1-very low  2-moderately low  3-don’t know  4-moderately high  5-very high

As this table demonstrates, the police perceive themselves to have a high level of respect by the majority of residents in their communities. There were no significant variations among the cities studied.

2.3 Legitimate Authority

Unanimous public support is not always required to maintain the legitimacy of an institution. While it is possible for the public to disagree with government policies
and continue to support the government, continuous unpopularity may undermine the institution. Although the police are subject to intense public scrutiny, they are usually able to maintain a consistent level of support. "The authority of the police may be regarded as legitimate in spite of people's objections to particular police practices."\textsuperscript{35}

Having stated this, however, one must differentiate between threats to legitimacy based on the disapproval by a minority of citizens who are upset with a particular police practice or philosophy, and a belief by a majority of citizens that the police are no longer representative of their concerns or sociological make-up. Often, the police are not considered representative of all sectors of society. The commitment to visible minorities in their hiring or promotional practices is an example. "The police and their methods are not a straightforward reflection of the society in which they operate."\textsuperscript{36}

2.4 A Policing Paradigm

Rossmo and Saville developed a policing paradigm by which to assess the impact of police within society and the interaction which takes place therein. The paradigm encompasses three fields. These include social behaviour, 


\textsuperscript{36} Loc. cit.
criminal law and police infrastructure. Criminal law simply refers to the rules of law which guide the police in their function and duty. The police are not responsible for making the laws but they do have a great deal of influence in the application of these laws. Law enforcement is often prioritized according to police availability and the implementation of a type of cost-benefit analysis of crimes. While it is illegal to both steal a bicycle and to kill a bicyclist on the road, more attention will obviously be given to the death of an individual rather than the theft of property. The police interviewed for this thesis often referred to the practice of answering calls on a priority basis. The urgency of the call would be determined by the dispatcher and this information would be given to police.

The other two components of the paradigm are addressed in greater detail in the following sections. Social behaviour is addressed in terms of the legitimacy that the police have within the society, and the way that they react to their position and responsibility. Police infrastructure is discussed through examination of police management practices, the question of increased educational requirements for police and the idea of civilian management within police forces in the future.

One of the distinctions that separates the police from other professions, is the inclusive and encompassing nature of the police function or responsibility. Given that the police
must act with the interests of society as a whole, the behaviour of the police in a given situation is likely to affect a large section of the community. Because of the multicultural make-up of Canada, difficulties may arise when police attempt to deal fairly with all members of society. Race relations training for police officers has been developed in response to the growing concerns that some members of society were not being treated fairly. Another method which has been used to ensure a more inclusive law enforcement strategy is community policing.

2.5 Community Policing

Community policing emphasizes the interaction between the police and the community in solving social problems. "Community policing" was first championed in Britain by John Alderson. A leading authority on the police and a chief of police himself, Alderson envisioned an approach to policing which would revolutionize its role within society. His philosophy is discussed by John Sewell in Police.

His is a concept of community policing, where the function of the police is to "activate the sense of civic responsibility" in citizens. Police would activate people to become interested in public issues surrounding crime and the community, and then take appropriate actions. In this proactive role, police penetration

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of the community would be complete enough to give forces a full understanding of society so as to help it carry out its best wishes. 38

There are very different interpretations of the tenets of community policing. For the purposes of this work, community policing is studied in relation to its impact on police accountability.

While the premise behind the adoption of the community policing model in Canada is good, the implementation of such a philosophy has proved difficult. Because the concept of community policing is not always clear, both the police and the public can be left feeling frustrated at the process. Described as a contrast to the rapid response or enforcement oriented policies of the past, 39 community policing allows the police to work toward establishing safer and more cohesive neighbourhoods, with individuals taking on a greater collective community responsibility.

Police community relationships have a direct bearing on the character of life in our cities, and on the community’s ability to maintain stability and solve its problems. At the same time the police department’s capacity to deal with crime depends to a large extent upon its relationship with the citizenry. 40


40 Klein, J.F.; Webb, J.R.; DiSanto J.E., 1984. "Experience with the police and attitude towards the police", The Canadian Journal of Sociology, Volume 9, No. 2, Spring. This quote was taken from The President’s Commission on Law

32
Greater accountability can be achieved when the police are working with the public. In the past, a greater emphasis has been placed on keeping the police apolitical, a separate entity away from public influence.\textsuperscript{41} However, this separation between the police and the public has had a negative impact on police community relations and has had a negative impact on the level of accountability between the police and the public.\textsuperscript{42}

The predominant question which needs to be asked when deciding the validity of community-based policing, is what community the police are required to represent.\textsuperscript{43} Given the multicultural philosophies that we have ingrained into our national psyche, the question as to what the truly Canadian community looks like is very complex. Different cultures bring with them to Canada, very wide ranging ideals of police behaviour and involvement.

Fragile relations between the police and some minority groups can challenge the public support for new initiatives.

\textit{Enforcement and Administration of Justice(1967:144)} in the United States.


\textsuperscript{42} Ibid. Pg. 277

such as community policing." Community policing stresses the multi-agency approach, with a conscientious effort to seeking and implementing input from numerous individuals thought to be representative and concerned with the citizenry as a whole. These may include teachers, building inspectors, community and social workers and the media, along with the regular participation by police, the public and government in the policy-setting process and delivery system.\(^4\) However, even with the involvement of these groups, resentment toward the police because of past racial incidents can make it very difficult for the community approach to be successful. Because of this, the acceptance of the philosophy of community based policing must not be presumed universal or consistent.

The move toward the more inclusive community model is one of the most "fundamental changes in policing since the rise of police professionalism early in this century."\(^5\)


While there are limitations to the model's ability to promote accountability, community policing is considered to be quite a successful change in law enforcement philosophy. Two other concepts which have arisen from the popularity of the community policing model are contemporary policing and preventative policing.

"Contemporary policing" is defined as a "philosophy and approach to policing which embodies the elements of community policing, and ensures accountability of the service providers to their governing authorities and service users."47

The preventative nature of police work under the community policing model can be compared positively with trends in health care. The emphasis by the medical profession in preventing illness rather than simply treating it have been met with great enthusiasm by both the health care sector and the public. Preventative philosophies are considered to be more modern approaches to dealing with problems. "As a prescription for change, community-oriented policing becomes a program for reform. Within the force it is a label used to describe "modern" policing."48

Community policing was seen as a positive initiative by those police management personnel taking part in this study.


The level of co-operation between the police and the community was perceived as being a critical element to the success of any policing initiative.

The following table represents the opinions of police management personnel regarding the level of co-operation between the police and the public in their communities.

Table 2.2

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief of Police</td>
<td>4.8</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>4.3</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>4.3</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>4.3</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>4.5</td>
</tr>
<tr>
<td>Overall Average Response</td>
<td>4.4</td>
</tr>
<tr>
<td>Total Number of Respondents</td>
<td>23</td>
</tr>
</tbody>
</table>

Grading System: 1-very uncooperative 2-moderately uncooperative 3-don't know 4-moderately cooperative 5-very cooperative

As with the perceptions regarding the level of respect enjoyed by the community, the police also perceive a high level of co-operation between the public and the police, with an average response of 4.4. None of the respondents chose a grade less than 4 in this question. Many respondents discussed their response to this question by highlighting the success of community policing initiatives in their
communities.

Many respondents pointed out that the police are not always dealing with the most co-operative people in society because of the nature of the work. Even though much of their contact in law enforcement was confrontational, the high level of co-operation that they believe to exist could be considered a reflection of their vision of policing as something far more wholistic than simply law enforcement. Examples of this would include police participation in charity events, police presence at outdoor recreational events, community relations, school visits and workshops.

While police reaction to community policing was positive, many did express concern over the cost involved. As well, they were concerned that the government was unaware that community policing would require additional funding if it was to be successful. Cost is only one aspect of the changes which need to be made if community policing is to be successful. Professor Daniel Koeing fears that the administrative structure of policing in Canada is not conducive to community policing. "I doubt that community-based policing, at least as I envision it, can be practised within a hierarchical and multi-layered, paramilitary structure. Despite their best intentions, I suspect that the policing structures that exist in Canada today preclude the police from doing much about community policing except to make it the rhetorical buzzword
of the 1990’s." Koeing advocates the changing of the existing police structures or implementing community policing outside of the police department altogether.

The following comments were made by an inspector regarding community policing: "Do you realize what we could do with just a little bit more money? When you look at how much the justice field brings in for the government, through fines and tickets, its hard to believe that we see so little of that money being put back into our departments. It's like we're on the edge right now...with community policing for example...and we could just do so much better."

2.6 Race Relations Training for Police

One of the greatest struggles involving the police in society has revolved around the perceived negative relationship between police and the minority population. True accountability requires the police to meet the expectations of all communities. Because most people base their opinion of the police on their past experiences with them, one must recognize that different communities will have had very


50 Ibid.

different experiences. The white anglo-saxon male concept of
police work is simply not mirrored in many minority
communities. The large number of complaints regarding
mistreatment of minority citizens must be addressed in order
to work toward greater accountability in the future.

The methods which have been used by the government and by
the policing community in order to remedy the perceived racism
problems will be discussed briefly. The purpose in this
chapter is not to determine whether racism actually occurs
within the police. Arguments could be made that there is
inequity in practically every facet of our society in some
form. The issue of police responses to racism is examined in
this paper in terms of accountability, with the predominant
literature on this topic being tested through analysis of the
results of those police management personnel questioned
regarding race relations training and sensitivity in the
individual communities taking part in this study.

Problems have led to five official inquiries into the
relationship between the police and minority groups in Canada
in the past fifteen years. Studies have proven that certain
types of training to deal with police attitudes toward racial
minorities are more conducive to improving relations. The
findings by Charles S. Ungerleider and Josette McGregor are

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Police for Intercultural Sensitivity: Whose Job Is It?",
Canadian Public Administration, Volume 36, No. 1, Spring 1993.
Pg. 77"
useful in measuring the level of accountability which is believed to exist within the policing community regarding the responsibility for race relations training.

2.7 Intercultural Training

The first finding, from "Training Police for Intercultural Sensitivity: A Critical Review and Discussion of the Research", indicated that training programs were more successful when an intercultural approach was taken, compared to a race relations approach.53

Intercultural training encompasses a much broader scope, relating not only to the race of the individual, but also the cultural differences which are inherent in different societies and are often reflected in the behaviour of individuals from these societies. Cultural, social, economic and political information about different countries is discussed, along with training in positive communication techniques.54

Race relations training, by comparison, is "focused primarily on increasing people’s awareness of their own racism and understanding of the structural dynamics of racism, and increasing their ability to combat harassment based upon race."55

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53 Ibid.
54 Ibid. Pg. 84
55 Ibid.
The first report of the Race Relations and Policing Task Force in 1989 stressed the need for legislated training requirements for police officers. However, the 1992 Report was critical of training initiatives undertaken in the last three years. The legislation of such training has not been forthcoming, nor has there been any substantive direction in terms of training other non-police personnel involved in the daily operations of police services. "We have been unable to ascertain any other effort by the Ministry to give race relations training to senior command officers, civilian staff or police services board members." This need for increased training for police services board members was expressed by several board members interviewed for this thesis. It was felt that while attention is often given to increasing the officer's awareness of racially sensitive issues or situations, the board member frequently feels that he or she

56 There have been two official Reports published under the direction of the Race Relations and Policing Task Force. The first Report in 1989 highlighted many problems within the province between the police and the minority population. Testimony was heard from numerous interest groups representing minority interests. The majority of this testimony was very negative toward the police and the Report itself was critical of the lack of training that officers received to handle problems involving racial minorities. The Task Force was united again in 1992 and given a mandate to report on the progress which had been made since the 1989 Report. Because this thesis deals primarily with accountability, the majority of information regarding the Race Relations and Policing Task Force is taken from the second report, which was more concerned with this issue.

lacks the necessary training to understand the issues facing the officer on a daily basis. Such comments raise the question of whether police services boards can be truly effective when they lack the needed understanding about mandated race relations policies and programs. Given the difficulties which often arise when police services boards are forced to trim police budgets, one could surmise that programs for which the board member has little appreciation or understanding of, would probably be open to review by the board. This could be especially true in terms of the economic validity of the program. While mandated training for officers would continue, it is unlikely that such training programs would be enriched. As one police services board member puts it: "The problem of racism is not very great in [city]. While I feel that our officers are trained quite effectively to handle a situation now if there was one, that doesn't mean that things couldn't get worse in the future. What would we do if something really was to happen? ... But, there just isn't the money there to keep increasing the training. Often the board members themselves don't know what the training is really all about... And when the government gets finished with all the cutbacks and the Social Contract, there is going to be even less."

The following table represents the views of police management personnel in this study regarding the adequacy of training within individual communities.
Table 2.3

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>3.5</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>4.1</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>3</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>3.5</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>4.5</td>
</tr>
<tr>
<td>Overall Average Response</td>
<td>3.7</td>
</tr>
<tr>
<td>Total Number of Respondents</td>
<td>23</td>
</tr>
</tbody>
</table>

Grading System: 1-very inadequate 2-somewhat inadequate 3-don’t know 4-somewhat adequate 5-very adequate

It is interesting to note in this question that there is a variation in the responses given by the different respondent groups. The lowest rating was given by Police Services Board Members (3) and the highest was given by Other Management Personnel (4.5). There were some differences between the municipalities studied, with average scores ranging from 3 to 4.5. However, with every respondent group, there was usually only one response that was significantly lower than the rest, and this usually resulted in a lower overall average for the group. The general comments which were made regarding this question were not as critical of the adequacy of training as one might infer from the responses listed in the table. The respondents who answered this question frequently added comments about the level of training of their officers. While
most stated that they thought it was adequate, concern was expressed over the potential for problems to develop in the future. There was unanimous agreement with the proposal for race relations training for officers. The problems that were highlighted dealt with the perceived bias toward Toronto in assessing the racial climate within the province, as well as the lack of recognition for the cities which were meeting or exceeding the educational requirements for officers in this regard. With the majority of respondents, it was felt that the police are committed to improving race relations training, however there was always room for improvement.

The Race Relations and Policing Task Force Report (1989) highlighted a very negative reaction by police toward minority groups. Racial intolerance was suggested to be responsible for discrimination within the institutionalized police structure in the province.

However, the police management personnel interviewed for this study perceived low levels of racial intolerance in the communities studied. The issue which was most prevalent in the discussions was that of Toronto-centred policy making, particularly as it related to race relations. There are two arguments which can be made in this regard. Firstly, one could assume that the greatest problems would occur in areas with high racial divisiveness within the community. Further to this, it could be argued that racial problems are more likely to exist in areas where there are significantly higher
numbers of visible minorities.

Conversely, if there are problems within larger minority populations in larger metropolitan centres, such as Toronto, the problems could be mirrored within the smaller minority populations within the cities studied. Because the numbers would be smaller, the problems might be more limited and therefore the perception that such trouble existed might be smaller. However, in dealing specifically with police attitudes in this study, the police were not in agreement with this observation. It was felt by a large number of police officers that they were accountable to the minority populations within their cities, and had worked at improving relations with them through participation in seminars, community policing initiatives and advisory councils.

One of the most upsetting aspects to the issue of race relations training for the officials interviewed, was the lack of attention being given to cities which are attempting to be more responsive to the needs of the community. Many respondents considered the race relations programs within their communities to be very successful.

The following table demonstrates the opinions of police management personnel regarding the degree of racial tension within their communities.

Table 2.4

<table>
<thead>
<tr>
<th>WHAT IS THE DEGREE OF RACIAL TENSION IN YOUR COMMUNITY?</th>
</tr>
</thead>
</table>

45
<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>1.8</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>1.4</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>1.7</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>1.5</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>1</td>
</tr>
<tr>
<td>Overall Average Response</td>
<td>1.5</td>
</tr>
<tr>
<td>Total Number of Respondents</td>
<td>23</td>
</tr>
</tbody>
</table>

Grading System: 1-very low  2-moderately low  3-don’t know 4-moderately high  5-very high

The respondents perceived there to be low levels of racial tension in their communities, with an average response of 1.5. Many of the respondents spoke of committees which had been set up within the community to deal with multiculturalism and of the involvement of police officials with these committees. Although examples were given of occasions when a particular minority group had been involved in some type of altercation with police, the incidents were said to be very isolated and not representative of the overall minority population.

Concern was expressed over the public comments made by politicians regarding the police as a racist institution, classifying all police under this umbrella of racism, and stating that the police had no problem seeing a person was black if they were trying to shoot him. Many police officers who spoke freely of their experiences as an officer were very hurt by the comments made by politicians and felt betrayed by
these comments.

The interviews conducted for this thesis reveal a greater willingness on the part of the police to successfully integrate race relations training into their institution than what might be perceived from media reports. While one senior management official made comments which could be construed as racially insensitive, these comments were unrepresentative of any other interview. From an accountability perspective, it could be argued that the police have accepted the professional responsibility to deal with the multicultural make-up of Canadian society. It cannot be argued that systemic bias regarding race is exclusive to police services, however the police have been a primary target for criticism. While the problems have been analyzed in great detail in the numerous provincial inquiries and a multitude of media reports and articles, recognition should also be given to the contribution that the police are making for the improvement of future racial harmony within the province. They have tried to be accountable for the mistakes of the past, and have instituted mechanisms for ensuring even greater accountability in the future.

2.8 Management in Police Organizations

Modern police forces are primarily concerned with three internal organizational functions. Administration, field
operations, and staff operations and specialization are the broad headings under which the daily functions of the department can be organized. Given the multiplicity of roles undertaken by police officers, the need for effective management in the organization cannot be overstated. Because police can be "crime fighters, maintainers of law and order or agents of social control", those managing police officers must be adaptable to change and their management styles must correspond positively with the complexity of tasks facing the officer.

The importance of effective police management is addressed by Rossmo and Saville with the following statement.

Officer motivation and morale must be elevated to the highest level and excellence must be encouraged and developed. The days of the rigid chain of command, control through regulations and the quasi-military police infrastructure should have seen their last dawn.⁵⁹

Managers need to be accountable to police officers within the organization, the public, their own superiors, and police services boards. Complicating this even more, is the reality that often the performance of managers within the police organization is reflected upon or judged by the media, who


make frequent determinations of accountability based upon their perception of a manager's actions.

One of the reasons that managers in police forces are so publically scrutinized at times or over certain events, is because of the perception that such managers are resistant to change.

Managers in police organizations are not seen as highly specialized. This is directly linked with the need for the police to be seen as a professional group. Better educated and more specialized management personnel are essential to ensuring a greater professional image.

This increase in education and specialization can be achieved in a number of ways. The first deals with the selection criteria for senior management status.

Two chiefs of police interviewed expressed their own views on the increase in educational requirements for police officers. They agreed that it is a well known "unwritten" rule within the police force that any officer who wishes to be given consideration for advancement beyond the constable level, must have post secondary education, preferably a University Degree. Further to this requirement, the increase in educational requirements was encouraged through a tuition subsidy for university courses by many departments. This trend is not limited to just the cities studied. Although there are inconclusive results regarding whether or not a university education is advantageous, the recruitment
practices of cities across the province have been moving in the direction of the higher educated. There are reasons for this trend which are reflective of greater attempts towards professionalization of the police.

While management has encouraged education, and may have made it a requirement for advancement, recent studies have tended to demonstrate that police officers with university degrees are not always welcomed by the other officers. As well, studies which link the professionalization of policing to higher education have found that the officers who do not have a degree do not see professionalization as being that closely linked with education.

Attention is needed toward making police work a desirable profession for those entering with a degree as well as those who complete a degree while employed as a police officer. Many new recommendations regarding direct entry and civilian management promotions address this issue. While post-secondary education is seen as highly desirable, only a grade twelve education is technically required. While it is often assumed that the police officers themselves are the ones

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61 Vincent, C.L. 1990. Police Officer. (Ottawa: Carleton University Press). Pg. 44

resistant to change regarding the educational requirements for officers, this did not prove correct in the interviews for this thesis. Often it was the senior management personnel at the inspector or chief level who were the greatest advocates of the need for post-secondary education. Comments against the need for increased education were made by one police services board member, who felt that for the senior level management positions, a degree was desirable, but for the rank and file officer on the street, there was no need for post-secondary education.

The increased educational requirements can often be a source of frustration for many police officers. Those who entered when post-secondary education was not required may feel threatened by the new emphasis towards it. In an institution where experience has been the primary basis for promotion, many older officers may perceive this as a personal criticism. Thus, the effect that changes in philosophy can have on the morale in the organization is demonstrated.

2.9 An Increased Role for Civilians in Management

The question of civilians in management positions flows directly into the second area of discussion regarding management. Given the first goal, of increasing the education of the police force as a whole, and requiring education as a

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prerequisite for promotion into management ranks, one must then examine the question as to who the successful manager should be, and what the desirable background of that manager is.

Traditionally, and almost without exception today, those in senior management levels have moved through the ranks as a police officer over a number of years. This has resulted in managers who are "police first and managers second."^64

But is this the most desirable way for selecting managers? Can accountability in policing be achieved through an alternate means? References are often made to private enterprise, whereby the manager of a business is a professional manager and may not necessarily be capable of performing the specialized tasks required by the workers of the organization.^65

The promotion of managers within police ranks would be likely to indicate a closer working environment and perhaps less animosity between management and employees. However, this has not proven true. "Police unions and organizations are hostile to management in spite of the fact that management personnel are former members of those groups."^66

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^65 Ibid. Pg. 211

respondents to this study were quite mixed in their opinions regarding the use of civilians in management positions. Although the topic was not formalized on the questionnaire, many respondents discussed their own beliefs when talking about police accountability in general. Often the respondents who had a long police background and had moved up the ranks felt that experience was the key ingredient to successful police management. Others spoke of the need for increased management education, whether through external institutions such as colleges or universities, or through internal courses taken at the Ontario Police College. There seemed to be a real appreciation for the need for change, especially in the largest centres studied. Change must not be construed here to mean that things are not acceptable now. None of the respondents indicated a willingness to completely dismantle the existing system, nor would they be expected to. What was indicated was the recognition that not all changes or suggestions about their management practices or levels of accountability were meant to be negative. As one Inspector stated: "We have too much at stake here not to ensure that we are doing a good job. A lack of trust...[or accountability] can be seen to reflect badly on everyone."

Police have traditionally viewed any type of analysis of their organization as automatically negative. The attempts that police have made in integrating new police philosophies has dispelled this idea. One of the reasons that community
policing has been so successful is the active participation and dedication of the police in implementing it. Policing has been transformed under this new approach, and officer morale has improved because of the new professionalism and community oriented spirit which has accompanied it. The community policing model is an excellent example for government to follow when trying to bring about change in other areas. In relation to the hypotheses stated in Chapter One, the following observations can be made. Changes in philosophy which are the result of a combined effort by all players in the policy making system, including special interest groups, police and government, are much more likely to be successful and are met with more enthusiasm by police. This would likely lead to an increase in police morale.
CHAPTER THREE
CREATING POLICE POLICY IN ONTARIO

3.1 Introduction

Policing in Ontario falls under both provincial and municipal jurisdiction. This two tiered system has facilitated a power struggle between municipal police services and the provincial government over the creation and implementation of policy. It is suggested in this chapter, that this conflict has contributed to the decrease in police morale and the perception that there is undue political influence on the police.

The Ministry of the Solicitor General is examined in this chapter by highlighting the specialized units of the Ministry. The comments by police management personnel in this study regarding levels of competency in the Ministry are highlighted and the relationship between police and Ministry management is examined.

The impact of the Charter of Rights and Freedoms on law enforcement is analyzed with respect to its influence on police accountability. Finally, interest group activity in the policy making system provides a basis of testing the hypothesis that the reduction in police morale is the result of the conflict between the police and the government.

3.2 Creating Police Policy: Who Is Responsible?
The Ministry of the Solicitor General is charged with the overall responsibility for policing in Ontario, including policy development, auditing and police education. Municipalities are responsible for the implementation of these policies within individual police services.

The Ministry's Policing Services Division reviews police practices and both external and internal investigations. It monitors municipal forces to see that policies are being implemented in accordance with Ministry standards. This Division also implements broader government policies within its own unit, such as employment equity and cross-cultural training. The Policy Development and Coordination Branch "identifies issues and develops and coordinates policy as it relates to the law enforcement and public safety mandates of the Ministry." This unit is also responsible for the coordination and implementation of community policing initiatives. In 1990, the Race Relations and Policing Unit was created to implement the recommendations of the 1989 Race Relations and Policing Task Force Report.

In the creation of policy, governments must attempt to "resolve conflicts and decide which version of the public

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68 Ibid. Pg. 22

69 Ibid. Pg. 23
interest is to become the basis of public policy." The challenge is to determine which members of the policy community will be most influential with government. The creation of policy is a complex and continually changing process. Change is not, however, always welcomed by all members of the policy community. It can lead to questions about the legitimacy of an organization or it can revitalize an organization. Change is necessary though, because the public interest is always being defined and redefined. While the policy making process is normally one of compromise, there is a perception by the police that the present system is unbalanced. Problems usually arise in policy debates when one group feels that their concerns are not being met by those making crucial decisions regarding policy.

3.3 The Police and Politics

Drawing the line between the creation and administration of policy can prove frustrating for those being affected by the policy. The role that police play in the creation of policy is changing. Traditionally, the police have insisted


72 Ibid. Pg. 39

57
on being outside of, or shielded from politics. Conversely, interest groups have attempted to use politics to achieve their desired ends. The changes which have taken place have thrust the police into the policy making system. The following tables demonstrate the opinions of police regarding their role in the policy making system.

Table 3.1

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief of Police</td>
<td>4.5</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>4.9</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>4.7</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>5</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>5</td>
</tr>
<tr>
<td>Overall Average Response</td>
<td>4.8</td>
</tr>
<tr>
<td>Total Number of Respondents</td>
<td>23</td>
</tr>
</tbody>
</table>

Grading System: 1-very unnecessary 2-usually unnecessary 3-don’t know 4-usually necessary 5-always necessary

There was an extremely high level of agreement among the respondents in their opinions regarding the role of police in the policy making system. The respondents usually referred to the role of the provincial associations which acted on behalf of the different respondent groups. Associations representing police officers, senior officers and chiefs of police were highlighted with regards to their active role in policy development.
Table 3.2

PLEASE ASSESS THE LEVEL OF INPUT YOU FEEL POLICE ADMINISTRATION SHOULD HAVE IN THE CREATION OF POLICE POLICY FOR YOUR COMMUNITY.

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>4.8</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>4.9</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>4.7</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>5</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>4.5</td>
</tr>
<tr>
<td>Overall Average Response</td>
<td>4.8</td>
</tr>
<tr>
<td>Total Number of Responses</td>
<td>23</td>
</tr>
</tbody>
</table>

Grading System: 1-none at all 2-very little 3-don't know 4-quite a bit 5-a great deal

As with the previous table, there was a very high level of agreement regarding the level of input felt appropriate for police administration in the community. The average response of 4.8 reflected the police position that the provincial government was responsible for setting the overall priorities of policing within the province while the municipalities should be responsible for their implementation.

The role of the police as an interest group can be analyzed by using the different models for interest group behaviour discussed in Chapter One. Pross' characteristics of a pressure group apply to the police. His model requires the pressure group to have sophisticated methods of persuasion and support from its membership to successfully convey its message to government. Secondly, the group must be well organized and efficient. Thirdly, the organizational capacity must be very
visible and have a well defined common interest among its membership. The fourth characteristic is the desire by the pressure group to influence government policy rather than take power away from government.

The police have a very strong membership and they are well organized. With regular municipal officers' associations and senior officers' associations under the umbrella of provincial associations, the police have maintained a highly active organizational base. All officers are members of at least one of these organizations, and the associations work on the officers' behalf in negotiating contracts and providing support services. The officers' commitment to the organization would be strengthened by the influence of the organization.

The nature of police work and the accompanying stress of the occupation would likely promote a greater cohesion amongst the members of the group. Pross' suggestion that there needs to be a sustained legitimacy within the group is quite evident. Officers need to be able to share their experiences with other officers and feel that their feelings are appreciated or understood.

The officers are most likely to perceive themselves as working toward the common goal of protecting and serving the public. As demonstrated in the Blue Ribbon Campaign in 1992, the police have become more willing to act in the political system, and are quite effective given their powerful position.
They are able to gain public attention by conveying the potential dangers to public security which could result from a reduction in police power. However, one concern which is rarely discussed is the effect legislation or changes can have on the officers in the group. If the government was to announce a hiring freeze on police officers or perhaps hire civilians for some internal positions, the police would undoubtedly argue that public safety was being threatened because of a reduction in officers. What wouldn’t be discussed was the effect that reductions in police staff would have on the personal lives of the police. Like any occupational group, the police have an interest in seeing that their member’s jobs are protected and that salaries are competitive. Their self-interest is rarely articulated publically.

Pross’ fourth characteristic of requiring the group to want to influence rather than obtain power is also applied. The police concede the need for provincial influence in policy creation. The following table illustrates this belief.

Table 3.3

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>2.5</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>2.7</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>3</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>4.3</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>2.5</td>
</tr>
</tbody>
</table>
Although the overall average response was 3 for this question, this three should not be taken to suggest that the management personnel "didn’t know" what level of input they thought was appropriate. Comparing the overall average response with the grading system is not appropriate in this instance. There was little variation among cities in their responses to this question, however there was some variation among the respondent groups. It is interesting to note that it is the Police Officers Associations that advocate the highest level of input for the provincial government while the Chiefs and Other Management Personnel advocated lower levels of input. There weren’t any comments made by the respondents regarding this question that would suggest any reasons why this result occurred. However, one might surmise that those representing police officers associations might be more willing to have more input into the policy making field at the local level because they were perhaps less directly involved than the other senior management personnel responsible for the administration of the department.

While police recognize that their role is not to create laws but rather to apply them, it’s not surprising that they would be concerned about the content of criminal legislation
as well as to regulations governing their own conduct. In the last ten years, their mandate has been expanded to ensure that individual rights are protected under the Charter and all citizens are treated equally, without discrimination. Their desire to have an impact on the creation of laws is more indicative of their desire to expand their professional role than it is to take power away from government. They perceive their role as one of enhancement rather than overall responsibility. In this regard, they meet Pross’ fourth characteristic of pressure group behaviour.

The fourth characteristic can be examined in light of the responses to the following question.

**Table 3.4**

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>1.5</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>1.9</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>3</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>2</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>1.5</td>
</tr>
</tbody>
</table>

Overall Average Response 2

Total Number of Respondents 23

Grading System: 1-no agreement 2-very little agreement 3-don’t know 4-some agreement 5-total agreement

The overall average score of 2 reflects the view that police officials believe they should play a role in both the
creation and administration of policy. However, when analyzed in comparison with the results in Tables 3.2 and 3.3, it can be suggested that although police officials believe there to be little justification for separating the creation and enforcement aspects of law, different levels of input are appropriate for the government and police.

One of the reasons that police associations are so well organized is the nature of the police hierarchy. Selznick’s typology classifies a pressure group as one which possesses organizational continuity and cohesion.73 The nature of police work promotes a closeness and sense of solidarity which contributes to the strength of the organization. "On the job, this in-group solidarity demands almost total allegiance and dedication. It absorbs his time, his interests and, seemingly, his whole life... The world is seen through the strong lenses of his occupational role."74 Cohesion is also reflective of the occupational stress involved with the job. Vincent highlights three factors which contribute to the social isolation of police.75 The first is the common interest that police have and the ability to "talk shop" with each other. The second is the organizational aspect of

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74 Vincent, C.L. 1990. Police Officer, (Ottawa: Carleton University Press). Pg. 109

75 Ibid. Pg. 102-103
policing, shift work, overtime and close contact with other officers. The third is the safety police feel when they are with others in their own occupational group, away from public pressure or criticism.

While the police are able to meet the organizational requirements of Selznick's typology, it can be argued that the rigid chain of command in police organizations can also have a negative effect on department solidarity. With different levels of ranking come different responsibilities and an increase in "standing" within the organization. These divisions can contribute to a decrease in the perception of officers that they are all part of the same group. Comments in this regard were made by one respondent in the elite interview process, who stated that many of the officers at the constable level were fearful of those who worked in administration, or "upstairs".

The stable membership in police associations is accomplished through the small number of official organizations within the overall policing profession. The

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76 Stroud, C., 1983. The Blue Wall, (Toronto: McClelland and Stewart). Pg. 231

77 The divisions within the police environment can be attributed to the type of evaluation process which is characteristic of many hierarchical institutions. The patrol officer can be judged by several levels of superiors and for this reason, there is an effort made to try to adhere to the philosophies of superiors. The emphasis is police organizations on the chain of command can result in officers having to agree outwardly with a decision, but yet not be personally satisfied. See Vincent, C.L., 1990. Police Officer, (Ottawa: Carleton University Press). Ch. 3

65
officers are all represented by the Ontario Police Association, which works on their behalf. In its capacity as a pressure group, the Ontario Police Association is more likely to meet directly with the Solicitor General than one of the smaller municipal branches of the Association. The perceived influence that the provincial body has in representing the interests of officers was reflected upon in some of the interviews. One Police Services Board Member stated that if the police felt that their concerns were not being addressed, they should begin by examining their own methods of communication. The respondent suggested that with both local and provincial associations working on behalf of the officers, concerns should be addressed to these organizations rather than assuming that it was always the government or the Police Services Board that was trying to "make life difficult for cops".

Under Selznick's typology, those working within the stable membership also have relatively consistent backgrounds and levels of education. As addressed in Chapter Two, the levels of education for police are fairly consistent. Most have a high school education, with newer recruits having post-secondary education at the college or university level. The majority of training occurs after employment, rather than before. However, it is possible that this feature of police organizations may change. With the trend toward hiring more highly educated police officers, departments may, in the
future, be staffed with officers who do not have the same educational background. What impact this will have on group cohesion remains to be seen.

The need for concrete and immediate operational objectives is apparent with the police. Usually, the influence of the police association would be restricted to the interpretation of law as it related to law enforcement. The police would be in a better position to assess the operational aspect of a law, how it would be enforced or any problems which might arise as a result of special provisions in the law. One example which has been noted by the police is the requirement for separate transportation and holding facilities for juveniles under the Young Offenders Act. Such requirements can cause numerous delays in the transportation of suspects, and can disrupt the normal allocation of officers in given areas if they are called to transport young offenders one at a time from a specific site to the police station.

The police would be able to formulate positions based on the concrete objectives of the organization. If one of these objectives was the improvement of response times for calls for service, it is likely that the association would fight for more officers. Salznick’s philosophy that the pressure group benefits because of concrete and immediate operational objectives can be applied to the police, however the appearance of these objectives is usually quite sporadic. While the associations might be fighting for tougher gun
control in society, they become quite vocal when gun control is imposed on them. This again demonstrate the potential for the officer’s own self-interest to become a factor in the criticism of policy. Selznick’s fifth classification states that organizational imperatives are generally more important than particular objectives.78 As an organization, police associations are concerned with gaining an appropriate degree of influence which can be maintained over an extended period of time.

The following observations were made by a respondent regarding provincial influence in the creation of police policy. "With this present provincial government, we have been exposed for the first time to a government who has shown a lack of support for police and public security issues. For the first time, we have seen the police take a militant stand." The militant stand that the respondent referred to was the Blue Ribbon Campaign in 1992 which attempted to support the police stand against the Use Of Force guidelines being recommended by the Ontario Government. The respondent also stated the following: "When a government is in power lawfully, you would assume that safety and security of the public and the police would be something that (all governments) would preserve. We can’t say that about this

government." Such statements are reflective of the desire of police to be more involved in the creation of policy.

3.4 Perceived Problems in the Ministry of the Solicitor General

"The Ministry must provide clearly stated objectives and directives to police services boards to ensure that those responsible for civilian governance of police forces properly understand the principles under the Act and, understand what priorities and objectives must be in place for police services to be provided in accordance with those principles."79

The following statement was made by a Police Services Board member:

The government needs to educate board members. Police Services Boards receive very little training, and many of the issues that they are given a mandate to enforce or implement are not completely understood. Because of this, often police personnel implement policies with very little direction from the board.

The training is especially important in the area of race relations and the respondent made particular reference to the Chapter in the Race Relations and Policing Task Force Report [1992] which dealt with the need for increased training of police services boards.

Accusations of inadequacies in the Ministry of the

Solicitor General in terms of accountability and competence are numerous within the Task Force Report.

"It is our respectful view that the Ministry of the Solicitor General did not, and still does not, have a coherent and coordinated implementation strategy and the necessary infrastructures to meet its leadership responsibilities under the Police Services Act, 1990."\(^{80}\)

Similar sentiments as to the Ministry’s inadequate leadership were expressed by respondents during the elite interview process.

Table 3.5

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>3.3</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>3.4</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>3.3</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>3.3</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>2</td>
</tr>
<tr>
<td>Overall Average Response</td>
<td>3.1</td>
</tr>
<tr>
<td>Total Number of Respondents</td>
<td>21</td>
</tr>
</tbody>
</table>

Grading System: 1-totally incompetent 2-somewhat incompetent 3-don’t know 4-quite competent 5-very competent

\(^{80}\) Ibid. Pg. 12
Table 3.6

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>2.3</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>2</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>2.5</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>1.7</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>1.5</td>
</tr>
</tbody>
</table>

Overall Average Response                   | 2                |
Total Number of Respondents                | 21               |

Grading System: 1-very inadequate 2-somewhat inadequate 3-don’t know 4-quite adequate 5-very adequate

It should first be noted that several respondents stated they were not comfortable answering questions regarding the competency of those working in the Ministry of the Solicitor General. They felt that they were either not capable of answering that question because they did not know the background of those working in the Ministry, or they felt that the question was not defined in such a way that they could give an accurate assessment. The author respected their decision not to answer these questions.

Other respondents however were very willing to discuss their opinions regarding those individuals within the Ministry. Some perceived there to be an institutionalized arrogance in the Ministry of the Solicitor General. They felt a "group-think" mentality had developed, the result of a
Toronto focus on policing problems. They also felt that under the present provincial government, the political influence being exerted on the bureaucracy within the Ministry of the Solicitor General was completely unacceptable.

The results in Tables 3.5 and 3.6 suggest that police officials perceive there to be an adequate level of competence within the Ministry. However, there was great variation among the responses, with all choices from 1 to 5 being selected. There was no real pattern either to the responses, as both the cities and the respondent groups had basically the same variations.

The overall average response of 2 in Table 3.6 indicates police officials are not satisfied with the practical knowledge that those in the Ministry have regarding police work. There are several assumptions which may be made in this regard. As discussed throughout this thesis, the police have traditionally been considered a closed system. There has been the assumption in the past that only police officers were qualified to make decisions regarding police work, or competent to make judgements regarding the actions of police officers. While the police have certainly become much more accountable in the past decade, the perception still lingers that a police background is essential for competency in the police field. What has resulted from this perception is a general mistrust of those individuals working in the Ministry of the Solicitor General who do not have experience as a
police officer. While there are good arguments to be made for having some practical knowledge of the area in which one is employed, particularly when creating provincial policy, there are other ways in which an appreciation of the working environment could be obtained. Ride-alongs, specialized training sessions with police officials and courses as the Ontario Police College were some of the suggestions by police officials.

After analyzing the results, it is suggested that the answers were more indicative of past personal experiences with individuals within the Ministry than they were of the experiences of particular respondent groups. The comments made by the respondents regarding the Ministry of the Solicitor General are a better indication of their concerns and experiences.

Several respondents cited the problems experienced by officers on secondment to the Ministry of the Solicitor General. Some felt it to be a negative work environment and quit to return to their previous positions in municipal forces before their term of secondment had expired.

Other respondents spoke highly of those in the Ministry. Some had very positive experiences during their secondments and found most of the people to be very committed and enthusiastic about their positions.

Accountability in policing can be examined on a number of levels. Problems arise when accountability is demanded at the
micro level, in individual police departments, while accountability in the larger, more macro unit has not been fully realized. The entire policing system, from the Solicitor General to the constable on the street, must work to ensure accountability to the public by the policing profession.

The challenge is to ensure that attitudinal personnel and organizational changes of permanence take place within the Ministry so that its leadership role in providing effective policing for Ontario's pluralistic, multicultural population becomes part of its normal operational dynamic and is not merely incident or crisis report and project driven.\(^{81}\)

3.5 Perceptions of Accountability

The police feel they have not been awarded the same degree of autonomy as that which has been given to other professional groups. However, while the police perceive themselves to have professional standing, they do not necessarily fall under such a classification for purposes of self-regulation.\(^ {82}\) In discussing accountability within the


\(^{82}\) A distinction is made here between professional behaviour and status as a profession. A profession is defined in The Collins Concise Dictionary as "an occupation requiring specialized training in the liberal arts or sciences, esp. one of the three learned professions, law, theology or medicine." The possession of the appropriate university degree in such a field does not necessarily confer professional status. One can have a law degree without being a lawyer. One only receives a licence to practice medicine from the College of
profession, the following observations were made by a respondent. "We as a profession have too much of an interest in maintaining the prestige of the profession not to investigate ourselves." He suggested the reason the police are not given the same level of professional standing as lawyers, doctors or engineers is due to the amount of money which is earned by each group, rather than simply a calculation based on responsibility.

Professionalism, however, can be examined through public perceptions of the qualifications necessary for employment, as well as salary and responsibility. As discussed in Chapter Two of this thesis, the educational requirements for police are increasing, but post-secondary education is not a formal requirement for employment.

Regardless of whether the police fall under the classification of a "profession", the work that they do requires a great deal of professionalism. Police have enjoyed

Medical Council of Canada. A degree in medicine does not, by itself, entitle one to practice medicine. The professions have bodies which regulate the activity of its members, granting licences to operate in such professional capacity. These regulatory agencies also remove such rights from their members if professional standards and codes of behaviour set out by the body are not followed. Police officers are hired by police forces and then trained for the specific job. The police officer retains his or her status as long as they are employed by a police organization. A police officer who is fired from his or her job is no longer a police officer, given that he is not part of a larger regulatory body. In contrast, a lawyer who is fired from his or her job in a law firm still remains a lawyer and has the opportunity to practice on his or her own. Standing as a lawyer is only removed if he or she is disbarred by the Law Society in the respective province.
a great deal of autonomy in the past, mainly as a result of
the desire in Canada to keep politics away from law
enforcement. In the past decade however, increased attention
has been placed on the need for public accountability. One
senior management official interviewed stressed the role of
the police as public servants. Accountability was seen by the
respondent to be a necessary result of the relationship
between the police and the public, no different than that of
any other public servant. The quote by Sir Robert Peel, "the
police are the public and the public are the police" was given
as justification for this opinion.

Such comments about the necessity of police
accountability were common throughout the interview process.
Where the concerns of police officers differed in this regard,
was in determining who set the guidelines regarding
accountability and how such goals would be accomplished.

The following concerns were raised by the President of a
Police Association. "Videocamera's have shed a bright light
on police accountability. If the police officer can't be
trusted to do what they are duty bound to do, you could put a
camera on them in their car and put surveillance on them...But
how many layers of accountability can you use to ensure that
they are doing the job they are supposed to?" Another
respondent, a Staff Inspector, questioned what would happen if
all discretion was taken away from the police officer on the
street. While that would surely increase accountability, what
problems could arise from such a move? Stroud makes the following observations.

As a Peace Officer, much of his role would be considered legally impossible. Discretionary powers are currently considered too vague to entrust to the policeman. But it was precisely those informal, discretionary powers that gave the beat cop his authority and his real power to affect immediate and lasting changes in the street. Call it a Gentleman's Agreement, if you will, but the final test of its worth was that it was genuinely effective.\textsuperscript{83}

In suggesting ways to improve accountability in the future, a Chief made the following observation regarding the present levels of accountability. The rank and file officer answers to immediate supervisors as well as upper management in the department. The individual department is then accountable to auditors from the Ministry of the Solicitor General, civilian commissions to deal with police complaints, boards of inquiry, the SIU and the Race Relations Unit of the Ministry of the Solicitor General. This is further enhanced by the necessity of applying Employment Equity regulations to the force. The Chief stated that policing in Ontario is a model used around the world. With all of the complaints being levied against the police in Ontario presently, he feared for the security of the system.

\textsuperscript{83} Stroud, C., 1983. \textit{The Blue Wall}. (Toronto: McClelland and Stewart). Pg. 226
in a threat to the legitimacy of the organization. When public inquiries into policing result in the removal of the chief of police for example, the immediate results can be damaging to the force. When a major change like this takes place with the accompanying public scrutiny, "the police department faces a non-resolvable legitimation crisis and consequently suffers a loss of legitimacy in the eyes of its sovereigns."\(^{34}\)

3.6 The Charter of Rights and Freedoms

With the implementation of the Charter of Rights and Freedoms in 1982, changes to the justice system in Canada have been overwhelming. While the attention has been given primarily to procedural changes in courts,\(^{35}\) law enforcement has been affected also. There are certain phrases in the Charter which have been broadly interpreted by the Supreme Court, and as a result, have placed new limitations on police powers. While such actions are likely to encourage greater accountability, the police feel that limitations have been put on their ability to operate as successfully as in the past.

Given such ambiguity in the wording of the Charter and where the top court in

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\(^{35}\) A great deal of attention was given to cases involving time delays in court proceedings. The widely discussed "Askov decision" made it possible for thousands of cases to be dismissed because of unconstitutional time delays.
the land generally cannot agree on its application, one has to ask what this has done to the consistency and fairness to law enforcement in Canada, and further, where this leaves law enforcement agencies when they are forced to make split second decisions in crisis situations.\textsuperscript{66}

One of the major difficulties with the Charter is that officers are not fully aware of its implications on their work.\textsuperscript{67} When officers do wish to challenge certain sections of law, decisions by the courts or government initiatives, they are often not successful.

The Charter of Rights and Freedoms was also discussed by police personnel in the interviews for this thesis. It was stated by several respondents that the police perceived the Charter wasn't being applied evenly. While the Charter

\textsuperscript{66} This quotation was taken from page 33 of a paper written by Chief Superintendant J.T.G. Ryan, B.A., LL.B. The author is a member of the Royal Canadian Mounted Police. The paper, "The Canadian Charter of Rights and Freedoms: Its Impact on Law Enforcement" analyzes the difficulties experienced by law enforcement officials in the post-charter period. The paper is a very critical analysis of the impact that the Supreme Court has on the future of law-making and law enforcement in Canada. (Unpublished paper)

\textsuperscript{67} Chief Superintendant J.T.G. Ryan, suggests that many officers are not fully aware of the implications of the Charter on the work they do every day. "Prior to the Charter it could be argued there was more consistency in the decisions flowing from the courts, and in turn, law enforcement agencies had a better understanding of the law and where they stood. The rights of the accused were respected and the concentration of the courts was in search of the truth and an examination of the investigative process was conducted when it was brought into question. Today, it can be argued the opposite takes place as it is the "due process" that is receiving attention with the search for the truth being secondary." "The Canadian Charter of Rights and Freedoms: Its Impact on Law Enforcement", 1992. Pg. 35. (Unpublished paper)
provided protection to the people that the police had to deal with daily on the streets, the same protection was not perceived to be granted to the police in their own personal situations, such as dealings with the Special Investigations Unit. The Charter was often brought up when discussing the role of the SIU and the changes which could be made to the organization to make it more responsive to the needs of the individual police services. An Inspector made the following observations regarding the SIU as it pertains to officers under investigation.

There also needs to be a recognition by the SIU investigators of the rights of police officers as they pertain to the Canadian Charter of Rights and Freedoms. An example...The officers do not have to give evidence that could be used against them; they do not have to incriminate themselves, and they should not be forced to sit in a hallway (waiting to be interviewed by the SIU), for thirteen hours until the SIU decides to show up. They should also not be forced to give testimony against themselves without the aid of counsel.

3.7 The Influence of Interest Groups

Interest groups have been instrumental in bringing the plight of underrepresented citizens to the attention of the judicial system. "In the last twenty years, lobbying by citizen’s groups in Canada has become a salient feature of the political landscape. For the most part, it has been accepted as a desirable and even necessary aspect of democracy,
although doubts have been raised from some quarters. The police are one of the groups raising doubt. In many of the interviews conducted for this study, the officers expressed their frustration at what they perceived to be an increasingly influential role for interest groups.

Table 3.7

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>3.8</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>4.6</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>4.7</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>5</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>4.8</td>
</tr>
<tr>
<td>Overall Average Response</td>
<td>4.6</td>
</tr>
<tr>
<td>Total Number of Respondents</td>
<td>23</td>
</tr>
</tbody>
</table>

Grading System: 1-none at all 2-very little 3-don’t know 4-some influence 5-a great deal

The overall average response of 4.6 suggests that police perceive interest groups to have a great deal of influence in the creation of policy. These results also support the hypothesis in Chapter One which indicates that police perceive there to be a more influential role for interest groups in the creation of police policy. The variation in the responses given between the chiefs of police and those representing the

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81
Police officers associations are worthy of further analysis.

One might suggest that police officers associations have more direct involvement with interest or pressure group influence due to their own pressure group activity with the provincial government. Given that there was little variation among the cities studied, it is possible that the police officials interviewed were responding based on their own experiences with their professional organizations or their personal involvement with the lobbying process.

The influence of interest groups has developed quite forcefully in the last fifteen years. Although the police are very well organized as an interest group, they often do not see themselves in that light. "In the past, the police have had little success in initiating changes in legislation through parliament and it is not expected their success will be any better in bringing about changes through the courts." 89 Often it is the amount of public support behind an interest group which determines its success.

Without strong lobby organizations which have a great deal of public support, absolutely nothing will be done. And what little that has been done in the last couple of decades will certainly be undone. The existence of lobby groups will not guarantee success; it will only help those

whose interests these groups represent.\textsuperscript{90}

Those interviewed for this thesis expressed almost unanimous agreement that the police are a legitimate interest group in the policy making system. The following table illustrates their responses in this regard.

Table 3.8

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>4.8</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>4.6</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>4.3</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>5</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>4.8</td>
</tr>
<tr>
<td>Overall Average Response</td>
<td>4.7</td>
</tr>
<tr>
<td>Total Number of Respondents</td>
<td>23</td>
</tr>
</tbody>
</table>

Grading System: 1-not at all legitimate 2-somewhat illegitimate 3-don't know 4-somewhat legitimate 5-very legitimate

There was little variation among both the cities and the respondent groups with this question. The overall average response of 4.7 indicates that police officials perceive their interest group status as very legitimate. In recognizing the rights of police officers to collectively lobby for change,

\textsuperscript{90} Overton, J., 1991. "Dissenting Opinions", Perception, Volume 15, No. 1. Pg. 21
the police officials are indicating as well, the shift in philosophy which has taken place regarding the integration of politics into policing. Problems arise when there is a perception that all interests in society are not being fully recognized. "Groups formed from an imbalance of interests in one area induce a subsequent disequilibrium, which acts as a catalyst for individuals to form groups as counterweights to the new perceptions of inequity."\(^{91}\)

The police surveyed for this study expressed their disappointment over what they perceived to be an imbalance in influence over the provincial government. The government was perceived to be much more in tune with interest groups representing visible minorities than police officers. Often the police felt that the government was so afraid of the political weight carried by interest groups, especially with the media, that they were powerless to raise any objection to their concerns. The creation of the SIU was cited by a large number of officers as a perfect example of the disequilibrium which exists presently in the criminal justice policy community. The SIU is alleged, by these officers, to have been created literally overnight because of the vocal opposition to the police expressed by minority groups in Toronto. The police believe numerous administrative problems within the SIU, to be addressed in greater detail in the next

chapter, could have been avoided if proper consideration was given to the creation and implementation of a body with such broad powers.

The following table represents the perceptions of police officers regarding an imbalance between the influence of special interest groups as opposed to police officers.

<table>
<thead>
<tr>
<th>Table 3.9</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOW RESPONSIVE WOULD YOU SAY THE GOVERNMENT IS TO SPECIAL INTEREST GROUPS AS OPPOSED TO POLICE OFFICERS?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>4.8</td>
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<td>4.3</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>5</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>4.8</td>
</tr>
<tr>
<td>Overall Average Response</td>
<td>4.7</td>
</tr>
<tr>
<td>Number of Respondents</td>
<td>22</td>
</tr>
</tbody>
</table>

Grading System: 1—much less responsive 2—somewhat less responsive 3—don’t know 4—somewhat more responsive 5—much more responsive

The overall average response of 4.7 indicates a general feeling among police personnel that influence in the policy making system is skewed in favour of special interest groups. The results for this question indicate support for the hypothesis stated in Chapter One regarding the influence of interest groups.

The perceived bias toward interest groups as opposed to
police officers was commented on by many of the police personnel interviewed for this study. The President of a Police Association said that the government was dealing with the interest groups so frequently because it was "trendy". The respondent cited the Black Action Defence Coalition (BAD-C) as one group which had capitalized on the governments attention to interest groups. The respondent also stated that interest groups were given much more power under the present government.

3.8 Improving Accountability At All Levels Of Government

The need for increased accountability was not perceived as exclusive to the police. Several respondents suggested ways in which both municipal and provincial governments could contribute to improving overall accountability in policing.

A Chief of Police suggested that the provincial government must understand that municipalities have options when it comes to policing. These options often take the form of commitments to new policing initiatives. An example would be the community policing initiatives. The Chief felt that municipalities must have a full commitment to the new initiatives if they are to be successful. The use of the macro approach in community policing necessitates consultation with municipal governments when new policing policies are developed.

Accountability can also be enhanced further at the
provincial level by encouraging greater communication. The President of a Police Association suggested that a complaint process should be established for the police to deal with problems they had within the system. The respondent discussed the accountability of government officials as well as police officers. "If the government makes a law they should also be accountable for it. I don't know how much more accountable the police could get right now."

The police recognize the need for increased communication with the municipal governments, however they are anxious to have this communication reciprocated. Several officers spoke of the need for municipalities to increase consultation with police prior to undertaking new projects, such as building parks, roads, holding outdoor concerts or recreational events. Suggestions were also made regarding Police Services Boards. It was felt by one Inspector that the older, more traditional methods of dealing with police management and administration were quite successful. Many of the powers traditionally entrusted to Police Services Boards were taken away with the Police Services Act, 1990. This resulted in the transfer of control over local issues to the appropriate centralized authority within the Ministry.

A member of a Police Services Board discussed accountability in terms of the power struggle between the provincial and municipal governments. The respondent advocated a return to more localized control of police
operations. From a fiscal and management point of view, the respondent argued that such local control was essential. The argument for centralization was seen by the respondent as weak. As well, the respondent stated that the police boards themselves often became divided, with provincially appointed members being given more weight than the local appointees. "There is no guarantee that provincial appointees know any more than the local appointees." An argument in this regard was made by several respondents, asserting the more informal and conciliatory ways in which problems could be solved when the negotiation was done at the municipal level. Once the power to solve problems locally was removed, the problems often became much more complicated and thus, more difficult to solve. Procedural details were thought to have taken precedence over substantive problems of the incident. Empowering local police service boards was also advocated by a Police Chief, who made the following observation. "Changes shouldn’t be legislated. There seems to be a "let’s construct another new bureau" mentality and we don’t need all these changes." While the chief acknowledged that there is a perception of greater accountability because the province has centralized policing to such a great extent, he suggested that accountability could still be maintained at the local level through the establishment of citizen advisory boards. Many respondents referred to the use of these boards or committees in individual municipalities, and there was the perception
that the boards provided an excellent avenue for discussion about local problems or concerns. Another argument was made against giving city or regional council's increased power over policing in the municipality.

Province-wide, it was suggested that the government develop a strategy for measuring the success of community policing. Although the Chief did not give details regarding how this specific measurement would be made, he did discuss public satisfaction surveys, and analysis of crime trends in the general discussion of accountability. Further to this idea, it was suggested by another respondent, that setting up a provincial survey on policing was one of the best ways to gauge the success of policing within the province. When questioned further about this, the respondent suggested that the survey could be done either randomly or by region. The goal of the survey would be to determine the success with the policing initiatives. Regardless of the results, comparisons could be made across the province. This respondent argued that if the survey results indicated public satisfaction with and general success of policing programs within certain areas or municipalities, these regions could be recognized for their efforts. If problems were identified in particular cities or regions, appropriate responses to these problems could be developed.

While the police were very confident of their own ability to handle investigations of police wrongdoing, and expressed
a deep resentment toward external review agencies, the concept of civilian review is strongly advocated by the public. "Regardless of their reticence, civilian bodies have been forced by recent events to lift the veil and to probe, to inquire, on behalf of the public, as to whether the police have fulfilled their duties with impartiality and fairness." In the past, problems in the police force or complaints against officers were dealt with internally or by local Police Services Boards. While some police advocate a return to the more traditional methods, there are many reasons why this is not advisable. Susan Eng, the Chair of the Metropolitan Toronto Police Services Board argues that public confidence in police forces is the only way to ensure true accountability of the profession. "...to maintain, indeed regain, that public trust, the public has to be sure that the system works; that any police action must be justified because the system would discipline quickly and severely anyone who exceeds or abuses their authority." Eng argues not against the ability or commitment of the police to do an adequate investigation, but rather the threats to public confidence which result from the secrecy which usually accompanies such investigations.

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92 Eng, S., 1992. "Police must earn the trust they need", Canadian Speeches: Issues of the Day, Volume 6, Issue B December. The comments were taken from a speech given by Ms. Eng to a conference on civilian oversight of law enforcement in San Diego. Ms. Eng is the Chair of the Metropolitan Toronto Police Services Board.

93 Ibid. Pg. 36
"Unfortunately, in seeking to preserve an "untarnished image, police forces may very well fail to take the very measures that are necessary to demonstrate to the public at large that they can, and will, hold all officers to account for their actions, without favour and without secrecy."^4

This chapter has analyzed the roles of key players in the policy community. Interest groups are perceived to have a more influential position with the government than in the past, although the police rarely acknowledge their own power in this regard.

Chapter four examines the objectives of both the Police Complaints Commission and the Special Investigations Unit. As well, the hypotheses stated in Chapter one are tested with the reaction of the officers toward external review.

^4 Ibid. Pg. 37
CHAPTER FOUR
WATCHING THOSE WHO KEEP THE WATCH

4.1 Introduction

One of the major changes in the relationship between police and society is the demand for increased accountability. As discussed in previous chapters, the legitimacy of an institution relies upon the public confidence that it enjoys. Whenever a group has power, the potential exists for that power to be abused. Public confidence is maintained when the public accepts that no abuse of power is taking place.

The concept of external review grew out of public opposition to the traditional methods of police investigation which relied on secretive, internal investigations. If misconduct was proven by the department, disciplinary action taken against the offending officer was often not perceived adequate by the public because of the secrecy involved. In reflecting on the role of civilian review bodies, Susan Eng states that public trust "is not a concern for just civilian oversight bodies like ourselves, or politicians, or community activists, or the general public; public trust is important to each and every police officer on the beat. Without the public's support and acceptance of their authority, they cannot do their job. It's that simple."\(^\text{95}\)

4.2 The Police As A Professional Group

Police often stress the professional nature of their work. Inherent in the concept of a profession however, is accountability. "Police in Ontario see themselves as professionals. As such, I am confident they understand that accountability is part of professionalism and that to be professional requires one to accept and respond to one’s critics as well as one’s supporters."%

The following table illustrates the feelings of police officials to the concept of civilian review.

Table 4.1

<table>
<thead>
<tr>
<th>DO YOU THINK THERE WAS A JUSTIFICATION FOR THE IMPLEMENTATION OF THE POLICE COMPLAINTS COMMISSION IN TERMS OF INCREASING ACCOUNTABILITY?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respondent</td>
</tr>
<tr>
<td>Chief</td>
</tr>
<tr>
<td>Complaints Officer</td>
</tr>
<tr>
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<tr>
<td>Other Management Personnel</td>
</tr>
<tr>
<td>Overall Average Response</td>
</tr>
<tr>
<td>Total Number of Respondents</td>
</tr>
</tbody>
</table>

Grading System: 1-very unjustified 2-somewhat unjustified 3-don’t know 4-somewhat justified 5-very justified

There were large variations in the responses given for this question when examined by respondent group, but very

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little variation among the cities studied. The overall average score of 3.4 indicates a general acceptance of the role of the Office of the Police Complaints Commissioner in terms of increasing accountability. However, the degree to which that increase in accountability was required in the first place was speculated on by many respondents. The police officials interviewed felt there to be a genuine need for accountability, although they referred to different methods for measuring it.

Examination of the results indicates that both police services board members and complaints officers provided a higher average response for this question. One may conclude from these results that the individuals who had the greatest likelihood of dealing directly with complaints by the public were the most likely to see a justification for the implementation of the Police Complaints Commission in terms of increasing accountability. Also, if one was to surmise that an increase in police accountability would likely result in a greater level of public support for the police, police services boards would again be likely to approve.

4.3 Why Review Is Necessary

External review is not a new concept. "Qui custodiet ipsos custode?" is a term derived from Roman Law, meaning,
"who should watch those who keep the watch?" Internal police review is considered unrealistic, given that "as law enforcers, the constables can never allow such autonomy outside the law to any other person or group. To reserve that status to themselves creates endless crises in a public confidence that expects their constables to behave inside the very law they swear to enforce." 98

The perception held by the public toward an institution is often the determining factor regarding the levels of accountability. Having stated this, the internal system of complaint processing which was traditionally used, gave the perception of not being fair. While it might have actually been a very fair system, the perception of inequity by the public should be of concern to police. The protection of other police officers by those doing the investigation was a primary problem. "The fact that officers rarely admitted to witnessing the misconduct of fellow officers created a "blue wall of silence which frustrated the public." 99 Eng states that police may fail to take the measures which are necessary to demonstrate to the public that their concerns are

97 This passage was taken from an article tracing the historical development of external review of police. 98, "Watching the Watchers: Canada’s Historical Choice", Canadian Police Chief Newsletter, Volume 10, No. 2. Pg. 13.

98 Ibid. Pg. 15

considered legitimate and are being carefully considered. Eng argues that police need to reflect community values. When this doesn't occur, there are complaints made against the police. This must be balanced though with attention being given to patterns of complaints in order to remedy the situation. "Civilian bodies have been forced by recent events to lift the veil and to probe, to inquire, on behalf of the public, as to whether the police have fulfilled their duties with impartiality and fairness".

4.4 The Office Of The Police Complaints Commissioner

The present system of complaint processing in Ontario is developed from the Metropolitan Toronto Police Force Complaints Act, 1984. The system in Toronto was developed under the direction of Sidney Linden, Q.C.

The Linden model for importing civilian participation into the police complaints process recommended initial investigation of complaints by the police, subject to the monitoring of a civilian review agency which could in certain exceptional circumstances conduct an initial investigation. The model required the civilian agency to review the police investigation and disposition of the complaint when requested. It further provided for the creation of a civilian adjudicative body which could impose

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100 Eng, S., 192. "Police must earn the public trust they need", Canadian Speeches: Issues of the day. Volume 6, Issue 8. Pg. 37

101 Ibid. Pg. 36

The primary responsibility for handling complaints still remains with police service management. The function of the Police Complaints Commission was not to replace the power that police management had to deal with the problems in their own organizations, but rather to enhance the process and provide support in the following ways: receiving complaints, monitoring police investigation of complaints, reinvestigating where necessary, handling a complaint when the complainant isn’t satisfied with the decision by the Chief of Police, collecting data about complaints, and making recommendations about police policy.\footnote{Ibid. Pg. 122} A complaint may be made at any police station or office of the Police Complaints Commission.\footnote{Each police force in Ontario is required to participate in the complaints process. Most municipalities have their own complaints bureau, however small centres are able to use the resources of larger, neighbouring municipalities to provide this service.} Regardless of where the initial complaint is filed, a report of the complaint is forwarded to the Office of the Police Complaints Commissioner. The progress of the complaint investigation is monitored by the Office of the Police Complaints Commissioner and a review will be conducted
if requested or deemed appropriate by the bureau. With the establishment of the Office of the Police Complaints Commissioner, the process for investigating complaints has become much more formalized. Police management personnel were divided toward the new complaints system. Most attributed a greater sense of accountability to the new complaint procedures. While they felt the public appreciated both internal and external complaints bureaus, they suggested the process itself needed improvement.

One particular complaint that was made immediately preceding an interview for this thesis, involved a citizen who was upset that, on a tour of the police station during police week, the "homicide" area was not open to visitors. The complainant felt that access should have been provided to all areas of the station, without exception. Such complaints were said to take too much time away from the very legitimate complaints that needed the full attention of the investigators.

The following table represents the attitudes of police management personnel toward the success of the Police Complaint Commission.
Table 4.2

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>3</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>3.7</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>3.7</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>3.8</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>2</td>
</tr>
<tr>
<td>Overall Average Response</td>
<td>3.2</td>
</tr>
<tr>
<td>Total Number of Respondents</td>
<td>23</td>
</tr>
</tbody>
</table>

Grading System: 1-very low 2-moderately low 3-don’t know 4-moderately high 5-very high

The overall average score of 3.2 indicates a recognition that police complaints commissions have been somewhat successful with respect to increasing accountability within policing. In comparing the overall average responses with those in Table 3.1, one observes that a similar response was given, indicating a general acceptance of both the concept behind the creation of Office of the Police Complaints Commissioner and its success at increasing accountability.

The responses of police management personnel interviewed indicated that the police were quite satisfied with the present complaint system. However, one respondent felt that the officers on the street were not nearly as satisfied with the present complaints system as management was. One of the biggest concerns was maintaining consistency within the investigative process. If there were too many people involved
in the investigation of complaints, officers were often unsure of the progress of their complaint. Another respondent suggested that in cities where the complaint investigation is done by the immediate supervisor of the officer rather than a separate bureau, there was a greater likelihood of resolution and less chance for similar complaints to be made against the same officer in the future.

It should not be assumed by the public or the police, that the introduction of civilian review indicates a belief that all police are bad. 105 In the United States, civilian review is regarded by many police officers as an arrangement which is "an unfortunate imposition, foisted upon police by civil libertarians and feckless politicians." 106 There is a much greater reliance upon internal investigations, with the internal affairs division given the responsibility for ensuring that the Chief appears committed to addressing complaints, and is ready to deal effectively and strictly with officers who create problems. 107 In the Canadian context, there needs to be a line drawn between professionalism and autonomy. By encouraging public participation in this regard, "police autonomy is therefore encouraged but balanced by


107 Loc. cit.
certain checks on police authority.\textsuperscript{108}

The use of complaints bureaus, whether internal or external should be examined for the positive contribution it can make, not only in the complaint being investigated, but in developing overall training strategies for the organization. "Without doubt, these investigators can identify both the types of officers and the type of behaviour that provokes complaints; they become aware of the variety of motivations behind public complaints; and they know the identities of those officers who repeatedly cause problems."\textsuperscript{109} However, the mandate of both external and internal review agencies does not encourage the collection of data in this regard, but rather attempts to deal with problems individually and quickly. This has occurred because of the nature of the complaint process.

There appears to be a tendency towards viewing complaints as the result of isolated incidents or behaviour problems, rather than representations of possible systemic problems. Complaints involving charges of racism were perceived by the police to have been broadly applied to all officers and departments. It could be suggested that the entire department might benefit from an extra race relations training session,


addressing both the needs of the individual officer against whom the complaint was made, and the department as whole. However, the manner in which complaints are received can contribute significantly to their impact. A member of the Police Complaints Commission spoke quite highly of the relationship between the police and the Commission. While there were individual problems, the respondent felt that the police were generally cooperative. The respondent did note that those people investigating complaints who had a police background were treated with much more respect than those who did not. The concerns of police personnel regarding the background of complaints commissions is suggestive of the feelings of mistrust that they have toward the system. A reduction in police morale has resulted from these feelings.

Analysis of the opinions expressed by police officers in this study suggests that the police have recognized the increased accountability resulting from accessible complaint procedures. While no group likes to be scrutinized, the police are particularly sensitive in this regard, especially when answering to civilians. Many police appear to want a protection from "outsiders" or those without a police background. However, professionalism demands accountability, and every other professional group is answerable to a body outside their own. Ultimately, professions such as medicine and law are answerable to law. The associations that regulate the professions determine the future of members with
respect to their occupation while the police are able to determine their future as it relates to the law. Attention needs to be placed now on creating a system which is seen as accountable to both police and the public.

The following table illustrates police opinion toward the adequacy of the complaint process in individual municipalities.

Table 4.3

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>4.8</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>4.7</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>4.7</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>4.8</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>5</td>
</tr>
<tr>
<td>Overall Average Response</td>
<td>4.8</td>
</tr>
<tr>
<td>Total Number of Respondents</td>
<td>23</td>
</tr>
</tbody>
</table>

Grading System: 1—completely inadequate 2—somewhat inadequate 3—don’t know 4—quite adequate 5—very adequate

The police management personnel interviewed perceived their departments very adequately prepared to handle complaints by the public. The majority of respondents spoke of complaint intake and processing systems which were well
developed and had been in place for years before such programs became mandatory.

4.5 Police Criticisms Of the Present Complaint System

The respondents spoke highly of the complaint system in place in each individual police service, stressing management's commitment to it. The following problems with the system were highlighted.

1. **Every complaint must be investigated.** What troubled the respondents was not the need for investigating complaints, but rather the process required for every complaint regardless of how trivial it might be. What used to be resolved informally in the past was now subject to a lengthy, formalized and documented investigation.

2. **Staffing.** An increase in competent, well trained staff was requested to deal with the increasing number of complaints. The largest municipalities appeared to have the most concern with this.

3. **Process is very lengthy.** The amount of time needed to complete a formal review of a complaint was perceived to have increased tremendously under the new system.

There have been many problems with complaint processing in the past. The accessibility of the citizen to the complaint process was perceived to have been hampered by both organizational and cultural aspects of the police environment. It could be difficult to obtain information due to the closed
system within which the police department operated. The
hierarchical nature of police work encouraged the promotion of
officers from within the system. This meant that officers at
a level high enough to warrant the responsibility of internal
investigations, would have been exposed to the traditional
police culture for a long time.

There were many complaints over the level of police
response to complaints and to the complainant.\textsuperscript{110} The fear of
police reprisal and the threat of criminal charges if the
complaint was ruled unfounded, discouraged complainants. The
present complaint system does not permit laying charges
against a complainant, even if the complaint is completely
unfounded or found to be vexatious. The police response to
such a provision was quite critical.

The following question was open-ended and allowed the
respondent to give a more detailed response of the process for
handling complaints in his or her municipality.

4.6 Municipal Responses to Complaints

The following question was asked to respondents to gather
information regarding the process for handling complaints in
the individual municipalities. The question was open-ended,
and responses are given below.

\textsuperscript{110} Watt, S., 1991. "Future of civilian oversight of
policing", \textit{Canadian Journal of Criminology}, Volume 33, No. 3-4. Pg. 349
The majority of respondents stated that complaints were handled in accordance with the Police Complaint Commission guidelines. However, there were small variations in the responses by some cities. One respondent stated that public complaints were processed "as per the mandate stipulated in Section 77 of the Police Services Act. Our Public Complaints Unit attempts to personally contact each complainant to explain the procedure, review the complaint and ensure their concerns will be addressed." Respondents in one of the smallest cities felt there to be very positive relations with the public. Complaints were thought to be handled much more quickly and informally, with benefits to both police and public. It was felt that officers were known much more personally in the community and the public was likely to be more responsive to police efforts to handle complaints. This city also did not stress the need for more investigators in the complaints bureau. There are several assumptions which can be made in this regard. The first is that it is possible that the city was receiving an exceptionally small number of complaints, or the complaints which were being received were not all classified under the category of a public complaint
but were perhaps dealt with more informally. Several respondents in larger centres cited the deviation in numbers of complaints received by similar size municipalities by suggesting that different departments have different interpretations of what constituted a formal complaint.

4.7 The Special Investigations Unit

Increasing accountability of police was the primary motive behind the establishment of the Special Investigations Unit. The SIU was originally placed under the jurisdiction of the Ministry of the Solicitor General, but has been subsequently moved to the Ministry of the Attorney General.

The SIU has a mandate to "investigate circumstances of serious injuries and deaths that may have resulted from criminal offenses committed by police officers."\textsuperscript{111} The SIU has the exclusive authority to lay charges based on the findings of its investigations into police activity.\textsuperscript{112}

4.8 History Of The Special Investigations Unit

The Report of the Task Force on Race Relations and Policing in Ontario, (1989) highlighted concerns by many minority groups that the process for the investigation of police wrongdoing was inadequate and did not meet the needs of

\textsuperscript{111} This information was taken from page 1 of an information BACKGROUNDER package put out by the Ministry of the Attorney General on the Special Investigations Unit.

\textsuperscript{112} Loc. cit.
many minority groups. As a result, a recommendation was made to the Solicitor General that:

...the Solicitor General create an investigative team to investigate police shootings in Ontario. That team should be comprised of homicide investigators chosen from various forces other than the forces involved in the shooting, together with at least two civilian members drawn from government investigative agencies independent of the Ministry of the Solicitor General. When warranted, criminal charges should be laid within 30 days of commencing the investigation except when special circumstances justify extension.\(^ {113}\)

The Special Investigations Unit was proclaimed into law on August 8, 1990.

The Special Investigations Unit has been plagued with criticism by police. The following table illustrates the opinion of police management personnel towards the creation of the SIU.

\[\text{Table 4.4}\]

## WAS THE CREATION OF THE SPECIAL INVESTIGATIONS UNIT A USEFUL INITIATIVE?

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>1.8</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>3.7</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>2.7</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>3.5</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>2</td>
</tr>
<tr>
<td>Overall Average Response</td>
<td>2.7</td>
</tr>
<tr>
<td>Number of Respondents</td>
<td>23</td>
</tr>
</tbody>
</table>

Grading System: 1—Not at all useful 2—Somewhat less useful 3—Don’t know 4—Somewhat useful 5—Very useful

The overall average response of 2.7 indicates a somewhat negative attitude toward the creation of the Special Investigations Unit. There was great variation among the respondent groups, yet surprisingly little variation among the cities studied. There are several reasons for these two observations which can be suggested. The first deals with the lack of variation among cities studied. One would believe that officers perceptions of the Special Investigations Unit would be based on their past experiences with them. However, not all cities studied in this thesis had a great deal of experience with the SIU. What this suggests is that some police officials may have based their perceptions of the SIU on information received from other communities.

With respect to the difference between respondent groups, one could suggest that different groups have had different
levels of contact with the SIU and would therefore base their opinions accordingly. Because the chiefs had the lowest average out of the respondent groups, one might infer that the chiefs had been privy to more personal contact with the SIU and were therefore more critical of it. Or, it could also be suggested that chiefs saw the creation of the SIU as a type of personal attack on their own ability to oversee the investigation of one of their own officers. From the responses given, the leading opinion regarding the concept of the SIU as positive, but the organization itself as presently operating was completely unacceptable.

The usefulness of an organization can often be judged by the impact that its decisions or actions have on the system within which it is operating. The following table represents the opinions of respondents concerning the role that the Special Investigations Unit has in this regard.

Table 4.5

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>1.8</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>1.9</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>3.7</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>1.3</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>1.8</td>
</tr>
<tr>
<td><strong>Overall Average Response</strong></td>
<td><strong>2.1</strong></td>
</tr>
<tr>
<td><strong>Number of Respondents</strong></td>
<td><strong>23</strong></td>
</tr>
</tbody>
</table>

Grading system: 1—not at all useful 2—somewhat less useful
Although the Special Investigations Unit was not perceived to play a significant role in terms of performance review, with an overall average response of 2.1, the information gathered by the Unit in the course of its investigations would be useful in this regard. Given the broad scope of powers granted to the SIU, the impact that they could have in developing new policies for the future could be beneficial to policing as a whole in the province.

The unit investigates circumstances across the province involving municipal, regional and provincial police officers. The Director of the Special Investigations Unit may, at his initiative, and shall, at the request of the Solicitor General or the Attorney General, cause an investigation to be conducted into the circumstances of serious injuries or deaths which may have resulted from criminal offenses committed by peace officers.\textsuperscript{114}

The members of the Special Investigations Unit have been publically criticized regarding their qualifications for the position. The following question was used to gauge the perception regarding qualifications and training of members of the SIU.

\textsuperscript{114} Ministry of the Attorney General, \textit{SPECIAL INVESTIGATIONS UNIT - BACKGROUNDER}, 1993. Pg. 2
### Table 4.6

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Average Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>1.5</td>
</tr>
<tr>
<td>Complaints Officer</td>
<td>2.1</td>
</tr>
<tr>
<td>Police Services Board Member</td>
<td>2.3</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
<td>1.3</td>
</tr>
<tr>
<td>Other Management Personnel</td>
<td>2</td>
</tr>
<tr>
<td><strong>Overall Average Response</strong></td>
<td><strong>1.8</strong></td>
</tr>
<tr>
<td><strong>Number of Respondents</strong></td>
<td><strong>23</strong></td>
</tr>
</tbody>
</table>

**Grading System:** 1 - completely inadequate 2 - somewhat inadequate 3 - don’t know 4 - somewhat adequate 5 - very adequate

The education and training of members of the Special Investigations Unit was not considered adequate for the level of responsibility which accompanied the position. Further comments regarding the education and training and quality of investigators is provided later in this chapter. This question was included in the survey to determine whether the police officials had a basis for which to make their criticisms of the SIU regarding the quality of investigations which were being carried out. This question was also used to generate a discussion regarding the qualities which would be considered desirable for those individuals working in the Special Investigations Unit. Although there was little variation among the cities studied, there were a large number of respondents who chose 3 (don’t know) on the grading scale, when answering the question. 8 out of 23 respondents chose 3,
while 11 chose 1 (completely inadequate) and 3 respondents chose 2 (somewhat inadequate)

The following table represents the feelings of police officers toward the SIU in the individual municipalities. The attitudes of police officers toward the SIU have been portrayed as very bitter by the media. The interviewees were asked to reflect on the attitudes of the officers they work with on a daily basis. The anecdotal comments which were made when answering this question referred to the personal experiences of the officers with the SIU. In cities where the SIU had been involved in lengthy or controversial cases, the officers felt more threatened. Where there was no personal contact with the SIU, the opinions were said to be based on information obtained from officers in other municipalities. One Chief of Police stated that while the officers under his command were fearful of the SIU, he was attempting to foster a more cooperative environment and put some of the fears to rest.

Table 4.7

<table>
<thead>
<tr>
<th>HOW WOULD YOU RATE THE FEELINGS OF POLICE OFFICERS IN YOUR CITY TOWARDS THE SPECIAL INVESTIGATIONS UNIT?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respondent</td>
</tr>
<tr>
<td>Chief</td>
</tr>
<tr>
<td>Complaints Officer</td>
</tr>
<tr>
<td>Police Services Board Member</td>
</tr>
<tr>
<td>Police Officers Assoc. President</td>
</tr>
<tr>
<td>Other Management Personnel</td>
</tr>
</tbody>
</table>

113
There was very little variation among the responses given for this question. With an overall average response of 1.4, the police officials indicated there to be very strong feelings of resentment toward the SIU, and a mistrust of the entire organization. It must be noted here that the attitudes expressed are those of police management personnel regarding their perceptions of general attitudes among the officers in their department. It is possible that such threatening feelings are not representative of the majority of officers working within the communities studied. However, the interviews conducted for this thesis with both senior management personnel, and informally with police officers over a period of one year, indicate support for the overall average response in Table 4.7.

4.10 Police Perceptions Of Problems Within the Special Investigations Unit

**WHAT CHANGES COULD BE MADE TO THE SPECIAL INVESTIGATIONS UNIT TO MAKE IT MORE RESPONSIVE TO YOUR NEEDS AS A POLICE SERVICE?**

This was an open-ended question, and respondents were
encouraged to speak freely of their concerns and suggestions for improvement. The recommendations for change have been classified into six categories.

ACCOUNTABILITY

The respondents felt that officers in their respective police services weren’t willing to cooperate with the SIU because they perceived there to be a lack of accountability on behalf of the SIU. "They come in as heavy-guns and they trample on the rights of those people they are investigating." The investigations carried out by the SIU were said to be done through a very closed process. They were also perceived to be very selective in who they would deal with. Complaints were made of telephone calls not being returned to police management officials who had publically questioned the operations of the SIU.

There was a perception among the majority of respondents that the decisions of the SIU were often politically motivated. This was perceived to be a contributing factor to the lack of accountability within the organization. One respondent stated that the majority of hostility was directed toward the government, and not really against the SIU. The respondent believed that the police really are quite cooperative when it comes to investigations and realize that they have to be accountable for their actions. The perceived political motives behind many decisions by the SIU made the
police extremely distrustful.

CREDIBILITY

One of the reasons given for the lack of credibility that the SIU had with police was the poor communication which existed between the two groups. Suggestions for improvement in this area involved the use of liaison officers between departments that were part of investigations and the SIU. Increased communication was necessary when it came to announcing decisions of the SIU regarding the laying of charges. Several respondents reported incidents where the Chief of Police was informed by the media that charges were about to be laid, rather than receiving such information from the SIU. The SIU has stated that they will issue press releases at the beginning and at the end of an investigation. "During an investigation, the Unit cannot comment or provide details about a case because it may jeopardize the integrity of the investigation should the matter be brought before the courts."  

MANDATE

The head of a Police Association made the following statement regarding the perceived confusion over the mandate of the SIU. "They had initially not hired any police

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115 Ministry of the Attorney General, 1993. SPECIAL INVESTIGATIONS UNIT - BACKGROUNDER. Pg. 3
officers, and stated the mandate would require that police officers not be the ones investigating other officers. When they realized that former insurance fraud investigators and the like were not going to work, they then went and hired former police officers. They tended to choose those with investigative backgrounds, but not always those with criminal investigative backgrounds." The expansion of the mandate to include charges of sexual assault against an officer was criticized by several respondents because it was perceived to be varying the mandate too drastically, thus causing a lack of credibility among the officers. One respondent described at length why he did not consider sexual assault to be classified as a violent crime. That opinion was not, however, representative of the majority of respondents.

The following comment was expressed by the President of a Police Association. "Varying the mandate creates questions about the legitimacy of the whole system. You have to wonder if the agency isn’t really empire building."

The following information was provided by the Special Investigations Unit regarding the strengthening of its mandate. "Since the SIU was allocated extra funding, the Unit has been developing better communication between police services and community groups. The Unit will also be hiring additional investigators and upgrading techniques and
equipment."¹¹⁶

QUALITY OF INVESTIGATORS

There was a perceived lack of training with respect to conducting a potential homicide investigation. The following comments were representative of the attitude of many respondents. "If the police, as trained investigators themselves, see the process as being unfair or improperly investigated, almost to the point of being a joke, there will be no credibility. This has resulted in intense levels of hostility."

LENGTH OF TIME NEEDED FOR INVESTIGATION

Length of time needed for an investigation was cited by the majority of respondents. After concluding an investigation, delays of six months or more were said to be common before a decision was reached regarding the laying of charges. The SIU has publically acknowledged the problems with backlog. "The major cause of the backlog of cases is due in part to the understaffing particularly with respect to the number of investigators in relation to the number of notified investigations conducted by the Unit."¹¹⁷

¹¹⁶ Ministry of the Attorney General, 1993. SPECIAL INVESTIGATIONS UNIT – BACKGROUNDER, Pg. 3

¹¹⁷ Loc. cit.
RECOGNITION OF THE RIGHTS OF POLICE OFFICERS

Respondents expressed concern over the way that officers were treated during investigations by the SIU. Many felt that officers weren't being afforded the same protection as other suspects would be under the Charter of Rights and Freedoms.

4.11 Models For Change To The SIU: Police Ideas

There were two respondents who provided written, detailed plans for improvement to the Special Investigations Unit. The first advocated suspending the mandate of the SIU. A comprehensive study of both the organizational and operational aspects of the organization would then be undertaken, including consultation with police, government and citizens groups. Finally, the SIU would then be staffed with the top police investigators, through secondments at three year intervals. Training programs on dealing with other police officers during the investigation and gathering necessary evidence would be developed through the Ontario Police College and investigators would undergo this training prior to secondment. When this had been accomplished, the SIU would

118 There were many opinions expressed regarding the Special Investigations Unit. While the respondents all had some complaints with the way the SIU was presently operating, not all provided detailed suggestions for improvement. The two plans for improvement which are included here were provided by respondents during the interview process. Both respondents spent at least thirty minutes dealing specifically with their responses for this particular question. The criticisms and suggestions are those of the respondents and are not necessarily the conclusions of the author regarding potential changes to the SIU.
then be given a new mandate and empowered once again. The respondent believed that such changes would bring a level of expertise to the SIU that was perceived to be currently lacking, and the level of credibility would increase. If the SIU became more of a regulatory body, its legitimacy with police officers would likely be increased. The final suggestion was to make issuing progress reports on the cases mandatory. The Police Complaints Commission issues reports on a thirty day basis and this was suggested for the SIU as well.

The second plan was proposed by a respondent in a different municipality.

If there is an incident which falls under the mandate of the SIU, the internal investigation branch of the individual department, or another police department should do the investigation work. The SIU would supervise the entire investigation. Reports would be written and the data collection would be completed with records being kept by both the department and the SIU. When the final recommendations of the report were produced, suggestions could be made regarding the advisability of charges being laid, as per the guidelines laid out by other forces. If the SIU does not agree with the recommendations made by the police as to potential charges, the SIU could then continue with charges of their own.

The respondent believed that this system would lead to an increase in credibility for the SIU in a number of ways. Because police are involved in the investigation from the
beginning, and proper investigative techniques are followed, the decision is more likely to be respected by police. Respect, it was argued, did not necessarily mean agreement. The second is the cooperation which was likely to be more forthcoming under this system. There is a perception with the present system that the investigations are not being done properly. The respondent stated that it was incorrect to apply such an assumption to all investigations, but nevertheless this feeling was quite prevalent. Because of this, officers refused to speak directly with investigators of the SIU and insisted on dealing through lawyers. The officers were said to be fearful of talking because of a perceived perception on behalf of the SIU that all officers under investigation were guilty until proven innocent.

The suggestions for changes to the Special Investigations Unit reflect many of the concerns which have been expressed by police over the administrative deficiencies within the organization. After analyzing police opinions toward both the Police Complaints Commission and the Special Investigations Unit, the police could be said to be more favourable toward the Police Complaints Commission. The feelings are suggestive of the decrease in police morale which has resulted from the introduction of external review agencies. There is a deep mistrust of external review among police officers and one has to wonder what attempts have been made to correct combat this
perception.

The time which is needed to complete the review process has increased under the external review model. Such an increase could be considered normal given the more formalized process which has been undertaken. In order to ensure greater accountability and to heighten public support of the policing institution, formalized, documented procedures are necessary when dealing with complaints. Chapter Five examines the conclusions reached from the study and tests the hypotheses stated in Chapter One. As well, suggestions for improving the relationship between the police and external review agencies are highlighted.
CHAPTER FIVE
CONCLUSIONS

Upon beginning research for this thesis, the author found there to be a wealth of information on policing. Occupational stress, organizational aspects of policing and prevailing police philosophies, such as community policing and race relations training were most prevalent. What was interesting however, was the lack of information regarding police accountability as well as studies which were concentrated primarily on Canadian police officers or police services. For this reason, the author decided to undertake a study of police accountability in Ontario, and to concentrate on the attitudes of police officials towards the mechanisms for ensuring such accountability.

5.1 Testing the Hypothesis

This study began with the following hypotheses, as stated in Chapter One.

The mistrust and anger which is plaguing the relationship between the provincial government and police services is based on the following factors.

1. External or civilian review has contributed to a decrease in police morale. The conflicts or disagreements between police forces and the provincial government have resulted from
the perceived misuse of political influence on the police.

2. Police believe that influence in the policy making system is disproportionately skewed in favour of special interest groups when compared with the influence by police management personnel.

3. Police believe that the process by which external review is carried out, both from the Office of the Police Complaints Commissioner and the Special Investigations Unit, is much too lengthy and is rife with complaints. Both the length of time needed to investigate complaints and the number which are being investigated are contributing to inefficiency within the system and have the potential to undermine the legitimacy of these institutions.

The following conclusions will be used to determine the validity of these hypotheses.

5.2 Police Morale

Among the police officers interviewed and observed during the past year, the author found there to be a very positive attitude toward their role as a police officer. They referred to themselves as professionals, perceived their role as being an important one in the protection of society, and felt police work was a "calling" rather than simply a job. The author did not observe any instance where a police officer felt that his or her job stopped when their shift was over.
The morale in the police department was perceived as quite high as it related to the other police officials working there. As well, a positive attitude was generally perceived regarding the role of the Police Services Boards in the respective communities.

Police morale was observed to be negatively affected at the macro level, particularly with respect to the provincial government. The general public was not perceived as being critical of police performance. Most of the senior management personnel interviewed referred to public satisfaction surveys which had been completed in their respective cities within the past two years, and had revealed a very positive public attitude toward police.\textsuperscript{119}

The police feel they are working under intense scrutiny, and they perceive themselves as being unfairly "centred out" for criticism. Most of the comments regarding police morale however relate to the provincial government, the Special Investigations Unit, the media and to a lesser extent, the Ministry of the Solicitor General.

The decrease in police morale appears to have had positive effects on the cohesion within the occupational group. In Chapter One, Pross’ model for pressure group behaviour was outlined. Analysis of the opinions expressed by

\textsuperscript{119} It was not the intention of the author to determine the validity of the public satisfaction survey results referred to by police management personnel. The author assumed the surveys to be representative of the population, and to have been scientifically compiled.
police with regards to their legitimacy as an interest group, as well as their desire to be involved in policy creation, suggests that they fall under pressure group status.

5.3 Police Professionalism

The police are very anxious to increase their professional image and are attempting to do this through a variety of means.

1. They have distanced themselves from their past role as "nightwatchmen". More progressive policing philosophies, such as community policing, have thrust policing into a larger social context and have added to the perception of greater police accountability.

2. Senior management personnel recognize that increased educational requirements will contribute to an increase in professional standing. Problems remain however, with the internal conflicts which occur over education. The traditional, hierarchical structure, has contributed to the closed environment. While management officials in policing today are much more responsive to change, and recognize that education is perhaps the largest obstacle to obtaining higher professional standing for police, it can be very difficult to affect change in this regard. Many senior officers do not possess such education, particularly university degrees, and are quite resistant to such changes. This conflict can create internal divisions which affect the traditional cohesion
within police departments. In Chapter One, Philip Selznick's typology of interest group behaviour was examined with respect to its application for police. The stable education requirement which was part of Selznick's typology may be one of the first aspects of traditional police organization which loses its significance.

Several respondents felt that the police needed to act professionally as a group. Three respondents spoke of the need to treat politicians with respect even if the police didn't feel they were being awarded the same respect. This was seen as crucial to an increased professional image among the public. References were made to police officers "booing" the Premier, which didn't result in any greater influence for the police nor did it positively affect the professional image of the police.

5.4 Perceived Misuse of Political Influence

There appears to be very little complaint with the Office of the Police Complaints Commissioner in this regard. Although the police do not agree with every decision which is made by the PCC they are respectful of them.

In general, the PCC was not perceived as contributing to the present problems with police morale. The author has concluded that the most significant factor which has contributed to the respect that the PCC enjoys among the police services is the legitimacy of the organization. The
level of legitimacy observed by the author was significantly higher than what was expected when commencing this study. There appear to be several reasons for this. The first is that the repercussions of a PCC investigation are not seen as being as potentially serious as a SIU investigation. The second is that each municipality studied had its own complaints bureau within the internal organization. The police management personnel interviewed perceived there to be a greater level of accountability within the entire complaints system because the process was more aligned with the police service. The third reason could be the length of time which the PCC has had to overcome many of its earlier administrative difficulties. Because the public complaint system was in effect in Toronto since 1981, the officers were aware that they would eventually be subject to the same system. Administrative problems in the PCC, such as those now plaguing the SIU, would have had enough time to have been worked out before the provincial system was put in place.

With regards to the Special Investigations Unit, the political motivation behind its creation and operation was perceived as extremely high. The concept behind the Special Investigations Unit was favoured by the majority of respondents, given the following reasons. Having a provincial body do investigative work on police officers took a great deal of stress away from municipal forces. Both emotional and
financial stress was said to have been lessened. Police officials described how difficult it often was to try and investigate someone they had worked with so closely, and the investigations often contributed to a negative work environment. Secondly, the financial stress of having to supply investigators to assist in investigations of officers in other municipalities was removed. In this regard, the creation of the SIU was considered positive. However, it is at this point where agreement with the SIU ends. The police see the creation of the SIU as a result of minority group influence in Toronto and in particular, an attempt to quiet some of the more vocal groups who had been able to secure media participation in their cause. The level of planning which went into the creation of the SIU was also criticized. Particular problems with perceived misuse of political influence were cited over the laying of charges in cases. There were stories related to the author about cases where the investigators had told senior police administrators that no charges would be laid in a particular case, and then were indeed laid weeks later. Many believed that the decision whether to lay charges was based on the political climate within the province, particularly Toronto. As well, the attention given by the media to a particular case was also perceived to have the potential to influence the laying of charges. The political influence being exerted over the police has also resulted from comments made by politicians.
The police rejected the statements made by politicians regarding their tendency towards violence against minority groups, and they resented the influence that the Toronto political climate had on other cities within the province.

Given these conclusions it would appear that the hypothesis stating that external or civilian review has contributed to a decrease in police morale is correct. While it is not the concept itself which has been the problem, the conflicts or disagreements between police forces and provincial governments have resulted from the perceived misuse of political influence on the police. Therefore the first hypothesis is considered to be valid.

5.5 Influence of Interest Groups

There is a perceived imbalance in the amount of power that interest groups have in the policy making system today, as compared to the influence of police officers. However, the police do perceive themselves as being a legitimate interest group in the policy making system. Two conclusions can be reached from these observations. The first is that the police have not been granted the same degree of access to the provincial government as other groups. The second is that the police have not been as successful in articulating their interests publically as the other groups. Both will be examined here.

The Blue Ribbon Campaign in Ontario in the fall of 1992
demonstrated the success of the police in garnering support for their stand against the proposed use of force regulations. However, the police were frustrated in their attempts to try and speak with the Solicitor General and the Premier. Among the police management personnel interviewed for this thesis, there was a general agreement that interest groups have a great deal of influence in the creation of public policy and that the government is more responsive to interest groups than police officers.

The respondents viewed the police as a very legitimate interest group in the policy making system. The police also felt that they should have a great deal of input in the creation of police policy for their community and that it was almost always necessary to have police personnel involved in the creation of police policy. However, the police perceived themselves as not being as successful in this regard as they would like. Possible reasons for this include the need for increased pressure to be applied to provincial police associations to lobby their interests more effectively with the provincial government. Also, it could be suggested that the police are not as effective, or as vocal, at articulating their common interests to government, or to the media. However, in making these observations, it must be noted that the police officers interviewed did not express dissatisfaction with the way in which provincial associations were representing their interests. They did however feel that
a change in strategy might be needed in order for the police to be granted permission to participate in the policy making system to their desired degree.

In Chapter One, collective police action was analyzed under Doern and Phidd's concept of a PRODUCER GROUP. One of the primary tenets of this classification was the economic incentive which keeps the group united. The opinions expressed by police management personnel did not represent a view that the police were united based on economic incentive. However, while that might not have been articulated, the need for strong representation on all issues by the officers associations was evident. Because their economic incentive is tied so closely with their institutionalization as a pressure group, they exhibit much more cohesive behaviour and subsequently enjoy a greater degree of success as a pressure group.

These conclusions demonstrate that the police perceive that influence in the policy making system is skewed in favour of special interest groups, although the level of input the police perceive themselves to be capable of obtaining is higher than what might be inferred from the second hypothesis. For the purposes of this study, the information obtained through the elite interview process is supportive of the second hypothesis.
5.6 Civilian Review

The police management personnel interviewed did not categorically reject the idea of civilian review. What they did want, however, were assurances that the quality of those doing the review was consistent, and that those sitting on boards had some appreciation for the nature of police work. Examples given included the understanding that officers were trained in dealing with situations involving the use of force because it was often necessary to use some degree of force. They were in favour of civilian review boards which included a majority of civilians, yet felt that this should be balanced out with at least one person with a police background. The police officials also rejected the assumption that police officers, both former and present, would always support the actions of another police officer. They were very persuasive in their argument that they understood any public perception against the integrity of the police was a reflection upon them all.

With regards to some type of police training for civilian review members, it was suggested that ride-alongs would be beneficial. However, ride-alongs should be considered as both a short term introduction to police work and long-term training. It is the suggestion of the author that exposing the members to the policing environment would help to keep them in touch with both the community they are representing, and the changes in policing which could sometimes affect
decisions, both positively and negatively.

5.7 Length of Time Needed for Investigation of Complaints

There was a great deal of variation among the responses given toward the Office of the Police Complaints Commissioner regarding the length of time and the number of complaints within the system, however the opinions in the same regard toward the Special Investigations Unit were almost unanimous.

With the PCC, the length of time needed to complete an investigation was not really perceived to be a problem. Reports were sent out on thirty day intervals and it was perceived to be an effective way of communicating the status of the complaint to both the officer involved and the complainant. Because of these reports, officers were said to be more respectful of the process. With respect to the number of complaints which were being investigated by the PCC, there was great variation among the municipalities studied. One municipality in particular cited a large understaffing problem with regards to the number of complaints which were being processed by the bureau. Other municipalities did not make any reference to understaffing problems, and cited very low numbers of complaints being received.

The following conclusions are offered in respect to this variation. The comments made by officials interviewed from the Office of the Police Complaints Commissioner supported the need for increased staffing in the departmental bureaus. A
large volume of complaints were said to be contributing to both understaffing and time delays in the investigation of complaints. However, the complaints bureaus in other municipalities offered no such arguments. The author did observe however, a variation in the way that each municipality handled the complaints coming in. While all municipalities stated that the PCC guidelines were being met, the way in which each carried out the process was different. It is possible complaints are classified differently in the municipalities studied. In fact, such differences were alluded to by the officials who were interviewed in the capacity of a complaints officer. All complaints or concerns brought to the attention of the department, either by phone, in person, or through the Office of the Police Complaints Commission, were investigated and resolved. Often people would phone the department to express their concern over an incident. Many of these calls were resolved informally, as callers were often not interested in filing a formal complaint.

With respect to the Special Investigations Unit, the length of time needed to complete an investigation was criticized, as was the lack of accountability within the organization, the quality of investigators, and the mandate of the SIU.

The training and education of the SIU investigators was perceived to be low, especially as it related to the criminal
investigation backgrounds of each individual. The feelings of officers within the police services studied were perceived to be very negative, and the officers were thought to be very threatened by the potential of a SIU investigation.

With respect to the mandate of the SIU, it was suggested by a number of respondents that the expansion of the mandate to include sexual assault allegations against police officers was ill advised. However, the author does not agree with this perception. The author argues that sexual assault could certainly be considered a violent crime, worthy of both external and internal investigation. While recognizing the argument given by police against including actions which do not result from one’s official capacity as a police officer, there are cases where exceptions might be warranted. Although this argument should not be understood to necessarily advocate more power to the SIU, with allegations such as these, it is essential that some type of review of the officer’s actions take place to ensure the greatest public satisfaction that such charges are taken seriously. Given the difficult nature of proving sexual assault in any case, charges against a police officer should be investigated thoroughly. This should be done for two reasons. Firstly, the complainant must feel that his or her allegations are being taken seriously and investigated fairly. Secondly, review such as this benefits the officer as well. Charges of sexual assault can ruin the career of an officer, even if such charges are never proven.
For this reason, it is essential that the public believe that the charges are investigated fully and are subject to both police and external review. The police officer's credibility must remain high if he or she is to continue to have legitimacy in their role. External investigations can contribute very significantly to increased public support.

Given these conclusions regarding the process of external review, it is not possible to find the third hypothesis to be completely valid. Although the SIU was found, in this study, to be considered much too lengthy in its review of cases and rife with complaints, the PCC was not. There were concerns of understaffing in some municipalities regarding the PCC, however this problem was not found to be consistent among all other cities. Therefore the Office of the Police Complaints Commissioner was not perceived to be contributing to the anger and mistrust which is plaguing the relationship between police and the provincial government. The Special Investigations Unit however, was perceived as significantly contributing to the decrease in police morale, and to the fragile relationship between police and government.

The length of time needed to investigate incidents was a primary criticism of the Special Investigations Unit, as was the increase in the number or types of cases which were being addressed. However, it is stated in the hypothesis that both the length of time needed to investigate complaints and the number which are being investigated are contributing to
inefficiency within the system and have the potential to undermine the legitimacy of these institutions. Since the Office of the Police Complaints Commissioner is responsible for handling complaints, and a backlog of cases was not found to be the experience in the majority of the municipalities studied, the third hypothesis cannot be proven valid.

Although the opinions expressed by police management personnel regarding the SIU appeared to be very legitimate and were certainly consistent among the cities studied, it should be noted that the police have had very little success in bringing about changes to the SIU. There are several potential reasons for this.

While police accountability has increased, the police don't appear to the public, nor to the government, to have much credibility in their arguments against the SIU. This is due in large part to the traditionally closed and secretive approach to policing, in which any type of discussion regarding their behaviour or organization was seen as negative. Even today, the police appear to "tow the line" on all issues. They rarely appear to be publically critical of one of their own officers, even when misconduct has been proven. This reduces the issue of accountability down to one of public perception.

The police appear more accountable under the present system. The media have provided an avenue for discussion of police issues, although the police are rarely given the
opportunity to defend their decisions publically. Accountability is not gained quickly. The author would argue that one of the main reasons the police have not been successful in generating more public support against the SIU is because the police appear to be self-serving. The public doesn’t recognize, nor could they really be expected to, the difficult choices which must be made by police officers on a daily basis. The author recognizes the commitment of the police to the accountability mechanisms which have been instituted, however until the public sees the policing process as being more open, support for their position on external review will not be forthcoming. What now seems like a very critical environment for police, will almost certainly be the catalyst for improved accountability and public perception in the future.

5.8 General Conclusions of Thesis Research

There are some general observations which the author would like to make in concluding this thesis. For the most part, the police management personnel who took part in the research for this thesis were in agreement regarding their attitudes towards mechanisms for ensuring police accountability. The respondents came from municipalities which represented over one million people in Ontario. Although they are within the Southern Ontario region, and are outside the Metropolitan Toronto area, the author believes
that the responses are suggestive of attitudes in the wider police community in Ontario. The author was somewhat surprised at the consistency with which opinions were expressed between the cities studied. This may be attributed to the cohesiveness within policing in the province as a whole, or the fact that some of the police management personnel interviewed had experiences in other police services during their career.

5.9 Suggestions for Further Study

Further studies on police accountability could be expanded to include Metropolitan Toronto. As well, it would be interesting to undertake provincial comparisons of accountability mechanisms. Ontario is the only province with a Special Investigations Unit, and its success is undoubtedly being monitored across the country.

The application of this study to other occupational groups might also be examined. Police and Firefighters are often grouped together because under emergency services. Comparative analysis of the success of the Ontario Firefighters Association to that of the Ontario Police Association would provide for interesting argument regarding the application of interest group models.

While there were many statements made by police management personnel with which the author disagreed, they were very persuasive on many of their positions. Their
openness and participation in this thesis is reflective of their commitment to ensuring police accountability in Ontario.
APPENDIX 1.

ACCOUNTABILITY AND PERFORMANCE REVIEW
POLICING SURVEY

This survey is intended to gather information regarding accountability within police services. Measures of accountability will be determined through an analysis of the methods of performance review which are utilized in individual cities. The opinions of police professionals are crucial to accurately assessing the levels of accountability which are present, rather than what is perceived by the public.

The following information will be gathered for statistical purposes and will allow for comparisons between individuals in different roles and the size of cities from which answers were obtained. NO DISTINCTION WILL BE MADE WHICH IDENTIFIES THE SPECIFIC CITY FROM WHICH INFORMATION WAS OBTAINED.

Title of Respondent:
City:
Position:
Responsibilities:
Number of years in police work:
Number of years in present position:

1. In your opinion, what is the level of respect towards the police by the majority of residents in your city?

   1 very low 2 moderately 3 don't know 4 moderately high

   5 high

2. What, in your opinion, is the level of co-operation between the public and the police?

   1 very uncooperative 2 moderately uncooperative 3 don't know

   4 moderately cooperative 5 very cooperative

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3. What is the degree of racial tension in your community?

1  very low  2  moderately  3  don't know  4  moderately  5  very high
   low

4. I would like you to put your own department on this scale in terms of the adequacy of training to handle issues involving racial tension.

1  very  2  somewhat  3  don't know  4  somewhat  5  very
   inadequate  inadequate  adequate  adequate

5. Please assess the level of input you feel police administration should have in the creation of police policy for the city?

1  none at all  2  very little  3  don't know  4  quite a bit  5  a great deal

6. What degree of influence do you feel the provincial government should have in the creation of police policy for your community?

1  none at all  2  very little  3  don't know  4  quite a bit  5  a great deal

7. How would you rate the officials in the Solicitor General's Office in terms of competence?

1  totally incompetent  2  somewhat incompetent  3  don't know  4  quite competent  5  very competent

8. How would you rate the same officials in the Solicitor General's Office as far as their knowledge on the practical side of police work?

1  very inadequate  2  somewhat inadequate  3  don't know  4  quite adequate  5  very adequate
APPENDIX 1. cont.

9. How necessary is it to have police personnel involved in the creation of police policy?

1 2 3 4 5
very usually don’t know usually always
unnecessary unnecessary necessary
necessary

10. How much influence do you think special interest groups have in the creation of police policy?

1 2 3 4 5
none at all very little don’t know some influence a great deal

11. How adequately prepared is your department to handle complaints against the police by the public?

1 2 3 4 5
completely adequate somewhat don’t know adequate inadequate
inadequate inadequate adequate adequate

12. Do you think there was a justification for the implementation of the police complaints commission in terms of increasing accountability?

1 2 3 4 5
very unjustified somewhat don’t know somewhat justified
unjustified unjustified justified justified

13. Would you agree that police complaints commissions have achieved their intended goal?

1 2 3 4 5
not at all very slightly don’t know somewhat very much
APPENDIX 1. cont.

14. Was the creation of the Special Investigations Unit a useful initiative?

1 not at all useful
2 somewhat less useful
3 don’t know
4 somewhat useful
5 very useful

15. Does the Special Investigations Unit fulfil a useful role in terms of performance review?

1 not at all useful
2 somewhat useful
3 don’t know
4 somewhat useful
5 very useful

16. How would you rate the adequacy of training and education of the members of the Special Investigations Unit?

1 completely inadequate
2 somewhat inadequate
3 don’t know
4 somewhat adequate
5 very adequate

17. How would you rate the feelings of police officers in your city toward the Special Investigation Unit?

1 very threatened
2 somewhat threatened
3 don’t know
4 somewhat favourable
5 very favourable

18. Do you view the police as a legitimate interest group in the policy making system?

1 not at all legitimate
2 somewhat illegitimate
3 don’t know
4 somewhat legitimate
5 very legitimate
APPENDIX 1. cont.

19. Given that the police are part of the executive branch of government, how would you respond to the criticisms that the police should not be involved in both the creation and implementation of policy?

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20. How responsive would you say the government is to special interest groups as opposed to police officers?

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<td>much less</td>
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21. Please describe the process for handling complaints by the public against police in your community. Is there anything about the way that your city handles and investigates complaints that is different from other cities?
APPENDIX 1. cont.

22. What changes could be made to the Special Investigations Unit to make it more responsive to your needs as a police service?

23. Please describe what changes could be made to ensure greater accountability in police forces in the future.
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VITA AUCTORIS

Lisa A. Bruvelaitis was born in the city of London in 1969 to Al and Dianna Bruvelaitis. Following graduation from John McGregor Secondary School in Chatham in 1988, the author attended the University of Guelph, where she received a Specialized Honours Bachelor of Arts Degree in Political Studies in 1992. She completed academic work for a Master of Arts Degree in Political Science at the University of Windsor in 1993. The author is presently planning to teach in Japan for the next two years and hopes to complete further studies on policing policy upon her return to Canada.