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**Standing Committee on
Justice Policy**

**Comité permanent
de la justice**

Committee business

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1st Session
42nd Parliament
Thursday 28 March 2019

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Jeudi 28 mars 2019

Chair: Parm Gill
Clerk: Jocelyn McCauley

Président : Parm Gill
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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

Thursday 28 March 2019

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**COMITÉ PERMANENT
DE LA JUSTICE**

Jeudi 28 mars 2019

The committee met at 0900 in committee room 1.

COMMITTEE BUSINESS

The Chair (Mr. Parm Gill): I call the meeting to order. Good morning, committee members. We're here today to discuss MPP Des Rosiers's motion, filed pursuant to standing order number 126. The procedure for debating a motion under standing order 126 is as follows:

The member will move the motion, after which time we will have 30 minutes to discuss the motion, with 10 minutes of speaking time allotted to each party. Once the motion has been moved, the mover of the motion will have an opportunity to make any remarks, and then we will proceed in rotation. At the end of the 30 minutes, the question will be put on the motion.

Copies of the motion have been distributed to committee members. Therefore, I will now ask that MPP Des Rosiers please move the motion.

M^{me} Nathalie Des Rosiers: I move that, pursuant to standing order 126, the Standing Committee on Justice Policy review and report on the processes by which the Ministry of Community Safety and Correctional Services selects the heads of its responsible police agencies.

The Chair (Mr. Parm Gill): Thank you, MPP Des Rosiers. Would you like to lead off the debate on this?

M^{me} Nathalie Des Rosiers: Yes. Thank you, everyone, for being here at 9 o'clock to hear this motion. I introduce this motion requesting that the committee initiate a study exploring the different methods and models that exist for selecting future appointments to the Office of the Commissioner of the OPP, and maybe also the fire marshal, which is another agency that comes under the ministry that we have jurisdiction over. My intention here is for us to use the resources of this committee to begin a cross-partisan forum to increase the credibility of future processes of selection. The study that I propose would certainly bring consultations from deputy ministers, civil servants, policing experts, to produce what would be the best process that we could recommend.

I draw my inspiration from two sources:

One, in the Integrity Commissioner's report that was tabled, it was quite clear that the Integrity Commissioner strongly expresses the need for a more formalized appointment process for the office of the OPP commissioner. He said, "For a position of this importance and given the sensitivity of the relationship between the government and

the police in general, and the OPP commissioner in particular, there ought to be an established appointment process in place which is independent, transparent and readily activated with predetermined criteria and membership on the selection committee. I encouraged the government and all members of the Legislature to consider the establishment of such a process...." So he invites all of us across party lines to engage in this process, and I think the best place to do it is at the justice committee level.

Secondly, I think throughout the world and in parliamentary democracies, committees do good work of that sort. At the federal level, I was involved in appearing for temporary foreign workers, where a cross-partisan approach was done. The report was actually used by governments of different stripes to move forward on public policy. This is one of the positive uses of committee work, and I would think that this would be a really positive contribution that we could make.

I want to say that Justice Wake, the Integrity Commissioner, really focused on inviting us to consider, among others, the Judicial Appointments Advisory Committee that was implemented in 1998 with a similar view, when similar issues were being raised about public perception, credibility of the process, not wanting to have a process that created unease because it could be overly politicized. So the purpose here is to begin a cross-partisan review to build a consensus between our society as to what would be a credible process.

So why us? If I may say, I think, pursuant to standing order 111, we have the mandate "to study and report on all matters" of policy within the ministries over which we have oversight. In the last nine months, we have only had one bill to review and we've sat less than eight days; we haven't worked enough. I think we should work a little bit more and contribute to the public input on this. On this committee we have great expertise that would be helpful to this debate: We have the two PAs for the two ministries that are directly relevant; we have many lawyers; we have many people that have expertise in policing, race relations, law reform. All of this is very good. It makes us the perfect place to engage in this issue.

It is a limited issue. I'm not going backwards. I'm going forward. It's not about the past. It's about the future. And it is not going to undermine the rest of the work. Were we asked to review another bill, this process would certainly not take precedence. That's the way it usually works. You can schedule it over time.

I think there is public interest that there be a consensus across party lines to enhance the respect that we all must have for policing and for the selection process of the OPP commissioner.

I'm bringing forward, I think, in conclusion, a very reasonable, positive, resource efficiency. If we don't do it, the civil service will have to review the process and do the work that we should be doing. We're here. We are already paid. We should be doing this work.

I hope that I'm going to have the support of the committee. It would be a great service to Ontario for all of us to present a report that puts forward some alternatives to the selection process and hopefully come to a consensus of what it could look like for the future.

The Chair (Mr. Parm Gill): Thank you very much, MPP Des Rosiers.

Like I said in the beginning, we have 10 minutes on each side.

M^{me} Nathalie Des Rosiers: Do I have a right of reply?

The Chair (Mr. Parm Gill): Yes, absolutely. We used about five and a half minutes, so you've got four and a half remaining.

Who would like to go next? MPP Sarkaria.

Mr. Prabmeet Singh Sarkaria: Thank you very much, Mr. Chair. Good morning to all members. As the parliamentary assistant to the Minister of Community Safety and Correctional Services, I'm happy to speak to Madame Des Rosiers's motion that has been brought forward.

This motion is calling for a review and report on the processes by which the Ministry of Community Safety and Correctional Services selects the heads of its responsible police agencies. When reading this motion by the member, it's quite perplexing as to what she means by "responsible police agencies." Neither the Ontario Provincial Police nor the municipal police boards or services are agencies of the Ontario government. The Ontario Provincial Police is part of the ministry, and the boards and services are obviously creatures of the particular municipality. The ministry doesn't select the head of either the Ontario Provincial Police or municipal police services. Clearly, the member is on a fishing expedition.

It is very unfortunate that the opposition has chosen to politicize this rather than focusing on how we can support our front-line officers. That is why this government introduced and passed Bill 68, the Comprehensive Ontario Police Services Act. This is a monumental piece of legislation that stands up for our police officers and helps them ensure the security of our people.

Since becoming the parliamentary assistant to the Minister of Community Safety and Correctional Services, I have come to appreciate first-hand the incredible contribution police officers and security professionals play to keep our families safe. That is what we should be talking about: how we can continue to support our police officers, rather than fishing expeditions like the member's motion.

No further comments. Thank you, Mr. Chair.

The Chair (Mr. Parm Gill): Thank you, MPP Sarkaria. MPP Yarde.

Mr. Kevin Yarde: Thank you, Chair. I'd also like to respond to MPP Des Rosiers's request here today.

We have some systems in place to ensure that the police are held accountable and that public confidence and trust in the police services is maintained. However, Bill 68 does the opposite. The previous bill, under the set duties of an officer, clearly stated that the duties of a police officer include complying with investigations being conducted. However, that requirement is no longer part of the government's bill, so I understand why Madame Des Rosiers has put this forward. If police officers are not required to co-operate with various oversight bodies, it will weaken the mechanisms of oversight and accountability that we have in place. If this government is interested in maintaining trust and believes in civilian oversight and accountability of policing bodies, then it would restore that requirement and also address Madame Des Rosiers's request here this morning.

0910

Policing is a core part of our communities in ensuring public safety, and it's imperative that everything should be done to maintain and grow that trust relationship between all communities and of course the police. All we have to do is look to the recent events of the hiring of Taverner. The report from the Integrity Commissioner, as Madame Des Rosiers briefly mentioned, reveals pretty much a shocking and disturbing fact about the conduct of the Ford inner circle.

That's our concern. That is Madame Des Rosiers's concern as well. The report made clear that what was happening in the backrooms was a coordinated attempt by Doug Ford and his chief of staff, Dean French, to install an ally in a position of power. That's something we have to prevent and work to fight against.

That's the reason for this motion filed by Nathalie Des Rosiers that we are going to support. That's it from my side right now.

The Chair (Mr. Parm Gill): Thank you very much. MPP Lindo.

Ms. Laura Mae Lindo: I just wanted to add a couple of thoughts. I actually really appreciate that MPP Des Rosiers would request this and that in the debate to start us off, the focus was on looking to the future. I find that oftentimes when a bill is passed and there is tension around said bill, because we all have feedback coming from various community members across Ontario about what the impact is going to be of the legislation that we pass, we don't always seek to look to the future to figure out how we can do our job better.

What I see in this motion is an attempt to do just that, to figure out ways to take seriously the issues that we ran into in the course of looking at the instalment of somebody for the OPP and trying to figure out what it is we can do to move in a direction that Ontario needs. Ontario needs us to find moments where we can work in non-partisan spaces so that we can rebuild that trust.

To my understanding, the goal of this motion would be to look forward and think about what that process could be

so it is more transparent, so that the public knows what to expect and that we don't run into any kinds of issues on any side of the House in the future. I think it's important for us to take seriously the spirit of this particular motion.

If there are issues within the language, just as somebody new to this, is it possible for us to suggest amendments to address that? Because if in fact there's something at the end of the motion that would make it difficult for us to support this, maybe what we need is five minutes to consider what that amendment could be because, again, the spirit of this is to say, "Let's not do what we did last time and have the problems we had. Let's use this committee as an opportunity to work together and ensure that the process is transparent."

The Chair (Mr. Parm Gill): To answer your question, MPP Lindo, amendments could be moved if you so choose.

Further debate?

M^{me} Nathalie Des Rosiers: I am happy to amend my motion to say that, "Pursuant to standing order 126, the Standing Committee on Justice Policy review and report on the processes by which the Ministry of Community Safety and"—

The Chair (Mr. Parm Gill): MPP Des Rosiers, sorry to cut you off. You are not able to move an amendment—

M^{me} Nathalie Des Rosiers: To my own motion?

The Chair (Mr. Parm Gill): —to your own motion. Other members can.

M^{me} Nathalie Des Rosiers: Okay. Go ahead. If it's a friendly amendment, I'm happy to support it.

Ms. Laura Mae Lindo: Could we have five minutes?

The Chair (Mr. Parm Gill): Yes. We'll recess for five minutes, and we'll reconvene at 9:20 a.m.

The committee recessed from 0915 to 0919.

The Chair (Mr. Parm Gill): We will now reconvene. We'll look to the NDP.

Ms. Sara Singh: I think we're actually going to pass it over to Nathalie.

The Chair (Mr. Parm Gill): MPP Des Rosiers.

M^{me} Nathalie Des Rosiers: Thank you very much. First of all, let me say that I believe in and I continue to stand by the commitment that we all have to continue to support the police officers in this province. The spirit of my motion was certainly to enhance the support that we give to police officers and to respond to the Integrity Commissioner's report that was tabled.

Let me say also that I resent the fact that I was characterized as being on a fishing expedition, since yesterday I sent a letter to everyone to explain the purpose of this motion and the way in which it was designed to be positive and responsive to the Integrity Commissioner's report, looking to the future in a way that would enhance the process. It responds directly to his call that the government and all members of the Legislature consider the establishment of such a process. I was responding, actually, to a call by the Integrity Commissioner, whom I respect very well, to have a process that was cross-partisan to ensure

the credibility of the selection process. So I'm disappointed that the government doesn't see value in having a cross-partisan approach to this issue.

Let me just say again how important it is for me that we use the resources of committee to go beyond the politics that may be expressed outside. Committee is a place where you can do good work that works across partisan lines. This is a limited issue; there are not 15 different ways that you can enhance a process. It would be two days or three days of our work, and it could actually do good work so that we could actually enhance the process.

I will conclude my remarks by saying that this comes directly within the work that the justice committee is supposed to do: A standing committee "shall, in addition to any other powers"—indeed, the ones that we are using—"be authorized to study and report on all matters relating to the mandate, management, organization or operation of the ministries ... which are assigned to them." It seems to me that this is directly within the core of our function, and we should not shy away from the responsibilities that we have.

I will conclude by saying that the letter that I sent yesterday was quite clear that "the motion is meant to be a next step to the Integrity Commissioner's recommendations in his recent report.

"I am proposing to move forward with a cross-partisan study of potential methods of creating a selection process for the role of the commissioner of the Ontario Provincial Police"—for the future. I am not speaking about the current commissioner; I'm responding to the process for the future, which is what the recommendation of the Integrity Commissioner was all about.

"At the federal level and previously in Ontario, committees have been used to produce substantive research on particular issues to help create a consensus on important policy issues." This is one of them.

"I think we have"—and I will conclude on that—

The Chair (Mr. Parm Gill): We have one minute.

M^{me} Nathalie Des Rosiers: —that's it—"an excellent opportunity to use our diverse perspectives and skill sets to review different models ... in order to help the debate by a cross-partisan report on this limited but important issue," where consensus would bring credibility to the process and enhance the work of our police officers.

Merci beaucoup.

The Chair (Mr. Parm Gill): Thank you very much, MPP Des Rosiers. Further debate?

M^{me} Nathalie Des Rosiers: I will ask for a recorded vote.

The Chair (Mr. Parm Gill): No worries. Since there does not seem to be any further interest in debating the motion, are the members—

Interjection.

The Chair (Mr. Parm Gill): Oh, sorry. MPP Singh?

Ms. Sara Singh: Just a quick question around the language: I know that there were some concerns raised about that, so perhaps, if you're willing to indulge us, suggest

what you would prefer in this motion to help us all reach a consensus?

The Chair (Mr. Parm Gill): Further discussion? Seeing none, are the members prepared to vote? Perfect.

Nays

Baber, Babikian, Dunlop, Park, Romano, Sarkaria.

The Chair (Mr. Parm Gill): I declare the motion lost.

Since there is no further committee business, we will now adjourn. Thank you for your time. I appreciate it.

The committee adjourned at 0925.

Ayes

Des Rosiers, Lindo, Sara Singh, Yarde.

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