

February 26, 2004

Chair Heisey and Members of the Board:

I am pleased to have this opportunity to address you following the distribution of my report to each of you. I make no apologies for repeating much of what I said, when I appeared before your previous Board on May 29, 2003. While I am pleased to receive assurances that action has already been taken by Chief Fantino to implement recommendations made in my report, I deem it important to comment on all matters at this time, because my report has not previously been made available to the public. It is also important for each of you to be fully informed of the process that was completed by me to prepare my report and recommendations.

For a considerable time after I commenced to discharge my mandate in the fall of 2001, the Service was subjected to and suffered from negative publicity on television and in the press. That situation led me to conclude that my report had to focus strictly on changes in practices and procedures that were required immediately.

The report, including its recommendations, is the result of a comprehensive process designed and controlled by me. The process included meetings and interviews conducted in Canada, the United States of America, and England with more than 85 people, including many members and senior officers of several police services, counsel for police services, Crown prosecutors, criminal defence lawyers, judges, the President of the Toronto Police Association, and government officials. The individuals who participated in the interviews and meetings were assured of the confidentiality of their responses. I believe that as a result of this assurance, the information provided was entirely full, frank and instructive.

A comprehensive study and analysis of global research material, contained in over 350 published documents was conducted. These documents included various publications, internal reports on police matters with emphasis on the causes and prevention of

misconduct and corruption, and also included individual and committee reports, government commission reports, court decisions world-wide, academic studies and editorials. A study and analysis of over 60 written submissions on the subject of police disclosure of proven or alleged acts of police misconduct in criminal proceedings was undertaken. An analysis and final preparation of memoranda on the laws on disclosure in Ontario, the United States of America, England, New Zealand and Australia was conducted. My own personal experience as a lawyer and judge over a span of fifty years was applied, and editorial assistance was received from members of the Service, including legal Counsel, who were involved in the planning, implementation and completion of my investigative process. If there were any defects in the process, then that is my responsibility.

The report acknowledges the superb assistance I have received from numerous members of the Service. I was most fortunate to have three great research assistants over the course of the first three stages of my mandate. The first was Staff Inspector George Cowley, Counsel to the Service, and now also in charge of Professional Standards, Risk Management (Legal). The second was Ms. Sandy Adelson, a former member of your Board and who is once again working for the Board, having been seconded from the Ministry of Community Safety and Correctional Services, as your Senior Advisor, Policy and Communications. The third is Ms. Erin Sweeney, a member of the Service who is now the Legal Researcher in Professional Standards, Risk Management (Legal). As cited in my report, I am extremely grateful to each of them.

The report covers three stages of my mandate, entitled:

1. Disclosure of Police Misconduct;
2. Systemic Issues; and
3. Informers and Agents.

A fourth stage, entitled "The Investigation" relates to a review of the work done by the Professional Standards Special Task Force, under the direction of Chief Superintendent John Neily. Knowing that criminal charges are now before the Courts as a result of the

work of that Task Force, Chief Fantino and I have agreed that it would not be appropriate to initiate a review of the investigation at this time. As such I will commence my work on Stage 4, at a future date.

My report contains 32 recommendations. Four (4) deal with the subject of police disclosure to the Crown, pertaining to alleged or proven acts of police misconduct. By implementing those recommendations, the Service will be the first police service in Canada to adopt a practical and standardized policy on such disclosure. This approach will immediately result in avoiding many costly, time consuming and unwarranted delays that have bogged down so many criminal proceedings.

There are nine (9) recommendations that relate to recruitment and the Employment Unit. These are vital to enable the Service to attract and retain members with skill, honesty and integrity. Five (5) recommendations pertain to promotions, supervision, training and continuing education. These focus largely on maintaining personnel with superior management skills, accountability, honesty and integrity. There are six (6) recommendations on Internal Affairs. These are absolutely vital in order to prevent major misconduct and corruption, and to combat the perceived lack of public trust in internal investigative processes. Five (5) recommendations pertain to alcohol, drugs and other substances. These introduce drug testing in specific areas and the adoption of a clear and comprehensive drug and alcohol policy. There are three (3) recommendations regarding informants and agents. These require the Service to terminate current procedures and become a North American leader, by implementing an entirely different professional approach: one which has already been tested and proved in England.

I have spent well in excess of 165 days to discharge the first three (3) stages of my mandate, which is entirely independent of the enormous amount of time spent by each of my three (3) research assistants. Thus far, the project has been completed within time and budget requirements.

In compliance with Chief Fantino's request, my report does not "pull any punches". It is not intended to "gather dust". Be assured that throughout the world, including Toronto, there have been far too many lengthy reports and recommendations relating to police misconduct and corruption that have "gathered dust" or been ignored with drastic consequences resulting therefrom.

It is my conviction that every recommendation contained in my report satisfies each and all of the following criteria:

1. Its implementation is essential for the Service to maintain and strengthen its proper status and public support;
2. Its implementation will be immediately effective in preventing future criminal acts, serious police misconduct and corruption by members of the Service;
3. It is practical;
4. It can be implemented within a reasonable period of time;
5. It can be implemented by the current personnel of the Service;
6. It can be implemented without new or amended Provincial or Federal law;
7. It is consistent with the Core Values of the Service;
8. It is consistent with Chief Fantino's mission to honour, enforce and maintain honesty, integrity and accountability;
9. It does not violate the terms and conditions of the Collective Agreements; and
10. It does not impose a financial burden on the Service that cannot be largely satisfied by a re-allocation of personnel and/or financial resources.

In addressing you today, I stress that my recommendations are aimed at areas where I found the Service's practices and procedures to be inadequate. These areas must be dealt with now in an effective manner.

Since his appointment, Chief Fantino has championed the necessity to create, honour and maintain the Core Values of the Service, including honesty and integrity. For that purpose he has accomplished a great deal.

Every police service is prone to suffer substantial harm, including loss of public trust, whenever any member is charged with a criminal offence or is charged with any serious misconduct under the *Police Services Act*, regardless of whether or not a finding of guilt is ultimately rendered. My recommendations are aimed at preventing such occurrences in the Toronto Police Service in the future, while providing it with guidelines for maintaining and strengthening professionalism, efficiency, integrity, full accountability, transparency and public trust.

I shall be pleased to answer any questions you may have at this time and to make myself available to answer any questions you may have at a future date.

All of which is respectfully submitted,

George Ferguson