

**REPORT PREPARED BY
THE HONOURABLE GEORGE FERGUSON, Q.C.**

ON THE

**REVIEW AND RECOMMENDATIONS CONCERNING VARIOUS
ASPECTS OF POLICE MISCONDUCT**

VOLUME I

COMMISSIONED BY:

**JULIAN FANTINO
CHIEF OF POLICE
TORONTO POLICE SERVICE**

JANUARY 2003

VOLUME I
TABLE OF CONTENTS

TERMS OF REFERENCE

PART I:	Disclosure of Police Misconduct.....	1
PART II:	Systemic Issues.....	2
PART III:	Informers and Agents.....	2
PART IV:	The Investigation.....	3

ACKNOWLEDGEMENTS.....	4
-----------------------	---

PREFACE AND BACKGROUND.....	6
-----------------------------	---

PART I: DISCLOSURE OF POLICE MISCONDUCT

Excerpt from the Terms of Reference.....	8
Analysis.....	9
Recommendations.....	17

PART II: SYSTEMIC ISSUES

Excerpt from the Terms of Reference.....	18
Analysis.....	19
Recruitment and the Employment Unit.....	19
Recommendations.....	21

Transfers, Promotions, Supervision, Training and Continuing Education.....	23
Recommendations.....	25

Internal Affairs.....	26
Recommendations.....	28

Use of Alcohol, Drugs and Other Substances.....	30
Recommendations.....	31

PART III: INFORMERS AND AGENTS

Excerpt from the Terms of Reference	33
Analysis	33
Recommendations	35
SCHEDULE "A"	
Interview and Meeting Participants	36
SCHEDULE "B"	
Reference Materials	40
SCHEDULE "C"	
Written Submissions Made By Individuals or Organizations	59

TERMS OF REFERENCE

PART I: DISCLOSURE OF POLICE MISCONDUCT

- a. To review and provide your analysis of the current law in Ontario as it pertains to when, in what manner and under what circumstances does the Police Service have an obligation to bring to the attention of the Crown, alleged or proven acts of misconduct of a police officer who will be a witness or was otherwise involved in an investigation that has led to a criminal proceeding.
- b. To compare the law in Ontario as described in paragraph (a) above with the law in other common law jurisdictions, especially the United States, England, Australia and New Zealand.
- c. To make recommendations as to when, in what manner and under what circumstances (having regard to your findings with respect to paragraphs (a) and (b) above), misconduct of a police officer should:
 - i. be brought to the attention of the Crown by the police, and
 - ii. be disclosed by the Crown to the defence.
- d. To make recommendations as to the implications of *R. v. O'Connor* and the privacy interests of police officers on paragraphs (a) & (b) above.
- e. To make recommendations as to what, if any, legislative or statutory measures could be made to effect the disclosure of police misconduct as described in paragraphs (a) & (b) above, by the police to the Crown, and by the Crown to the defence in a fair and efficient manner having regard to the right of the accused to a fair trial as well as the privacy interests of the police officer whose misconduct may be the subject of disclosure.

PART II: SYSTEMIC ISSUES

- To review current Toronto Police Service practices and procedures and compare them with the practices and procedures of other large law enforcement agencies and make recommendations as to how Toronto Police Service practices and procedures could be improved to prevent misconduct and corruption of any kind and without limiting the generality of the foregoing:
 - i. To examine existing Toronto Police Service procedures with respect to recruiting to ensure that only those men and women with the highest standards of integrity and honesty are recruited and offered employment by the Service,
 - ii. To examine current Toronto Police Service practices and procedures regarding training and continuing education and to identify any deficiencies therein that might contribute to the genesis and growth of misconduct or corruption,
 - iii. To examine the organizational structure of the Service to determine if supervision or the lack thereof is a factor which contributes to police misconduct or corruption,
 - iv. To examine the culture of policing in general to identify what factors may contribute to the genesis and growth of police misconduct and corruption, and
 - v. To make recommendations as to the legality, feasibility and usefulness of measures such as random integrity testing, mandatory drug testing, financial background checks, and polygraph as tools to identify corruption and preserve honesty and integrity.

PART III: INFORMERS AND AGENTS

- To examine current Toronto Police Service procedures and directives with respect to informers and agents to ensure that the appropriate safeguards are in place to prevent abuse of the informer/agent procedure and funds associated therewith and to report on and make recommendations where appropriate as to how the current procedures and directives could be improved.

PART IV: THE INVESTIGATION

- At the appropriate times to review the manner in which the investigation, under the direction of Chief Superintendent John Neily, has been conducted to ensure that all complaints and internally identified evidence of criminal conduct has been disclosed to the Crown Law Office — Criminal and the Prosecution Services Unit of the Toronto Police Service for their respective consideration.

ACKNOWLEDGEMENTS

Throughout my investigation, numerous members of the Service, both uniform and civilian, have extended endless courtesy and assistance to me. Many interrupted their normal duties to attend lengthy interviews or otherwise assist in the development of this report.

I wish to record my special gratitude and appreciation to each of the following individuals:

Chief Julian Fantino made himself available for conferences and arranged for others to compile statistical data or attend interviews.

Mr. Jerome F. Wiley, Q.C., Senior Counsel to Chief Fantino, attended several interviews and arranged for the availability of each research assistant. Throughout the course of my investigation, he extended the same thoughtful courtesy as he did many years ago when appearing as Counsel in my court. Mr. Wiley's remarkable legal knowledge was most helpful, specifically with issues and proceedings involving law enforcement agencies.

Staff Superintendent W. David Dicks, in charge of Professional Standards, attended several interviews and authorized the assistance of many individuals, including the availability of my third research assistant.

Inspector George H. Cowley, LL.B., LL.M., a uniform member of the Toronto Police Service for 25 years, was called to the Ontario Bar in 1999. As my first research assistant, he assembled a "mountain" of research material and arranged for and accompanied me during multiple interviews in England. As head of Legal Services, he is a tireless, energetic and skillful lawyer who, somehow, managed to find sufficient time, during evenings and weekends, to earn a Master of Laws Degree from Osgoode Hall in 2001. He is a highly respected counsel.

Ms. Sandy Adelson, called to the Ontario Bar in 2002, was my second research assistant. For several months she attended interviews, prepared impeccable notes, conducted interviews on my behalf in New York City, and completed law memoranda on disclosure. Last fall she accepted a position with the Ontario Government. While attending law school, she served as a Member and Community Representative on the Toronto Police Services Board. Having

acquired substantial knowledge on the structure and past practices of the Service, she was of inestimable help to me.

Ms. Erin Sweeney, an honours graduate of the University of Western Ontario, has been a civilian member of the Toronto Police Service for seven years and is now the Legal Researcher in Legal Services. Last fall, she became my third research assistant. Having performed multiple tasks with skill and integrity, including conducting interviews on my behalf, she has made a most significant contribution to the final analysis and coordination of all research material and submissions, and to the editing and format of this report.

Mr. Winston Heppolette, a most hospitable host and member of the Police Leadership and Powers Unit of the Home Office, London, England, made arrangements for, and completed the scheduling of multiple interviews in England. He selected persons with extensive expertise in law enforcement, all of whom exhibited a keen desire to assist my investigation by sharing their knowledge and experiences unstintingly. Having participated in several interviews, he made a significant contribution to their depth.

Ms. Rhonda Hearn, a civilian member of the Toronto Police Service for over 15 years, is the Civil Liaison Coordinator in Legal Services. For several months in 2002, she completed and coordinated all correspondence and mailing lists relating to written submissions, and in 2003, assisted in the preparation of schedules to this report.

Sergeant Arlene Fritz, while working as a Constable in Quality Assurance prior to her promotion, collected and analyzed a great deal of historical statistics for me, with emphasis on recruitment, resignations, retirements and training.

PREFACE AND BACKGROUND

My Terms of Reference, as detailed at the beginning of this report, were provided to me in my Letter of Agreement with the Toronto Police Service, dated November 29th, 2001. This initial report deals with Parts I, II and III of my mandate. A further report on Part IV will be submitted upon completion of the investigation under the direction of Chief Superintendent John Neily.

It is important to emphasize that my role is not to assess the multitude of professional, investigative techniques now employed by members of the Toronto Police Service to investigate particular crimes. The day-to-day operations of policing within the community are beyond the scope of my Terms of Reference. Accordingly, this report is focused on my personal recommendations.

Based on the principle of plain language, this report complies with the specific request of Chief Fantino, for him to receive an executive summary and working document dealing with current operational issues. As requested by Chief Fantino, it does not “pull any punches”, nor is it submitted to gather dust. This report is a summary of my personal conclusions and recommendations; each one aimed at assisting the Chief and the members of the Service to deal with specific areas of concern. Throughout his distinguished career and certainly since his current appointment, Chief Fantino has been a champion of the Service’s Core Values.

It is my conviction that each of the recommendations contained in this report is practical, and can be implemented within a reasonable period of time.

Currently, there is a surge in public demand for corporations, institutions (both private and public) and politicians to restore, exercise and maintain integrity. So many corporate leaders, in pursuit of greed or self-interest, have fallen from grace. Public servants and politicians, seeking personal gain or ignoring the perils of conflicting interests, have been demoted, forced to resign or removed from office. Sadly, many have already concluded that the enforcement of integrity has been “negotiated” or compromised in many of those circles. Those situations serve to emphasize the importance of separating police services from many other segments in society because police integrity is non-negotiable and must never be compromised.

This report is a result of extensive personal interviews conducted in Canada, the United States of America and England; studying the practices and procedures of the Service and its internal reports; research conducted by me and my research assistants; written submissions received on the subject of disclosure of proven or alleged acts of police misconduct; and on my personal experiences as a practicing lawyer and judge spanning a career of fifty years.

Schedule "A" to this report contains the names of all individuals with whom I met or who I interviewed. Each discussion was full, frank and instructive and conducted on a confidential basis. Notes relating to same will not be published, distributed or provided to any individual or to the Service. Each person with whom I met or who I interviewed was assured of that process.

A list of the research material studied is contained in Schedule "B" to this report. It does not include many of the Service's internal reports that were examined, some of which were marked confidential and others that were deemed to be confidential by me. These reports have been most instructive. In that regard, a rather recent report prepared by Staff Inspector Tony Corrie, contains many conclusions on the current informer procedures with which I concur.

Schedule "C" to this report contains a list of individuals and organizations who made written submissions on various subjects for the purpose of this report.

It is my understanding that Chief Fantino, upon receiving this report, will exercise his right to share its contents with members of the Toronto Police Services Board. Any other disclosure or distribution of the report will be his sole responsibility and at his sole discretion.

Under my terms of reference, I have discharged my responsibilities to the Service on a totally independent basis. All research has been conducted on my behalf and under my supervision. I have controlled the scope and content of all interviews conducted.

PART I
DISCLOSURE OF POLICE MISCONDUCT

Excerpt from the Terms of Reference:

Part I: Disclosure of Police Misconduct

- a. To review and provide your analysis of the current law in Ontario as it pertains to when, in what manner and under what circumstances does the Police Service have an obligation to bring to the attention of the Crown, alleged or proven acts of misconduct of a police officer who will be a witness or was otherwise involved in an investigation that has led to a criminal proceeding.
- b. To compare the law in Ontario as described in paragraph (a) above with the law in other common law jurisdictions, especially the United States, England, Australia and New Zealand.
- c. To make recommendations as to when, in what manner and under what circumstances (having regard to your findings with respect to paragraphs (a) and (b) above), misconduct of a police officer should:
 - a. be brought to the attention of the Crown by the police, and
 - b. be disclosed by the Crown to the defence.
- d. To make recommendations as to the implications of *R. v. O'Connor* and the privacy interests of police officers on paragraphs (a) & (b) above.
- e. To make recommendations as to what, if any, legislative or statutory measures could be made to effect the disclosure of police misconduct as described in paragraphs (a) & (b) above, by the police to the Crown, and by the Crown to the defence in a fair and efficient manner having regard to the right of the accused to a fair trial as well as the privacy interests of the police officer whose misconduct may be the subject of disclosure.

ANALYSIS

In recent years the Toronto Police Service has been faced with increasing challenges and conflicts when dealing with the disclosure of what has broadly been described as police personnel records, and more particularly, in evolving a policy defining its practice and procedure to provide such information to the Crown, while balancing the privacy interests of its members.

For the purpose of dealing with the broad legal issues on the disclosure of police misconduct records, I have referred to the material contained in Volume II to this report. It contains memoranda on the disclosure laws in Ontario, England, Australia, New Zealand and the United States of America.

Currently, there is no Canadian legislation that specifically deals with or directs police officers or police services to provide disclosure information on police misconduct to the Crown, or that provides any mechanism for same. Canadian case law on the disclosure of police personnel records is focused on four basic elements:

- the expanding obligation on the Crown to provide disclosure to the defence;
- the recognition that the Crown and police services are separate entities for the purpose of determining possession of information on police misconduct;
- the absence of any authority for judges to resolve disclosure issues by pre-trial disclosure orders; and
- the necessarily cumbersome procedure for defence counsel who seek to obtain access to or production of police records.

Each aspect of the disclosure process, federally and in several states in the United States, is based on judicial rulings, which have placed an obligation on the prosecution to disclose information regarding the prior misconduct of any prosecution witness. This is combined with the fact that, unlike in Canada, the prosecution in the United States takes an active role in the investigation of crime. Further, federally and in some states, the prosecution is deemed to be in possession of police records.

Similarly, the laws and jurisprudence of England, Australia, and New Zealand have developed in a manner that is similar to, yet significantly different from Canadian jurisprudence. None of

these jurisdictions has anything approaching the *Canadian Charter of Rights and Freedoms*,¹ whose impact now permeates every aspect of a Canadian citizen's interaction with state authority.² Therefore, while the laws of these jurisdictions are instructive, their usefulness is limited.

The task of developing recommendations for a practical policy for the disclosure of police records must, therefore, necessarily have as its primary focus, the law of Canada as it pertains to disclosure generally.

In this regard, there is no uncertainty regarding the heavy obligation on the Crown to ensure complete disclosure to the defence. In Ontario, this obligation is governed, not only by the broad principles enunciated in the decision of the Supreme Court of Canada in *Stinchcombe*,³ but is further refined by the recommendations contained in the Martin Report, which has, for all intents and purposes, been accepted as having the force of law.⁴

The combined effect of *Stinchcombe* (and its successor cases) and the Martin Report have resulted in a legal requirement that is well known to all members of the judiciary, the bar, and the police. In simple terms, the requirement is that all information in the possession of the Crown that may be relevant to the defence must be disclosed. In other words, any information in the possession of the Crown that is not clearly irrelevant to the defence must be disclosed to the defence. Although rephrased from time to time by various Courts, the broad sweep of Crown disclosure obligations has remained as stated above. If anything, the trend is toward an ever more onerous obligation on the Crown to ensure increasingly complete disclosure to the defence.

The threshold test of relevance has steadily become more expansive and inclusive. This trend in law means that the disclosure of police personnel records has become problematic for both the police and the Crown.

¹ *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c.11.

² *Ibid.* at s. 32(1).

³ *Stinchcombe v. The Queen*, [1991] 3 S.C.R. 326 (S.C.C.).

⁴ Martin, Q.C., The Hon. G.A., Chair, "Report of the Attorney General's Advisory Committee on Charge Screening, Disclosure, and Resolution Discussions" (Ontario Ministry of the Attorney General – Queens Printer for Ontario, 1993).

It is uncontroverted that, as the local Minister of Justice, it is the sole responsibility of the Crown to make disclosure. It is also well accepted that the Crown can only disclose that which is in the Crown's possession.⁵ This does not, however, absolve a police service from its obligation or responsibility for disclosure. Failure on the part of the police to provide the Crown with relevant information may lead to a successful *Charter* challenge, even if the Crown did not know of the existence of such information, let alone have the information in its possession.⁶

While the Crown and the police in Canada do have separate and distinct roles in the administration of justice, the police have a statutory responsibility to "lay charges and participate in prosecutions", pursuant to s. 42(1)(e) of the *Police Services Act*.⁷ This responsibility includes an obligation to provide the Crown with all information, whether that information is "for or against" an accused.⁸

In this sense, records in the possession of the police are deemed to be in the possession of the Crown, subject to a claim of privilege. Thus, in the event an occurrence report was inadvertently missed in the police disclosure to the Crown, and the Crown had no knowledge of the existence of said report, the subsequent non-disclosure by the Crown to the defence would constitute material non-disclosure and would be sufficient to stay the proceedings.⁹

Possession or production of police personnel records has presented particular problems. Where the defence, has requested such records either by subpoena or by application for disclosure, the Ontario Courts have overwhelmingly held that such records are "third party records" within the meaning of *R. v. O'Connor*.¹⁰ Requests for such records, irrespective of the wording of the subpoena or application, are subject to the two-stage process described in *O'Connor*.¹¹ Again, in the vast majority of these cases, the Courts have held that the defence has not met the test required by *O'Connor* and the access to the records is denied. This is equally the result whether the subpoena or application is for police "personnel" records, "discipline" records, "complaint" records, "Internal Affairs" records, or a combination of any or all of these records.

⁵ *Ibid.* See also *Supra* note 3.

⁶ *R. v. Atikian* (1990), O.R. (3d) 263 (Ont. Ct. (Gen. Div.)).

⁷ *Police Services Act*, R.S.O. 1990, c. P.15, as amended.

⁸ O. Reg 123/98, in the Schedule Code of Conduct s.2(1)(c)(v).

⁹ Martin Report, *Supra* note 5.

¹⁰ *R. v. O'Connor* (1995), 103 C.C.C. (3d) 1 (S.C.C.).

¹¹ *Ibid.*

These decisions, although correct in law, create an unsatisfactory state of affairs for everyone: the police, the Crown, the defence, and the judiciary.

While the criminal record of a civilian material witness for perjury would obviously be of relevance to the accused and, therefore, be clearly disclosable, a *Police Services Act* conviction for “deceit” would be, under the current regime, beyond the grasp of the defence. This is so even if the investigating officer feels that the witness officer’s deceit conviction might be relevant.

It is the third party’s privacy interest (i.e. the interest of the deceitful officer), that is protected and the officer has a right to have his or her independent Counsel contest the *O’Connor* issue. This right has been universally exercised in Toronto.

In short, it is a classic catch-22 situation.

The police officer’s privacy interest in his or her personnel files must be balanced against the accused’s right to disclosure of any information that is relevant to making full answer and defence. While the accused has no right to automatic access to every aspect of a police officer’s employment history, the accused has an obvious right to access the police officer’s discipline record, if that record is relevant. The problem is that attempting to gain access by way of application or subpoena places the defence in the *O’Connor* regime. Once into *O’Connor*, it is difficult, if not impossible, for the defence to meet the threshold required to access the records. Unless the officer is notorious or the defence personally knows details of the officer’s files, the defence will be found to be on nothing more than a fishing expedition and access will be denied. A diligent officer-in-charge will not likely know the full employment history of each police witness, and, currently, is not required to make any inquiries. Short of a criminal conviction for dishonesty, nothing is likely to be provided to the Crown for disclosure analysis. Even convictions for dishonesty may not always be revealed. This is clearly unsatisfactory.

Multiple factors are involved in deciding what records of a witness or involved officer can be disclosed:

- There is nothing in the *Freedom of Information and Protection of Privacy Act*¹² or the *Municipal Freedom of Information and Protection of Privacy Act*¹³ that prohibits the release of relevant employment information about a witness or involved police officer to the Crown.
- Pursuant to O. Reg. 265/98 to the *Police Services Act*, a Chief or his delegate is authorized to release personal information about an individual if the individual has been charged with, found guilty or convicted of an offence under the *Canadian Criminal Code*,¹⁴ the *Controlled Drugs and Substances Act*¹⁵ or any other federal **or provincial statute**¹⁶ [Emphasis added].
- There is no obligation on the Police Service to gratuitously and unilaterally supply the Crown with any employment information of an involved officer, even if that information is of a disciplinary nature, if the information is clearly not relevant to an issue before the Court including the credibility of the officer.

(Caution must be exercised in this area. It is only an experienced officer who is intimately acquainted with the facts of the case who can make this decision. Unless the decision is obvious, for example a documentation for being late for work, it would be prudent for the record to be provided to the Crown so that a legally trained person who is familiar, not only with the facts of the prosecution case, but may also have some idea of the possible defenses, can make an informed *Stinchcombe* analysis).

- The obligation on the Police Service to supply employment or disciplinary records to the Crown is triggered when
 - i. The material is obviously relevant to the defence;
 - ii. When such information has been requested by the Crown, either as a result of a unilateral request or as a result of a defence request to the Crown for disclosure of the information; and
 - iii. As a result of an Order by the Court for production.

It may be appropriate to indicate that during my research and interviews, I was disconcerted to learn that some Crown counsel labour under the mistaken belief that everything given to them by the police must be disclosed to the defence. Whether this belief comes from a

¹² *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31, as amended.

¹³ *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended.

¹⁴ *Criminal Code*, R.S.C. 2000, c. C-46, as amended.

¹⁵ *Controlled Drugs and Substances Act*, S.C. 1996, c.19, as amended.

¹⁶ O.Reg. 265/98, s. 2(1)(a).

misinterpretation of the law of disclosure or because of a policy that takes erring on the side of disclosing to the extreme, I cannot say. The point is this: not everything that is disclosed by the police to the Crown must then be unilaterally turned over to the defence. Nothing could be further from the truth. Before disclosing anything to the defence, the Crown must comply with its *Stinchcombe* obligation. That obligation does not merely involve a wholesale turning over of the police work product, but rather a studied analysis of all material to determine if it is relevant to the defence and therefore requires disclosure within the meaning of *Stinchcombe*.¹⁷ Unless this Crown responsibility is conducted with diligence, the recommendations that follow will be largely meaningless and may result in injustice to the accused or to the privacy interests of the police. The importance of the Crown's "gate-keeper" role, to a fair trial, especially regarding the disclosure of personal information, cannot be overemphasized. A less than diligent exercise of this function may well lead to a deterioration of trust by the police in the Crown and a consequent reluctance to hand over relevant records, a failure by the Crown to hand over relevant records to the defence or the unnecessary and potentially harmful disclosure of personal information.

Defence counsel on the other hand, must be fair and realistic in their request for employment information about an involved or witness officer. "Shotgun" or "fishing expeditions" only serve to increase delays and foster an atmosphere of mistrust among all parties.

I turn now to the issue of how and which police records should be disclosed.

As indicated above, the subpoena/disclosure application process employed by defence counsel has taken the parties into the *O'Connor* procedure. The outcomes have been almost universally unsuccessful for the defence and have been judicially described as "fishing expeditions". The procedure has also served to seriously delay or prolong criminal trials. Yet the right of the defence to relevant employment records of a witness or otherwise involved police officer, particularly of the misconduct or "discipline" variety, should be obvious to all. The question is how to accomplish this without resorting to the extended exercise in futility that currently governs the issue.

Toronto is not the only jurisdiction to grapple with this issue. Similar problems have existed in the United States, England, Australia and New Zealand for some time. A variety of measures

¹⁷ *Supra* note 3.

have been implemented in an attempt to resolve the problem in each of those jurisdictions. In the United States, the Supreme Court has set out rules for disclosure of police misconduct.¹⁸ In England, the problem has been the subject of legislation.¹⁹ The details of the various measures that have been employed can be found in the materials set out in Volume II to this report. There is no need to describe them here. All have beneficial points. None offer an easy answer or perfect fit to the peculiar circumstances of this jurisdiction.

In my opinion, the use of the *O'Connor* procedure to access or obtain production of police misconduct records is neither efficient nor justified. It seems to me that, when framing the common and statutory rules that govern access to third party records, the Supreme Court and Parliament did not contemplate access to police misconduct records.

In my view, while the issues contemplated by the Court in *O'Connor* and by Parliament in the amendments to the *Criminal Code* may be best left to the trial judge because of the dynamic nature of the trial process, including the constant flux of parameters of relevance, the trial process is not well-suited or necessary in regard to access to police misconduct files.

Changes to the current law, which would provide some orderly, expeditious and fair process whereby Crown counsel and defence counsel could apply to a judge for a pre-trial application of such disclosure issues, continued with judicial authority to make practical orders, would go a long way to rectifying the current problems.

However, in the absence of such authority and as long as the Courts uphold the principle that police employment records are subject to and governed by the *O'Connor* regime, the inevitable result will be that police officers and the Service will, quite rightly, continue to defend the privacy rights of individual police officers with the unintended consequence that some relevant information may not be made available to the accused.

Since it appears that the concept of conducting pre-trial disclosure conferences, with a judge who has the power to make disclosure orders, seems remote, some equitable alternative should be adopted by the police Service in the interests of prescribing a trial process that is fair and

¹⁸ *Brady v. Maryland*, 373 U.S. 83 (1963). See also *Giglio v. United States*, 405 U.S. 150 (1972).

¹⁹ *Criminal Procedure and Investigations Act 1996*, 1996. See also *Code of Practice*, made under the authority of the *Criminal Procedure and Investigations Act 1996*, *ibid.*, Part II, s. 23. See also *Joint Operational Instructions*, made under the authority of the *Criminal Procedure and Investigations Act 1996*, *ibid.*

just, both to the accused and to the witness or otherwise involved officers whose records are being sought.

Currently, an informal procedure for providing, upon request, certain categories of police “misconduct” records to the Crown for the purpose of conducting the *Stinchcombe* analysis has been developed by the Toronto Police Service through the Professional Standards – Legal Services Unit.²⁰ While this initiative is commendable, it is not a complete answer to the issues. There is still no formal written procedure governing the release of such information.

It is my view that the Toronto Police Service should adopt a clear written policy governing the type of information that should be provided to the Crown regarding “misconduct” by members who may be witnesses or who were otherwise involved in the investigation of a case before the Court.

As indicated earlier, Toronto is not the first jurisdiction that has had to deal with this issue. England has enacted legislation that requires police officers, who are witnesses in a criminal case, to self-disclose prior or current charges of misconduct. In addition, the Prosecutions Office and the Police have formulated a Joint Operational Protocol. While this system has merit, it is preferable in my view, for the Toronto Police Service to develop a procedure whereby the required information can be obtained via the recently implemented Professional Standards Information System (P.S.I.S.).

There are a wide variety of acts that can be described as misconduct. Not every act or allegation of misconduct needs to be provided to the Crown for the purpose of *Stinchcombe* analysis. Unit level discipline imposed for being late for work, for example, is clearly irrelevant. Similarly, matters that are under active investigation should not be automatically provided to the Crown.

In summary, in order to avoid the quagmire of litigation currently surrounding access to police misconduct records, while at the same time ensuring an accused’s right to all relevant information necessary to make full answer and defence, I would make the following recommendations:

²⁰ Refers to notes regarding the Professional Standards – Legal Services process for disclosing police misconduct records to the Crown (upon his/her request for said information).

RECOMMENDATIONS

1. That, upon written request from the Crown Attorney to the Chief of Police for information regarding acts of misconduct by a member of the Service who may be a witness or who was otherwise involved in a case before the court, the Chief of Police or his designate shall supply the Crown Attorney with the following information:
 - a. Any conviction or finding of guilty under the *Canadian Criminal Code* or under the *Controlled Drugs and Substances Act* for which a pardon has not been granted.
 - b. Any outstanding charges under the *Canadian Criminal Code* or the *Controlled Drugs and Substances Act*.
 - c. Any conviction or finding of guilt under any other federal or provincial statute.
 - d. Any finding of guilt for misconduct after a hearing under the *Police Services Act* or its predecessor *Act*.
 - e. Any current charge of misconduct under the *Police Services Act* for which a Notice of Hearing has been issued.
2. Applications or subpoenas for personnel, employment, complaint, Internal Affairs, or other related information will be contested and will not be produced, unless ordered to do so by a court of competent jurisdiction.
3. Any member whose records are to be produced to the Crown pursuant to Recommendation #1 above or whose records are the subject of an application or subpoena pursuant to Recommendation #2 above shall be notified in writing.
4. Any information to be produced to the Crown pursuant to Recommendation #1 above, shall be obtained through the Toronto Police Service, Professional Standards Information System (P.S.I.S.).

PART II
SYSTEMIC ISSUES

Excerpt from the Terms of Reference:

Part II: Systemic Issues

- To review current Toronto Police Service practices and procedures and compare them with the practices and procedures of other large law enforcement agencies and make recommendations as to how Toronto Police Service practices and procedures could be improved to prevent misconduct and corruption of any kind and without limiting the generality of the foregoing:
 - i. To examine existing Toronto Police Service procedures with respect to recruiting to ensure that only those men and women with the highest standards of integrity and honesty are recruited and offered employment by the Service,
 - ii. To examine current Toronto Police Service practices and procedures regarding training and continuing education and to identify any deficiencies therein that might contribute to the genesis and growth of misconduct or corruption,
 - iii. To examine the organizational structure of the Service to determine if supervision or the lack thereof is a factor which contributes to police misconduct or corruption,
 - iv. To examine the culture of policing in general to identify what factors may contribute to the genesis and growth of police misconduct and corruption, and
 - v. To make recommendations as to the legality, feasibility and usefulness of measures such as random integrity testing, mandatory drug testing, financial background checks, and polygraph as tools to identify corruption and preserve honesty and integrity.

ANALYSIS

For this section of my report, I have elected to separate my comments and recommendations into four areas within the current practices and procedures of the Service. These are

1. Recruitment and the Employment Unit
2. Career training, promotions, supervision and continuing education
3. Structure and functions of the Internal Affairs Unit
4. Use of alcohol, drugs and other substances

In my opinion, these are the areas of the Service where changes are required to establish an effective and lasting capacity to detect and prevent potential police misconduct and corruption.

RECRUITMENT AND THE EMPLOYMENT UNIT

The recruitment, testing and selection of new uniform officers are most challenging tasks for any police service. For selection and testing, the Service currently employs the Constable Selection system prescribed by the Ontario Association of Chiefs of Police (hereinafter the O.A.C.P.). The inflexibility of this program has proven to be frustrating for the Employment Unit and requires “fine-tuning” from time to time. However, abandonment of this program in favour of developing and implementing an independent testing system is not a viable alternative for the Service at this time. The Employment Unit does not now have sufficient personnel who are capable of accomplishing this task. While that matter should be explored in future years, it is not, in my opinion, a challenge deserving top priority at this time.

Research and interviews satisfy me that the current interview and testing process for uniform applicants is acceptable and not unreasonably difficult or biased. Above all, I conclude that there is no valid reason to lower the current testing and interview requirements.

The time period that normally elapses between application and selection is also acceptable. It may be necessary to include, as a condition of employment, a contractual obligation that the recruit agrees to stay with the Service for a certain number of years otherwise he must reimburse the Service for the training he or she has received.

It is my opinion that the background investigation of prospective recruits requires improvement. These investigations, now labeled “background checks” have proven to be inadequate due to a lack of personnel in the Employment Unit. The trial practice of employing retired officers to conduct these investigations has been successful and should be continued. The background checks themselves should be expanded. Thorough background checks, conducted by dedicated and competent investigators are the single most effective method of ensuring that unsuitable candidates do not enter the hiring stream. The investigation should go beyond simple computer checks and include extensive personal interviews of family, neighbours, associates, previous employers, teachers, etc. The inclusion of interviews with individuals who were not listed in the applicant’s references (such as previous co-workers, other neighbours, etc.) may also be of value.

The Service has acquired the reputation of being the “training ground” for other police services throughout Canada. The number of officers resigning to serve with other police services is unacceptably high. Informal undertakings by other police services to observe a “no-poaching” policy are no longer honoured. Expanding police services in southern Ontario that offer employment with less stress and lower living costs have been particularly attractive to members of the Service. Too frequently, the advice to “go and be trained by the Toronto Police Service and then we will hire you” has apparently been actively used. Such a situation often arises whenever an applicant, who has no intention of staying with the Service for any meaningful term, is selected by the Employment Unit to fill a class quota. Any practice of selecting applicants strictly to fill a class quota is unacceptable. It appears however, that it has occurred as a result of the Service’s failure to attract sufficient numbers of qualified applicants.

Although there is an unfortunate time lag for applicants between stages of the selection process, I am satisfied that it has not resulted in any appreciable loss of suitable candidates. The Employment Unit maintains good communications with the candidates during this period and candidates are willing to put up with the delay because employment with the Service is sought after.

It is my conclusion that the Service has failed to provide the status, financial resources, and skilled personnel that are essential for the proper functioning of the Employment Unit. This circumstance has resulted in the Unit being unable to achieve the consistent degree of

excellence it seeks. Instead, it is regarded as a place for members who are incapable of front-line police work and where specialized skills are not required and promotional opportunities are limited. It is essential that changes be made to the Employment Unit so that it will attract qualified and dedicated members who see it as a place to advance their careers and whose goal is to attract the “best and the brightest” not just to a job as a police officer, but as a professional career with the Toronto Police Service.

As a result of my research, I am led to the conclusion that the Employment Unit has lacked the capacity to develop a truly professional, properly focused and targeted recruitment program. The current program is a “hit-or-miss” scenario that has resulted in a “melt-down” of approximately 90% between those who apply for employment and those who are selected for training.

For recruitment purposes, the Service must now develop a program to effectively boost its image and sell itself to the community, particularly at a time when, in my opinion, negative press appears to have caused a change in the public’s perception of “Toronto’s Finest”. This is particularly important with respect to attracting recruits from minority communities.

RECOMMENDATIONS

- 1. The status of the Employment Unit must be substantially upgraded within the organizational structure of the Service and be provided with additional financial resources and sufficiently skilled personnel.**
- 2. The Employment Unit personnel must develop and implement a professionally targeted and focused recruitment program.**
- 3. Background investigations of candidates must be expanded by more comprehensive interviews of references and more professional investigations.**
- 4. The Employment Unit must increase exposure of the Service to students in universities, community colleges, high schools, and other educational institutions who are enrolled in courses relating to law enforcement.**

5. **The Service should explore co-operative or joint programs with universities, community colleges, and other educational institutions that provide courses in law enforcement for the purpose of establishing a priority in recruitment selection.**
6. **The Service should employ two full-time, fully qualified psychologists to conduct all psychological testing of potential recruits as well as members of the Service seeking promotion or members of the Service seeking transfer to sensitive or high-risk areas. The psychologists' positions should not be held on a contract basis, as is the current practice.**
7. **In order to attract a greater number of qualified candidates, including minority groups, the Employment Unit should conduct well-structured seminars or tutorials at various locations in the community to explain the entire recruitment process and employment policies of the Service.**
8. **The Service should establish a new Special Recruitment Committee to act in an advisory capacity to the Employment Unit in developing and maintaining a recruitment strategy. The committee should consist of six individuals: two members of the Service, appointed by the Chief; two members of the Service, appointed by the Police Association; and two private citizens who have experience in promotional programs, advertising, and recruitment, to be appointed by the Chief. The private citizens will serve alternatively, as Chair, for a period of one year. All members of the committee shall be appointed for two years, subject to one renewal appointment for two years. All committee members shall receive an appropriate honourarium from the Service. Representation of minority groups on the Committee should always be a consideration when selecting committee members.**
9. **The position of "Career Development Officer" for uniform members should be re-implemented and moved to the Employment Unit. Having expertise in human resource development, this individual will assist members in assessing and achieving their career paths and promotional opportunities.**

TRANSFERS, PROMOTIONS, SUPERVISION, TRAINING AND CONTINUING EDUCATION

The recommendations in this section of the report are framed and directed to improve the caliber of supervision and management in the Service, thereby enhancing its capability to detect and prevent potential serious misconduct and corruption.

Research and multiple interviews with members of the Service, including senior officers, convinces me that major changes and improvements are required in all areas outlined above.

It must be emphasized that my recommendations are aimed at assisting the Service to avoid future exposure to the emergence of serious police misconduct and corruption, while maintaining a high degree of supervisory and management accountability. I conclude that such has not always been the case.

Traditionally, promotion to a rank within lower management in police services has been awarded, primarily, on the basis of length of service combined with a satisfactory assessment of performance at a lower rank. That process, having been incorporated in paramilitary organizations like police services, has led to the inevitable conclusion that police officers are often promoted and then provided training for the skills required in their new rank. Such a process differs substantially from that used in the private sector and in other public sectors where management candidates, prior to promotion, are first trained and assessed for their capability to perform all of the supervisory and managerial skills required in a higher position.

In my opinion, the Service has, in the past, too often applied the old military tradition outlined above. This has resulted in promotions of persons who, although capable of performing excellent police work, have had little or no training in effective supervision and management and therefore, have not been assessed for same. This has given rise to issues such as a lack of supervisory and management accountability.

Many of the senior officers I interviewed were of the view that the single most significant factor causing problems for the Service is lack of supervision. I too am convinced of this fact. Too often individuals who are untested, untrained and without the appropriate tools have been promoted to supervisory positions. In this regard, the Service has failed to ensure that those with the highest leadership qualities have been placed in supervisory positions.

The circumstances outlined above have caused a lack of confidence in the current promotional process. It must be noted that *any* amount of shortcomings in management expertise and accountability has and will continue to expose the Service to the potential for serious misconduct and corruption. Further, it will remain a major contributor to unethical behaviour.

In my opinion, the time has come when members of the Service, seeking promotion or transfer, should be required to attend designated courses, on their own time. These designated courses would be eligible for subsidy by the Board,²¹ but members would not be compensated for their time. Many other professions honour and insist on this practice. I am confident that the Toronto Police Association will support such a recommendation, as it has repeatedly requested that additional management courses be made available for its members.

Further, although ethics and integrity are incorporated in the Core Values, they have never been accorded a priority position in training courses provided by the Service. Only recently have they been upgraded as subjects worthy of study at the Ontario Police College. Previous recommendations to integrate ethics and integrity as important components of all training courses have until recently been largely ignored.

In addition to training issues, the Service does not today employ a consistent practice of thorough background and financial checks on persons being promoted and on persons being transferred to sensitive or high-risk units. This is particularly troubling since it is well known that personal debt and so-called high living are major contributors to police dishonesty. Additionally, a process of psychological assessment is not currently in place for promotional candidates or those making application for transfer to sensitive or high-risk units. Such an assessment is critical to the selection of appropriate candidates for such positions.

²¹ Service Rule 6.12.1 states that Members shall obtain reimbursement to the extent of 50% of the cost of tuition fees for successfully completing: any course of study which may lead to a certificate, diploma, Baccalaureate, Masters or Ph.D. at a recognized post-secondary institution in the Province of Ontario, or any course at a secondary school or other public educational institution designed to improve communication skills.
Service Rule 6.12.2 states that Members shall obtain reimbursement to the extent of 50% of the cost of tuition fees for: attendance at a conference, seminar or workshop conducted by a public or private educational institution; or successfully completing a course offered by a private educational institution; provided that it will be of direct benefit and application to a current or future assignment and for which prior written approval has been obtained from the career development officer.

The continuing challenge of the Service to maintain ethics and integrity will be won or lost through the performance and accountability of its management. Where insufficient training in management and leadership skills exists, the Service becomes dangerously exposed to the emergence of serious misconduct and corruption. Ensuring that supervisors and managers are not only appropriately selected for their skills, but that they continue to improve such skills through continuous training, will enhance the Service's ability to maintain integrity and prevent corruption.

RECOMMENDATIONS

- 1. No member of the Service shall be promoted to a management or supervisory position or transferred to a sensitive or high-risk unit unless he or she has successfully completed psychological testing and assessment, and provided personal financial background information.**
- 2. No member of the Service shall be promoted to a management or supervisory position unless he or she has successfully completed a designated course on management skills required in the higher rank, in addition to training in ethics and integrity.**
- 3. Ethics and integrity must be incorporated as important components in all training and continuing education courses provided by the Service.**
- 4. All members of the Service shall be required to attend a one-day course on ethics, integrity and corruption. The course should include lectures on the forms, causes and prevention of serious police misconduct and corruption and recognized procedures that may be employed to detect and investigate same and deal with complaints of serious misconduct.**
- 5. The Service should form a small committee to develop a system for mandatory transfers following a specific term of service in sensitive or high-risk areas.**

INTERNAL AFFAIRS

Multiple investigations of police forces throughout the free world confirm that the overwhelming majority of individual members, civilian or uniform, are dedicated, hardworking and compassionate individuals who deliver policing services with a high degree of integrity. That conviction does not diminish the absolute necessity of police services to incorporate policies and procedures to detect and investigate police misconduct and corruption. That necessity has become increasingly vital as the various causes of police corruption within the culture of policing are analyzed and understood. As those causes become well known, the techniques and procedures for detection and prevention must also be expanded and given higher priority.

There is overwhelming evidence that major police services have been invaded by serious police misconduct and corruption. Many have implemented proper early warning systems and investigative procedures only after police officers have been charged with criminal offences. This scenario has been repeated over and over again in the United States of America, England and Australia. All too often the failure of a police service to prevent or detect serious misconduct or corruption can be traced to incompetent management, inadequate or non-existent supervision, and lack of effective accountability. This is often combined with insufficiently trained and insufficiently resourced internal investigative units and the absence of any kind of effective early warning system.

In recent years, several recommendations have been made to this Service to become far more proactive in dealing with the detection and prevention of serious police misconduct. In order to accomplish this, a major restructuring of the Internal Affairs Unit would be required. Such a restructuring would require the addition of more highly trained personnel and the acquisition of technology required for an effective early warning system.

While it appears that the technological capacity situation has been addressed by the introduction of PSIS and by the re-organization of the Professional Standards Unit, the urgent need for a total overhaul in the structure of Internal Affairs has not been implemented. That, in my opinion, is a major deficiency in the Service that must be rectified without delay.

Aside from having the technological capacity to track and identify misconduct or corruption patterns or targets, Internal Affairs must have a sufficient number of highly trained officers

capable of recognizing and investigating all significant signs and complaints of serious police misconduct. All investigations must be done promptly, thoroughly and professionally.

It must be emphasized that when the Internal Affairs Unit acquires the technological and investigative capacity outlined above, it will serve to reduce public complaints and public demand for an independent investigation of public complaints.

Research regarding the effective functioning of Internal Affairs Units in other major police services, demonstrates that a critical component of any effective proactive system to detect serious misconduct requires the creation of an environment in which so called “whistle-blowers” not only survive, but thrive. Police culture must be modified so that those who are prepared to come forward and provide information about misconduct are recognized as being honourable officers, rather than stool pigeons. While this can be partially accomplished by appropriate ethics and integrity training, it also requires leadership by example, which is in turn linked to effective supervision. In addition to encouragement and respectability, so-called “whistle-blowers” must be assured that there are measures in place to protect them from recrimination and reprisal.

Part of accomplishing this objective will be the re-allocation of the Internal Affairs Unit from Headquarters (or any other police facility) to an off-site location. There is overwhelming evidence from other major police services, that an Internal Affairs Unit cannot operate effectively, especially regarding proactive programs, “whistle-blowers”, and public complaints, unless it is located in its own facility.

My mandate encompasses a consideration of integrity testing, drug testing and polygraph testing.

It has been well documented that any truly proactive process to detect and investigate police misconduct should include targeted integrity testing provided it is free of any real or perceived element of entrapment. I use the term “targeted integrity testing” advisedly. Random integrity testing is widely and routinely employed in many U.S. jurisdictions.

The use of lie detection devices is one such method of integrity testing. Polygraphs are widely used in various jurisdictions in the United States and Canada. These tests have been used in

Alberta for the purpose of police constable selection and form an important component of the Service's ability to test an applicant's integrity. CSIS has also used polygraph testing for many years and the RCMP has recently introduced it to test applicants. It must be noted however, that both of these organizations fall within the legislative jurisdiction of the Parliament of Canada and as such, are exempt from the provisions in provincial legislation, such as those held in the *Employment Standards Act*, S.O. 2000, c.41.

In contrast, provincial and municipal police services in Ontario are precluded from utilizing similar lie detection devices in their hiring processes as a result of provisions in the *Employment Standards Act*. I am satisfied that the labour and legal climate in Ontario would not support the use of such techniques at this time and therefore, I do not believe it is worthy of consideration at this time.

I will deal with drug testing in the next section.

While targeted integrity testing is an essential tool in the prevention and detection of police misconduct, it appears that, at the present time, the Toronto Police Service does not employ such techniques, mainly due to a lack of resources.

RECOMMENDATIONS

- 1. Aside from having a representative at Headquarters, the entire operation of Internal Affairs must be moved to a separate, independent location.**
- 2. Internal Affairs must ensure that a sufficient number of highly skilled investigators are adequately trained to provide prompt, thorough and professional investigations of all complaints and early warnings of serious police misconduct or corruption.**
- 3. When warranted, personnel within Internal Affairs must have the capacity to conduct integrity testing of targeted areas in a professional manner that is free from all aspects of entrapment.**

- 4. Investigators employed in Internal Affairs shall be transferred out of the Unit after a specific number of years and shall be accorded special recognition for their service in the Unit for the purpose of future promotional opportunities.**
- 5. Internal Affairs shall establish independent telephone lines, available to members of the public or members of the Service to report serious police misconduct or corruption on an anonymous basis.**
- 6. Internal Affairs must design and implement a process whereby “whistle-blowers” are provided adequate protection.**

USE OF ALCOHOL, DRUGS AND OTHER SUBSTANCES

Every police service must do everything possible to ensure that no officer is on duty while under the influence of alcohol, non-prescription drugs or other substances that may adversely effect his or her performance or conduct. Whenever an officer is under the influence of any of these substances, when on duty, there arises an immediate and real threat to that officer, to other police officers, and to members of the public.

Further, addiction to alcohol or drugs has the very real potential to constitute the slippery slope leading to corrupt practice. Indeed, in the case of illegal drugs, unauthorized possession, whether on or off duty is a criminal offence and is contrary to the very oath an officer takes to uphold the law.

I conducted a considerable amount of research on the possibility of the Toronto Police Service adopting some form of random drug testing to be implemented and supervised by the Internal Affairs Unit. The random drug testing measures currently employed by the New York City Police Department appears to be effective and fair to all. Unfortunately, recent decisions by Canadian courts as well as pronouncements made by both the Canadian²² and Ontario Human Rights Commissions would appear to effectively preclude the introduction of a similar program in this Province.²³

Both Human Rights Commissions have based their policies on recent court decisions, in particular the decision of the Ontario Court of Appeal in *Entrop v. Imperial Oil*.²⁴ While recognizing the serious adverse effects of inappropriate use of alcohol and drugs on safety and job performance, the Commissions go on to state that the need to ensure safety must be balanced against discrimination on the basis of a prohibited ground.²⁵ Addiction to alcohol or drugs falls within the definition of a prohibited ground because it is considered to be a “handicap”.²⁶

²² Canadian Human Rights Commission, *Policy on Drug and Alcohol Testing*, (Revised policy came into effect on 11 June 2002), online: <<http://www.chrc-ccdp.ca>> (Date accessed: 29 November 2002).

²³ Ontario Human Rights Commission, *Policy on Drug and Alcohol Testing*, (Revised version approved by the Commission: 27 September 2000), online: <<http://www.ohrc.on.ca>> (Date accessed: 29 November 2002).

²⁴ *Entrop v. Imperial Oil Ltd.*, [2000] 50 O.R. (3d) 18 (Ont. C.A.).

²⁵ *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c.11.

²⁶ *Supra* note 24, para. 89.

The Commissions do concede, however, that where the employer can demonstrate that there is a bona fide occupational requirement, it may be appropriate to conduct random alcohol tests, but not random drug tests. The stated reason for this difference is wholly scientific. It is said that the instruments used to conduct random drug testing do not have the ability to assess a present state of impairment, the amount of drug taken or the timeframe when a drug was used. Such testing therefore, is incapable of determining the effect of drug use on performance, but rather is only an indication of previous drug use.²⁷

Under the circumstances, it seems to be that the Service, at the present time, is effectively precluded from adopting a comprehensive, service-wide drug-testing program. I am, however, equally satisfied that a drug testing program, as a prerequisite for promotion or transfer to sensitive or high-risk areas (e.g. drug squads, major crime units, Emergency Task Force, Intelligence Services, Mobile Support Unit, Professional Standards, Internal Affairs, etc.) is not only appropriate, but essential in the interests of public and officer safety.

In addition, the Service must develop a comprehensive, unambiguous and declared policy on the use of alcohol, non-prescription drugs and other substances. This policy must be incorporated in the Service Rules and Procedures.

RECOMMENDATIONS

- 1. The Service must develop and implement a comprehensive policy that incorporates the following elements:**

Members shall not engage in

- a. the illegal use or possession of any of the substances listed in Schedules I, II, III and IV of the *Controlled Drugs and Substances Act*;**
- b. the use of any other substance, not named in the Schedules to the *Controlled Drugs and Substances Act*, to the extent that the said substance may have an adverse effect on the performance of his or her duties as a member of the Service; and**

²⁷ *Supra* note 22.

- c. **the consumption of any alcoholic beverage contrary to the policy of the Service.**
2. **Members who violate the policy shall be subject to disciplinary action, up to and including dismissal.**
3. **As a condition of transfer, promotion or reassignment, members shall be required to acknowledge, in writing, that they have read and understand the above-mentioned policy.**
4. **As a condition of promotion or reassignment to a sensitive or high-risk area (e.g. drug squads, major crime units, Emergency Task Force, Intelligence Services, Mobile Support Unit, Professional Standards, Internal Affairs, etc.), members shall be required to submit to a drug testing program.**
5. **Applicants for employment with the Service shall be required to consent to acknowledge, in writing, that they have read and understand the above-mentioned policy.**

PART III
INFORMERS AND AGENTS

Excerpt from the Terms of Reference:

Part III: Informers and Agents

- To examine current Toronto Police Service procedures and directives with respect to informers and agents to ensure that the appropriate safeguards are in place to prevent abuse of the informer/agent procedure and funds associated therewith and to report on and make recommendations where appropriate as to how the current procedures and directives could be improved.

ANALYSIS

Police services throughout the world know that informers and agents, whenever dealt with by a system lacking adequate controls and monitoring can be extremely dangerous to any police service.

Subject to numerous “band-aid” or “quick-fix” adjustments, implemented from time to time, I conclude that the Toronto Police Service now deals with informers and agents in the same basic way that it and many other large law enforcement agencies around the world have done for decades. In my opinion, there are many areas of major concern about that system that have contributed to and resulted in a lack of integrity, and professionalism, and a disregard for specific procedures. Worldwide experiences have now satisfied many experts in law enforcement that the type of system currently employed by the Service exposes its members to the opportunity and temptation to engage in serious misconduct and corruption.

In my mandate, I have been requested and authorized to make recommendations for improvements to current procedures. However, it is my opinion that the time has arrived for the Service to replace its current, flawed system with an entirely new system based on management control through the creation of specialized informer source units. When asked,

during interviews, to express an opinion on current informer procedures, every member of the Service recognized numerous defects and the potential for exposure to police misconduct. It would not be helpful to the Service to recite, in this report, the many shortcomings in the current system or how its procedures have been disregarded in the past.

The system that I propose is now being used by the Metropolitan Police Service in London, England and is currently being implemented throughout the United Kingdom. The Source Management System was adopted after a comprehensive pilot program. It recognizes that informers, being essential to the criminal investigative process, must be dealt with in a systematic, uniform and ethical manner. However, the Source Management System is founded on a radically different concept, whereby informers do not “belong” to an individual handler, but rather to the organization as a whole.²⁸

The two paramount principles of the system are supervision and control. All informers are resources of the police service as a whole and never the property of individual police officers. Controllers must intrusively supervise and manage relationships between sources and handlers. All sources of information are registered. In England, it has been found that, as a result of adopting the new Source Management System, the number of informers were reduced dramatically and the new system was far more effective and efficient and provided greater control of relationships and costs. Their police personnel describe the new system as being an “irresistible force” which has prevented contamination of evidence and reduced opportunities for corruption.

The proposed system offers a corporate approach to all source management. There is comprehensive profiling of all information sources. All information obtained is entered into a computer database to which designated officers have access. Identified information sources are then available for use through their designated “controllers”, who supervise and manage the relationship between the sources and the “handlers”, being those officers who deal with the information sources on a day-to-day basis. Information source coverage is monitored from a central point. To protect the integrity of the system, no officer requesting information is ever told of the existence of a specific information source.

²⁸ Contained in the Source Management System training and infrastructure material that was prepared, at my request, by Detective Inspector Adrian Tudway of the Metropolitan Police in London, England.

Under the basic philosophy outlined herein, the new system prevents officers from entering into unhealthy relationships with information sources that are secret and proprietary in nature, while providing a closely monitored process that bears none of the potential trappings for abuse that characterizes the current system used by the Service.

The new system cannot be adopted on a piecemeal basis. Instead, current procedures must be discontinued on a predetermined date, at which time the new system, in its entirety, would be implemented. I have no doubt that members of the Metropolitan Police Service in London, England would be prepared to come to Toronto to assist the Service in implementing their system. They have already provided instructive documentation that was prepared at my request. A copy of the said documentation has already been forwarded to the Service.

It is vital that any system dealing with informers and agents be subject to an annual independent audit. Accordingly, I have included a specific recommendation for same.

RECOMMENDATIONS

- 1. The Service should take immediate steps to study and implement the Source Management System now used by the Metropolitan Police Service; London, England.**
- 2. When the Source Management System has been implemented, the Service shall require an annual audit of the performance of the new system.**
- 3. The annual audit shall be completed by a person who has extensive experience in law enforcement procedure and is totally independent from the Service and the City of Toronto.**

SCHEDULE "A"
INTERVIEW AND MEETING PARTICIPANTS

- ALTOMARE, Aldo, Staff Sergeant – Toronto Police Service, Training and Education Unit- Standards
- BAILEY, Nicole, Police Constable – Toronto Police Service, 55 Division
- BAYLISS, David, Barrister and Solicitor, Regional Director-Toronto – Criminal Lawyers' Association (Director – Association in Defence of the Wrongfully Convicted), Toronto
- BERGIN, Frank, Staff Sergeant – Toronto Police Service, Employment Unit-Uniform Recruiting, Applicant Testing
- BISLA, Kiran, Police Constable – Toronto Police Service, 42 Division
- BLAIR, Ian, Deputy Commissioner – Metropolitan Police Service, London, England
- BOOTH, Court, Detective – Toronto Police Service, Toronto Drug Squad
- BOYD, Michael, Deputy Chief – Toronto Police Service, Policing Support Command
- BROMELL, Craig, President – Toronto Police Association
- CALARCO, Paul, Barrister and Solicitor, Toronto
- CAMPISI, Charles, Chief – New York Police Department, Internal Affairs Bureau, New York, U.S.A.
- CARTER, Rubin "Hurricane", Executive Director – Association in Defence of the Wrongfully Convicted
- CHARRON, Stephane, Police Constable – Toronto Police Service, 54 Division
- CENZURA, Kenneth, Superintendent – Toronto Police Service, Training and Education Unit
- CHEN, Frank, Chief Administrative Officer – Toronto Police Service, Corporate Support Command
- CHUNG, Ryan, Police Constable – Toronto Police Service, 52 Division
- CLARK, Joseph, Public Relations Consultant, Aurora
- CLEWLEY, Gary, Barrister and Solicitor– Counsel to the Toronto Police Association, Toronto
- CONNELL, Ann Marie, Captain – New York Police Department, Internal Affairs Bureau
- CONTANT, Jason, Police Constable – Toronto Police Service, 31 Division
- COOK, Olga, Inspector – Toronto Police Service, Employment Unit
- COPELAND, Paul, Barrister and Solicitor, Director – Association in Defence of the Wrongfully Convicted, Toronto

- CORRIE, Anthony, Staff Inspector – Toronto Police Service, 33 Division
- COWLEY, George, Inspector, Counsel – Toronto Police Service, Professional Standards-Legal Services
- CRAWLEY, William, Inspector – New York Police Department, Internal Affairs, New York, U.S.A.
- CYBULSKI, Peter, Chief Secretariat – Canadian Security Intelligence Service
- CZEFKO, Peter, Staff Sergeant – Toronto Police Service, Training and Education Unit-Management Training
- DAWSON, Tony, Detective Chief Superintendent – Metropolitan Police Service, Directorate of Professional Standards, Internal Investigations Command, London, England
- DERRY, Kim, Superintendent – Toronto Police Service, 55 Division
- DICKS, W. David, Staff Superintendent – Toronto Police Service, Professional Standards
- DORIA, Dino, Staff Sergeant – Toronto Police Service, Employment Unit – Recruitment
- DUGGAN, Steven, Staff Sergeant – Toronto Police Service, Training and Education Unit-Recruit Training
- FANTINO, Julian, Chief of Police – Toronto Police Service
- FARRELL, Douglas, Police Constable – Toronto Police Service, 31 Division
- FELIP, Michael, Staff Sergeant – Toronto Police Service, Training and Education Unit-Investigative Training
- FISCHER, David, Assistant Crown Attorney – Ministry of the Attorney General, Toronto
- FRAME, Olivia, Police Constable – Toronto Police Service, 53 Division
- GAUTHIER, Richard, Staff Inspector – Toronto Police Service, Special Investigation Services
- GIBSON, William, Director – Toronto Police Service, Human Resources
- GOTTSCHALK, Brian, Sergeant – Toronto Police Service, Training and Education Unit-Ethics
- GRAHAM, Sir Alistair, Chairman – Police Complaints Authority, London, England
- GREEN, Richard, Superintendent – West Midlands Police, D.C.C. Pro Active Unit, Birmingham, England
- HALAGIAN, Adam, Police Constable – Toronto Police Service, 31 Division
- HAYMAN, Andrew, Deputy Assistant Commissioner – Metropolitan Police Service, London, England

- HEPPOLETTE, Winston, Section Head – Home Office, Policing and Crime Reduction Group, Police Leadership and Powers Unit, London, England
- HOEY, Edwin, Superintendent – Toronto Police Service, Detective Services
- JUDAH, Ben – Home Office, Policing and Crime Reduction Group, Police Training, Police Leadership and Powers Unit, London, England
- KLUKACH, Jamie, Assistant Crown Attorney – Ministry of the Attorney General, Toronto
- LAWRENCE, Chuck, Director – Toronto Police Service, Training and Education Unit
- LEISING, Jim, General Counsel – Federal Department of Justice, Ontario Regional Office, Toronto
- LEVY, Earl, Q.C. Barrister and Solicitor, Toronto
- LOCKE, The Hon. Mr. Justice Hugh, Toronto
- LOGAN, Alastair, Solicitor – The Logan Partnership, Solicitors & Mediators, Surrey, England
- MANIQUIS, Alvin, Police Constable – Toronto Police Service, 52 Division
- MARTIN, David, - Metropolitan Police Service, Directorate of Professional Standards, Internal Investigations Command, London, England
- McDERMOTT, Paul, Assistant Crown Attorney - Ministry of the Attorney General, Toronto
- McMAHON, The Hon. John, Ministry of the Attorney General, Toronto
- MEIER, Peter, President – Association in Defence of the Wrongfully Convicted
- MELE, Salvatore, Police Constable – Toronto Police Service, 53 Division
- MICHAELSON, Croft, Director and Senior General Counsel – Federal Department of Justice, Strategic Prosecution Policy Section
- MURRILL, Bob, Detective Chief Inspector – Metropolitan Police Service, Criminal Intelligence Branch, SO10 Covert Source Management Unit, London, England
- NETHERY, Mary, Director of Crown Law Policy – Ministry of the Attorney General, Toronto
- NOWINA, Cindy, Project Manager – Ontario Provincial Police, Corporate Services-Office of the Provincial Commander
- O'DRISCOLL, Q.C., The Hon. Mr. Justice John, Toronto
- PARK, Chong, Police Constable – Toronto Police Service, 52 Division
- PERKINS, Steven, Detective Sergeant – Toronto Police Service, Training and Education Unit-Investigative Training
- PILKINGTON, Roy, Superintendent – Toronto Police Service, Internal Affairs
- QUALTROUGH, James, Staff Sergeant – Toronto Police Service, Employment Unit-Background Investigations and Administrative Freedom of Information Liaison

- REESOR, Steven, Deputy Chief – Toronto Police Service, Policing Operations Command
- SAPIANO, Edward, Barrister and Solicitor, Director – Association in Defence of the Wrongfully Convicted, Toronto
- SEGAL, Q.C., Murray, Assistant Deputy Attorney General – Ministry of the Attorney General, Toronto
- SHAW, Ryan, Police Constable – Toronto Police Service, 42 Division
- SKITT, Baden, Commission Member – Criminal Cases Review Commission, Birmingham, England
- SLOLY, Peter, Acting Staff Inspector – Toronto Police Service, Employment Unit
- SMITH, Kellie, Counsel – Ministry of the Attorney General of Ontario, Policy Division-Criminal
- SMOLLET, Bruce, Staff Inspector – Toronto Police Service, Corporate Communications
- SO, Ying, Police Constable – Toronto Police Service, 52 Division
- STEINBERG, Ralph, Barrister and Solicitor, President – Criminal Lawyers' Association, Toronto
- TANABE, Shingo, Police Constable – Toronto Police Service, 14 Division
- TUDWAY, Adrian, Detective Inspector – Metropolitan Police Service, Criminal Intelligence Branch, SO10 Covert Source Management Unit, London, England
- TWEEDY, Neale, Staff Inspector – Toronto Police Service, Toronto Drug Squad
- TYLER, Bradley, Assistant District Attorney – Federal Prosecutor, Rochester, New York
- WARR, Anthony, Staff Inspector – Toronto Police Service, Intelligence Services
- WILCOX, Ian, Superintendent – Home Office, London, England
- WILEY, Jerome, Q.C., Senior Counsel to the Chief of Police – Toronto Police Service, Office of the Chief of Police
- WYBOURN, Erika, Manager – Toronto Police Service, Information Technology Services
- XINOS, Evangelos, Police Constable – Toronto Police Service, 55 Division

SCHEDULE "B"
REFERENCE MATERIALS

LEGISLATION

Canada:

Bill C-36, *Anti-Terrorism Act*, 1st Sess., 37th Parl., 2001 (First reading, 15 October 2001).

Bill 86, *Police Act*, 1st Sess., 36th Leg., Quebec, 2000 (assented to 16 June 2000, S.Q. 2000, c. 12).

Canadian Charter of Rights and Freedoms, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982* (U.K.), 1982. C.11.

Criminal Code, R.S.C. 2000, c. C-46, as amended.

Controlled Drugs and Substances Act, S.C. 1996, c.19, as amended.

Employment Standards Act, S.O. 2000, c.41, as amended.

Municipal Freedom of Information and Protection of Privacy Act, R.S.O., 1990, c. M.56, as amended.

Police Services Act, R.S.O. 1990, c.P.15, as amended.

Australia:

Director of Public Prosecutors Act 1986, s. 15A.

Magistrates Court (Amendment) Act 1994 (Victoria, Australia).

Magistrates Court Act 1989, Act No. 51/1989.

England:

Anti-Terrorism, Crime And Security Act 2001.

Criminal Appeal Act 1995 (U.K.), 1995 (c.35).

Criminal Justice Act 1987 (U.K.), 1987 (c.38).

Criminal Procedure and Investigations Act 1996 (U.K.), 1996 (c.25).

Code of Practice, made under the authority of the *Criminal Procedure and Investigations Act 1996*, *ibid.*, Part II, s.23.

HL Bill 48, *Police Reform Bill [HL]*, 2001-02 Sess., 2002, (Introduced in the House of Lords on 24 January 2002).

HL Bill 48, Explanatory Notes, *Police Reform Bill [HL]*, 2001-02 Sess., 2002, (Notes prepared by the Home Office to assist the Reader and help inform debate).

Joint Operational Instructions, made under the authority of the *Criminal Procedure and Investigations Act 1996* (U.K.), 1996 (c.25).

Police and Criminal Evidence Act 1984 (U.K.), 1984 (c.60).

Public Interest Disclosure Act 1998 (U.K.), 1998 (c.23).

Regulation of Investigatory Powers Act 2000 (U.K.), 2000 (c. 23).

Rehabilitation of Offenders Act 2001 (U.K.), 2001 (c.6).

Korea:

Anti-Corruption Act 2001 (Office for Government Policy Co-ordination, Republic of Korea), Act No. 6494, July. 24, 2001.

New Zealand:

Public Complaints Authority Act 1988, 002.

United States of America:

California Evidence Code, Stats. 1965, c. 299 §2.

California Penal Code, Stats. 1985, c. 367 §1.

JURISPRUDENCE

Canada:

R. v. Ahluwalia, [2000] O.J. No. 5455 (C.A.).

R. v. Altunamaz, [1999] O.J. No. 2262 (Prov. Div.).

R. v. Altunamaz (10 June 1999), Ruling by The Hon. Mr. Justice Beaulieu, Re: Application for the Production of Officer's Disciplinary Records (Ont. Sup. Ct.).

R. v. Altunamaz (23 June 1999), Ruling by The Hon. Mr. Justice Beaulieu, Re: *O'Connor* Application (Ont. Sup. Ct.).

R. v. Atikian (1990), O.R. (3d) 263 (Ont. Ct. (Gen. Div.)).

R. v. Brown (12 October 1999), Ruling by The Hon. Mr. Justice Dyson, Re: *Stinchcombe* Application (Ont. Sup. Ct.).

R. v. C. (M.H.) [M.H.C.], [1991] 1 S.C.R. 763 (S.C.C.).

R. v. Caccamo, [1976] 1 S.C.R. 786.

R. v. Callaghan, [1993] O.J. No. 2013 (Prov. Div.).

- Canada (Human Rights Commission) v. Toronto-Dominion Bank*, [1998] 4 F.C. 205 (C.A.).
- Canadian National Railway Co. v. National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada)*, [2000] C.L.A.D. No. 465.
- R. v. Chan* (27 February 2001), Ruling by The Hon. Mr. Justice Stinson, Re: *Stinchcombe* Application (Ont. Sup. Ct.).
- R. v. Chong* (10 May 2000), Ruling by The Hon. Mr. Justice Dilks, Re: *Stinchcombe* Application (Ont. Sup. Ct.).
- R. v. Chong* (16 January 2001), Ruling by The Hon. Mr. Justice Whealy, Re: *O'Connor* Application (Ont. Sup. Ct.).
- R. v. Clarke* (21 May 1997), Ruling by The Hon. Mr. Justice Humphrey, Re: Subpoena for Production of Files (Ont. Sup. Ct.).
- R. v. Corbett* (13 November 2001), Ruling by The Hon. Madam Justice Epstein, Re: Jurisdiction of Charter Application (Ont. Sup. Ct.).
- R. v. Cruise* (16 April 1997), Ruling by The Hon. Mr. Justice Sharpe, Re: Subpoena for Production of SIU File (Ont. Sup. Ct.).
- R. v. Curran* (7 February 2001) (Ont. Sup. Ct.).
- R. v. Dunne* (24 September 2001), Ruling by The Hon. Mr. Justice Hamilton, Re: *O'Connor* Application (Ont. Sup. Ct.).
- Fitzpatrick v. The Queen* (1995), 102 C.C.C. (3d) 144 (S.C.C.).
- R. v. Fudge*, [1999] O.J. No. 3121 (Prov. Div.).
- R. v. Fudge* (20 August 1999), Ruling by The Hon. Madam Justice Eberhard, Re: Application for Disclosure of Police Records (Ont. Sup. Ct.).
- R. v. Gassyt* (1998), 127 C.C.C. (3d) 546 (Ont. C.A.).
- R. v. Gingras* (1992), 71 C.C.C. (3d) 53 (Alta.C.A.).
- R. v. Girimonte* (1997), 121 C.C.C. (3d) 33 (Ont. C.A.).
- R. v. Gratton* (27 November 1996), Doc. Ottawa (Ont. Ct. (Prov. Div.)).
- International Union of Operating Engineers, Local 793 v. Sarnia Cranes Ltd.*, [1999] O.L.R.B. Reported May/June 479.
- R. v. Jack* (1992), 70 C.C.C. (3d) 67 (Man. C.A.).
- Jackson v. Joyceville Penitentiary*, [1990] 3 F.C. 55 (T.D.).
- Lumber & Sawmill Workers' Union, Local 2537 and KVP Co. Ltd.*, [1965] 16 L.A.C. 73.
- R. v. Martin* (3 December 1996), Ruling by The Hon. Mr. Justice Hoilett, Re: Application for Production of Officers' Disciplinary and Personnel Files (Ont. Ct. (Gen. Div.)).
- R. v. O'Connor* (1995), 103 C.C.C. (3d) 1 (S.C.C.).

R. v. O'Grady, [1995] B.C.J. No. 2041 (C.A.).

R. v. Paciorowski (12 October 2000), Ruling by The Hon. Mr. Justice Dilks, Re: *O'Connor* Application (Ont. Sup. Ct.).

R. v. Paryniuk, (Applicant's Notice of Application and Factum, April 2002, Re: Order sought for production of *inter alia* various records in the possession of the Toronto Police Service (Ont. Sup. Ct.).

R. v. Scaduto, [1999] O.J. No 1906 (Sup. Ct.).

R. v. Shepherd, [1998] O.J. No. 6427 (Prov. Div.).

R. v. Shepherd (22 June 1998), Ruling by The Hon. Mr. Justice Dilks, Re: Application for Disclosure of Officers' Disciplinary Records (Ont. Ct. (Gen. Div.)).

R. v. Small (20 January 2001), Ruling by The Hon. Madam Justice Pepall, Re: Application to Quash Subpoena (Ont. Sup. Ct.).

Stinchcombe v. The Queen, [1991] 3 S.C.R. 326 (S.C.C.).

R. v. T. (L.A.) (1993), 84 C.C.C. (3d) 90 (Ont. C.A.).

R. v. Thibeault, [1997] B.C.J. No. 3080 (Prov. Div.).

R. v. Tomlinson (1998), 16 C.R. (5th) 333 (Ont. Ct. (Prov. Div.)).

R. v. Vanbots Construction Corp., [1996] O.J. No. 347 (Prov. Div.).

Australia:

Alister v. The Queen, [1994] 154 C.L.R. 404 (H.C. of A.).

Apostilides v. The Queen, [1984] 154 C.L.R. 563 (H.C. of A.).

Carter v. Hayes (1994), 16 S.A.S.R. 451.

Driscoll v. The Queen, [1977] 137 C.L.R. 517 (H.C. of A.).

George v. Rockett, [1990] 170 C.L.R. 104 (H.C. of A.).

Grey v. The Queen, [2001] HCA 65 (15 November 2001), online: High Court of Australia <http://www.austlii.edu.au/au/cases/cth/high_ct/2001/65.html> (last modified: 16 April 2002).

Higgins v. The Queen, [1993] 79 of 1993 (S.C. Vic.).

Karina Fisheries PTY LTD v. Mitson, [1990] 26 F.C.R. 473.

Kizon v. Pal Er, [CLS (1997) FED 13].

Lawless v. The Queen, [1979] 142 C.L.R. 659 (H.C. of A.).

Maddison v. Goldrick, [1976] 1 N.S.W.L.R. 651.

Melasecca & Zayler, [1994] 74 A. Crim R. 210 (Fed. C. of A.).

Philpott v. Richardson (24 November 1998), Tasmania 146/1998 (S.C. of Tas.).

R. v. Polley (1997), 68 S.A.S.R. 227 (C.A. of S.A.).

Somerville v. ASC, [1995] 13 A.C.L.C. 1527 (Fed. C. of A.).

In Re: *Van Beelen*, [1974] 9 S.A.S.R. 163 (S.C. of A.).

Young v. Quin, [1985] 59 A.L.R. 225 (Fed. C. of A.).

England:

R. v. Alberici, [1999] E.W.J. No. 1563 (C.A.).

R. v. Binham, [1993] E.W.J. No. 459 (C.A.).

R. v. Boswell, [1996] E.W.J. No. 3470 (C.A.).

R. v. Bromell, [1992] E.W.J. No. 2072 (C.A.).

R. v. Bromell, [1992] E.W.J. No. 1652 (C.A.).

R. v. Campbell, [1999] E.W.J. No. 5414 (C.A.).

R. v. Clancy, [1996] E.W.J. No. 4558 (C.A.).

R. v. Clancy, [1996] E.W.J. No. 2149 (C.A.).

R. v. Clarke, [1998] E.W.J. No. 4187 (C.A.).

Director of Public Prosecutions v. Metten, [1999] E.W.J. No. 566 (Q.B.).

R. v. Dunne, [2001] E.W.J. No. 330 (C.A.).

R. v. Edwards, [1996] E.W.J. No. 4708 (C.A.).

R. v. Glennon, [1999] E.W.J. No. 1982 (C.A.).

R. v. Haughton, [1992] E.W.J. No. 2722 (C.A.).

R. v. Hickey, [1996] E.W.J. No. 2121 (C.A.).

R. v. Hinds, [1993] E.W.J. No. 2518 (C.A.).

R. v. Irvine, [2002] E.W.J. No. 25 (C.A.).

R. v. Lewis, [1992] E.W.J. No. 3135 (C.A.).

R. v. Malik, [1999] E.W.J. No. 4816 (C.A.).

Mapp v. News Groups Newspapers Ltd., [1997] E.W.J. No. 980 (C.A.).

R. v. Martin, [2000] E.W.J. No. 3853 (C.A.).

R. v. Mattan (24 February 1998), No.: 9706415/S2 (C.A.).

R. v. McCalla, [1995] E.W.J. No. 1102 (C.A.).

R. v. Nagrecha, [1997] E.W.J. No. 4110 (C.A.).

R. v. O'Brien, [2000] E.W.J. No. 153 (C.A.).

R. v. Treadaway, [1996] E.W.J. No. 2243 (C.A.).

Treadaway v. Director of Public Prosecutions, [1997] E.W.J. No. 1856 (Q.B.).

R. v. Twitchell, [1999] E.W.J. No. 5534 (C.A.).

R. v. Chief Constable of West Midlands Police, Ex parte Wiley, [1994] H.L.J. No. 35 (H.L.).

New Zealand:

Allen v. Police (1998), 16 C.R.N.Z. 23.

Re Applegren, [1991] 1 N.Z.L.R. 431.

Attorney General v. Hekenberg, [1998] 3N.Z.L.R. 257.

Commissioner of Police v. Ombudsman, [1988] 1 N.Z.L.R. 385.

R. v. Hall, [1987] 1 N.Z.L.R. 616.

R. v. Mason, [1975] 2 N.Z.L.R. 289.

R. v. McNicol, [1995] 1 N.Z.L.R. 576.

R. v. Quinn, [1993] 3 N.Z.L.R. 146.

Simpson v. MAF (1996), 3 H.R.N.Z. 342.

Wilson v. Police, [1991] 7 C.R.N.Z. 699.

United States of America

Brady v. Maryland, 373 U.S. 83 (1963).

United States v. Cadet, 727 F. 2d 1453 (9th Cir. 1991).

Giglio v. United States, 405 U.S. 150 (1972).

United States v. Henthorn, 931 F. 2d 29 (9th Cir. 1991).

United States v. Herring, 83 F. 3d 1120 (9th Cir. 1996).

Kyles v. Whitley, 115 S. Ct. 1555 (1995).

SECONDARY MATERIALS

Books & Magazines:

Aronson, M., and Hunter, J., "Chapter 16, Parties' Rights and Obligations in Criminal Cases" *Litigation Evidence and Procedure*, 5th Ed. (Sydney, Australia: Butterworths, 1995).

Burpo, J., DeLord, R., & Shannon, M., *Police Association Power, Politics, and Confrontation – A Guide for the Successful Police Labor Leader* (Springfield, Illinois: Charles C. Thomas Publisher, Ltd.).

Butler, B., Huberman, M., & Townshend, R., *The Drug Testing Controversy: Imperial Oil and Other Lessons* (Toronto: Carswell).

The Ethics Roll Call (Center for Law Enforcement Ethics, Southwestern Law Enforcement Institute) Vol. 6, No. 4 (Fall 1999).

Fit to Serve, Preparing for the PREP – The Physical Readiness Evaluation for Police, Ministry of the Solicitor General and Correctional Services, (undated).

Marin, The Hon. R.J., *Policing in Canada – Issues for the 21st Century*, (Aurora: Canada Law Book, 1997).

Marin, The Hon. R.J., *Admissibility of Statements*, 9th Ed. (Toronto: Canada Law Book Inc., 2002).

Segal, Q.C., M.D., *Disclosure and Production in Criminal Cases* (Toronto: Carswell, 1996).

Transparency International CR, *The Corruption Fighters' Tool Kit – Civil Society Experiences and Emerging Strategies*, CD-ROM (October 2001).

Transparency International CR, *Crossing the Thin Blue Line – An International Annual Review of Anti-corruption Strategies in the Police*, 2001 ed., (Prague: Transparency International CR, 2001).

Articles, Reports, and Addresses/Papers Delivered at Conferences:

"A Case for Proactive Management of Ethics in the New Zealand Police" (23 September 1998), online: <<http://www.rcmp-learning.org/docs/ecdd1138.htm>>.

"A Policy for Professional Standards Reporting – 'Doing the Right Thing'" ACPO Presidential Taskforce on Corruption, Corruption Prevention Strategy (Undated).

"About the DPP", online (Last updated: 31 January 2001).

"Appointment of the Commission – Re: Sûreté du Québec practices regarding criminal investigations into major crimes and internal investigations", online: <http://www.secpub.gouv.qc.ca/anglais/police/dossiers/poitras/institution_e.htm>, (Accessed on: 20 April 1999).

"Background on Northern Territory Police", online (Last updated: 1999).

"Becoming a Los Angeles Police Officer", online (Undated).

“Best Practices of Anti-Corruption Movement in Korea” (To be presented at the 11th Annual IACC, Seoul, Korea, 2003), CD-ROM.

“Canadian Measures Against Corruption” (Presented at the International Conference on Fighting Corruption and Safeguarding Integrity and Security Among Justice and Security Officials, Washington, D.C., 24-26 February 1999), online: <<http://www.rcmp-learning.org/docs/ecdd1304.htm>>.

“Chicago Police Department Recruitment Events”, online (Date accessed: 6 March 2002).

“Chief’s Guide to Recruiting and Hiring” (Massachusetts Criminal Justice Training Council, 2001).

“The Corruption and Dishonesty Prevention Strategy”, online: <<http://www.met.police.uk/corruption/index.htm>>.

“Drug Tests: Junk Science?”, online: <<http://www.nolo.com>>.

“Guidance on Police Unsatisfactory Performance, Complaints and Misconduct Procedures” (A report by the Home Office, London, England, 1999).

“Introduction to the United States Legal System”, online: <<http://www.lectlaw.com>>, (Undated).

“Policy Regarding the Disclosure to Prosecutors of Potential Impeachment Information Concerning Law Enforcement Agency Witnesses (“Giglio Policy”)” (October 1997), online: <<http://1011732.12/usao/eousa/ole/usabook/usam/title9/5mcrm.htm>> (Date accessed: 15 March 2002).

“Maintaining Integrity in Law Enforcement Organizations: Selected Readings” (Presented to Major City Chiefs Administrators National Executive Institute Associates, FBI Academy, January 1994) [unpublished].

“Metropolitan Police Service – Corruption and Dishonesty Prevention Strategy” Special Notice 36/98, London England, (16 December 1998).

“No, you can’t see. It might help your client” *Guardian*, England (4 May 1999).

“NYPD Police Candidate Requirements”, online (Undated).

“NYPD Recruitment Section”, online (Undated).

“Policy Regarding the Disclosure to Prosecutors of Potential Impeachment Information Concerning Law Enforcement Agency Witnesses (“Giglio Policy”)” (Police Executive Research Forum, Southern California Chapter, 28 July 1999) [unpublished].

“Preventing Corruption and Dishonesty”, online: <http://www.met.police.uk/corruption/index.htm>>.

“Professionalism In High Risk Policing” (RCMP Workshop, Vancouver, B.C., 27/28 April 1998).

“Prosecution in the dock” *Guardian*, England (14 November 1999).

“Ready When You Are – Become a Chicago Police Officer”, online (Date accessed: 10 May 2002).

“Regina v. Guney, Court of Appeal, Criminal Division *Unrealistic to expect complete records*” *The Times*, England (9 March 1998).

"Royal Commission into whether there has been any corrupt or criminal conduct by Western Australian police officers", Amnesty Agreement (Undated).

"Strategic Human Resources Analysis of Public Policing in Canada" (Study commissioned by the Canadian Association of Chiefs of Police and the Canadian Police Association and conducted by the management consulting firm of Pricewaterhouse Coopers, 2001).

Andrew, J.A., "The Case Against Drug Testing – A Review" *Update* (June 2001).

Association of Chief Police Officers, "Minimum Standards Document for DSUs", (circa 2000).

Attorney General's Department, "Australia's Legal System", online (Undated).

Auckland District Law Society, "Introduction to the Law", online (Undated).

Australia Now, "Australia's system of Government", online (Date accessed: 17 August 2002).

Australian Institute of Criminology, "Police in Australia", online (Last modified: 18 February 2002).

Beare, Ph.D., M.E., "Policing, the Media, Politics and Corruption" (2002).

Bennathan, J., "Defendants are severely disadvantaged by current legislation on evidence. Joel Bennathan calls for change" *The Times*, England (25 July 2000).

Bloomberg, The Hon. M.R., & Kelly, R.W., "Internal Affairs Bureau, New York City Police Department: Annual Report 2001".

Blumenson, E.D., "Constitutional Limitations on Prosecutorial Discovery" *Harv. C.R.-C.L. L. Rev.* [Vol. 18, 1983] 123.

Blunkett MP, The Rt. Hon. D., "Policing a New Century: A Blueprint for Reform" (Presented to Parliament by the Secretary of State for the Home Department, December 2001).

Bratton, Police Commissioner W.J., "Police Strategy No. 7: Rooting Out Corruption; Building Organizational Integrity in the New York Police Department" (Reported to The Hon. Rudolph W. Giuliani, Mayor of the City of New York, 14 June 1995).

Bright, S.B., Essay, "Casualties of the War on Crime: Fairness, Reliability and the Credibility of Criminal Justice Systems", 51 *U. Miami L. Rev.* 413 (January 1997).

Brooks, M.E., "The Ethics of Intentionally Deceiving the Media" *FBI Law Enforcement Bulletin* (May 1999) 22.

Burrell, I. & Bennetto, J., "West Midlands Serious Crime Squad – Police unit to blame for 'dozens more injustices' – Miscarriages of justice emerge 10 years after break-up of group that tortured suspects" *The Independent*, England (1 November 1999).

Campbell, The Hon. Mr. Justice A., "Bernardo Investigation Review" (June 1996).

Canada, Office of the Auditor General, "2001 Report of the Auditor General of Canada" c. 11, online: <<http://www.oag-bvg.gc.ca/domino/reports.nsf/html/0111ce.html>>, (Last modified: 25 March 2002).

Canadian Centre for Management Development, "A Strong Foundation: CCMD Study Team on Public Service Values and Ethics" (December 1996) [unpublished].

Canadian Human Rights Commission, "Canadian Human Rights Commission Policy on Alcohol and Drug Testing".

Canadian Human Rights Commission, "Canadian Human Rights Commission Policy on Drug and Alcohol Testing" (June 2002), online: <http://www.chrc-ccdp.ca/Legis&Poli/DrgTPol_PolSLDrg/DrgPol_PolDrg.asp?l=e>.

Canadian Human Rights Commission, News Release, "Commission Issues Revised Drug and Alcohol Testing Policy" (10 July 2002) (Policy revision date: June 2002).

Cannon, L. "One Bad Cop" *The New York Times Magazine* (1 October 2000) 32.

Carlson, D., & Smith, G., "Ethics and the Police-Citizen Contact" (Delivered at the 8th Annual Ethics Conference, Southwestern Law Enforcement Institute, Dallas, Texas, 27-29 October 1999) [unpublished].

Carter, S., "Update to A Guide to the UK Legal System", online: <<http://www.LLRX.com>>, (1 August 2001).

Courts of New Zealand, "Hierarchy of the New Zealand Courts", online (Undated).

Courts of New Zealand, "New Zealand High Court", online (Undated).

Courts of New Zealand, "District Court of New Zealand", online (Undated).

Cowdery, N., Q.C., "The Criminal Procedure Amendment (Pre-Trial Disclosure) Act 2001 (NSW)" (Presented at the Heads of Prosecuting Agencies Conference (HOPAC), Edinburgh, 3 May 2001) [unpublished].

Cowley, G., *Accessing Information to Impeach the Credibility of the Police Officer Witness: Crown Obligation or Defence Application?* (LL.M. in Criminal Law, Osgoode Hall Law School, April 2001) [unpublished].

Cowley, G., *Attacking The Credibility Of The Police Officer Witness: What Is Left After R. v. Ghorvei?* (LL.M. in Criminal Law, Persuasion and Proof Course, Osgoode Hall Law School 2000) [unpublished].

Cox, G., & Pease, K., "World Factbook of Criminal Justice Systems, England and Wales", (Undated).

Crawley, Deputy Inspector W.J., ed. "Integrity Testing Guide" (Internal Affairs Bureau, New York City Police Department, February 2000).

Criminal Cases Review Commission, "Annual Report 2000-2001" (Submitted to The Rt. Hon. David Blunkett, MP, Birmingham, England, 18 June 2001).

Department of Justice, "Issues Related to Trials and Other Court Proceedings", (Last modified: October 1997).

Desautels, D., "Who can we trust? Lessons from the Enron Debacle" (Delivered to the Canadian Association of Chiefs of Police, University of Ottawa, 4 June 2002) [unpublished].

Domash, S.F., "Who Wants This Job?" *Police – The Law Enforcement Magazine* (A Bobit Publication) Vol. 26, No. 5 (May 2002) 34.

Dyer, C., "Legal 'safeguard' risks injustice" *Guardian*, England (3 March 2000).

Federal Bureau of Investigation, "General Frequently Asked Questions", online (Undated).

Federal Bureau of Investigation, *Misconduct to Corruption Avoiding the Impending Crisis* (Report submitted to the Law Enforcement Community, Sun Valley, Idaho, June 1998).

Freeh, L.J., "Ensuring Public Safety and National Security Under the Rule of Law – A Report to the American People on the Work of the FBI 1993-1998" (1999).

Galligan Q.C., The Hon. P.T., "Report to the Attorney General of Ontario on Certain Matters Relating to Karla Homolka" (Delivered to The Hon. C.A. Harnick, Q.C., Attorney General of Ontario, 15 March 1996).

Ghent, J.F., "Accused's Right to Discovery or Inspection of Records of Prior Complaints Against, Or Similar Personnel Records of, Peace Officer Involved in the Case" (1978), 86 A.L.R. (3d) 1170.

Gillard, M.S., and Flynn, L., "Corruption Squad Under Fire" *The Guardian*, England (4 March 2000).

Gillogly, D.W., "Brady and Giglio Issues" (13 February 2002) [unpublished].

Gilmartin, K.M. and Harris, J.J. "Law Enforcement Ethics...The Continuum of Compromise" *Police Chief Magazine*, January 1998, online: <<http://www.rcmp-learning.org/docs/ecdd1222.htm>>.

Gilmartin, K.M., *Ethics-Based Policing...Undoing Entitlement*, online: <<http://www.rcmp-learning.org/docs/ecdd1220.htm>>.

Girodo, M., Ph.D., "BRASS: Behaviour Risk Assessment and Strategic Systems (A new eye on enhancing integrity and preventing misconduct)" (Delivered to the Independent Commissions Against Corruption, 1st ICAC Symposium, Hong Kong, China, 13 November 2000) [unpublished].

Girodo, M., Ph.D., "Undercover Probes of Police Corruption: Risk Factors in Proactive Internal Affairs Investigations" *Behavioural Sciences and the Law*, 16, 479-496 (1998).

Gledhill, Ph.D., N., "Post Meiorin Re-examination of the Development and Validation of the Physical Readiness Evaluation for Police" (Submitted to the Policing Service Division of the Ministry of the Solicitor General, May 2001).

Gray, R., "An Introduction to the Criminal Procedure Amendment (Pre-trial Disclosure) Act 2001" *Research Flyer [Office of the Director of Public Prosecutions – New South Wales]* No. 64 (March 2002).

Greville, M., "An Overview of New Zealand Law", online: <<http://www.LLRX.com>>, (15 March 2000).

Haddon, S., Special Agent FBI, "The New Orleans Experience", (Presented at the Internal Affairs Conference, Toronto, 22 May 2002).

Harnden, E., "Key provisions of drug and alcohol policy struck down by Human Rights adjudicator" *Focus* Vol. 1, No. 2, (January 1997).

Harnden, E., "Mandatory drug testing policy ruled discriminatory by Federal Court of Appeal" *Focus* Vol. 3, No. 1, (October 1998).

Harrison, B., "Noble Cause Corruption and the Police Ethic" *FBI Law Enforcement Bulletin* (August 1999) 1.

Hayman, Deputy Assistant Commissioner A., "The London Experience in Dealing with Corruption" (Presented at the Internal Affairs Seminar, Toronto).

HM Inspectorate of Constabulary, "Police Integrity England, Wales and Northern Ireland; Securing Public Confidence" (London, England, June 1999).

HM Inspectorate of Constabulary for Scotland, "The Investigation of Complaints Against the Police in Scotland – A Fair Cop?" (1999).

Home Office, "A Guide to the Criminal Justice System in England and Wales", online (Undated).

Hunt, G. Ed., "Police Ethics – Ethics on Duty: Fitting the Bill" (Presented at Glenfall House, Cheltenham, England, 30 November –1 December 1998), *Journal of the Police Ethics Network*, Issue No. 2 (March 1999).

Jones, S.P., "The Prosecutor's Constitutional Duty to Disclose Exculpatory Evidence" (1995), 25 U. Mem. L. Rev. 735.

Kaufman, Q.C., The Hon. F., *The Commission on Proceedings Involving Guy Paul Morin – Executive Summary and Recommendations* (Published by Ontario Ministry of the Attorney General, Queen's Printer for Ontario, 1998).

Kelloway, B., "Questions on Police Ethics, Values and Social Responsibility" (Delivered at the Police Ethics Workshop, Canadian Police College, Ottawa, June 1991) [unpublished].

Kelly, W.M., "Law Enforcement Bodies and the Effectiveness of Internal Review Systems – An Anatomy of Project Guardian" Victoria Police, Australia, 1999 [unpublished].

Knoll, P.J., Q.C., "A Focus on Internal Affairs – International Perspective" (Report to the Commission D'enquête sur la Sureté du Quebec, 28 January 1999), 1 P.L.R. 70.

Knoll, P.J., Q.C., "Paradigm Shift for Internal Affairs" (Presented at the 8th Annual Ethics Conference, Southwestern Law Enforcement Institute, Dallas, Texas, 27-29 October 1999) [unpublished].

Knoll, P.J., Q.C., "Building Strategic Integrity Into Policing" (Article forthcoming in Vol. 2 P.L.R. 2001).

Langdon-Down, G., "The whole truth and nothing but?" *Independent* (7 December 1999).

Law Reform Commission Publications, "Report 95 (2000) – The Right to Silence, Pre-trial Disclosure", online (Last updated: 19 September 2000).

Law Society of New South Wales, "Solicitors' Rules – Advocacy Rules", online: <<http://www.lawsociety@lawsocnsw.asn.au>>, (Undated).

Lober, R.E., "Value-Based Leadership and The Role of Internal Affairs" *The Police Chief* (May 2002) 54.

Locke, The Hon. Mr. Justice H., et al, "Report of the Criminal Justice Review Committee" (February 1999).

Lovestock, I., "Ethical Policing Into the 21st Century" (Presented at the 8th Annual Ethics Conference, Southwestern Law Enforcement Institute, Dallas, Texas, 27-29 October 1999) [unpublished].

Marin, The Hon. R.J., "Professionalism and Ethics in Policing" (Delivered to the Atlantic Association of Chiefs of Police, Saint John, New Brunswick, 25 June 1991) [unpublished].

Marin, The Hon., R.J., Chair, "Sanctioning Police Misconduct – General Principles" (Royal Canadian Mounted Police External Review Committee – Discussion Paper 8, 1992).

Marrier, S., Cocksedge, P., & Dainard, L. "Report 10 – Drug Enforcement Strategies" (Prepared for the Toronto Police Service, June 2000).

Martin, The Hon. G.A., "Report of the Attorney General's Advisory Committee on Charge Screening, Disclosure and Resolution Discussions" (Published by the Ontario Ministry of the Attorney General, Queen's Printer for Ontario, 1993).

Martin, D.L., "Police Lies, Omissions and Tricks: The Construction of Criminality" (Presented at CALT Meetings, Quebec City, Quebec, 29 May 2001) [unpublished].

McClurg, A.J., Article, "Good Cop, Bad Cop: Using Cognitive Dissonance Theory to Reduce Police Lying", 32 U.C. Davis L. Rev. 389 (Winter 1999).

McErlain, E., "The Challenges of Ethical Leadership" (Delivered at the 8th Annual Ethics Conference, Southwestern Law Enforcement Institute, Dallas, Texas, 27-29 October 1999) [unpublished].

McKeever, Chief J., & Lt. A. Kranda, "Recruitment & Retention of Qualified Police Personnel: A Best Practices Guide" (Reported for the International Association of Chiefs of Police, Summer 2000) [unpublished].

McVeigh, T., "'Corrupt' Force in Firing Line" *The Guardian*, England (15 October 2000).

Melick, G., "Disclosure in Criminal Trials" (Presented to the Society for the Reform of the Criminal Law, 10th Annual Conference, London, England 27 July – 1 August 1997).

Metropolitan Police Service, England, "Directorate of Professional Standards – Internal Investigation Group – Investigation of Critical Incidents Manual" (3 May 2002).

Metropolitan Police Service, England, "Professional Standards Strategy – Integrity in Non-negotiable" (7 May 2002).

Metropolitan Police Service, England, "The Anti-Corruption Group", online (Undated).

Metropolitan Toronto Police, "1994 Annual Report" (1994).

Metropolitan Toronto Police Service, "1995 Annual Report" (1995).

Metropolitan Toronto Police Service, "1996 Annual Report" (1996).

Metropolitan Toronto Police Service, "1997 Annual Report" (1997).

Miller, S., Essay, "Noble Cause Corruption in Policing" (For the School of Humanities and Social Sciences, Charles Stuart University, undated).

Mollen, M., et al, "Commission to Investigate Allegations of Police Corruption and the Anti-corruption Procedures of the New York City Police Department" (7 July 1994).

Morrison, D. "Transparency and Accountability: Policy Implications of Disclosing Police Officer Misconduct" (Presented at the Canadian Association of Police Boards, August 2000) [unpublished].

Mulcahy, J. "Access to a Police Officer's Personnel File by the Defence in Criminal Prosecutions" (Police Employment in Y2K; Police Employment Issues in the New Millennium, 28 & 29 February 2000) [unpublished].

The New South Wales Bar Association, "The New South Wales Barristers' Rules", (Last modified: 5 July 2001).

New Zealand Police, "About Us", online (Date accessed: 19 June 2002).

New Zealand Police, "Local Police Districts", online (Undated).

New Zealand Police, "Complaints against the police", online (Date accessed: 24 April 2002).

"New Zealand's Criminal Justice System", online: <<http://www.lectlaw.com>>, (Undated).

New Zealand Police "The David Bain Case", online: <<http://www.crime.co.nz>>, (Last updated: 24 April 2000).

O'Connor, P., "Prosecution Disclosure: principle, practice and justice" (1992), Crim. L.R. 464.

Office of the Director of Public Prosecutions, "An Introduction to the Criminal procedure Amendment (Pre-trial Disclosure) Act 2001" *Research Flyer*, No. 64 (March 2002).

Office of the Director of Public Prosecutions New South Wales, "Prosecution Policy and Guidelines", online (Undated).

O'Hanlon, K., "Regina v. Guney, Court of Appeal (Criminal Division) *CPS should have records of police misconduct*" *The Independent* (6 March 1998) 21.

O'Malley, T.J., "Managing for Ethics: A Mandate for Administrators" *FBI Law Enforcement Bulletin* (April 1997).

Ontario Association of Chiefs of Police, "What it Means to be a Police Constable", online: <<http://www.oacp.on.ca/programs/constable.html>>.

Ontario Civilian Commission on Police Services, "Report of an Inquiry Into Administration of Internal Investigations by the Metropolitan Toronto Police Force" (August 1992).

Ontario Civilian Commission on Police Services, "Report on a Fact-Finding into Various Matters With Respect to the Disciplinary Practices of the Toronto Police Service" (July 1999).

Ontario Human Rights Commission, "Policy on Drug and Alcohol Testing" (27 September 2000), online: <<http://www.ohrc.on.ca>>.

Paciocco, D.M., "Evidence About Guilt: Balancing The Rights Of The Individual And Society in Matters Of Truth And Proof" (2001) 80 The Canadian Bar Review 433.

Pankey, K., "Court System Structure", online: <<http://www.kpankey@ncsc.dni.us>>, (Last modified: 1 April 2002).

Papasotiriou, D., *Reciprocal But Limited – A Proposed Model for Reciprocal Defence Disclosure in Canada* (Independent Research Project for Professor Diane L. Martin, 3 May 2002) [unpublished].

Peck, R.C.C., Q.C., "The Adversarial System: A Qualified Search For The Truth" (2001) 80 The Canadian Bar Review 456.

Pedley, M., "Letter – Re: *Telecommunications (Interception) Amendment Act 1995*" (Sent to Peter Phillips, Director Operations Branch, Australian Federal Police, 2 July 1996).

Police Association of Ontario "Section of Cases Concerning the Application of *R. v. O'Connor* to Police Misconduct Records", (Undated).

Police Complaints Authority, Report, "The 2000/2001 Annual Report of the Independent Police Complaints Authority" (Presented to the Rt. Hon. David Blunkett, MP by the Secretary of State and by the Comptroller and Auditor General, London, England, June 2001).

Pollock, J.M., & Becker, R.F., Essay, "Ethics Training: Using Officers' Dilemmas", (November 1996) [unpublished].

Queensland Police Service, "Ethical standards part of everyday police life", online (Undated).

Reaves, Ph.D. A. & Hart, T., "Federal Law Enforcement Officers, 2000", (July 2001).

Regini, L.A., "Disclosing Officer Misconduct A Constitutional Duty" *F.B.I. Academy* (July 1996).

Ritchie, J., "NYPD Blues" *Tour of Duty* (April 2000) 8.

Roche, L., "Origins of the Right to Silence" *Police News*, West Australia (February 2001), online: <<http://www.wapolun.org.au/010233.htm>>.

Rofe, P.J.L., Q.C., *Disclosure by Both Sides* (South Australia, 11 April 1996).

Selection Committee – Drug Enforcement Strategy Project, "Selection Standards for Drug Enforcement Officers – *DRAFT COPY*" (Prepared for the Toronto Police Service, 15 May 2000).

Shiple, D., "Morals, Ethics and the F.T.O." (Delivered at the 8th Annual Ethics Conference, Southwestern Law Enforcement Institute, Dallas, Texas, 27-29 October 1999) [unpublished].

Simmons, Det. G., Compilation of Materials, "I.A. Professional – A Users' Guide" *New York Police Department* (March 2001).

St. Michael's Hospital, "Mobile Crisis Intervention Team Operational Report" (November 2000 – October 2001).

Sunahara, D.F., Essay, "A Social-Psychological Model of Unethical and Unprofessional Police Behaviour" (Presented at the Canadian Police College, 4 November 2002).

Taylor, M., "Effectively Combating Corruption within the Metropolitan Police Service" (Presented at the ADB/OECD Conference on Combating Corruption in the Asia-Pacific Region, Seoul, 11-13 December 2000).

Tomlinson, E.A., "Constitutional Limitations on Prosecutorial Discovery" *San Diego L.Rev.*, [Vol. 23: 993, 1986].

Toronto Police Service, "1998 Annual Report" (1998).

Toronto Police Service, "1999 Annual Report" (1999).

Toronto Police Service, "2000 Annual Report" (2000).

Toronto Police Service, "2001 Service Priorities" (2001).

Toronto Police Service, "Power Point Presentation on the Hiring Process" (Undated).

Toronto Police Service, "Uniform Promotional Process Review" (2002).

Toronto Police Service, "Vision Statement, Mission Statement, Core Values", online: <http://www.chq.mtp.gov/tpsnet/publications/vision/index.html>, (Date accessed: 20 March 2002).

Trautman, N., *The Corruption Continuum – How Organizations Become Corrupt*, The National Law Enforcement Officer Disciplinary Research Project (1997).

U.S. Courts, "Federal Judiciary Frequently Asked Questions", online (Undated).

U.S. Department of Justice, Bureau of Justice Statistics, "Federal Law Enforcement Statistics", online: <http://www.ojp.usdoj.gov/bjs/fedle.htm>, (Last revised: 17 July 2001).

U.S. Department of Justice – Office of Justice Programs, Bureau of Justice Statistics, "Law Enforcement Statistics", online: <http://www.ojp.usdoj.gov/bjs/lawenf.htm>, (Last revised: 2 December 2002).

U.S. Department of Justice, Bureau of Justice Statistics, "State and Local Law Enforcement Statistics", online: <http://www.ojp.usdoj.gov/bjs/lawenf.htm>, (Last revised: 12 May 2002)

U.S. Drug Enforcement Administration, "DEA Factsheet", online: <http://www.dea.gov>, (Undated).

United States General Accounting Office, "Law Enforcement Information on Drug-Related Police Corruption" (Submitted to the Hon. C.B. Rangel, House of Representatives, May 1998).

Vicchio, S.J., Ph.D., "Ethics and Police Integrity" *FBI Law Enforcement Bulletin* (July 1997).

Wiehl, L., "Keeping Files on the File Keepers: When Prosecutors are Forced to Turn Over the Personnel Files of Federal Agents to Defence Lawyers" *Washington Law Review* (January 1997); 72 *Wash. L. Rev.* 73.

Wood, The Hon. J., *Royal Commission into the New South Wales Police Service – Final Report – Volume 1: Corruption* (Published by the Government of the State of New South Wales, 1997), CD-ROM.

Wood, The Hon. J., *Royal Commission into the New South Wales Police Service – Final Report – Volume 2: Reform* (Published by the Government of the State of New South Wales, 1997), CD-ROM.

Wood, The Hon. J., *Royal Commission into the New South Wales Police Service – Final Report – Volume 3: Appendices* (Published by the Government of the State of New South Wales, 1997), CD-ROM.

Wood, The Hon. J., *Royal Commission into the New South Wales Police Service – Final Report – Volume 4: The Paedophile Inquiry* (Published by the Government of the State of New South Wales, 1997), CD-ROM.

Wood, The Hon. J., *Royal Commission into the New South Wales Police Service – Final Report – Volume 5: The Paedophile Inquiry* (Published by the Government of the State of New South Wales, 1997), CD-ROM.

Wood, The Hon. J., “Royal Commissions: A Prelude to the Reform Process” (Address to the IACOLE Conference in Sydney, Australia, 6 September 1999).

Wood, The Hon. J., “Preventing Corruption in Drug Law Enforcement” *Corruption Issues in Crime and Justice* (Issued by the Bureau of Crime Statistics & Research), No. 61 (December 2001).

Other (Procedures, etc.):

“Ethics Train the Trainer” (The Southwestern Law Enforcement Institute, Center for Law Enforcement Ethics, Richardson, Texas)

Anderson, Insp. K., “The Ethics Position Questionnaire” *Cleveland Police, England* (1999).

Bond, C., “Basic Constable Training – Ethics – Study Guide” *Ontario Police College* (Validated February 2002).

Canadian Police College, “Courses Offered by the CPC”, online: http://www.cpc.gc.ca/courses/descou_e.htm.

Chicago Police Department, Recruitment Information Package, (Provided by: William Powers, Commander, Personnel Division, 1 July 2002).

City of Los Angeles – Personnel Department, “LAPD Annual Salaries”, online: <http://www.cityofla.org/PER/salary.htm>, (Date accessed: 2 May 2002).

Dallas Police Department Recruiting, “Police Recruiting”, online: <http://www.dallaspolice.net/rcrt.htm>, (Dated accessed: 2 May 2002).

Gottschalk, B., *Ethics Integrity Awareness (Train the Trainers)*, Toronto Police Service, Training and Education Unit.

Las Vegas Metropolitan Police Department, “Employment Benefits”, online: <http://www.lvmpd.com/employment/empben.htm>, (Date accessed: 2 May 2002).

Metropolitan Police Authority, “Recruitment and Retention”, online: <http://www.mpa.gov.uk/committees/mpa/reports/010419-09.asp>, (Last updated: 19 April 2001).

Nassau County Police Department, "Recruitment", online:
<<http://www.co.nassau.ny.us/police/recruit.htm>>, (Date accessed: 2 May 2002).

New York Police Department, Recruitment Information Package, (Provided by: Assistant Chief Joanne Jaffe, Office of Management Analysis and Planning, 19 July 2002).

Ontario Police College, *Course Calendar*, (2002).

Ontario Police College *Revised Course Training Standards – Leadership Training – Supervisor*, (Updated 28 September 2000).

Ontario Police College, *Ontario Major Case Management Manual*, (November 2001).

Santa Clara Police Department, "We're Hiring!", online: http://www.scpd.org/we're_hiring.htm>, (Date accessed: 2 May 2002).

Toronto Police Service, *C.O. Bick Course Calendar*, (1 January – 31 December 2002).

Toronto Police Service, *Course Training Standard – Instruction Package*, Training and Education Unit.

Toronto Police Service, *Course Training Standard – Management Civilian Management Level 1*, TM0013.

Toronto Police Service, *Course Training Standard – Management Training, Policing and Diversity*, TH004.

Toronto Police Service, *Course Training Standard – Management Training, Management Level 1 Uniform*, TM0001.

Toronto Police Service, *Course Training Standard – Management Training, Civilian Diversity*, TH003.

Toronto Police Service, *Course Training Standard – Management Training, Civilian Coach Officer*, TM0028.

Toronto Police Service, "Handout Package" *Coach Officer Course* (February 2002).

Toronto Police Service, *Rules and Procedures Manual*, (printed 1 March 2002), online:
<<http://www.chq.mtp.gov/rules>>.

Toronto Police Service, *Role of the Board*, (printed 28 January 2002), online:
<http://www.chq.mtp.gov/brd/role_of_the_board.htm>.

Toronto Police Service, *Ontario Major Case Management Course*, CD-ROM, (March 2002)

Toronto Police Service, "Organizational Chart" (28 February 2002).

Toronto Police Service, Recruitment Information Package, (Provided by: Inspector Olga Cook, Employment Unit).

Toronto Police Service – Forms

- TPS 901 (2001/01) – Policy, Service or Conduct Report
- TPS 902 (2001/01) – Public Complaint Instructions
- TPS 903 (2000/04) – Public Complaint Form

- TPS 904 (2000/04) – Complaint Statistical Report
- TPS 930 (2001/01) – Uniform Disciplinary Report
- TPS 955 (2001/01) – Work Performance Deficiency Report

Vancouver Police Department, Recruitment Information Package, (Provided by: Sergeant Ron Fairweather, Recruiting Unit, 19 June 2002).

SCHEDULE "C"**WRITTEN SUBMISSIONS MADE BY INDIVIDUALS OR ORGANIZATIONS****INDIVIDUALS**

- ADLER, Leo, Barrister and Solicitor, Toronto
- BARRY, Calvin, Office of the Crown Attorney, Toronto
- BAYLISS, David, Barrister and Solicitor, - Pinkofsky, Lockyer Barristers and Solicitors, Toronto
- BENNETT, Barbara, Office of the Crown Attorney, Toronto
- BENNETT, Rick, Office of the Crown Attorney, Toronto
- BRIGHT, David, Barrister and Solicitor – Boyne Clarke Barristers and Solicitors, Dartmouth, Nova Scotia
- BULL, Angela, Assistant Crown Counsel – Crown Law Office, New Zealand
- CALARCO, Paul, Barrister and Solicitor, Toronto
- COLLINS, John, Barrister and Solicitor, Toronto
- COOPER, Susan, Barrister and Solicitor – Chandler and Cooper Barristers and Solicitors, Iqaluit, Nunavut
- COWDERY, Q.C., N.R., Director of Public Prosecutions – Attorney General's Department, Department of Public Prosecutions, New South Wales, Australia
- CULVER, Paul, Office of the Crown Attorney, Toronto
- DALMER, Michael, Secretary of the New Zealand Law Society Criminal Law Committee (also Legal Services and Youth Justice Committees)– New Zealand Law Society, New Zealand Law Society Secretariat Wellington, New Zealand
- DeJULIO, Peter, Barrister and Solicitor, Toronto
- DUFFY, Q.C., Patrick, Barrister and Solicitor, Toronto
- EARWAKER, Richard, Lawyer – Law Firm of Haigh Lyon, Auckland, New Zealand
- EMERY, Graeme, Inspector – Legal Department, New Zealand Police Service, New Zealand
- FAIRWEATHER, Ron, Sergeant – Vancouver Police Department, Recruiting Unit, Vancouver, B.C.
- FIELD, Cameron, Detective – Toronto Police Service
- FISCHER, David, Assistant Crown Attorney – Ministry of the Attorney General, Toronto

- FOX, Barry, Barrister and Solicitor, Toronto
- GRIFFIN, T.P., Commissioner – Police Integrity Commission, New South Wales, Australia
- HADGKISS, Nigel, National Director, Melbourne – National Crime Authority, Melbourne, Australia
- JAFFE, Joanne, Assistant Chief – New York Police Department, Office of Management Analysis and Planning, New York, U.S.A.
- JELAS, June, Crown Counsel – Crown Law Office, New Zealand
- KNOLL, Q.C., Professor Pat, Calgary, Alberta
- LINDLOP, Steve, Head of Toxicology – The Centre of Forensic Sciences
- McDERMOTT, Paul, Office of the Crown Attorney, Toronto
- McGEE, Q.C., Robert, Barrister and Solicitor, Toronto
- MITCHELL, Q.C., John, Barrister and Solicitor – Stewart McKelvey, Stirling Scales Barristers and Solicitors, Charlottetown, Prince Edward Island
- MORRISON, Don, Police Complaints Commissioner, Vancouver, British Columbia
- MOSKOFF, Q.C., Franklin, Office of the Crown Attorney, Toronto
- MURRAY, Donald, Barrister and Solicitor, Dartmouth, Nova Scotia
- POWERS, William, Commander – Chicago Police Department, Personnel Division, Chicago, U.S.A.
- ROBERTSON, Neil, Office of the City Solicitor – Regina, Saskatchewan
- RUBY, Clayton, Barrister and Solicitor, Toronto
- SCHUCK, Joseph, Barrister and Solicitor – McDougall Gauley, Barristers and Solicitors, Regina, Saskatchewan
- SENÉCAL, André, Inspecteur – Direction Des Affaires Internes Grand Quartier Général, Montréal, QC
- SUBRATA, Grace, Student-at-Law, Office of the Crown Attorney, Toronto
- TRENDLE, Neville, Assistant Commissioner (retired) – New Zealand Police, New Zealand
- TYLER, Bradley, Assistant United States Attorney, Rochester, New York, U.S.A.
- WARWICK, Patricia, Office of the City Solicitor, Saskatoon, Saskatchewan
- WELLS, Dr. John, Owner – Maxxam Analytics Inc.
- WILSON, Q.C. Eric, Barrister and Solicitor – Wolch, Ogle, Wilson, Hurst & deWit Barristers and Solicitors, Calgary, Alberta
- WOOD, The Honourable Mr. Justice James, Chief Judge at Common Law – Supreme Court of New South Wales, Sydney, Australia

ORGANIZATIONS

- Association in Defence of the Wrongfully Convicted
- Canadian Bar Association
- City of Fredericton Police Department
- Cohen Highley Barristers and Solicitors, London, Ontario
- Criminal Lawyers Association
- Edmonton Police Service
- Gold & Fuerst, Barristers and Solicitors, Toronto
- Isle of Man Constabulary
- Montreal Police Department
- Niagara Regional Police Service
- The Ontario Provincial Police Association Canadian Association of Civilian Oversight of Law Enforcement
- Ontario Senior Officers' Police Association
- Peel Regional Police Service
- Police Association of Ontario
- Police Integrity Commission, Sydney, New South Wales, Australia
- Royal Newfoundland Constabulary
- The Royal Canadian Mounted Police
- Vancouver Police Department
- Winnipeg Police Service